

# COMMITTEE REPORT

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## APPLICATION DETAILS

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<b>APPLICATION No:</b>	DM/22/03125/FPA
<b>FULL APPLICATION DESCRIPTION:</b>	Two storey detached 4bed dwelling and detached double garage with associated external works
<b>NAME OF APPLICANT:</b>	Ms Elaine Irving
<b>ADDRESS:</b>	Land To Rear Of 31A To 33 Lobley Hill Road Meadowfield DH7 8RQ
<b>ELECTORAL DIVISION:</b>	Brandon
<b>CASE OFFICER:</b>	Michelle Hurton Planning Officer <a href="mailto:Michelle.hurton@durham.gov.uk">Michelle.hurton@durham.gov.uk</a> 03000 261398

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## DESCRIPTION OF THE SITE AND PROPOSALS

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### The Site

1. The application site is a parcel of land located to the rear of 31A - 33 Lobley Hill Road, Meadowfield. Dwellings along this part of Lobley Hill Road are characterised by two storey detached, semi-detached and terraced properties which are set back from the A690 located to the west of the street. The site would be accessed from the south west via the unadopted lane located to the rear of Lobley Hill Road which adjoins the unclassified highway 'St Johns Road'.
2. The site is bound by cemetery grounds associated with St Patricks Roman Catholic Church to the east, the access road to the cemetery to the north, allotments are located to the south and the unadopted lane lies to the west

### The Proposal

3. The application seeks planning permission for the erection of a two-storey detached four bed property with a detached double garage.
4. The application is reported to planning committee at the request of Brandon and Byshottles Parish Council who consider the application raises issues relating to highway safety, loss of wildlife since removal of trees carried out prior to submitting the application, the parish having a right of access over the land into the allotment/grazing site and land ownership issues. The application is also reported to the planning committee at the request of the local ward Councillor Jonathan Elmer who raises concerns regarding the impact of the development upon protected trees

and that this matter is such that the application should be determined by the committee.

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## **PLANNING HISTORY**

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5. There is no planning history for this site.

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## **PLANNING POLICY**

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### **NATIONAL POLICY**

#### National Planning Policy Framework

6. The following elements of the National Planning Policy Framework (NPPF) are considered relevant to this proposal:
7. NPPF Part 2 Achieving Sustainable Development - The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three overarching objectives - economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.
8. NPPF Part 4 Decision-Making - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
9. NPPF Part 5 Delivering a Sufficient Supply of Homes - To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
10. NPPF Part 8 Promoting Healthy and Safe Communities - The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
11. NPPF Part 9 Promoting Sustainable Transport - Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
12. NPPF Part 12 Achieving Well-Designed Places - The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.

13. NPPF Part 14 – Meeting the challenge of climate change, flooding and coastal change - The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.
14. NPPF Part 15 Conserving and Enhancing the Natural Environment - Conserving and enhancing the natural environment. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.

<https://www.gov.uk/guidance/national-planning-policy-framework>

#### **NATIONAL PLANNING PRACTICE GUIDANCE:**

15. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to; air quality; historic environment; design process and tools; determining a planning application; flood risk; healthy and safe communities; land affected by contamination; housing and economic development needs assessments; housing and economic land availability assessment; light pollution; natural environment; neighbourhood planning; noise; open space, sports and recreation facilities, public rights of way and local green space; planning obligations; travel plans, transport assessments and statements; use of planning conditions; and; water supply, wastewater and water quality.

<https://www.gov.uk/government/collections/planning-practice-guidance>

#### **LOCAL PLAN POLICY:**

##### **The County Durham Plan**

16. The following policies of the County Durham Plan (CDP) are considered relevant to this proposal:
17. Policy 6 (Development on Unallocated Sites) supports development on sites not allocated in the Plan or Neighbourhood Plan, but which are either within the built-up area or outside the built up area but well related to a settlement will be permitted provided it: is compatible with use on adjacent land; does not result in coalescence with neighbouring settlements; does not result in loss of land of recreational, ecological, or heritage value; is appropriate in scale, design etc to character of the settlement; it is not prejudicial to highway safety; provides access to sustainable modes of transport; retains the settlement's valued facilities; considers climate change implications; makes use of previously developed land and reflects priorities for urban regeneration.
18. Policy 21 (Delivering Sustainable Transport) Requires all development to deliver sustainable transport by: delivering, accommodating and facilitating investment in sustainable modes of transport; providing appropriate, well designed, permeable and

direct routes for all modes of transport; ensuring that any vehicular traffic generated by new development can be safely accommodated; creating new or improvements to existing routes and assessing potential increase in risk resulting from new development in vicinity of level crossings. Development should have regard to the Parking and Accessibility Supplementary Planning Document and Strategic Cycling and Walking Deliver Plan.

19. Policy 27 (Utilities, Telecommunications and Other Broadcast Infrastructure) requires residential development to be served by a high-speed broadband connection, where this is not appropriate, practical or economically viable developers should provide appropriate infrastructure to enable future installation.
20. Policy 29 (Sustainable Design) requires all development proposals to achieve well designed buildings and places having regard to SPD advice and sets out 18 elements for development to be considered acceptable, including: making positive contribution to areas character, identity etc.; adaptable buildings; minimising greenhouse gas emissions and use of non-renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; and suitable landscape proposals. Provision for all new residential development to comply with Nationally Described Space Standards
21. Policy 31 (Amenity and Pollution) sets out that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and that they can be integrated effectively with any existing business and community facilities. Development will not be permitted where inappropriate odours, noise, vibration and other sources of pollution cannot be suitably mitigated against, as well as where light pollution is not suitably minimised. Permission will not be granted for sensitive land uses near to potentially polluting development. Similarly, potentially polluting development will not be permitted near sensitive uses unless the effects can be mitigated.
22. Policy 32 (Despoiled, Degraded, Derelict, Contaminated and Unstable Land) requires that where development involves such land, any necessary mitigation measures to make the site safe for local communities and the environment are undertaken prior to the construction or occupation of the proposed development and that all necessary assessments are undertaken by a suitably qualified person.
23. Policy 35 (Water Management) requires all development proposals to consider the effect of the proposed development on flood risk, both on-site and off-site, commensurate with the scale and impact of the development and taking into account the predicted impacts of climate change for the lifetime of the proposal. All new development must ensure there is no net increase in surface water runoff for the lifetime of the development. Amongst its advice, the policy advocates the use of SuDS and aims to protect the quality of water.
24. Policy 36 (Water Infrastructure) advocates a hierarchy of drainage options for the disposal of foul water. Applications involving the use of non-mains methods of drainage will not be permitted in areas where public sewerage exists. New sewage and waste water infrastructure will be approved unless the adverse impacts outweigh the benefits of the infrastructure. Proposals seeking to mitigate flooding in appropriate locations will be permitted though flood defence infrastructure will only be permitted where it is demonstrated as being the most sustainable response to the flood threat.
25. Policy 40 (Trees, Woodlands and Hedges) states that proposals for new development will not be permitted that would result in the loss of, or damage to, trees, hedges or

woodland of high landscape, amenity or biodiversity value unless the benefits of the scheme clearly outweigh the harm. Proposals for new development will be expected to retain existing trees and hedges or provide suitable replacement planting. The loss or deterioration of ancient woodland will require wholly exceptional reasons and appropriate compensation.

26. Policy 43 (Protected Species and Nationally and Locally Protected Sites) states development proposals that would adversely impact upon nationally protected sites will only be permitted where the benefits clearly outweigh the impacts whilst adverse impacts upon locally designated sites will only be permitted where the benefits outweigh the adverse impacts. Appropriate mitigation or, as a last resort, compensation must be provided where adverse impacts are expected. In relation to protected species and their habitats, all development likely to have an adverse impact on the species' abilities to survive and maintain their distribution will not be permitted unless appropriate mitigation is provided, or the proposal meets licensing criteria in relation to European protected species.
27. The Council's Residential Amenity Standards Supplementary Planning Document (RASSPD) provides detailed guidance and promotes high quality amenity and design standards.

<https://www.durham.gov.uk/media/34069/County-Durham-Plan-adopted-2020-/pdf/CountyDurhamPlanAdopted2020vDec2020.pdf?m=637424969331400000>

## **NEIGHBOURHOOD PLANNING POLICY**

28. The application site is not located within an area where there is a Neighbourhood Plan to which regard is to be had.

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

29. The Highway Authority raises no objection to the application following the submission of amended plans incorporating a turning head on the outside of the garden curtilage to allow vehicles to turn around and drive out of the street in a forward-facing manoeuvre and notes that the current DCC parking standards would be adhered to with a requirement of 2 off street spaces.
30. Brandon and Byshottles Parish Council objects to the application citing that they have had access over the land to the allotment/grazing site since 1974, trees were cleared prior to the submission of the application resulting in loss of wildlife, birds and bat habitat, the rear lane is a narrow private road maintained by residents which has one way in and out. The land is not owned by the applicant and is owned by the electric company.
31. County Councillor J Elmer has commented noting that the footprint of the building overlaps the root protection area of a tree protected by a tree preservation order, requiring tree works which would spoil a well-balanced tree. The applicant has already removed an extensive amount of vegetation from the site, demonstrating a willingness to recklessly remove habitat. The proposal requires to be assessed against policy 40 of the CDP.

32. County Councillor Taylor objects to the application citing that it would not accord with part 8 or 15 of the NPPF, will create backland development off a narrow unadopted, unlit lane which is unsuitable to service a large property and would need to be widened to accommodate a dwelling at this part of the lane which is not possible. A new residential access would need to be created which will change the character of the area causing safety issues for existing residents, especially children who use the back lane as a communal area. A dwelling of this size would require tremendous amounts of material deliveries by large vehicle, which will be hard given the narrowness of the lane and will cause disruption to local residents.
33. The Coal Authority raise no objection as the site is not within a high risk area.

#### **INTERNAL CONSULTEE RESPONSES:**

34. Environment, Health and Consumer Protection (Nuisance Action Team) raise no objection to the application subject to the inclusion of conditions relating to construction works
35. Environment, Health and Consumer Protection (Contaminated Land) raise no objection to the application subject to the inclusion of conditions relating to land contamination.
36. Landscape and Arboriculture (Trees) raise no objection to the application subject to the development being carried out in accordance with the amended arboricultural information.
37. Ecology raises no objection to the application following the submission of amended plans incorporating bird and bat units on the dwelling to adhere to an ecological enhancement under the NPPF.

#### **PUBLIC RESPONSES:**

38. The application was advertised by way of site notice and neighbour notification letters were sent to nearby properties. One letter of support and eight letters of objection have been received.
39. Reasons for support note that the proposal would be an excellent addition to the area, making good use of derelict land being shelter for vermin, therefore will enhance and improve the area. The tree is a nuisance, blocking gutters and drains and has no botanical interest being a common garden sycamore.
40. Reasons for objection are summarised as:
  - Impact upon residential amenity in that the proposal would adversely impact upon neighbouring properties from increased noise and disturbance during the construction works. There are no properties which looking onto the front or rear of Lobley Hill Road therefore resident's privacy will be compromised. The property will cause overshadowing to surrounding properties and the allotments. There will be overlooking and loss of privacy to gardeners of the allotments. Residents will be disturbed by smells during construction from sewer work.
  - Impact upon parking and highway safety, specifically regarding the access being by the rear lane which is a private road for residents only. The lane is not wide enough for HGV/construction vehicles, and there is no space for a large

vehicle to manoeuvre a three-point turn without driving on resident's private land. There is an existing parking problem in the area and no pedestrian pavement along the entire length of the road. A further four cars will cause more erosion to the lane. The private rear lane is the only safe place for children to play. The entrance to the land is in front of residents garage and rear yard entrance where they park. The bin lorry enters the street in reverse for collections because of limited manoeuvrability. A new access will need to be created. The proposed access is not suitable for use as a building site entrance, a more suitable entrance to the plot would be via the cemetery drive

- Impact upon the character and appearance of the area given the size of the dwelling being extensive in comparison with the surrounding properties
- Prior to submission of application an excessive number of trees were removed from the site resulting in the destruction of wildlife habitat. The amended plans submitted which include the bird and bat boxes are disproportionate to the scale of the impact this development will have on local wildlife and the environment
- Land not being within the applicant's ownership, the dwelling will partially block the view of the cemetery, funeral processions going to and from the cemetery will be impeded by the construction process. Residents with land to the rear of Lobley Hill Road must abide by a legal covenant prohibiting the erection of a permanent structure. Approving the application will set a precedent for further buildings which the unadopted lane cannot sustain. Maintenance of the rear lane is the responsibility of each resident. Right of vehicular access over the lane within objector's boundary will not be given. Residents advised that the land was to be used as an overflow from the cemetery and not built upon. Neighbour did not receive a letter notifying them of the application and found out via a post on Facebook. The application is upsetting for residents, causing tension and affecting mental health. One of the properties within Lobley Hill Road is soon to become a childrens home

*The above is not intended to list every point made and represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <https://publicaccess.durham.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>*

#### **APPLICANT'S STATEMENT:**

41. I would like to respond to the public/consultee comments for the application DM/22/03125/FPA.
42. I have provided copies of my Land Registry documentation to the Planning dept to demonstrate that I legally own the application site. In addition I confirm that Northern Power Grid have no objections to the build (as demonstrated in a letter they personally sent to me) and do not own any land within my boundary. I am in communication with Northern Power Grid, who are happy to build a perimeter fence around the sub-station.
43. My solicitor has assured me that I have legal right to access my own land down the unadopted road. This is my only access and this access has been used for over 55 years. As with all residents, I am happy to and also obliged to contribute to the maintenance of the unadopted road.
44. Regarding the allotments access, there is an established, well used pedestrian and vehicle access to the allotment via a track further up the un-adopted road. Over the last two years, I have been in communication with Lauren the allotment manager and

she has recently paid for and erected a 6 feet high fence along the boundary line of my land and the allotments. There is therefore neither an allotment access via my land or any need for access via my land.

45. Since purchasing the land, I have improved the area by clearing it of fly-tipping, rubbish, glass, bricks, etc. To do this, I hired and paid for a skip. This has improved the land for local wildlife and my own use as it was previously in a dangerous state. I sought advice from a professional arborist company who assessed the trees and bushes for me. Those removed by this professional company were three overgrown leylandii trees and some invasive, overgrown rhododendron. All the existing trees of high landscape value, providing amenity and biodiversity value will not only be retained and respected but enjoyed by my family, the wildlife and I. I have the greatest respect for wildlife and green spaces and wish to incorporate this into my family home if this planning application is approved. The invasive rhododendrons which were removed were done so to increase biodiversity.
46. The application site has never been an orchard and no fruit trees have been removed. I am retaining fourteen trees on the perimeter of the plot, which I will continue to enjoy and look after on my property. There are two trees with TPO's. I have followed the advice of the Durham County Council tree consultation report and the plans for the building have now been revised in order to site the house and garage outside the perimeter of the tree canopy and root growth area to ensure that there is no chance of causing damage.
47. The plans have incorporated a turning point large enough for delivery vehicles to turn and leave the access road in a forward gear. At the request of Highways, this turning area is out with the site boundary fence line.
48. I believe the proposed house and garage to be modest in relation to the site area. In fact the build area represents less than 15% of the site area.
49. In response to comments regarding keeping children safe on the unadopted road, I work with children in care and with children with special education needs, and consider keeping children safe is paramount. For that reason, Durham County Highways advice has been fully taken on board in the revised site plan.
50. I believe that the design has followed the advice from consultee comments with regard to planning matters. The nuisance action team have advised that they are satisfied that this will not cause a statutory nuisance. I had pre application advice from the Durham County Council planning department and have based the design on their advice.
51. In summary, I feel that I have listened to all comments received and responded in a positive and pro-active manner in order to produce a development which will enhance the locality.

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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52. As identified in Section 38(6) of the Planning and Compulsory Purchase Act 2004 the key consideration in the determination of a planning application is the development plan. Applications should be determined in accordance with the development plan unless material considerations indicate otherwise. In assessing the proposals against the requirements of the relevant planning guidance and development plan policies and



having regard to all material planning considerations it is considered that the main planning issues in this instance relate to the principle of development, impact on the character and appearance of the area, impact on residential amenity, impact on highway safety and other matters.

### Principle of the Development

53. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that if regard is to be had to the development plan, decisions should be made in accordance with the development plan unless material considerations indicate otherwise. In accordance with Paragraph 218 of the National Planning Policy Framework (NPPF), the policies contained therein are material considerations that should be taken into account in decision-making.
54. The NPPF is a material planning consideration, and the County Durham Plan is the statutory development plan and the starting point for determining applications as set out in the Planning Act and reinforced at Paragraph 12 of the NPPF. Section 5 (Delivering a sufficient supply of homes) of the NPPF clarifies the Government's objective of significantly boosting the supply of homes.
55. Policy 6 (Development on Unallocated Sites) of the CDP states that the development of sites which are not allocated in the Plan or in a Neighbourhood Plan which are either (i) within the built-up area; or (ii) outside the built-up area (except where a settlement boundary has been defined in a neighbourhood plan) but well related to a settlement, will be permitted provided the proposal accords with all relevant development plan policies and:
- a. is compatible with, and is not prejudicial to, any existing, allocated or permitted use of adjacent land;
  - b. does not contribute to coalescence with neighbouring settlements, would not result in ribbon development, or inappropriate backland development;
  - c. does not result in the loss of open land that has recreational, ecological or heritage value, or contributes to the character of the locality which cannot be adequately mitigated or compensated for;
  - d. is appropriate in terms of scale, design, layout, and location to the character, function, form and setting of the settlement;
  - e. will not be prejudicial to highway safety or have a severe residual cumulative impact on network capacity;
  - f. has good access by sustainable modes of transport to relevant services and facilities and reflects the size of the settlement and the level of service provision within that settlement;
  - g. does not result in the loss of a settlement's or neighbourhood's valued facilities or services unless it has been demonstrated that they are no longer viable;
  - h. minimises vulnerability and provides resilience to impacts arising from climate change, including but not limited to, flooding;
  - i. where relevant, makes as much use as possible of previously developed (brownfield) land; and
  - j. where appropriate, it reflects priorities for urban regeneration.
56. It is considered that the site lies within the built-up area of Meadowfield. Policy 6 of the CDP 'Development on Unallocated Sites' is supportive of development proposals providing they satisfy criteria 'a' to 'j' where relevant. For this proposal it appears criteria 'a, b, c, d, e and f' are likely to cause the key consideration for determining the acceptability of the proposal.

57. Planning permission is sought for the erection of a detached two storey, four bedroomed dwelling with detached double garage. The site will be enclosed by a 2m high close boarded fence with access taken from the unadopted rear lane of Lobley Hill Road which leads directly off St Johns Road from the west.
58. The application site is located within a locality regarded as semi urban with both residential properties and commercial/industrial businesses nearby. To the rear of the site is a cemetery, concerns have been raised from neighbouring residents regarding funeral processions going to and from the cemetery being impeded by the construction process during the construction of the dwelling. The erection of one additional dwelling would be compatible with the surrounding area in accordance with criterion a of Policy 6. Whilst it is noted that there would be some disruption during the construction phase of the development, this would be for a short period of time and conditions should be attached to any approval granted regarding a construction management plan and working hours.
59. The acceptability or otherwise of the proposed development therefore rests upon assessment of the proposals against Policy 6, and other relevant policies of the CDP. General assessment of the proposed development in relation to criteria b to f are detailed below within the body of the report.

### Sustainability of the Site

60. Paragraph 104c of the NPPF advises that opportunities to promote walking, cycling and public transport use be identified and pursued, in turn, paragraph 105 states 'the planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.'
61. Criterion f) of Policy 6 requires development to have good access by sustainable modes of transport to relevant services and facilities and reflect the size of the settlement and the level of service provision within that settlement which is in line with the aims of the NPPF.
62. The Chartered Institution of Highways and Transportation (CIHT) Planning for Walking report 2015 identifies that 'People travelling on foot want routes that are direct, as level as possible, enjoyable and have destinations in sight. Safe road crossings are an essential element of routes.' In turn, the Council's Building for Life SPD requires new development to have good access to existing public transport links to help reduce dependency on the private car. To achieve this, the SPD sets out the design review process which includes questions with set criteria, one of which relate to public transport. Question 3 being 'Does the scheme have good access to existing public transport links to help reduce car dependency?'. One of the criteria within that question is: are there bus stops within 400m of the site?
63. The application site is located within close distance to shops, services and public facilities within Meadowfield and Langley Moor and is located within walking distance of the nearest school the St Patrick's Roman Catholic Primary School for ages 4 - 11 which is within 200m of the site, there is a further primary school located within 700m to the north within Langley Moor. There are seven bus stops within 400m of the site which has regular bus services to Durham City Centre.

64. Taking the above into consideration, officers consider that the location of the site is within a sustainable location capable of supporting the quantum of development proposed at a single dwelling, and therefore accords with Policy 6 f) of the CDP.

#### Impact on residential amenity

65. Paragraph 130 of the NPPF requires that planning decisions create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience. Policy 31 (Amenity and Pollution) of the CDP displays broad accordance with the aims of paragraph 130 in this regard and sets out that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and that they can be integrated effectively with any existing business and community facilities. Development will not be permitted where inappropriate odours, noise, vibration and other sources of pollution cannot be suitably mitigated against, as well as where light pollution is not suitably minimised. Permission will not be granted for sensitive land uses near to potentially polluting development. Similarly, potentially polluting development will not be permitted near sensitive uses unless the effects can be mitigated.
66. The application site is located within a locality regarded as semi urban with both residential properties and commercial/industrial businesses nearby. The impact of the development upon residential amenity is a material consideration in determination of this application. Concerns have been raised regarding the noise, dust, smells etc. The Environmental Health officer (EHO) have commented stating the proposal is noise sensitive, in a semi urban area. The main concern associated with this proposal is road traffic noise impacting upon the amenity of future occupiers given the close proximity of the A690. In addition, there is also a concern that neighbouring amenity will be impacted upon during construction, given the close proximity of neighbouring properties. Given this the EHO has recommended that a condition be attached to any approval granted regarding construction and working hours.
67. Whilst it is acknowledged that there will likely be some disruption during the construction phase, this would be limited and experienced only for a short period. Precise details of how that construction phased would be managed could be secured through submission and agreement of a construction management plan to include detail of dust/odour/noise suppression measures, controls in relation to working hours and delivery times and as such any impact could be adequately mitigated and could not sustain refusal of the application in this instance.
68. Paragraph 3.1 of the Residential Amenity Standards - Supplementary Planning Document (RASSPD) states that all new development, including new dwellings, will have some bearing on neighbouring properties and it is important to ensure that the impact does not result in a significant loss of privacy, outlook or light for occupiers of new dwellings and existing dwellings. The design and layout of new development should ensure that reasonable privacy and light is provided for surrounding residents and occupiers, particularly in relation to residential use and enjoyment of dwellings and private gardens. Spacing between the windows of buildings/dwellings should achieve suitable distances for privacy and light, whilst also preventing cramped and congested layouts. Paragraph 3.2 of the RASSPD states that in order to achieve these objectives, in residential housing developments, the following minimum distances will usually be required to protect the privacy, outlook and residential amenity of habitable room windows:

69. A minimum distance of 21m between habitable room windows, where either dwelling exceeds single storey, and a minimum of 18m between habitable room windows and both dwellings are single storey.
70. Where a main facing elevation containing a habitable room window is adjacent to a gable wall which does not contain a habitable room window, a minimum distance of 13m shall be provided where either dwelling exceed single storey or 10m where both dwellings are single storey.
71. Concerns have been raised by local residents with regard to loss of privacy, overlooking and overshadowing of the allotment site from the proposed development. The front elevation (south facing) faces onto the allotment site located to the rear of Lobley Hill Road and is set back by approximately 28m from the shared boundary. To the rear of the dwelling (north facing) is a residential housing estate, however this is separated from the rear boundary of the site by an intervening access road which leads off from the A690 located to the west of the site down to the cemetery grounds, which are located to the side of the dwelling (east facing), there is also a distance from the rear elevation of the dwelling to the side gable of number 24 Church Meadows of approximately 29m. The opposite side elevation (west facing) face onto the rear elevations of 32 and 33 Lobley Hill Road. From the original rear elevation of 32-33 Lobley Hill Road to the site boundary is approximately 17m. The side elevation of the proposed dwelling is set in from the western site boundary of approximately 17m. Number 32 Lobley Hill Road does have a single storey extension which extends the full length of their rear garden. The distance from the rear elevation of the single storey extension to the site boundary is approximately 8m, with the addition of the distance to the gable elevation of the proposed dwelling, it is considered that there will be adequate separation distances proposed to ensure there would not be any adverse impacts upon loss of privacy and overlooking, nor would there be any adverse impacts in terms of overshadowing of the allotment site given how far the dwelling is set back from the shared boundary.
72. In turn, the residential amenity standards SPD expects new developments to incorporate usable, attractively laid out and private garden space conveniently located in relation to the property it serves. The garden areas should be of an appropriate size, having regard to the size of the dwelling and character of the area. The length of gardens will generally be dictated by the minimum separation distancing standards, however they should be no less than 9m in length when measured from the rear elevation to the rear boundary, unless site specific circumstances allow for an alternative solution, and it is deemed that privacy and amenity would not be adversely affected. The outdoor amenity space provided with the proposed dwelling will incorporate areas of hardstanding to the front to create a driveway and paving around the perimeter of the dwelling. It is not clear from the drawing what the remainder of the garden space will be laid with, therefore a landscaping condition will be attached to any approval granted. However, there will be over the required 9m of garden space.
73. The Nationally Described Space Standards (NDSS) is a Government introduced nationally prescribed internal space standard which sets out detailed guidance on the minimum standard for all new homes and was created with the aim of improving space standards within new residential development across all tenures. Evidence compiled during formulation of the County Durham Plan identified that many new homes in the county were being built below NDSS and that this was having an impact on the quality of life of residents. As a result, the Council determined that it was necessary to introduce the NDSS in County Durham with the aim of improving the quality of new build development coming forward.

74. Criteria e) of Policy 29 of the CDP which requires new development to provide high standards of amenity and privacy. In this regard, it is noted that all of the bedrooms would exceed the minimum requirements of the NDSS. With regard to the total overall internal space provided across the dwelling as a whole, again this would be in excess of the recommended requirements of the NDSS standard for a 4 bedspace 7 person dwelling and as such is considered to provide an acceptable amount of internal space in accordance with criteria e) of Policy 29 of the CDP.
75. Therefore, the proposed development is considered to comply with Policies 6, 29 and 31 of the CDP and Parts 12 and 15 of the NPPF.

#### Impact on the character and appearance of the area

76. Paragraph 124 of the NPPF advises that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve, and that good design is a key aspect of sustainable development, creating better places in which to live and work.
77. Policy 6 d) of the CDP states that development should be appropriate in terms of scale, design, layout and location to the character, function, form and setting of the settlement. Policy 29 relates to sustainable design, and states that all proposals will be required to achieve well designed buildings and places having regard to supplementary planning documents and contribute positively to an area's character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities; and create buildings and spaces that are adaptable to changing social, technological, economic and environmental conditions and include appropriate and proportionate measures to reduce vulnerability, increase resilience and ensure public safety and security.
78. Neighbouring residents have raised objections to the proposed development stating that the dwelling would be out of keeping with the surrounding area given the size of the dwelling and garage proposed. The character and appearance of the surrounding area incorporates a range of dwelling designs which includes two storey terraced, semi-detached and detached properties. There is a variety of house types with differing boundary treatments within the local vicinity of the site with some properties having single and double garages. The proposed dwelling would be two storey in height and would include a double detached garage to the front. Given the size of the dwelling in relation to the size of the plot and the type of dwellings surrounding the site, it is considered that the dwelling would fit with the character and appearance of the area and would not create any adverse impacts upon visual amenity or the wider streetscene.
79. Concerns have been raised from local councillors and neighbouring residents that prior to the submission of the application an excessive number of trees were removed from the site.
80. Policy 40 (Trees, Woodlands and Hedges) of the CDP states that proposals for new development will not be permitted that would result in the loss of, or damage to, trees, hedges or woodland of high landscape, amenity or biodiversity value unless the benefits of the scheme clearly outweigh the harm. Proposals for new development will be expected to retain existing trees and hedges or provide suitable replacement planting. The loss or deterioration of ancient woodland will require wholly exceptional reasons and appropriate compensation.
81. The Tree officer commented on the scheme noting that one of the trees (T1) protected by a tree preservation order (TPO) was shown to be within the proposed construction

zone. Given the nature of the site and location of the build, vital roots may be damaged despite the measures proposed to protect the root protection area (RPA). It was therefore recommended that the proposed dwelling was relocated towards the southwestern edge of the site, outside the RPA. With regard to T2, another tree protected by a TPO was shown outside of the construction zone and therefore protective fencing must be put in place prior to construction and remain so throughout the build. A condition to this effect would be attached to any approval granted.

82. There are a number of other trees located to the west of the site which are not protected by a TPO, however, development was requested to be removed from their RPAs as the proposed development may increase pressure to remove/prune trees within the curtilage due to leaf drop and shade.
83. Amended plans were submitted showing the dwelling re-located southwest, placing the dwelling at the edge of the root protection area, and indicates a cellweb system should be placed at ground level. The Tree officer has noted that the submitted Arboricultural information (AIA & TPP) is satisfactory and complies with current regulations. All works must comply to those shown within reports i.e., hand dig and protective fencing etc. A condition would be attached to any approval granted in this regard.
84. It is noted from objectors that several trees were removed from the site prior to the submission of this application. These trees were not protected by a TPO and the site is not located within a conservation area and as such their removal at that time was not subject to any planning control.
85. Concerns have been raised by Cllr Taylor who considers the scheme to represent inappropriate backland development that would be accessed via a narrow lane. Policy 6 b) of the CDP states that development will be permitted where it does not contribute to coalescence with neighbouring settlements, would not result in ribbon development, or inappropriate backland development. Backland sites are areas of land which do not have a direct street frontage, are linked to the road via an access between buildings which themselves have direct road frontages. Backland development comes in many forms, for example, a new house within the rear garden of an existing house, or the development of hidden sites accessed via a narrow lane between buildings are typical examples.
86. Whilst the site is considered to be backland development in as much as it would not have its own street frontage, the policy does not prohibit backland development in principle. Each application must be determined on its own merits and in this case the proposed scheme would not be unduly constrained, with the dwelling being comfortably accommodated within the site without amounting to over development. Furthermore, the separation distances between existing dwellings and the proposed dwelling can be achieved, as would a safe means of access and egress that could be shared with other dwellings.. Therefore, it is considered that the proposed scheme would not amount to inappropriate backland development.
87. Taking the above into consideration, it is considered that the proposed development would accord with Policies 6, 29 and 40 of the CDP and Parts 12 and 15 of the NPPF.

#### Highway Safety and Access

88. Policy 21 (Delivering Sustainable Transport) of the CDP requires all development to deliver sustainable transport by: delivering, accommodating and facilitating investment in sustainable modes of transport; providing appropriate, well designed, permeable and direct routes for all modes of transport; ensuring that any vehicular traffic

generated by new development can be safely accommodated; creating new or improvements to existing routes and assessing potential increase in risk resulting from new development in vicinity of level crossings. Development should have regard to the Parking and Accessibility Supplementary Planning Document and Strategic Cycling and Walking Deliver Plan.

89. In turn, criteria f) of Policy 6 of the CDP states that development will not be prejudicial to highway safety or have a severe residual cumulative impact on network capacity.
90. Concerns have been raised regarding the impact upon parking and highway safety, specifically regarding the access to the dwelling being by the rear lane of Lobley Hill Road which is a private road and the cost of maintaining this is borne by the residents. Respondents consider the lane is not suitable either for construction traffic or the additional trips generated by the proposed dwelling. Concerns have also been raised regarding there being existing parking problem in the area and that there is no pedestrian pavement along the entire length of the road. Residents are also concerned that a further four cars will cause more erosion to the lane which is the only safe place for children to play.
91. Cllr Taylor has concerns that a new residential access would need to be created which would change the character of the area causing safety issues for existing residents, and especially children who use the back lane as a communal area. He also has concerns that a dwelling of this size would require tremendous amounts of deliveries by large vehicle, which will be hard given the narrowness of the lane and lead to disruption to local residents. Further concerns of the local residents are that the entrance to the land is in front of resident's garage and rear yard where they park, that the proposed access is not suitable for use as a building site entrance, and that a more suitable entrance to the plot would be via the cemetery drive.
92. The Highways Authority has been consulted and notes that in terms of highway safety, the principle of a dwelling in this location would be acceptable. However, the rear of Lobley Hill Road is a dead end. A proposed property would introduce additional vehicles to the rear lane such as delivery vehicles, which do not currently need to use the rear lane. The Highway Authority notes that it would not be acceptable to require these vehicles to have to reverse out of the lane. Therefore, amended plans were required to provide a turning facility capable of allowing vehicles of Transit Van/ Supermarket delivery van size, to turn and exit the lane in a forward gear.
93. Amended plans were submitted showing the entrance gates relocated within the application site to enable a shared turning head to be created which is considered acceptable. The turning head itself would be occupy part of the application site which is presently unregistered. However, this does not preclude delivery of this element of the development. The planning system is not the arbitrator of any land ownership dispute which is a civil matter relating to the parties involved. The specific construction detail and delivery of the turning head would be secured through planning condition, and that this be installed prior to the commencement of the works to construct the dwelling itself. In order to impose a planning condition requiring particular works, a Local Planning Authority must be satisfied that the applicant is capable of undertaking the works specified. The part of the application site across which the turning head would be delivered is presently unregistered and as such the applicant has placed notice in the local press and completed ownership certificate D contained within the planning application. This meets the procedural requirements contained within the Town and Country Planning (General Development Procedure) Order.
94. It is noted that a number of objections refer to the rear of Lobley Hill Road as being a private road, and that they question the applicant's right to use it. Any legal right to

use that existing access lane is a civil matter between the parties involved and this does not preclude the granting of planning permission.

95. Further concerns relate to delivery vehicles during the construction phase, specifically use of the lane by HGV's unloading materials and contractor's vehicles parking. In addition, residents are concerned that the lane is not wide enough for larger vehicles of this type to manoeuvre into and out of the site without driving on resident's private land. Comments received note that the refuse wagon currently is required to enter the street in reverse for collections because of the limited manoeuvrability in the area.
96. Given the constrained nature of the rear lane, a Construction Management Plan would be required to be submitted and approved, prior to commencement on site. A condition of this effect would be attached to any approval granted and would cover such details as dropping off of materials, parking location, etc.
97. The DCC Parking and Accessibility Standards document requires developers to provide an appropriate level of safe parking which is appropriate to the scale, location and character of the development. Therefore, for a 4 bed dwelling with double garage 2no in curtilage parking spaces are required along with 1no electric vehicle charging point. The proposed scheme has adequate in-curtilage parking provision, however, there is no mention of an electric vehicle charging point and therefore a condition will be attached for details to be provided prior to the occupation of the dwellinghouse.
98. Therefore, notwithstanding the concerns raised by residents in relation to parking, access and highway safety, the Highway Authority raise no objection subject to conditions stated and are satisfied with revised the turning head. As such it is not considered that the development would have a detrimental impact upon highway safety sufficient to sustain refusal of the application. In light of the above, it is considered that the development would be in accordance with the aims of Policies 6 and 21 of the CDP and Part 9 of the NPPF.

## Ecology

99. Policy 43 (Protected Species and Nationally and Locally Protected Sites) of the CDP states that development proposals that would adversely impact upon nationally protected sites will only be permitted where the benefits clearly outweigh the impacts whilst adverse impacts upon locally designated sites will only be permitted where the benefits outweigh the adverse impacts. Appropriate mitigation or, as a last resort, compensation must be provided where adverse impacts are expected. In relation to protected species and their habitats, all development likely to have an adverse impact on the species' abilities to survive and maintain their distribution will not be permitted unless appropriate mitigation is provided, or the proposal meets licensing criteria in relation to European protected species.
100. As already discussed concerns were raised regarding the removal of trees from the site prior to the submission of the planning application and with them existing habitat, and that plans for the proposal to include bird and bat boxes integrated within the fabric of the dwelling would be disproportionate and insufficient mitigation when compared to the scale of the impact this development would have on local wildlife and the environment.
101. Paragraph 174 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity. Policy 41 (Biodiversity and Geodiversity) restricts development that would result in significant harm to biodiversity or geodiversity and cannot be mitigated or compensated. The retention and enhancement of existing



biodiversity assets and features is required as are biodiversity net gains. Proposals must protect geological features, have regard to Geodiversity Action Plans and the Durham Geodiversity Audit and where appropriate promote public access, appreciation and interpretation of geodiversity.

102. Development proposals where the primary objective is to conserve or enhance biodiversity or geodiversity will be permitted if they comply with other local plan policy. Development proposals which are likely to result in the loss of deterioration of irreplaceable habitats will not be permitted unless there are wholly exceptional reasons and a suitable compensation strategy exists.
103. The Ecology officer has confirmed that the new dwelling should incorporate integrated bat and bird box units as ecological enhancements in order to comply with the biodiversity requirements of the National Planning Policy Framework. Amended plans were sought and received incorporating the integrated boxes within the side elevations of the dwelling. The Ecology officer is satisfied that the proposed mitigation would deliver the biodiversity net gain requirements in compliance with Policy 41 of the CDP.
104. It is therefore considered that the proposed development would accord with Policies 41 and 43 of the CDP and Part 15 of the NPPF.

### Contaminated Land

105. Paragraph 178 of the NPPF advises that planning decisions should ensure a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. Policy 32 (Despoiled, Degraded, Derelict, Contaminated and Unstable Land) of the CDP requires that where development involves such land, any necessary mitigation measures to make the site safe for local communities and the environment are undertaken prior to the construction or occupation of the proposed development and that all necessary assessments are undertaken by a suitably qualified person.
106. The Environmental Health (Contaminated Land) officer has confirmed that they have reviewed the historical maps with respect of land contamination and the available information, including the submitted screening assessment form and have confirmed that a contaminated land condition is required to be attached to any approval granted.
107. It is therefore considered that the proposed development would accord with Policy 32 of the CDP and Part 15 of the NPPF.

### Drainage

108. Policy 35 (Water Management) requires all development proposals to consider the effect of the proposed development on flood risk, both on-site and off-site, commensurate with the scale and impact of the development and taking into account the predicted impacts of climate change for the lifetime of the proposal. All new development must ensure there is no net increase in surface water runoff for the lifetime of the development. Amongst its advice, the policy advocates the use of SuDS and aims to protect the quality of water.
109. Policy 36 (Water Infrastructure) advocates a hierarchy of drainage options for the disposal of foul water. Applications involving the use of non-mains methods of drainage will not be permitted in areas where public sewerage exists. New sewage and waste water infrastructure will be approved unless the adverse impacts outweigh

the benefits of the infrastructure. Proposals seeking to mitigate flooding in appropriate locations will be permitted, though flood defence infrastructure will only be permitted where it is demonstrated as being the most sustainable response to the flood threat.

110. The proposed development will be connected to the mains sewer for the disposal of foul sewage and surface water will be connected to a soak away if the ground is suitable, alternatively surface water will also be connected to the main sewer. The drive will be laid with tarmac and there are areas of paving proposed around the perimeter of the dwellinghouse. There is no mention of these areas of hardstanding being from permeable or porous materials and therefore a condition will be attached to any approval granted requesting specific details of the proposed hardstanding areas. It is therefore considered taking into consideration the proposed condition that the development would accord with Policies 35 and 36 of the CDP

### Connectivity

111. Policy 27 of the CDP requires new residential development to be served by a high-speed broadband connection unless it can be demonstrated that this is not appropriate. The development would be located in a residential area. Similar, requirement in terms of broadband connectivity and broadband connectivity would be delivered in this wider context. As such it does not appear that there would be any significant constraints to delivering the connectivity in accordance with the requirements of Policy 27 of the CDP. However, that said, a pre-commencement condition would be attached to any approval granted for specific details to be submitted and agreed in writing by the Local Planning Authority.

### Other Matters

112. Policy 29 of the CDP criteria c) and d) require that developments should seek to minimise greenhouse gas emission by seeking to achieve zero carbon buildings and provide renewable and low carbon energy generation and should minimise the use of non-renewable and unsustainable resources. Details submitted in support of the application notes that solar panels will be installed within an area of the south facing plane of the roof, that air source heat pumps will be installed for heating/hot water, materials used for the construction of the building will be from recycled materials and high performance glazing is proposed. No specific details have been provided in terms of the location the solar panels and air sourced heat pumps, nor the type of panels and therefore, a condition would be attached to any approval granted in this regard.
113. Other areas of concern which have been raised relate to the land not being within the applicant's ownership, the dwelling will partially block the view of the cemetery. Residents with land to the rear of Lobley Hill Road must abide by a legal covenant prohibiting the erection of a permanent structure. Right of vehicular access over the lane within objector's boundary will not be given. The concerns raised are civil issues and whilst these areas of concern have been noted, they are not material planning considerations which can be taken into consideration.
114. Approving the application will set a precedent for further buildings which the unadopted lane cannot sustain. Given the location of the land located to the rear of the properties along Lobley Hill Road not forming part of the properties garden curtilage, any structures proposed would require the submission of a planning application, which would be considered on their own merits.

115. Residents were advised that the land was to be used as an overflow from the cemetery and not built upon. One of the properties within Lobley Hill Road is soon to become a children's home.
116. The use of the land being an overflow with the cemetery is not a material planning consideration and would be a civil matter between the cemetery and applicant. With regard to there being a children's home within the street. The addition of one dwelling is not considered to adversely impact the children's home. The dwelling is sited within a residential area and therefore is well related. The construction will cause some disruption, however, will be for a short period of time.
117. Some respondents have raised concern at the extent to which the Council publicised the planning application noting that they did not receive a letter notifying them of the application and found out via a post on social media. Whilst the concerns are noted the application was advertised by means of a site notice adjacent to the application property and letters sent to adjoining occupiers which exceeds the minimum statutory requirements as contained in the Town and Country Planning (Development Management Procedure) Order.

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## CONCLUSION

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118. In summary, it is considered that the principle of development is acceptable and the site represents a sustainable location capable of accommodating the quantum of development proposed and as such would accord with the aims of Policy 6 of the CDP subject to appropriate planning conditions described within the report and listed below.
119. When assessed against other policies of the County Durham Plan relevant to the application, it is considered that the proposal would provide a well-designed dwelling which would not have a detrimental impact upon the character and appearance of the area. Furthermore, the proposal is not considered to have any detrimental impacts on the residential amenity of neighbouring properties, nor would it adversely impact upon highway safety.
120. It is therefore considered that the application is acceptable and complies with Policies 6, 21, 27, 29, 31, 32, 35, 36, 40 and 43 of the County Durham Plan and Parts 2, 4, 5, 8, 9, 12 and 15 of the National Planning Policy Framework.

### Public Sector Equality Duty

121. Section 149 of the Equality Act 2010 requires public authorities when exercising their functions to have due regard to the need to i) the need to eliminate discrimination, harassment, victimisation and any other prohibited conduct, ii) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and iii) foster good relations between persons who share a relevant protected characteristic and persons who do not share that characteristic.
122. In this instance, officers have assessed all relevant factors and do not consider that there are any equality impacts identified.

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## RECOMMENDATION

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That the application be **APPROVED** subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be carried out in strict accordance with the approved plans listed in Part 3 - Approved Plans.

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies 6, 21, 27, 29, 31, 32, 35, 36, 40 and 43 of the County Durham Plan and Parts 2, 4, 5, 8, 9, 12 and 15 of the National Planning Policy Framework.

3. Notwithstanding any details of materials submitted with the application no development shall commence until details of the make, colour and texture of all walling, roofing and hardstanding materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

Reason: In the interests of the appearance of the area and to comply with Policy 29 of the County Durham Plan and Part 12 of the National Planning Policy Framework.

4. In undertaking the development that is hereby approved:

No external construction works, works of demolition, deliveries, external running of plant and equipment shall take place other than between the hours of 0730 to 1800 on Monday to Friday and 0730 to 1400 on Saturday.

No internal works audible outside the site boundary shall take place on the site other than between the hours of 0730 to 1800 on Monday to Friday and 0800 to 1700 on Saturday.

No construction works or works of demolition whatsoever, including deliveries, external running of plant and equipment, internal works whether audible or not outside the site boundary, shall take place on Sundays, Public or Bank Holidays.

For the purposes of this condition, construction works are defined as: The carrying out of any building, civil engineering or engineering construction work involving the use of plant and machinery including hand tools.

Reason: To protect the residential amenity of existing and future residents from the development in accordance with Policy 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

5. No development shall commence until a land contamination scheme has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall be compliant with the YALPAG guidance and include a Phase 1 preliminary risk assessment (desk top study).

If the Phase 1 assessment identifies that further investigation is required a Phase 2 site investigation shall be carried out, which shall include a sampling and analysis plan. If the Phase 2 identifies any unacceptable risks, a Phase 3 remediation strategy shall be produced and where necessary include gas protection measures and method of verification.

Reason: To ensure that the presence of contamination is identified, risk assessed and proposed remediation works are agreed in order to ensure the site suitable for use, in accordance with Policy 32 of the County Durham Plan and Part 15 of the National Planning Policy Framework. Required to be pre-commencement to ensure that the development can be carried out safely.

6. Remediation works shall be carried out in accordance with the approved remediation strategy. The development shall not be brought into use until such time a Phase 4 Verification report related to that part of the development has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the remediation works are fully implemented as agreed and the site is suitable for use, in accordance with Policy 32 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

7. No development shall commence until such time as a scheme detailing the precise means of broadband connection to the site has been submitted to and agreed in writing by the local planning. Thereafter, the development shall be carried out in accordance with the agreed detail.

Reason: To ensure a high quality of development is achieved and to comply with the requirements of Policy 27 of the County Durham Plan

8. Prior to commencement of development hereby approved, details of a scheme to minimise greenhouse gas emissions, with the aim of achieving as close as possible a zero carbon building, shall be submitted and approved in writing by the Local Planning Authority. The scheme shall include, but not be limited to, provision of renewable and low carbon energy generation and electric car charging points. The renewable and low carbon energy measures shall be installed in accordance with the approved details thereafter.

Reason: To comply with requirements to minimise greenhouse gas emissions in line with details set out in Policy 29 c) and d) of the CDP

9. Prior to the first occupation the development hereby approved, details of all means of enclosure of the site shall be submitted to and approved in writing by the Local Planning Authority. The enclosures shall be constructed in accordance with the approved details thereafter.

Reason: In the interests of the visual amenity of the area and to comply with Policy 29 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.

10. No development shall commence until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority.

No tree shall be felled or hedge removed until the landscape scheme, including any replacement tree and hedge planting, is approved as above.

Any submitted scheme must be shown to comply with legislation protecting nesting birds and roosting bats.

The landscape scheme shall include accurate plan based details of the following:

Trees, hedges and shrubs scheduled for retention.

Details of hard and soft landscaping including planting species, sizes, layout, densities, numbers.

Details of planting procedures or specification.

Finished topsoil levels and depths.

Details of temporary topsoil and subsoil storage provision.

Seeded or turf areas, habitat creation areas and details etc. Details of land and surface drainage.

The establishment maintenance regime, including watering, rabbit protection, tree stakes, guards etc.

The Local Planning Authority shall be notified in advance of the start on site date and the completion date of all external works.

Trees, hedges and shrubs shall not be removed without agreement within five years.

Reason: In the interests of the visual amenity of the area and to comply with Policy 29 of the County Durham Plan and Part 12 of the National Planning Policy Framework.

11. All planting, seeding or turfing and habitat creation in the approved details of the landscaping scheme shall be carried out in the first available planting season following the practical completion of the development.

No tree shall be felled or hedge removed until the removal/felling is shown to comply with legislation protecting nesting birds and roosting bats.

Any approved replacement tree or hedge planting shall be carried out within 12 months of felling and removals of existing trees and hedges.

Any trees or plants which die, fail to flourish or are removed within a period of 5 years from the substantial completion of the development shall be replaced in the next planting season with others of similar size and species.

Replacements will be subject to the same conditions.

Reason: In the interests of the visual amenity of the area and to comply with Policy 29 of the County Durham Plan and Part 12 of the National Planning Policy Framework.

12. No construction work shall take place, nor any site cabins, materials or machinery be brought on site until all trees and hedges, indicated on the approved tree protection plan as to be retained, are protected by the erection of fencing, placed as indicated on the plan and comprising a vertical and horizontal framework of scaffolding, well braced to resist impacts, and supporting temporary welded mesh fencing panels or similar approved in accordance with BS.5837:2010.

No operations whatsoever, no alterations of ground levels, and no storage of any materials are to take place inside the fences, and no work is to be done such as to affect any tree.

No removal of limbs of trees or other tree work shall be carried out.

No underground services trenches or service runs shall be laid out in root protection areas, as defined on the Tree Constraints Plan.

Reason: In the interests of the visual amenity of the area and to comply with Policies 29 and 40 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.

13. The turning head as detailed on drawing Site Plans ref ML/1D Rev D received 30th April 2023 shall be installed prior to the commencement of works relating to the construction of the dwellinghouse. The turning head shall thereafter be retained and available for use in perpetuity.

Reason: In the interest of highway safety in accordance with Policies 6 f) and 21 of the County Durham Plan and Part 9 of the National Planning Policy Framework.

14. No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include as a minimum but not necessarily be restricted to the following:

1. A Dust Action Plan including measures to control the emission of dust and dirt during construction.
2. Details of methods and means of noise reduction/suppression.
3. Where construction involves penetrative piling, details of methods for piling of foundations including measures to suppress any associated noise and vibration.
4. Details of measures to prevent mud and other such material migrating onto the highway from all vehicles entering and leaving the site.
5. Designation, layout and design of construction access and egress points.
6. Details for the provision of directional signage (on and off site).
7. Details of contractors' compounds, materials storage and other storage arrangements, including cranes and plant, equipment and related temporary infrastructure.
8. Details of provision for all site operatives for the loading and unloading of plant, machinery and materials.
9. Details of provision for all site operatives, including visitors and construction vehicles for parking and turning within the site during the construction period.
10. Routing agreements for construction traffic.
11. Details of the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.
12. Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works.
13. Management measures for the control of pest species as a result of demolition and/or construction works.
14. Detail of measures for liaison with the local community and procedures to deal with any complaints received.

The management strategy shall have regard to BS 5228 "Noise and Vibration Control on Construction and Open Sites" during the planning and implementation of site activities and operations.

The approved Construction Management Plan shall also be adhered to throughout the construction period and the approved measures shall be retained for the duration of the construction works.

Reason: To protect the residential amenity of existing and future residents from the development in accordance with Policy 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework. Required to be pre commencement to ensure that the whole construction phase is undertaken in an acceptable way.

15. Prior to the occupation of the dwellinghouse, details of an electric vehicle charging point including a plan showing the proposed location within the site shall be submitted to and approved in writing by the Local Planning Authority. The charging point shall be constructed in accordance with the approved details thereafter and remain in perpetuity.

Reason: In the interest of highway safety in accordance with Policies 6 f) and 21 of the County Durham Plan and Part 9 of the National Planning Policy Framework.

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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The Local Planning Authority in arriving at its decision to approve the application has, without prejudice to a fair and objective assessment of the proposals, issues raised, and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF. (Statement in accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.)

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## **BACKGROUND PAPERS**

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Submitted application form, plans, supporting documents and subsequent information provided by the applicant

Statutory, internal and public consultation responses

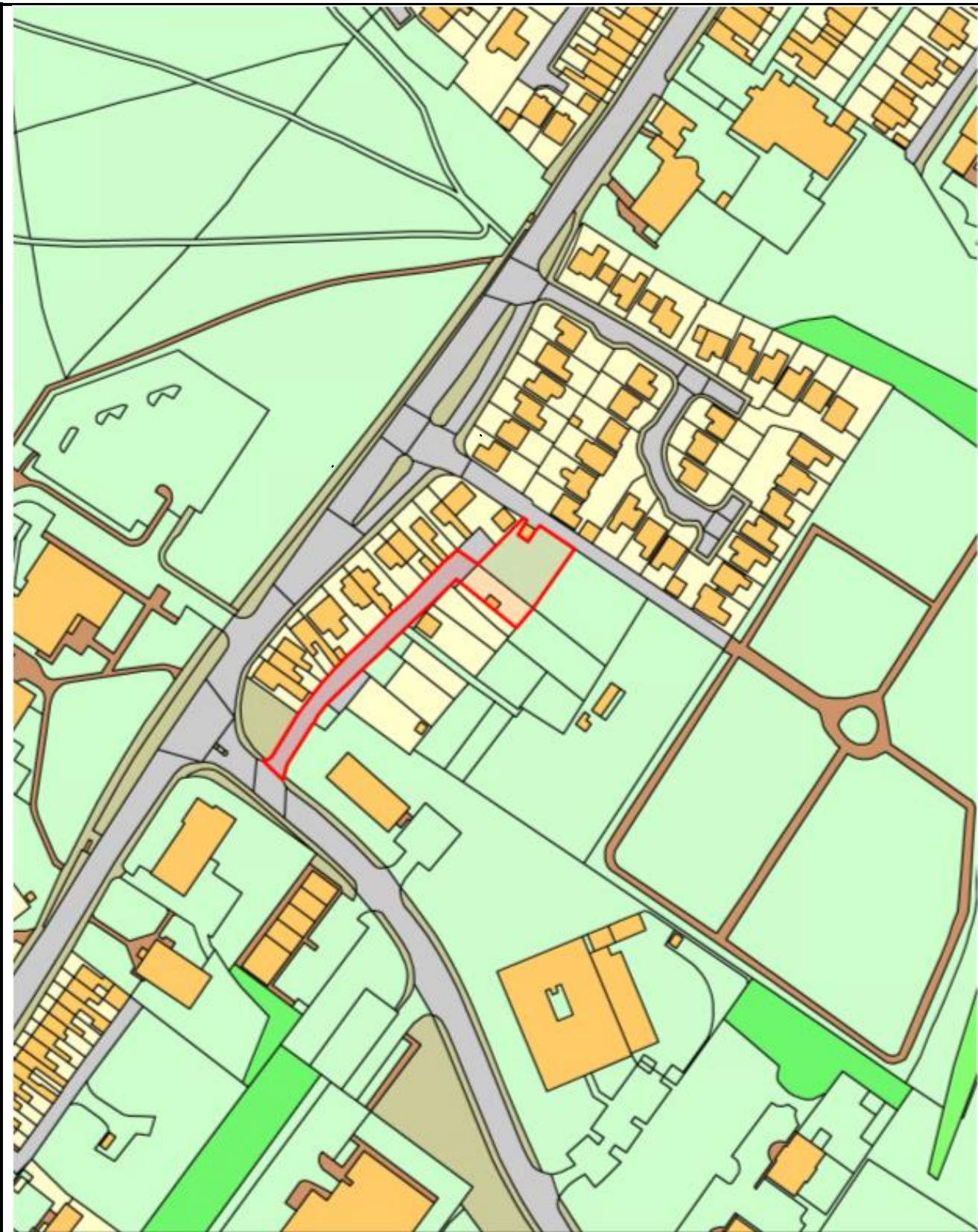
The National Planning Policy Framework (2021)

National Planning Practice Guidance Notes

County Durham Plan (2020)

Residential Amenity Standards SPD (2022)





<b>Planning Services</b>	DM/22/03125/FPA Two storey detached 4bed dwelling and detached double garage with associated external works at Land To the Rear Of 31A To 33 Lobley Hill Road Meadowfield DH7 8RQ	
This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding. Durham County Council Licence No. 100022202 2005		
	<b>Date</b> 13 June 2023	<b>Scale</b> NTS