

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/17/03634/FPA
FULL APPLICATION DESCRIPTION:	Erection of two dwellings and detached garage
NAME OF APPLICANT:	Mr David Armstrong The Crest Beamishburn Road
ADDRESS:	Beamish Stanley DH9 0LR
ELECTORAL DIVISION:	Tanfield
CASE OFFICER:	Nick Graham Planning Officer Telephone: 03000 264960 nicholas.graham@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site is 0.15 ha. of land, to the north of Kip Hill, part of the Shield Row area of Stanley, approximately 0.75 miles north-east of Stanley town centre. A new housing estate, Badgers Wood completed in the mid 2000s, lies within approximately 100 metres of the site to the south, whilst the South Causey Inn Hotel is located within approximately 150 metres to the north of the site. Between the Hotel and application site, planning permission has been granted for tourist accommodation.
2. The land is currently used as a garden and driveway for the host property, The Crest. A double detached garage at the site, would be demolished to facilitate the development. The western boundary is formed of an embankment leading to Causey Road. The northern boundary borders an agricultural field which forms part of an Area of High Landscape Value. The eastern boundary fronts Beamishburn Road and the Blue Bell Public House. The southern boundary bounds the adjoining property to The Crest, Maclymont. The existing access to the site is taken from Beamishburn Road as per the other three dwellings within the vicinity.

The Proposal

3. The application proposes the erection of two semi-detached dwellings, with a monopitch side garage to each property, and a further side garage to the host property. The new dwellings would each have four bedrooms, with the first property accessed via an existing drive from Beamishburn Road, and a new access would be

created to serve the second proposed property and host property. The properties would be similar in scale and materials to the existing two pairs of semi-detached properties located immediately to the south, and would be constructed on the same building line with matching red brickwork and slate hipped roofs. The properties would differ from the existing dwellings with the inclusion of dormers within the roofline, and bay windows. A block paved driveway is also proposed.

4. This application is reported to Committee at the request of Councillor Joyce Charlton, who has raised concerns in respect of highway safety.

PLANNING HISTORY

5. In 2009, an application for the erection of a detached garage was approved at the site (ref. 1/2009/0734/71969), and a subsequent scheme of landscaping was submitted and approved as part of a discharge of conditions application (ref. 1/2010/0158/73708).

PLANNING POLICY

NATIONAL POLICY

6. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The NPPF was updated in July 2018. The overriding message remains that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant.
7. The NPPF requires local planning authorities to approach development management decisions positively, and in accordance with paragraph 48 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policy will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight. The relevance of this issue is discussed, where appropriate, in the assessment section of the report below.
8. The following elements of the NPPF are considered relevant to this proposal;
9. *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.
10. *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.

11. *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.
12. *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.
13. *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.
14. *NPPF Part 11 - Making effective use of land* - Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.
15. *NPPF Part 12 - Achieving well-designed places* - The Government has attached great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning, with this section of the revised Framework document expanded.
16. *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.
17. *NPPF Part 15 - 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.

NATIONAL PLANNING PRACTICE GUIDANCE:

18. The National Planning Practice Guidance (NPPG) both supports the core government guidance set out in the NPPF, and represents detailed advice, both technical and procedural, having material weight in its own right. The advice is set out in a number of topic headings and is subject to change to reflect the up to date advice of Ministers and Government.
19. *Climate change* - Addressing climate change is one of the core land use planning principles which the National Planning Policy Framework expects to underpin both

plan-making and decision-taking. Planning can also help increase resilience to climate change impact through the location, mix and design of development. Reflecting the 'golden thread' of the NPPF, sustainable development is key.

20. *Natural Environment* - Section 40 of the Natural Environment and Rural Communities Act 2006, which places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. A key purpose of this duty is to embed consideration of biodiversity as an integral part of policy and decision making throughout the public sector.
21. *Design -The importance of good design*. Good quality design is an integral part of sustainable development. The National Planning Policy Framework recognises that design quality matters and that planning should drive up standards across all forms of development. As a core planning principle, plan-makers and decision takers should always seek to secure high quality design, it enhancing the quality of buildings and spaces, by considering amongst other things form and function; efficiency and effectiveness and their impact on wellbeing.
22. *Flood Risk and Coastal Change* - The general approach is designed to ensure that areas at little or no risk of flooding from any source are developed in preference to areas at higher risk. Application of the sequential approach in the plan-making process, in particular application of the Sequential Test, will help ensure that development can be safely and sustainably delivered and developers do not waste their time promoting proposals which are inappropriate on flood risk grounds.
23. *Land Stability* - The guidance provides advice to local authorities and developers to ensure that development is appropriately suited to its location, and that there are no unacceptable risks caused by unstable land or subsidence.
24. *Noise* - Noise needs to be considered when new developments may create additional noise and when new developments would be sensitive to the prevailing acoustic environment. Consideration should be given to whether significant adverse effect or an adverse effect occurs or is likely to occur; or whether a good standard of amenity can be achieved. Paragraph 180 of the NPPF provides policy support to this aspect.

LOCAL PLAN POLICY:

25. The following are those saved policies in the Derwentside District Local Plan 1997 relevant to the consideration of this application:
26. *Policy GDP1 – General Development Principles* – outlines the requirements that new development proposals should meet, requiring high standards of design, protection of landscape and historic features, protection of open land with amenity value, respecting residential privacy and amenity, taking into account 'designing out crime' and consideration of drainage.
27. *Policy HO5 – Housing Development on Small Sites* – Stanley is one of the listed settlements where housing development will be permitted on small sites. Development must be appropriate to the existing pattern and form of development; must not extend beyond the existing built up area; represents acceptable backland or tandem development; and should not exceed 0.4 hectares when taken together with an adjoining site.
28. *Policy TR2 – Development and Highway Safety* – relates to the provision of safe vehicular access/exit, adequate provision for service vehicle manoeuvring, access for emergency vehicles and access to the public transport network.

RELEVANT EMERGING POLICY:

29. Paragraph 48 of the NPPF says that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. An 'Issues & Options' consultation was completed in 2016 on the emerging the County Durham Plan (CDP) and the 'Preferred Options' was approved for consultation at Cabinet in June 2018. However, the CDP is not sufficiently advanced to be afforded any weight in the decision making process at the present time.

Five Year Housing Land Supply

30. Paragraph 73 of the NPPF requires Local Planning Authorities (LPAs) to maintain a five-year supply of deliverable sites (against housing requirements) to ensure choice and competition in the market for land.
31. In September 2017, the Government published a consultation document entitled "*Planning for the Right Homes in the Right Places*", which introduced a standard methodology for calculating housing need (OAN). Applying that methodology for County Durham, the housing need figure would be 1,368 dwellings per annum (dpa).
32. The Government published its response to the consultation in March 2018, and clarified that the standardised approach is the most appropriate method for calculating need as it meets the three key principles of being simple, realistic and based on publicly available data. At the same time, the revised draft NPPF was issued for consultation, with paragraph 61 of that document advising that, 'in determining the minimum number of homes needed, strategic plans should be based upon a local housing need assessment, conducted using the standard method in national planning guidance'.
33. The Government also issued draft planning guidance on 9 March 2018, which sets out that where a local plan is more than five years old and the housing figure needs revising, as is the case in County Durham, the starting point for calculating land supply will be local housing need using the standard methodology.
34. The Council's position on 5-year housing land supply was publically tested at a recent public inquiry (APP/X1355/W/17/3180108 – decision issued 10th May 2018) with the Inspector concluding that the use of the Government proposed standardised methodology for calculating land supply would be premature until it has formally come in to force or until the council has adopted a formal position in relation to its OAN. On the 13th June, the 'Preferred Options' of the County Durham Plan (CDP) was presented to the Council's Cabinet and endorsed for consultation. The CDP is aligned with the standardised methodology and formally endorses the use of 1,368dpa as the OAN figure. The Council is able to demonstrate in excess of 6 years supply of deliverable housing land against this figure.
35. Accordingly, the weight to be afforded to the boost to housing supply as a benefit of the development is clearly less than in instances where such a healthy land supply position could not be demonstrated. This will need to be factored into the planning balance.

The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www.cartoplus.co.uk/durham/text/00cont.htm>.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

36. **Highways** – No concerns were raised regarding the lack of a footpath to the site given the proximity to a footpath 70 metres away, along with the benefit of street lighting to the site and a lightly trafficked road. The proposed accesses to the site incorporating the required visibility splays were redesigned during the application process at the request of the Highways Engineer, who confirmed following a review of the site drawings no objections raised to the proposal subject to a condition requiring the highways works to be implemented prior to the development being brought into use.
37. **Northumbrian Water** – Have no comments to make in relation to the proposal.

INTERNAL CONSULTEE RESPONSES:

38. **Landscape** – Noted the site's proximity to the AHLV and prominence following the felling of non-protected trees to the northern boundary, and considers the size and location of the structure to be of an unfamiliar domestic scale in this settlement edge location. The proposal would reduce the visual amenity value and rural character of the AHLV in the prominent gateway location.
39. **Ecology** – Confirmed the bat risk assessment is acceptable, with no further works required.
40. **Environment Health** – Has confirmed the details of the Noise Impact Assessment and considers it complies with the thresholds as detailed in the Technical Advice Notes (TANs) indicating the development will not lead to an adverse impact. A statutory nuisance would be created unless suitable planning conditions relating to sound attenuation, construction working times, and minimising noise, vibration, light and dust nuisance are imposed as part of any approval granted.

EXTERNAL CONSULTEE RESPONSES:

41. **The Coal Authority** – Recommends that the LPA impose a Planning Condition should planning permission be granted for the proposed development requiring site investigation works prior to commencement of development. In the event that the site investigations confirm the need for remedial works to treat any areas of shallow coal mine workings or any mine entries to ensure the safety and stability of the proposed development, this should also be conditioned to ensure that any remedial works identified by the site investigation are undertaken prior to commencement of the development.
42. **Health and Safety Executive** – The site falls within proximity of a gas pipeline however the HSE do not advise against the granting of planning permission on safety grounds.

PUBLIC RESPONSES:

43. Seven letters of public consultation were sent out to nearby residents, and a site notice was posted. At the time of the report being finalised, two letters of objection, one anonymous, had been received raising the following points:

44. Services are restricted; there is no public footpath north of Badgers Wood; street lighting is only provided due to the access requirements of the Blue Bell Public House. The road is only cleared due to the two pubs nearby; the proposal is on the wrong side of the hill for connection to the sewerage system. The proposal will increase traffic along Beamishburn Road, further compromising the pastoral aspect of the area. The comments of the Highways Engineer are disputed.
45. Prior to the application being submitted, shrubs and trees were cut down at the site; the development involves laying large swathes of block paving. The proposed development significantly diminishes the rural character of the site and represents an overdevelopment and urbanisation of a rural area. The proposal constitutes a change of use from agricultural to domestic, whilst the case officer's views regarding the design of the proposal are noted
46. This small settlement of four semi-detached properties enjoy a unique character and a local landmark. The development of this greenfield site does not align with the policy to protect land which is recognised for its amenity value or the contributions its character makes to an area. It will result in a street of houses and further diminish any enjoyment of the area.
47. Other sites within the vicinity should be prioritised for housing. The Stanley area notes there is no local business requirement for additional workers or indeed room for any other business in the immediate vicinity. No development here shall benefit the rural economy not help to maintain or enhance landscape character.

APPLICANT'S STATEMENT:

48. The site is a strip of land adjacent to the applicant's dwelling, from agricultural use. I wish to construct two residential semi-detached properties with a slate dual pitched slate hipped roof with dormer windows to East elevation of the properties.
49. The two proposed dwellings and the host dwelling to have attached garages. The formation of a new driveway and a shared driveway for the existing dwelling and one of the proposed dwellings provides a new access on to Beamishburn Road
50. The design of the proposed dwelling and all materials to be used for development are to match those used in the surrounding street scene and host dwelling so as to ensure no detrimental impact upon the character of the area. The proposed development which is of a scale and design compatible with the host dwelling and general character of the surrounding area, with no adverse impact upon the amenity and privacy of surrounding properties.
51. Currently the host property has a single driveway which will provide access to one of the proposed dwellings. The proposed shared driveway to be accessed from Beamishburn Road is bounded by a grass verge and Hawthorn hedging to the front area of the host property. The intention is to form a break in the hedge to allow the erection of shared access. This will be kept to the minimum required for the work. The applicant is a Landscape Gardener by profession and intends to trim back and tidy the remaining hedging to maintain the required sightlines from the access.

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/applicationDetails.do?activeTab=documents&keyVal=P81S1HGDKWH00>

PLANNING CONSIDERATIONS AND ASSESSMENT

52. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relates to the principle of development, the impact of the development on the character of the surrounding area, neighbouring amenity, highways, scale and character, landscaping, ecology, noise and site works, and coal mining risks.

The Development Plan

53. 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 Derwentside District Local Plan remains the statutory development plan and the starting point for determining applications as set out at Paragraph 2 of the NPPF. However, the NPPF advises at Paragraph 48 that the weight to be afforded to existing Local Plans depends upon the degree of consistency with the NPPF.

54. The Local Plan was adopted in 1997 and was intended to cover the plan period until 2006. However, NPPF Paragraph 211 advises that Local Plan policies should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF. Notwithstanding this, it is considered that a policy can be out-of-date if it is based upon evidence which is not up-to-date/is time expired depending on the circumstances.

55. An 'Issues & Options' consultation was completed in 2016 on the emerging the County Durham Plan (CDP) and the 'Preferred Options' was approved for consultation at Cabinet in June 2018. However, the CDP is not sufficiently advanced to be afforded any weight in the decision making process at the present time.

The NPPF

56. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means (unless material considerations indicate otherwise):

- approving development proposals that accord with an up-to-date development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this (sic) Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

57. Paragraph 73 of the NPPF requires Local Planning Authorities (LPAs) to maintain a five-year supply of deliverable sites (against housing requirements) thus boosting the supply of housing.

Policy Principle and Housing Land Supply

58. In terms of compliance with the Development Plan, Policy HO5 is of most relevance to the application, however it is not fully consistent with the NPPF and therefore only limited weight can be afforded to it. As it is a settlement boundary policy based on evidence which is out of date, then Paragraph 11 of the NPPF is also engaged. Determination therefore reverts to Paragraph 11 of the Framework and its presumption in favour of granting planning permission when considering the planning balance as there are no protective policies in the Framework which provide a clear reason or refusing the application.
59. As stated in paragraphs 30 – 35 above the Council is able to demonstrate in excess of 6 years supply of deliverable housing land. Accordingly, the weight to be afforded to the boost to housing supply as a benefit of the development is clearly less than where such a healthy land supply position could not be demonstrated. This will need to be factored into the planning balance.
60. Policy HO5 of the Local Plan supports housing on sites measuring less than 0.4 hectares in size within defined settlements, which is considered to be the case in this application. The proposal should also be appropriate to the existing pattern and form of development, not extend beyond the existing built up area of the settlement, and represent acceptable backland or tandem development. It is noted the proposal would follow the same form as the existing dwellings adjacent to the site, and the site is comprised of a domestic garden and would not protrude into agricultural land or open countryside. In this regard, the development is considered to form the edge of the built-up area of the settlement and would be acceptable development given its scale and siting. Therefore the proposal would comply with the broad principles of Policy HO5. However, as previously noted, only limited weight can be afforded to this policy because it is not consistent with the NPPF and is also out of date.
61. Shield Row has a small range of services and facilities proportionate to its size, including a petrol station, convenience store, and primary school, relying on the hierarchy of surrounding settlements for others. Bus stops are located within approximately 150 metres of the site, at Causey Road, with twice-hourly services to Newcastle city centre, the Metrocentre, and Stanley town centre. Given the presence of accessible shops and services it is likely that any future residents will use these facilities and services and therefore it is likely that this proposal would enhance the vitality of this community and is considered sustainable in locational terms in accordance with the NPPF.
62. In terms of the economic benefits of the proposal, both the construction of the dwellings, and the increase, albeit small, in the number of residents supporting local services, can be given a small degree of weight in terms of economic sustainability. In terms of the environmental credentials of the scheme, these will be explored further in the Landscaping section of the report, however the site's location means a private vehicle would not always be required to access day-to-day services and facilities given the site's proximity to local amenities

Impact upon the Surrounding Area and Neighbouring Amenity

63. The application is proposed on an area of garden land located to the north of the existing dwelling, and on the edge of the build-up area. It is noted non-protected trees and other vegetation has been removed to the north of the site, which has allowed the site to become more open particularly when viewed from the north. Vegetation removal is also required to accommodate the required visibility splays for the access. The Landscape Officer has echoed these views, although it is considered the site is at the edge of the settlement where such views are likely to be encountered. It is also noted the trees at the site were not protected and could have been felled without

consent. As the site is currently well-screened, a scheme of landscaping is recommended as a condition to ensure the site continues to retain an element of screening in line with Policy GDP1(f) of the Local Plan. The securing of a landscaping plan will allow the Council to retain a degree of control in regard to inward views of the development and site landscaping. Given the proposed layout and appearance of the proposal, it is considered that the development site in principle appears a logical extension of the existing settlement.

64. Policy GDP1(h) which seeks to protect residential amenity, and the Local Plan includes supplementary planning guidance (SPG) on residential facing distances, 21 metres between facing habitable room windows and 12.5 metres between a facing and non-facing habitable room window. As the properties would be located on the same building line as the existing four properties, and the closest property would sit adjacent to the host property with no habitable room windows in either, it is not considered any adverse amenity or privacy impacts would occur as a result of the proposal, and no objections have been raised in this regard.

Highways

65. To ensure satisfactory visibility when exiting the site from Beamishburn Road, the Highways Engineer requested the submission of a plan demonstrating the required visibility splays from each of the proposed access points, which has been confirmed as acceptable subject to a suitable condition requiring the accesses to be brought into use prior to the development being brought into use. Objectors have raised concerns regarding the increase in traffic along Beamishburn Road, the lack of a footpath and limited street lighting, however given the scale of the development the Highways Engineer has raised no concerns in this regard. Accordingly, it is considered that the proposal is in compliance with saved policy TR2.

Scale and character

66. Policy GDP1 of the Plan requires developments to be in keeping with the character and appearance of the area, with form, mass, layout, density and materials appropriate to the site's location. The layout has been revised following discussions between Officers and the applicant, and it is considered the dwellings would reflect the existing properties at the site, with similar features including materials and hipped roofs, and removal of several elements of glazing and positions of dormers within the rooflines in order to improve the scheme visually. Accordingly, the proposal complies with saved Policy GDP1.

Drainage

67. Concerns have been raised by objectors regarding drainage however Northumbrian Water has raised no issues in relation to the proposal and the development is considered acceptable in this regard.

Ecology

68. A bat risk assessment was submitted in support of the application, and the County Ecologist has confirmed the acceptability of the assessment with no further works required. In this regard, a condition requiring the development to be carried out in accordance with the mitigation details as set out within the assessment is considered appropriate, including the insertion of a Schwegler Bat Tube to each of the proposed dwellings. In this regard it is considered the proposal would comply with the biodiversity requirements of Part 15 of the NPPF.

Noise and site works

69. The Environmental Health Officer has considered the findings of the submitted noise report in relation to the Blue Bell Inn, and road noise from Causey Road and Beamishburn Road, with the report noting road noise levels would be higher to the west façade of the site due to road traffic from the busier Causey Road. To the east façade, the noise from Beamishburn Road would be combined with noise associated with the Blue Bell Inn, and particularly the outside seating area.
70. Conditions have been suggested by the Officer to mitigate concerns in this regard, both during site works and in the lifetime of the development, including methods of façade construction, and the erection of boundary treatments within the site. Additionally, given the proximity of the site to other residential properties, a condition restricting the working hours and practices on site is also considered appropriate however a construction management plan is not considered to be required given the scale of development. Subject to the required mitigation being implemented as set out within the noise report, and working hours and practices on site, the proposal is in accordance with saved policy GDP1.

Coal Mining Risks

71. The Coal Authority concurs with the findings of the submitted coal mining risk assessment and subject to a condition requiring a scheme of intrusive works and if required remedial works being submitted, it is considered the proposal would comply with the ground conditions requirements of Part 15 of the NPPF.

Other matters

72. Objectors have noted other sites would be preferable for housing, and also the lack of employment opportunity in Stanley, however this application can only consider the development in question and the acceptability of the scheme in planning terms. The prioritisation of alternate sites for housing cannot be afforded weight within the assessment of this proposal.

The Planning Balance

73. In accordance with Paragraph 11 of the NPPF, a balancing exercise must be undertaken to decide whether the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits of the proposal. The application brings the benefits of adding to the County's housing supply in a location that is considered 'sustainable', increasing the sites environmental credentials and opportunities for home ownership. The short term benefits to the local economy brought by the construction phase are also identified as of positive material weight along with the associated economic activity by new residents.
74. No negatives have been identified that would significantly and demonstrably outweigh the identified benefits.

CONCLUSION

75. The scheme brings some benefits, and with no adverse impacts identified, the 'titled planning balance' test in Paragraph 11 of the NPPF leads to a recommendation for approval of the proposals, subject to the identified conditions.

RECOMMENDATION

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.

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 only in accordance with the following approved plans:

Plan Ref:

Date Submitted:

Proposed Plans, Elevations and Site Plan

31 August 2018

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policy GDP1 of the Derwentside District Local Plan.

3. 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, and 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 character of the area in accordance with Policy GDP1 of the Derwentside Local Plan (required pre-commencement in accordance with Article 35 of the Development Management Procedure Order 2015).

4. No development shall commence until, in accordance with the findings of the Coal Mining Risk Assessment Report (ref. G18010), a scheme of intrusive site investigations has been undertaken, and a subsequent report has been submitted to, and approved in writing by, the Local Planning Authority. The approved scheme shall be implemented thereafter prior to works commencing. Should the report outline the

requirement for remedial works, these shall also be implemented thereafter prior to works commencing.

Reason: In the interests of the safety and stability of the site and to comply with Part 15 of the NPPF (required pre-commencement in accordance with Article 35 of the Development Management Procedure Order 2015).

5. No development shall take place unless in accordance with the mitigation detailed within Parts 5.6 and 6.0 of the Bat Risk Assessment (dated 28 February 2018) including, but not restricted to, adherence to precautionary working methods; provision of two Schwegler Bat Tubes.

Reason: To conserve protected species and their habitat in accordance with Part 15 of the NPPF.

6. The dwellings shall not be occupied until the highways works detailed on the proposed site plan (ref. Proposed Plans, Elevations and Site Plan dated 31 August 2018) have been fully completed and shall be permanently retained thereafter.

Reason: To provide adequate visibility from and of emerging vehicles in the interests of highway safety and to comply with Policy TR2 of the Derwentside District Local Plan.

7. Prior to the occupation of the dwellings, all sound attenuation measures detailed in the noise assessment (ref. Northburn Acoustics Noise Impact Assessment reference 18-51-578 dated 21st February 2018) shall be fully installed and permanently retained thereafter.

Reason: In the interests of the amenity of the occupiers of the proposed dwellings in accordance with Policy GDP1 of the Derwentside Local Plan.

8. 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 0800 to 1800 on Monday to Friday and 0800 to 1400 on Saturday.

No internal works audible outside the site boundary shall take place on the site other than between the hours of 0800 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.

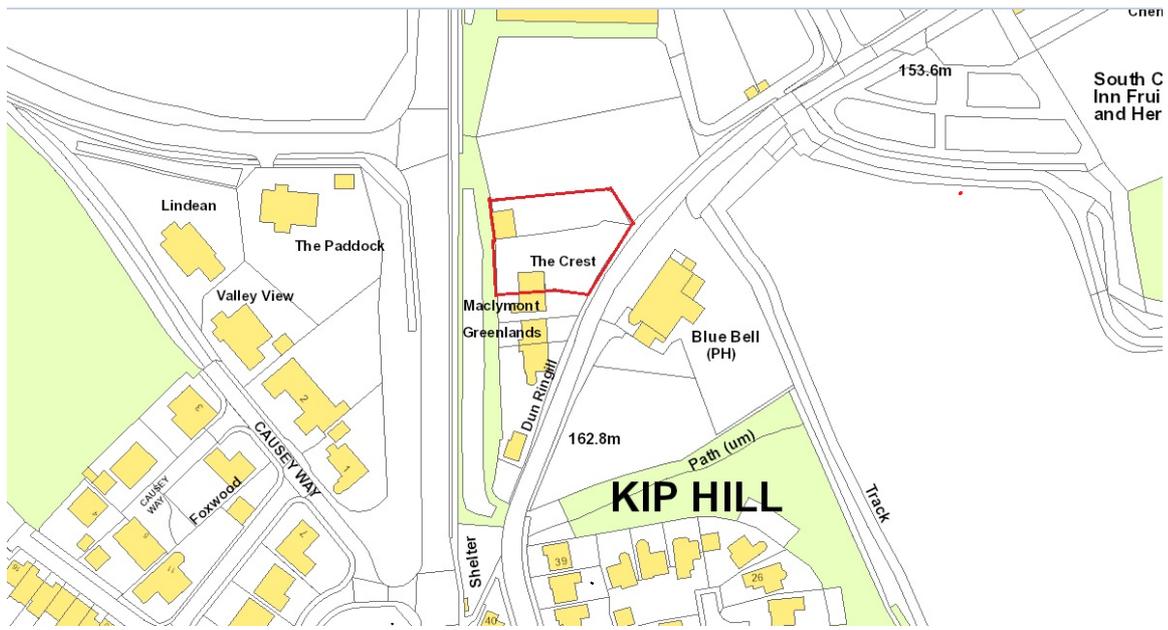
Reason: In the interests of the amenity of the area in accordance with Policy GDP1 of the Derwentside Local Plan.

STATEMENT OF PROACTIVE ENGAGEMENT

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.

BACKGROUND PAPERS

The National Planning Policy Framework (2018)
National Planning Practice Guidance Notes
Derwentside District Local Plan 1997 (saved policies)
Statutory, internal and public consultation responses
Submitted forms, plans and supporting documents



Planning Services

The Crest, Beamishburn Road, Beamish,
Stanley, DH9 0LR

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

Comments

Date 27th September
2018

Scale NTS