



## Planning Services

# COMMITTEE REPORT

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### **APPLICATION DETAILS**

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Application No:	DM/23/02397/FPA
Full Application Description:	Erection of 5no dwellings with associated site access and ancillary facilities
Name of Applicant:	Mr John Slatter
Address:	Land North of 1-4 Bow View, Ushaw Moor, DH7 7BY
Electoral Division:	Deerness
Case Officer:	Jill Conroy (Planning Officer) Tel: 03000 264 955 Email: jill.conroy@durham.gov.uk

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### **DESCRIPTION OF THE SITE AND PROPOSAL**

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#### The Site

1. The application site is greenfield land and currently forms part of the Valley View Farm, land holding. It is located on the eastern approach to the settlement of Ushaw Moor, north of the recent residential development of Bow View, which is accessed via Temperance Terrace, which runs parallel to the north of Cockhouse Lane (B6302).
2. The site relates to a rectangular parcel of agricultural land measuring approximately 1.21 hectares. The land has a slight gradient, sloping upwards towards the north and contains a native hedgerow with along the northern, eastern and southern boundaries. To the south and east of the land are residential dwellings with agricultural fields abutting the remaining sides.
3. In terms of planning constraints, the site lies out with any local or national landscape designation, however, is in relatively close proximity to the boundary of an Area of Higher Landscape Value (AHLV). Public Footpath no. 53 (Brandon & Byshottles) runs west of the site in a N-S direction. The site lies within a High-Risk Coal Mining Area.

## The Proposal

4. Full planning permission is sought for the erection of 5no. detached dwellings ranging from 4-5 bedrooms, over 1.5 to 2.5 storeys with associated site access and ancillary facilities. The dwellings would be constructed from brick and render under a blue/black concrete tile roof with uPVC windows and composite doors. Dwelling type A would measure 14.0 metres x 9.0 metres, standing to 6.9 metres in total height. Living accommodation would be provided across two levels with a total of 4 no. bedrooms and an office/bedroom. Dwelling Type B would measure 17.6 metres x 9.9 metres, standing to 6.9 metres in total height. Dwelling type B would include the provision of an attached garage with general living accommodation across two levels with a total of 3 no. bedrooms and 2 no. further office/bedrooms. Dwelling Type C would measure 11.9 metres x 10.1 metres, standing to 8.8 metres in total height. It would include living accommodation across three levels with a total of 3 no. bedrooms and an office/bedroom. Dwelling types A and C will also include the provision of a detached double garage of the same material palette.
5. The site would be accessed from Temperance Terrace, however, an existing agricultural access taken from Cockhouse Lane (B6302) will be temporarily utilised during the construction period of the development. This access will be permanently stopped up post construction.
6. The proposed development would include a drainage strategy to address foul and storm water drainage which incorporates a SUD's drainage pond.
7. The application is being reported to Planning Committee upon the request of Councillor Wilson to allow full consideration of the additional traffic implications, drainage issues and environmental impacts of the proposed development.

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## **PLANNING HISTORY**

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8. No relevant planning history.

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## **PLANNING POLICY**

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### **National Policy**

9. A revised National Planning Policy Framework (NPPF) was published in July 2018 (with updates since). The overriding message continues to be that new development that is sustainable should go ahead without delay. 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.
10. *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.

11. *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.
12. *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.
13. *NPPF Part 6 Building a Strong, Competitive Economy* - The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.
14. *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.
15. *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.
16. *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.
17. *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.

18. *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 Page 73 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:**

19. 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; 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; noise; public rights of way and local green space; planning obligations; 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 (CDP)

20. *Policy 6 (Development on Unallocated Sites)* states the 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.
21. *Policy 10 (Development in the Countryside)* states the development will not be permitted unless allowed for by specific policies in the Plan or Neighbourhood Plan or unless it relates to exceptions for development necessary to support economic development, infrastructure development or development of existing buildings. The policy further sets out 9 General Design Principles for all development in the Countryside.

Provision for economic development includes: agricultural or rural land based enterprise; undertaking of non-commercial agricultural activity adjacent to applicant's residential curtilage. All development to be of a design and scale suitable for intended use and well related to existing settlement.

Provision for infrastructure development includes; essential infrastructure, provision or enhancement of community facilities or other countryside based recreation or leisure activity.

Provision for development of existing buildings includes; changes of use of existing buildings, intensification of existing use through subdivision; replacement of existing dwelling; or householder related development.

22. *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 Parking and Accessibility Supplementary Planning Document.
23. *Policy 26 (Green Infrastructure)* states that development will be expected to maintain and protect, and where appropriate improve, the County's green infrastructure network. Advice is provided on the circumstances in which existing green infrastructure may be lost to development, the requirements of new provision within development proposals and advice in regard to public rights of way.
24. *Policy 27 (Utilities, Telecommunications and Other Broadcast Infrastructure)* States amongst its advice that new residential and commercial development should be served by a high speed broadband connection or appropriate infrastructure for future installation if direct connection is not appropriate, practical or economically viable.
25. *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, subject to transition period.
26. *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.

27. *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.
28. *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.
29. *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 wastewater 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.
30. *Policy 39 (Landscape)* states that proposals for new development will only be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals are expected to incorporate appropriate mitigation measures where adverse impacts occur. Development affecting Areas of Higher landscape Value will only be permitted where it conserves and enhances the special qualities, unless the benefits of the development clearly outweigh its impacts
31. *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.
32. *Policy 41 (Biodiversity and Geodiversity)* states that proposal for new development will not be permitted if significant harm to biodiversity or

geodiversity resulting from the development cannot be avoided, or appropriately mitigated, or as a last resort, compensated for.

33. *Policy 43 (Protected Species and Nationally and Locally Protected Sites)* 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.
34. Residential Amenity Standards SPD (January 2023) – Provides guidance on the space/amenity standards that would normally be expected where new dwellings are proposed.
35. Parking and Accessibility Standards SPD (2023) – Provides details of levels of parking required on development sites and encourages the use of more sustainable modes of travel.

<https://www.durham.gov.uk/cdp>

#### **Neighbourhood Plan:**

36. 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 Consultee Responses:**

37. *Brandon & Byshottle Parish Council* – There are concerns that the small street leading to the development would not be a convenient access and would impede pedestrians and emergency service vehicles. On street parking is already at capacity and additional traffic would impact on highway safety. The proposed site is not well-defined, easily navigable within a network of streets, as such, paths and other rights of way will be impacted upon. Lastly, there is an issue with flood water from the field.
38. *The Coal Authority* – No objection subject to conditions
39. *Highways Authority* – Following submission of additional information which shows the required visibility splays are achieved and that the surface of the temporary haulage road within the extents of the highway boundary is acceptable, there are no objections to the application subject to conditions.

### **Non-Statutory Responses:**

40. *Ecology* – Following submission of further information and subject to condition, there are no objections to the development from an ecological perspective.
41. *Landscape Section* – Following submission of additional details showing an indicative section of planting to the western boundary of the site, there are no objections subject to condition for full planting details to be provided.
42. *Trees* – No objection following submission of AIA whereby the tree protection and management identified in the report should be conditioned. A landscaping scheme should also be provided by way of condition.
43. *Design and Conservation* – The amended site layout has suitably addressed previous concerns in relation to the dominance of garages within the streetscene. There are now no objections raised.
44. *Public Rights Of Way* – It is noted that an access haul road to the development site crosses Brandon and Byshottle Public Footpath 53. This is acceptable for the duration of the construction phase however should be removed following completion. This should be secured by way of condition.
45. *Environmental Health Nuisance* – Considering, the scale of the development, the construction phase is likely to be relatively brief and assuming works are kept within suitable hours (via an appropriate condition), it is not expected that the impact of this phase likely to lead to a breach of the levels stated in the TANS.
46. *Environmental Health Contamination* – No adverse comments to make and no requirement for a contaminated land condition.
47. *Archaeology* – The applicant has submitted a report on a trial trench evaluation of the site. This has identified that anomalies detected in the geophysical survey are archaeological in origin and further survey work is required. Conditions are therefore recommended.

### **Public Responses:**

48. The application has been advertised by way of Site Notice and individual notification letters being sent to 60 neighbouring properties.
49. Twelve individual letters of objection have been received, along with a single petition containing 5no signatures. The comments have been summarised below:
  - Concerns with regards to a general increase in traffic along Temperance Terrace, vehicle parking and general highway safety.
  - Concerns with regards to flooding and drainage issues.
  - The buildings will obstruct views of the open field.



- The three-storey dwellings will overshadow existing buildings, reducing natural sunlight.
- The development will create additional noise, dust and mess for residents during construction.
- Concerns around the loss of the green space around the village.
- Concerns around impact on local wildlife.
- The proposal includes only limited visitor parking for the development which is inadequate.
- There are concerns with regards to the validity of the documents provided including a serious breach of copyright and GDPR.
- Concerns are raised regarding former mining activities below ground on the field.
- The development will impact on local house prices.
- There are concerns that further development will increase the risk of subsidence of adjacent properties.
- The proposed dwellings will impede on privacy levels of adjacent properties.

### **Applicants Statement:**

50. This Applicants Statement has been prepared to assist in the understanding of the scheme as part of the Planning Application for Land North Of 1-4 Bow View Ushaw Moor DH7 7BY. The site is established within the existing residential enclave that is Ushaw Moor with easy access to the local amenities including shops, schools and public transport.
51. The scheme is a low density development comprising of 5No. 4/5 bedroom detached houses and offers larger houses to families to remain in the area. Currently a large proportion of the housing stock provided in Ushaw Moor is a mix of 2 & 3 bedroom units. The houses have been designed to take into account the topography of the site with the two units positioned to the lower end of the site, designed as one and half story, which link between the bungalows to the adjoining site and this proposal. The three houses on the upper portion of the site are to be built into the hill with a front elevation of two and half story whilst the rear will be one and half story. Welby Drive on the adjoining site is a similar albeit larger scale and higher density development which has built into the side of a sloping site. With reference to CDP 29, the development creates spaces that are adaptable to social & technological change and enable multi-generational living which also embraces new sustainable technologies, including solar PV generation and air source heat pumps.
52. In addition, a drainage strategy has been provided to meet the requirements of CDP 35 which caters for a new foul and storm water drainage system incorporating a SUD's drainage pond to control the outflow of water during periods of high demand.
53. Additional trees & hedgerows are to be provided to the existing hedgerow boundaries to ensure the site is adequately screened while enhancing the ecological and bio-diversity of the site. The topography of the site has been

used to incorporate the proposed dwellings into the site to minimise height & scale where practically possible & the low density minimises impact of the local vicinity. The scheme caters for natural bio-diversity with areas being set aside to make improvements to the flora and fauna including the planting for a mixture of native shrubs and trees which will further enhance wildlife in the immediate area.

54. The applicant has taken onboard comments from the local residents in relation to the potential for increased traffic during the construction phase of the project and proposed to create a temporary haul road which will divert this traffic away from existing residential streets to an access point on the B6302, which has been discussed and agreed with the Highways Department.
55. In summary the proposal has been designed incorporating local concerns to ensure the requirements of the CDP Can be achieved. This includes density and design, use of sustainable technologies and addressing concerns raised by local residents uses of the development both during and after the completion of the proposed construction of the project, therefore enabling the scheme to be supported.

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## **PLANNING CONSIDERATION AND ASSESSMENT**

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56. 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 advice within the National Planning Policy Framework (NPPF), the policies contained therein are material considerations that should be taken into account in decision making. Other material considerations include representations received. In this context, it is considered that the main planning issues in this instance relate to the principle of the development; landscape and visual impact; scale/design; highway safety/access; ecology; residential amenity; drainage; ground conditions; sustainable construction and other issues.

### Principle of Development

57. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The County Durham Plan (CDP) 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. The CDP was adopted in October 2020 and provides the policy framework for the County up until 2035 and is therefore considered up to date.
58. The application site relates to an undeveloped parcel of land on the western edge of the settlement of Ushaw Moor. The site is bound to the south and east by existing housing developments, with open countryside to the north and west.

59. The site is not allocated for housing under Policy 4 of the CDP; Policy 10 of the CDP deals with development in the Countryside, and states that "Development in the countryside will not be permitted unless allowed for by specific policies in the Plan", in this instance given that the site is on the edge of, and well related to the settlement of Ushaw Moor, Policy 6 is the most relevant policy for the consideration of this proposal.
60. Policy 6 of the County Durham Plan supports development on sites which are not allocated in the Plan, but which are either within the built-up area or outside the built up area but well related to a settlement, stating that such development will be permitted provided it is compatible with uses 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.
61. As detailed above policy 6 of the CDP permits development on unallocated sites provided it meets the criteria set out within the policy. In this regard it is considered that the proposal is well related to the settlement and can draw in principle support from this policy given that the site is bounded on two sides by existing compatible residential uses, well related to the settlement and would not be prejudicial to any existing or permitted adjacent uses (criteria a), it is within the existing built framework of Ushaw Moor and as such would not lead to coalescence with neighbouring settlements (criteria b), would not result in a loss of open land that has any recreational, ecological or heritage value (criteria c), would not result in the loss of a valued village facility (criteria g). and would make use of previously developed land (criteria l). Consideration of criteria d, e and f of policy 6 are considered elsewhere within this report. It is not considered that criteria h, i and j are relevant due to the outline nature of the proposal.
62. It is therefore considered that the principle of residential use in this location is acceptable subject to the relevant material considerations as set out below.

### Sustainable Development

63. The overriding objective of planning is to contribute to the achievement of sustainable development; this objective is echoed in the NPPF particularly as the presumption in favour of sustainable development is the golden thread running through the NPPF. In applying the presumption and in viewing the Government agenda to build more homes due regard must be had to the requirement to provide homes that meet the needs of the community and that are in the right location.
64. Considerable weight should be given to the fact that the authority can now demonstrate in excess of a five-year housing land supply but that does not override the requirement that is set out with the National Planning Policy Framework to ensure that development is sustainable. The NPPF paragraph 8

sets out the three dimensions that form sustainable development, namely, economic, environmental and social. The three roles are mutually dependent and should not be taken in isolation.

65. Critically, paragraph 11 of the NPPF states that, for decision-takers, applying the presumption in favour of sustainable development means approving development proposals that accord with an up-to-date development plan without delay. Whilst Paragraph 12 of the NPPF on the other hand stipulates that where a planning application conflicts with an up-to-date development plan, permission should not usually be granted. Local Planning Authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.
66. The proposed development is located within the envelope of the existing settlement with residential uses to the East and South. The site has easy access to sustainable transport links with a bus route to the south of the site on the Cockhouse lane approximately 75.0m from the access to the site providing direct access to Esh Winning and Durham City, along with other bus services from stops within the main settlement approx. 350.0m from the site entrance. The proposal will have easy access to the various amenities within the centre of Ushaw Moor such as (shops, pubs and community facilities) approx. 400.0m. it is therefore considered that the site is a suitable sustainable location in line with section 2 of the NPPF and the aspirations of paragraph 79 of the NPPF in supporting the vitality and viable of communities.
67. Policy 15 additional requires that all housing developments of 5 or more units must provide a minimum of 66% of the units to be Building Regulation M4(2) compliant. In this regard it is considered that a planning condition can secure this requirement.
68. Policy 19 of the County Durham Plan requires that developments secure an appropriate mix of dwelling types and sizes, taking account of existing imbalances in the housing stock, site characteristics, viability, economic and market considerations and the opportunity to facilitate self-build or custom build schemes. In this regard the development would provide the opportunity for a mix of dwelling sizes and types. It is therefore considered that the mix of dwellings within the site is acceptable and in accordance with the provision of Policy 19.

#### Principle of development summary

69. In this instance, subject to the proposal securing the relevant planning contributions and obligations as required by policy 25 of the CDP then the application would be considered to be in general accordance with Policy 6 of the County Durham Plan and Section 9 of the NPPF.

#### Landscape and Visual Impact

70. CDP Policy 6 sets out that development must not result in the loss of open land that recreational, ecological or heritage value, or contributes to the character of the locality which cannot be adequately mitigated or compensated for.

71. CDP Policy 10 under the general design principles states that development in the countryside must not give rise to unacceptable harm to the heritage, biodiversity, geodiversity, intrinsic character, beauty or tranquillity of the countryside either individually or cumulatively, which cannot be adequately mitigated or compensated for;
72. CDP Policy 39 states proposals for new development will be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals would be expected to incorporate appropriate measures to mitigate adverse landscape and visual effects. Development affecting Areas of Higher Landscape Value will only be permitted where it conserves, and where appropriate enhances, the special qualities of the landscape, unless the benefits of development in that location clearly outweigh the harm.
73. Policy 40 advises that proposals for new development will not be permitted which would result in the loss of, or damage to, trees of high landscape, amenity or biodiversity value unless the benefits of the proposal clearly outweigh the harm. Where development would involve the loss of ancient or veteran trees it will be refused unless there are wholly exceptional reasons and a suitable compensation strategy exists. Proposals for new development will be expected to retain existing trees where they can make a positive contribution to the locality or to the development, maintain adequate stand-off distances between them and new land-uses, including root protection areas where necessary, to avoid future conflicts, and integrate them fully into the design having regard to their future management requirements and growth potential. Where trees are lost, suitable replacement planting, including appropriate provision for maintenance and management, will be required within the site or the locality.
74. Parts 12 and 15 of the NPPF promotes good design and sets out that the planning system should contribute to and enhance the natural and local environment by (amongst other things) recognising the intrinsic character and beauty of the countryside and optimise the potential use of the site.
75. The application site is not within any specific landscape designation; however it lies within 250m of an area identified in the CPD as an Area of Higher Landscape Value (AHLV).
76. The site lies in the West Durham Coalfield which forms part of the larger Durham Coalfield Pennine Fringe National Character Area (NCA 16). It lies in the Deerness and Hedleyhope Valleys Broad Character Area which belongs to the Coalfield Valley Broad Landscape Type. The site is made up of Surveyor enclosed land (Valley farmland: wooded pasture local landscape type). The site lies within an area identified in the County Durham Landscape Strategy (2008) as a Landscape Conservation Priority Area with a strategy of conserve and restore. Key visual receptors of the site will be users of the Public Right of Way 53 (Brandon and Byshottles Parish) which runs in a N-S direction, west of the application site.

77. The Council's Landscape Team have been consulted on the application. They comment that the proposal would result in the loss of open agricultural field, with existing hedgerows to the site boundary which would be potentially impacted by the development. As such, it was advised that an Arboricultural Impact Assessment be undertaken. Comments went on to advise that the development would extend the settlement of Ushaw Moor and that the domestic/residential nature of the development would negatively impact to the open agricultural character of the public right of way (PRoW) to the western boundary, with visual impacts largely dependent on materiality and boundary treatments. The Landscape Officer has advised that the site boundary and relationship to the PRoW should be reconsidered with sufficient off-set provided to permit an adequate landscape corridor to provide for an appropriate level of structural landscaping to screen or assimilate the development into its surroundings and provide a more attractive new settlement boundary.
78. The Councils Arborist has also been consulted and advised that the proposed layout would not appear to directly impact any trees, however, there are several trees/hedges on the perimeter of the site, in particular the eastern boundary which could be impacted by the proposal and associated construction activities, as such, in order to support an application a tree survey was requested.
79. The applicant subsequently provided a Tree Survey and report for the site with Landscape colleagues deferring this matter to the Councils Arborist. DCC's Arborist advise that they concur with the arboricultural assessment and recommendations and advise that a condition is included to ensure full compliance with the arboricultural tree protection/management requirements as detailed within the report.
80. The applicant has also provided amended plans detailing an indicative area to the western boundary in which to provide appropriate screen planting. Full details of planting will be included as a condition to ensure appropriate delivery.
81. Following the amendments and subject to conditions, both the Councils Landscape Officer and Arboricultural Officer raise no objections to the proposed development. As such, the proposal is considered to accord with Policies 6, 10, 29, 39 and 40 and Parts 12 and 15 of the NPPF in this respect.

#### Scale/Design

82. CDP Policy 6 requires development to be appropriate in terms of scale, design, layout and location to the character, function, form and setting of, the settlement.
83. CDP Policy 10 under criteria o requires new development in the countryside, by virtue of their siting, scale, design and operation to not impact adversely upon the setting, townscape qualities, including important vistas, or form of a settlement which cannot be adequately mitigated or compensated for.
84. CDP Policy 29 outlines that development proposals should contribute positively to an area's character, identity, heritage significance, townscape and landscape

features, helping to create and reinforce locally distinctive and sustainable communities. In total, Policy 29 sets out 18 elements for development to be considered acceptable, including: buildings being adaptable; 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.

85. Parts 12 and 15 of the NPPF also seek to promote good design, while protecting and enhancing local environments. Paragraph 127 of the NPPF also states that planning decisions should aim to ensure developments function well and add to the overall quality of the area and establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit.
86. The site is not located within a conservation area, with no adjacent designated heritage assets, however as set out above, the site is located adjacent to an AHLV.
87. The surrounding built up area is characterised by a combination of dwelling types with modest, terraced properties to the east, which are simplistic and traditional in their size, form, proportions and detailing. To the south, is a new housing estate comprising a range of semi-detached and detached dwellings, of a uniform character and material palette, ranging from two to three storey properties.
88. The proposed properties are detached, 4no of which containing detached garages with the remaining single property containing an integral garage. Each plot of which containing a driveway with large expanse of hardsurfacing and driveway centred around a new access road taken from Temperance Terrace. The proposed scale of development is deemed to be commensurate with the size of the plot.
89. DCC's Design and Conservation Team were consulted on the application and commented that the scheme takes a contemporary approach to design and highlight the importance of ensuring an appropriate form of development due to the edge of settlement location. In this instance however, concerns were initially raised regarding the proposed layout of the scheme, noting that the streetscene would be heavily dominated by large, detached garages and hardsurfacing rather than dwelling frontages and landscaping. This would be particularly exacerbated given the raising land levels of the site. The applicant was advised to amend the design accordingly.
90. Discussions were undertaken regarding garage positioning where it was accepted that due to the site constraints, it would not permit the garages to be set to the rear of the properties. However, an amended layout has subsequently been provided which repositions the garages from their original dominant location. DCC's Design and Conservation Officer is now satisfied with the scheme on the whole, subject to conditions relating to external materials.

91. Accordingly, the proposal is now deemed acceptable in terms of design, scale and materials and would have due regard to local character of the area, thereby complying with Policies 6, 10 and 29 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.

#### Residential Amenity

92. Parts 12 and 15 of the NPPF require that a good standard of amenity for existing and future users be ensured, whilst seeking to prevent both new and existing development from contributing to, or being put at unacceptable risk from, unacceptable levels of pollution.
93. CDP Policy 31 states that all new development that has the potential to lead to, or be affected by, unacceptable levels of air quality, inappropriate odours and vibration or other sources of pollution, either individually or cumulatively, will not be permitted including where any identified mitigation cannot reduce the impact on the environment, amenity of people or human health to an acceptable level.
94. A Residential Amenity Standards Supplementary Planning Document (SPD) has been adopted by the Council, which recommends that dwellings should benefit from private, usable garden space of at least 9 metres long. In considering this, each of the dwellings have a private amenity space which complies with the required 9 metres distance set out in the Residential Amenity Standards SPD.
95. The Residential Amenity Standards SPD also sets out the following separation distances for new development to comply with:-
- 'A minimum distance of 21.0m between habitable room windows, where either dwelling exceeds single storey, and a minimum of 18.0m between habitable room windows and both dwellings are single storey.
  - Where a main facing elevation containing a habitable room windows is adjacent to a gable wall which does not contain a habitable room window, a minimum distance of 13.0m shall be provided where either dwelling exceed single storey or 10.0m where both dwellings are single storey.'
96. Concerns have been raised from local residents that the proposed dwellings will impede on privacy levels of adjacent properties, overshadow existing buildings thus reducing natural sunlight and obstruct views of the field.
97. In regard to this, to the north and west of the application site are open fields. There are residential dwellings to the south and east of the site, however the development achieves the minimum separation distances as outlined in the Residential Amenity Standards SPD. Whilst screen planting is detailed to the east, which will break up any direct views across in this regard, there is high-level fencing to the rear of the plots to the south which will also create a screening effect. Overall, it is not considered that the proposed development will impact neighbouring properties in terms of loss of privacy.



98. The dwellings have been designed to accommodate the existing topography of the site and are 1.5 storeys to the lower, southern section of the site and 2.5 storey to the more norther section, however, these dwellings will be set into the land, to minimise any impact on light to the existing neighbouring dwellings. Therefore, it is considered that the proposed development will not result in significant detrimental impact on light to warrant refusal of the application.
99. Whilst it is accepted that views of the field will change as a result of the proposed development, this is not a material planning consideration and will not be given any weight in this regard.
100. In terms of the amenity of future occupiers, the dwellings would provide four and five bedrooms respectively and would be compliant with the Nationally Described Space Standards (NDSS) which requires a 5-bedroom, 8 person dwelling over two storeys to have a 128 square metres gross internal floor area with a minimum of 3.5 square metres of built in storage provision and a 4-bedroom, 8 person dwelling at three storeys to have 130 square metres gross internal floor area with a minimum of 3 square metres of built in storage provision. In this instance, dwelling type A would provide approximately 187 square metres internal floor area, dwelling type B approximately 190 square metres internal floor area and dwelling type C would have approximately 203 square metres internal floor area, all in excess of the NDSS requirements.
101. Concerns have been received from local residents with regards to the additional noise, dust and general mess caused during the construction phase of the development.
102. The Councils Environmental Health Dept. have been consulted and note that the development is noise sensitive, advising that the locality may be regarded as a semi-urban, rural setting with both residential housing and agricultural fields adjacent to the site. However, noting that there are no major roads near to the site, the relevant noise levels should be relatively low and comply with the thresholds stipulated in the Technical Advice Notes (TANs). Comments go on to further advise that given the scale of the development, the construction phase is likely to be brief and assuming works are kept within suitable hours, via an appropriate condition, it is not expected that the impact of this phase would likely to lead to a breach of the levels stated in TANs. Accordingly, there are no objections from Environmental Health and that the development would unlikely cause a statutory nuisance.
103. Overall, the proposals are considered to provide a good standard of amenity for existing and future residents, according with CDP Policy 31 and Part 12 and 15 of the NPPF.

#### Highway Safety/Access

104. CDP Policy 21 outlines that development should not be prejudicial to highway safety or have a severe cumulative impact on network capacity, expecting developments to deliver well designed pedestrian routes and sufficient cycle and car parking provision. Similarly, Policy 29 advocates that convenient

access is made for all users of the development together with connections to existing cycle and pedestrian routes. Criterion e) of Policy 6 requires development to not be prejudicial to highway safety or have a severe residual cumulative impact on network capacity. Criterion q) of Policy 10 does not permit development in the countryside where it would be prejudicial to highway safety.

105. CDP Policy 26 states that development will be expected to maintain or improve the permeability of the built environment and access to the countryside for pedestrians, cyclists and horse riders. Proposals that would result in the loss of, or deterioration in the quality of, existing Public Rights of Way (PROWs) will not be permitted unless equivalent alternative provision of a suitable standard is made. Where diversions are required, new routes should be direct, convenient and attractive, and must not have a detrimental impact on environmental or heritage assets.
106. Specifically, the NPPF sets out at Paragraph 110 that safe and suitable access should be achieved for all users. In addition, Paragraph 111 of the NPPF states that development should only be refused on transport grounds where the residual cumulative impacts on development are severe.
107. Concerns have been received from local residents with regards to an increase in traffic along Temperance Terrace, vehicle and visitor parking and general highway safety.
108. The development proposes vehicle access to be taken from Temperance Terrace to the east. Temperance Terrace is an adopted residential street road with access taken off Cockhouse Lane (B6302). A new road will serve the dwellings providing in-curtilage driveway/parking areas to the front of each property, with space for up to a minimum of 2no vehicles each.
109. Whilst permanent vehicle access is to be taken from the east, the development proposes a temporary haulage road to be taken directly from an existing agricultural access from Cockhouse Lane. The haulage road will also include a site compound area, permitting construction vehicle access from this route with a view of avoiding unnecessary disturbance to the residents of Temperance Terrace during the construction phase of the development.
110. The Highway Authority have reviewed the application and have advised that the proposal includes a 5.5m wide internal road with footpath, service margin and turning facility. The in-curtilage car parking requirements for the proposed 4/5-bedroom properties would accord with the requirements of the Parking and Accessibility Standards SPD, which is 3 incurtilage parking spaces per dwelling. Whilst plans depict 2no vehicles to the front, there is sufficient space for an additional vehicle. In addition, there is allocated space for visitor parking as required. The proposal details a bin collection point positioned directly behind the adopted highway which is deemed acceptable. The application includes a swept path analysis for a 11.2m length service vehicle which confirms that the vehicle can enter and exit the internal road layout in forward gear.

111. The Highway Authority also commented that a pre and post construction road condition survey would be required due to the tight turning manoeuvres for construction vehicles during the works. However, the applicant has provided amended plans to include the provision of a haulage road to be taken from an existing agricultural access off Cockhouse Lane to the application site to avoid the need of construction vehicles passing along Temperance Terrace. The Highway Authority is satisfied with the proposed revision to the scheme subject to amendments to the detailed visibility splays, which have since been updated.
112. The Highway Authority have commented that the scheme, as amended is now acceptable and would raise no serious highway safety concerns.
113. The temporary haulage road will cross over the Public Right of Way (PRoW) no.53. DCC's Public Right of Way Officer has been consulted and advises that the proposed arrangement is acceptable for the duration of the construction period, however, it must be removed and returned to its former condition, post works. In addition, it is advised that safety signage is provided for both vehicles and pedestrians using the crossing and shall be maintained by the developer. Lastly, the road surface crossing and the path surface directly to the sides must remain free from excess mud, water run off etc. from haulage traffic. All of these requirements have been detailed on the proposed site plan and shall form the basis of a planning condition to ensure compliance. Overall, however no objection is made to the development in this regard.
114. Overall, noting the concerns of the local residents, it is considered that the scheme has suitably addressed all outstanding matters in terms of access. The resultant proposal would not be prejudicial to highway safety or pedestrian access and would therefore accord with CDP Policies 6, 10, 21 and 26 and Part 9, 12 and 15 of the NPPF.

## Ecology

115. NPPF Paragraph 180 d) advises that opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate. In line with this, CDP Policy 41 seeks to ensure new development minimises impacts on biodiversity by retaining and enhancing existing diversity assets and features. Proposals for new development should not be supported where it would result in significant harm to biodiversity or geodiversity.
116. Policy 43 sets out that development proposals that would adversely impact upon nationally protected sites will only be permitted where the benefits clearly outweigh the impacts while 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.

117. Concerns have been raised from neighbouring properties that the proposed development will have an impact on the local wildlife.
118. The application is supported by a Preliminary Ecological Appraisal which has assessed the likely presence of protected species or habitats on the site. The Councils Ecology Officer has reviewed this information and advised that although the content of the PEA is acceptable, the habitat survey methods did not take the correct approach, therefore further details were requested. The applicant has subsequently provided this information and DCC's Ecologist is now satisfied with the information provided and raises no objection to the proposals subject to the applicant entering into a Section 39 legal agreement to appropriately secure the enhancement and creation habitats as detailed in the submitted Defra Metric and the mitigation/recommendations detailed in the revised PEA, along with a 30-year management and maintenance plan. The detailed landscape scheme to be conditioned as detailed in paragraph 80 above will coincide with the needs of the S.39 agreement.
119. Overall, subject to condition and securing a Section 39 agreement, a biodiversity net gain can be achieved on the site to comply with Policy 41 and 43 of the County Durham Plan.

#### Drainage

120. Part 14 of the NPPF seeks to resist inappropriate development in areas at risk of flooding, directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere. Paragraph 167 advises that when determining planning applications, local planning authorities should ensure that flood risk is not increased elsewhere and that where appropriate applications should be supported by a site-specific flood-risk assessment. Paragraph 169 goes on to advise that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate.
121. CDP Policies 35 and 36 relate to flood water management and infrastructure. Policy 35 requires development proposals to consider the effects of the scheme on flood risk and ensure that it incorporates a Sustainable Drainage System (SUDs) to manage surface water drainage. Development should not have an adverse impact on water quality. Policy 36 seeks to ensure that suitable arrangements are made for the disposal of foul water.
122. The site is not located within a flood zone; however, local residents have raised concern with regards to flooding and drainage issues. Information has been submitted with the application advising that the proposed foul water will be connected to the mains sewer and that the scheme will incorporate a SUD's drainage pond to control the outflow of water during periods of high demand. Further specific details of the proposed drainage arrangements will be

considered by Building Regulations; however, for the purposes of Planning, it is considered likely that surface water could be adequately attenuated before being discharged, thereby according with Policies 35 and 36 of the CDP.

#### Ground Conditions

123. Part 15 of the NPPF seeks to prevent unacceptable risks from pollution and land stability. Where a site is affected by contamination or where land stability issues arise, responsibility for securing a safe development rests with the developer and/or landowner. Policy 32 relates to despoiled, degraded, derelict, contaminated and unstable land and requires developers to demonstrate that any land subject to this can be satisfactorily addressed by appropriate mitigation measures prior to the construction and occupation of the proposed development as well as the site being suitable for the proposed use and that all the necessary investigations and risk assessments have been undertaken.
124. Concerns have been raised about further development increasing the risk of subsidence to adjacent properties and also regarding former mining activities below ground on the field.
125. The Council's Contaminated Land Team have been consulted on the application acknowledging the submission of a Phase 1 Geo-Environmental Desk Study (Land Contamination Risk Assessment) and have advised that they have no adverse comments to make and therefore no requirement for land contamination conditions, however an informative has been suggested.
126. Therefore, based on the comments from the Contaminated Land Team, the proposal is considered to comply with CDP Policies 32, 56 and NPPF Paragraph 183.
127. The site is partially located within the Coalfield High Risk area and accordingly the Coal Authority have been consulted. Following discussions with the Coal Authority and submission of further reports, they now have no objection to the development subject to the inclusion of conditions which require the submission of a scheme of intrusive investigations and remediation to be carried out.
128. Taking into account the above, the proposal will be acceptable in terms of ground conditions subject to planning conditions and would comply with Policy 32 of the County Durham Plan.

#### Sustainable Construction

129. CDP Policy 29 requires new development to minimise the use of non-renewable and unsustainable resources, including energy, water and materials during both construction and use by encouraging waste reduction and appropriate reuse and recycling of materials, including appropriate storage space and segregation facilities for recyclable and non-recyclable water and prioritising the use of local materials.

130. No specific information in relation to this has been provided. However, the site is within the gas network and a condition can be included to secure the submission of this information to show how the proposal would comply with this policy requirement, including the use of renewable energy and carbon reduction measures.
131. Policy 27 of the CDP states that any residential and commercial development should 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.
132. According to the OFCOM availability checker, the site has access to superfast broadband in accordance with Policy 27 of the CDP.

#### Other Issues

133. The Council's Archaeologist has commented on the application advising of the necessity of conditions including a Written Scheme of Investigations to set out a programme of archaeological works and a post investigation assessment. Accordingly, subject to these conditions, the proposal would comply with Policy 44 of the CDP.
134. Concerns have been made to the Council over the validity of the supporting documentation due to a breach of copyright issues in one of the submitted reports. The Council were made aware of a situation of copyright and acted accordingly. The document was removed from the file upon notification of the breach.
135. Comments have been made that the development may impact on local house prices. This however is not a material consideration of which can be considered as part of this application.
136. Concerns have also been received regarding the loss of green space around the village. The land is privately owned agricultural land and not designated as open space, therefore there is no loss in this regard.

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## **CONCLUSION**

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137. The proposal is for the erection of 5no dwellings with associated site access and ancillary facilities, which is to be located on the edge of the settlement of Ushaw Moor, which is deemed acceptable in principle with regards to Policy 6 of the County Durham Plan.
138. Despite numerous concerns from local residents, the proposed development does not raise any issues, which cannot be suitably mitigated against in terms of landscape and visual impact; scale/design; highway safety/access; ecology; residential amenity; drainage; ground conditions; sustainable construction and other issues. The proposal therefore is considered to accord with Policies 6, 10, 21, 26, 27, 29, 31, 32, 35, 36, 39, 40, 41 and 43 of the CDP and Parts 2, 4, 5, 6, 8, 9, 12, 14 and 15 of the NPPF.

139. There are no material considerations which indicate otherwise and therefore the application is recommended for approval subject to the following conditions and a section 39 legal agreement:

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## RECOMMENDATION

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That the application be **APPROVED** subject to the following conditions and a Section 39 legal agreement:

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 following plans and documents:

001A	Proposed Site Location Map and Site Layout	09.04.2024
002D	Proposed Site Location Map and Site Layout	09.04.2024
003	Proposed Plans and Elevation House Type A	08.08.2023
004	Proposed Plans House Type B	08.08.2023
005	Proposed Plans House Type C	08.08.2023
006	Proposed Elevation House Type B and C	08.08.2023
007	Proposed Garages	08.08.2023
008D	Proposed Site Layout/Ecological Study	09.04.2024
009D	Proposed Site Layout Map	09.04.2024
0010A	Existing and Proposed Site Layout	09.04.2024

*Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies 06, 10, 21, 26, 27, 29, 31, 32, 35, 36, 39, 40, 41 and 43 of the County Durham Plan and Parts 2, 4, 5, 6, 8, 9, 12, 14 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 and roofing 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. 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.

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

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 hereby approved.

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.

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

*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.*

5. 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.

6. The development shall take place in strict accordance with the arboricultural tree protection and management as detailed within the submitted Arboricultural Implications Study, produced by Arbor Division Ltd, submitted 02.10.23. The protective fencing as detailed in the report shall be installed prior to the commencement of the development hereby approved and should be retained thereafter during construction.

*Reason: In the interest of visual amenity to ensure appropriate protection of trees on site in accordance with Policies 29, 39 and 40 of the County Durham Plan and Part 15 of the National Planning Policy Framework*

7. The development shall take place in strict accordance with the Recommendations and Mitigation detailed in the submitted Preliminary Ecological Appraisal, produced by Veronica Howard, dated February 2024 as revised.

*Reason: To protect protected species and their habitats and to comply with policy 43 of the County Durham Plan and Part 15 of the National Planning Policy Framework.*

8. No development shall commence until a Written Scheme of Investigation setting out a programme of archaeological work in accordance with 'Standards for All Archaeological Work in County Durham and Darlington' has been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work will then be carried out in accordance with the approved scheme of works.

*Reason: To safeguard any archaeological interest in the site, and to comply with part 16 of the National Planning Policy Framework (NPPF). Required to be a pre-commencement condition as the archaeological investigation/mitigation must be devised prior to the development being implemented.*

9. The development shall not be occupied until the post-investigation assessment has been completed in accordance with the approved Written Scheme of Investigation. The provision made for analysis, publication and dissemination of results, and archive deposition, should be confirmed in writing to, and approved by, the Local Planning Authority.

*Reason: To comply with paragraph 211 of the NPPF, which requires the developer to record and advance understanding of the significance of heritage assets, and to ensure information gathered becomes publicly accessible.*

10. No built development shall commence on each plot until:-

a scheme of intrusive site investigations has been carried out to establish the risks posed to the development of that plot by past coal mining activity, and;

any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented in full in order to ensure that the site is made safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

*Reason: The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with Policy 32 of the County Durham Plan and Paragraphs 178 and 179 of the National Planning Policy Framework.*

11. Prior to the first occupation of the development a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

*Reason: To ensure the safety and stability of the development, in accordance with Policy 32 of the County Durham Plan and Paragraphs 178 and 179 of the National Planning Policy Framework.*

12. 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.*

13. Prior to the first occupation of the development hereby approved, the temporary vehicle access road from Cockhouse Lane, shall be permanently closed and the land reinstated to its former condition, including the reinstatement of the grass verge.

*Reason: In the interest of visual amenity and to accord with Policies 21, 29 and 39 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.*

14. No property shall be occupied until the internal estate road has been constructed.

*Reason: In the interest of highway safety and to accord with Policy 21 of the County Durham Plan and Part 9 of the National Planning Policy Framework.*

15. The proposed development shall be supported by a detailed scheme, which shall be submitted to and approved in writing, prior to the erection of the dwellings hereby permitted, to minimise greenhouse gas emissions, with the aim of achieving as close as possible a zero carbon buildings. The scheme shall include, but not be limited to, provision of renewable and low carbon energy generation. The agreed renewable and low carbon energy measures shall thereafter 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 29c) of the County Durham Plan.*

16. Prior to the first occupation of any of the dwellings hereby approved, a plan shall be submitted to and agreed in writing by the Local Planning Authority that details 3no. (66% of the total dwellings) plots that will be constructed to Building Regulation M4(2) standards and thereafter, the development shall be constructed in accordance with the approved details

*Reason: To provide an adequate level of housing mix to meet the needs of people with disabilities in accordance with Policy 15 of the County Durham Plan and Section 5 of the NPPF*

17. Prior to the first occupation of any of the dwellings hereby approved, details of 1no. electric vehicle charging point per dwelling and its location shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be constructed in accordance with the approved details and retained in perpetuity unless replaced with an equivalent or better low carbon vehicle power source.

*Reason: To ensure a satisfactory form of development in accordance with Policy 21 of the County Durham Plan.*

18. 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:

A Dust Action Plan including measures to control the emission of dust and dirt during construction.

Details of methods and means of noise reduction/suppression.

Where construction involves penetrative piling, details of methods for piling of foundations including measures to suppress any associated noise and vibration.

Details of measures to prevent mud and other such material migrating onto the highway from all vehicles entering and leaving the site.

Designation, layout and design of construction access and egress points.

Details for the provision of directional signage (on and off site).

Details of contractors' compounds, materials storage and other storage arrangements, including cranes and plant, equipment and related temporary infrastructure.

Details of provision for all site operatives for the loading and unloading of plant, machinery and materials.

Details of provision for all site operatives, including visitors and construction vehicles for parking and turning within the site during the construction period.

Routing agreements for construction traffic.

Details of the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.

Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works.

Management measures for the control of pest species as a result of demolition and/or construction works.

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.*

19. The garage for the proposed dwelling hereby approved shall be completed prior to the first occupation of dwellings and made available thereafter for the parking of vehicles for the lifetime of the development and shall not be used as or converted into habitable accommodation.

*Reason: Reason: In the interests of highway safety to comply with Policy 21 of the County Durham Plan and the Parking and Accessibility SPD.*

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## **INFORMATIVES**

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1. If unforeseen contamination is encountered, the Local Planning Authority shall be notified in writing immediately. Operations on the affected part of the site shall cease until an investigation and risk assessment, and if necessary a remediation strategy is carried out in accordance with the YALPAG guidance and agreed with the Local Planning Authority. The development shall be completed in accordance with any amended specification of works.
2. Under the Coal Industry Act 1994 any intrusive activities, including initial site investigation boreholes, and/or any subsequent treatment of coal mine workings/coal mine entries for ground stability purposes require the prior written permission of The Coal Authority, since such activities can have serious public health and safety implications. Failure to obtain permission to enter or disturb our property may result in the potential for court action. Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority's website at: [www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property](http://www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property)
3. In areas where shallow coal seams are present caution should be taken when carrying out any on site burning or heat focused activities.

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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In accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority 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.

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## **BACKGROUND PAPERS**

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Submitted Application Forms, Plans and supporting documents

National Planning Policy Framework

The County Durham Plan (CDP)

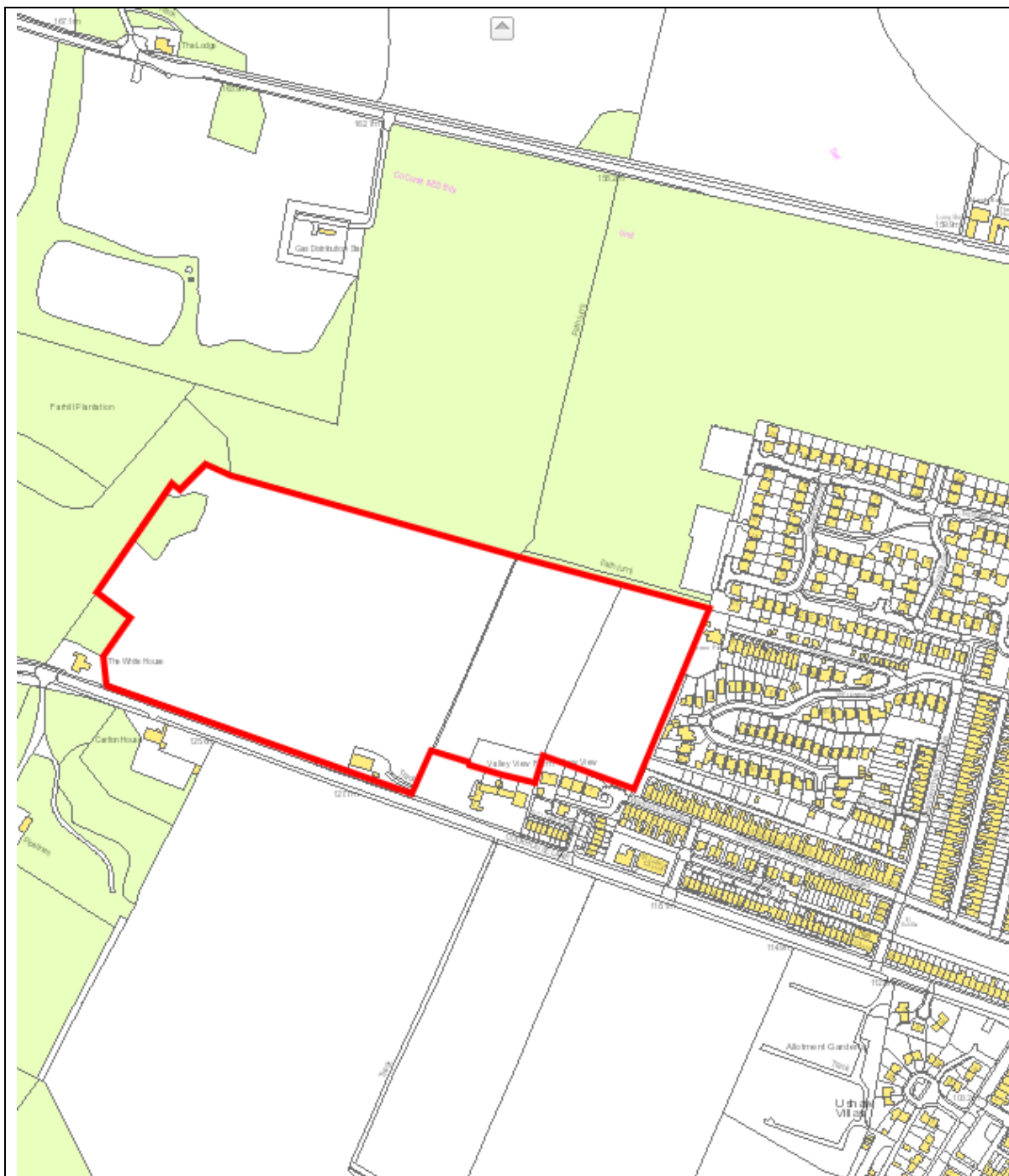
Residential Amenity Standards Supplementary Planning Document January 2023

Parking and Accessibility Standards Supplementary Planning Document 2023

Statutory consultation responses

Internal consultation responses

External consultation responses



**Planning Services**

Erection of 5no dwellings with associated site access and ancillary facilities.

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Date: 24 April 2024