

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 7 February 2024

APPLICATION REF. NO:	23/00987/FUL
STATUTORY DECISION DATE:	6 th December 2023
WARD/PARISH:	HURWORTH
LOCATION:	Rose Villa Timmy's Lane Hurworth Darlington DL2 2AJ
DESCRIPTION:	Demolition of the existing dwelling, barn, stables, outbuildings, and erection of 1 no. wheelchair accessible detached dwelling with supporting facilities together with a detached garden studio/store and parking provision (BNG Assessment and metric received 7th December 2023)
APPLICANT:	Lucas Whitehouse acting by his Deputy IMTC Ltd

APPLICATION AND SITE DESCRIPTION

Application documents including application forms, submitted plans, supporting technical information, consultations responses and representations received, and other background papers are available on the Darlington Borough Council website via the following link:

<https://publicaccess.darlington.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=S209K7FPGHS00>

1. The application site is situated along and accessed from Timmy's Lane to the east end of Hurworth and consists of an existing detached 5-bedroom dormer bungalow with a detached garage sitting within a site of some 0.8 hectares with pasture land to the north, surrounded largely by hedgerows and trees. To the east of the existing dwelling, and within the application site, is a large agricultural barn together with outbuildings.
2. The site is bounded by the Cree Beck to the north / east. The site is predominantly within Flood Zone 1 and all current buildings lie within this zone, however a section of the site immediately adjacent to the Cree Beck lies within Flood Zones 2 and 3. The site is crossed by a Public Right of Way (Public Footpath Hurworth 6) in a roughly east to

west orientation. Hurworth Conservation Area ends at the entrance to Timmy's Lane, approximately 100m from the application site.

3. Planning permission is sought for the erection of a replacement dwelling for a family of four, including a child, who has significant specific mobility and support needs due to having quadriplegic cerebral palsy. The specialist facilities and ancillary spaces which have been identified by an occupational therapist include: a hydrotherapy pool, therapy and sensory rooms and full-time carers accommodation alongside additional space for specialist equipment and adequate circulation space to ensure the whole dwelling remains accessible. The submissions states that the applicant wishes to ensure the proposed building maintains the appearance of a dwelling with a domestic scale and maintains the comfort and appearance of a well-designed family home. Access would remain from Timmy's Lane with the existing driveway position retained, approximately 150m from the public highway.

MAIN PLANNING ISSUES

4. The main issues for consideration are:

- (a) Principle of the development
- (b) Impact on heritage assets
- (c) Visual and residential amenity
- (d) Highways
- (e) Public Rights of Way
- (f) Surface Water and Flood Risk
- (g) Ecology
- (h) Nutrient Neutrality
- (i) Other matters

PLANNING POLICIES

5. The relevant planning policies in the determination of this application are as follows:

National Planning Policy Framework (2023)

Darlington Local Plan 2016 – 2036

SD1: Presumption in Favour of Sustainable Development

SH1: Settlement Hierarchy

DC1: Sustainable Design Principles and Climate Change

DC2: Flood Risk and Water Management

DC3: Health and Wellbeing

DC4: Safeguarding Amenity

H3: Development Limits

H7: Residential Development in the Countryside

ENV1: Protecting, Enhancing and Promoting Darlington's Historic Environment

ENV7: Biodiversity and Geodiversity and Development
ENV8: Assessing a Development's Impact on Biodiversity
IN1: Delivering a Sustainable Transport Network
IN4: Parking Provision including Electric Vehicle Charging

RESULTS OF TECHNICAL CONSULTATION

6. No objections in principle have been raised by the Council's Highways Engineer, Public Rights of Way Officer, Ecology Officer, or Environmental Health Officer, subject to conditions.

RESULTS OF PUBLICITY AND NOTIFICATION

7. Four Letters of objection have been received, raising the following concerns:
 - Construction impacts on amenity (dust emissions impact on air quality, construction traffic, obstruction, and congestion of lane).
 - Impact on biodiversity.
 - Proposed diversion of public right of way (near to Cree Beck which may flood at times and next to a working farm entrance).
 - Scale of proposal.

PLANNING ISSUES/ANALYSIS

a) Principle of the development

8. The proposed development is located outside of the development limits for Hurworth set by Policies SH1 & H3 of the Local Plan and is therefore classified as occurring in the open countryside. Residential development is generally not considered to be acceptable in principle outside of development limits. However, Policy H7 of the Local Plan sets out criteria whereby residential development in the open countryside may be permitted. In this case, since the proposal is for a replacement dwelling in the open countryside, Policy H7 states that development will only be permitted if the following criteria apply:
 - a) There is no detrimental effect on the character, appearance, historical context and amenities of the site and surroundings.
 - b) The existing dwelling has a lawful use, has not been abandoned, and is not a caravan, mobile home, or other temporary structure.
 - c) The size of the new replacement dwelling is not significantly larger than the original house volume or footprint.
 - d) The number of new dwellings is no more than the number of dwellings to be demolished and replaced.
 - e) They are positioned on the footprint of the existing dwelling, unless a more appropriate location is identified for landscape, highway safety, neighbouring residential amenity, or other environmental reasons.

9. The proposed development responds well to H7 criteria a, b, & d. At present, the existing buildings on the site do not relate well to their setting on the edge of a conservation area and are an unattractive addition to the edge of the village and the open countryside - particularly when viewed from the south and east. The proposed development would be a significant improvement on present circumstances and is likely to have a positive effect on the character and appearance of the site. Whilst in terms of criteria c and d, the replacement dwelling does not strictly meet this requirement in that it is larger in volume and footprint than the existing dwelling, it is considered that, in addition to the positive improvements to the character and appearance of the site, there are additional considerations that, on balance, justify a deviation from this criterion in this instance, as follows:
- The dwelling has been specifically designed for the needs of a child with disabilities and includes areas for therapy and care, including specific carers accommodation. Whilst these are part of the overall building for functional reasons, they have been specifically designed as specialist areas and ancillary accommodation, specifically referenced as 'main house' and 'support facilities with the latter elements designed to be the subservient element. When viewed from Timmy's Lane, it is apparent that the two-storey element which comprises the 'main house' screens the other proposed (specialist area and ancillary) buildings on site, with the 'main house' element sitting comfortably among the existing nearby buildings.
 - With the above in mind, the replacement dwelling with its specialist areas and ancillary accommodation is significantly less in volume and footprint than the overall site building footprint, which includes the agricultural building and outbuildings whose removal will significantly improve the appearance of the site (the present site footprint is 955m² with a volume of 4165m³ and the replacement dwelling (including specialist areas and ancillary accommodation) will have a total of 773m² in area and a volume of 2787m³)).
 - The deviation from the existing footprint relates only to the increased size of the replacement dwelling. However, the new dwelling does utilise the area of the site that the existing dwelling (and agricultural building and outbuildings) is located, and it is therefore considered that the proposal complies with the intentions of criterion e.
10. In view of the above, the proposal is considered, on balance to be acceptable in the context of the requirements of H7 and this is considered further elsewhere in this report.
11. In view of the reasons for the application which are set out in the introduction of this report, the proposed development also accords with the aims of Policy DC3 – Health and Wellbeing. Although the policy was not written in such a way as to explicitly deal with individual circumstances, it does provide general support to developments in the Borough that support improvements to health and well-being, and one of its intentions as set out in the reasoned justification is to allow people to remain independent in their own homes.

b) Impact on heritage assets

12. The proposed development is situated outside of Hurworth Conservation Area, which extends as far as the entrance to Timmy's Lane, approximately 100m from the site. However, the site can reasonably be considered to be part of the setting of the conservation area.
13. As set out above in terms of the consideration of the proposal in the context of Policy H7, the existing buildings on the site do not relate well to their setting on the edge of a conservation area and are an unattractive addition to the edge of the village and the open countryside - particularly when viewed from the south and east. The proposed development would be a significant improvement on present circumstances and responds well to the local context, in terms of its scale, form, height, layout, materials, and colouring. As a result, it is likely to have a positive effect on the character and appearance of the site and in turn, beyond site level, which includes the setting of the Hurworth Conservation Area. The proposal complies with policy ENV1 in this regard.

c) Visual and residential amenity

Design, layout, and impact on visual amenity

14. The application site lies on the edge of the village, and the site is therefore partially seen in the context of the open landscape to the east of the village. Given its position between village and countryside, the applicant has sought to give due consideration to the sites context and has considered the guidance within the Design of New Development Supplementary Planning Document (Design SPD) in this regard, along with their own study of local rural buildings in landscape settings, to help guide the architecture, layout, and massing of the development. The applicant also submitted an analysis of buildings within the village, focussing on dwelling disposition, architectural detailing, and materials.
15. The proposals consist of three pitched roof volumes which are aligned north to south and single storey flat roof elements running east to west. The pitched roof volumes reduce in scale from west to east to respect the transition between village and open countryside. Due to the alignment of the buildings, their perceived scale is reduced when viewed from the predominant available open views to the north and south. The applicant has sought to soften the appearance of the buildings with the use of timber cladding. As the buildings step down in scale, the use of timber cladding increases, again mindful of their proximity to the open countryside.
16. The scale of the dwelling has been informed by nearby buildings on Timmy's Lane, which set the datum for the ridge height of the highest roof volume. The layout and orientation have been designed to respond to neighbouring buildings with the two-storey element positioned perpendicular to the neighbouring dwelling on Timmy's Lane. When viewed from Timmy's Lane, it is apparent that the two-storey element screens the other

proposed buildings on site, with this element sitting comfortably among the existing nearby buildings.

17. The applicant has selected materials that will both provide a high-quality finish and have a connection to the character of the local area. The proposal utilises dark, natural materials to sit comfortably in the context of the site, with a sensitive contemporary design. Proposed materials are light, handmade bricks for plinth to reference the locally distinctive 'Pease' brick, sustainably sourced larch timber cladding to be treated with a dark mineral based finish to achieve a matt finish referencing local agricultural buildings; red zinc pitched roofs which provide a low maintenance alternative to the clay tile and zinc rainwater goods, coping and flashing.
18. Windows frames would be high-quality aluminium to provide a minimal frame set deep into the reveal to soften the appearance of reflections from windows. Also provided is a green, wildflower roof for the connecting flat-roof elements of the building, to both contribute to towards the biodiversity on site and to help deal with rainwater.
19. The garden area would be zoned to include areas for an accessible play space, a kitchen garden and native planting with the wider site to become a wildflower meadow. Boundary treatments include native hedgerows, estate railings and low-level masonry walls.
20. To allow for the proposed development, some tree removal would need to take place and as such, as Arboricultural Survey, Arboricultural Impact Assessment and Arboricultural Method Statement (Elliott Consultancy Limited, July 2023) was submitted in support of the application. Tree cover on the main body of the site is minimal with only small, low-quality, and immature trees located around the buildings. More mature and significant tree cover includes trees and hedgerows to the north of the paddock alongside the Cree Beck. A total of 11 trees and two small groups of trees would require removal to allow construction. Of the 11 trees, 10 are classified as being of low quality (category c) and one was classified as requiring removal regardless of the proposals due to poor structural condition (category u). The two small groups were classified as of low quality (category c).
21. Overall, the above assessments conclude that the Arboricultural impact of the development is very low, and any visual impact is limited due to the existing trees lack of stature / long-term value. To ensure no damage to retained trees and hedgerows during construction works, a Method Statement is provided, and a planning condition is recommended to secure implementation in accordance with this.
22. The above tree loss is mitigated by the proposed replacement tree planting within the site, as part of the submitted landscape scheme, which will provide better quality long-term tree cover and hedgerow planting on the site. The proposed planting is a mixture of native and fruit-bearing species and totals 14 trees within the redline boundary of the site, and 35 in the blue line boundary of the site (which consists of both the application site and the land to the north, which is also within the control of the applicant).

23. Overall, the proposal is considered to respond well to the local context in terms of its scale, form, height, layout, materials, and colouring. The proposed tree removal is satisfactorily mitigated with the proposed landscaping scheme and the development is considered to sit comfortably between its village and countryside setting. The proposal is considered to comply with policies DC1, ENV1 and H7 in this regard.

Residential amenity General

24. The replacement dwelling would be situated on the same site as an existing dormer bungalow. It would be sufficiently separated from neighbouring dwellings as to not raise any privacy or amenity issues and complies with the requirements of policies DC1 and DC4 in this regard.

Land contamination

25. The application has been submitted with a Phase 1 Preliminary Risk Assessment report prepared by Ergo Environmental Ltd dated July 2023 (Report ref: 23-1595-R01/Rev A) which considers potential contamination risks associated with the redevelopment of the site for residential use with a replacement dwelling taking into account the footprint of the proposed dwelling. The report takes into account the historical use of the development site and surrounding area. Historically the site has comprised undeveloped agricultural land bisected by a track until c.1954 when a small structure was recorded in the south-western area of the site, with further development including Thorn Villa and adjacent structures (c.1968 and c.2012). The site is not in close proximity to former landfill(s), or other historic potentially contaminative land uses.
26. A site walkover has been undertaken and a conceptual site model is derived identifying potential contaminant linkages. While no asbestos containing materials were identified during the site walkover, given the age of the buildings it is possible that ACM may be present, in addition a stockpile of waste material and evidence of ash/burnt material was identified. Further land contamination work, including intrusive investigation work, is recommended and therefore the Environmental Health Officer has recommended contaminated land conditions CL2 – CL6 (covering the requirement for a Phase 2 Site investigation Strategy, and implementation of the work, a Phase 3 Remediation and Verification Strategy, and implementation of the works, including any contamination discovered during construction / remediation works, not previously identified, and finally, a Phase 4 Verification and Completion report) be attached to any planning permission. The requirement is that the above site investigation works would take place after the proposed demolition works are complete. Significant made ground is not anticipated however this is to be reviewed in terms of ground gas risk as necessary and again while risks to controlled waters is considered low/moderate, this to be confirmed during subsequent intrusive investigation works.

Noise

27. There are two plant rooms showing on the proposed floor plan but given the distance of the proposed dwelling from the next nearest residential property, the Environmental Health Officer is satisfied that noise from these will not be an issue.

Construction impacts

28. Given the size of the proposed dwelling to be constructed and that access to/from the site is via a narrow lane with other residential properties nearby, the Environmental Health Officer has recommended that a Construction Management Plan condition be attached to any permission, together with the standard construction activity times condition.
29. Overall, the proposal is acceptable in respect of its impacts on visual and residential amenity subject to the conditions set out above, and the proposal complies with policies DC1, DC3, DC4 and ENV1 in this regard.

d) Highways

30. The demolition of the existing dwelling and replacement with a larger new build property does not raise any fundamental highway concerns, given that it is not considered to demonstrate a substantive increase in vehicle movements. The existing access arrangements will remain the same with the property being located approximately 150m from the nearest point of public highway on Strait Lane. Timmy's Lane is privately owned & maintained, and as such any right of access and maintenance liability would be a private matter and not something under the control of the Highways Authority. Whilst it is generally of an unmade construction and devoid of a dedicated pedestrian footway to provide a level, accessible and lit route, it should be noted that the dwelling is a replacement dwelling and this represents the current situation.
31. Similarly, whilst the Highways Engineer would generally advise that the numbers of dwellings served from a private drive does not exceed five units, the proposal does not increase the number of dwellings, rather it is to provide the facilities required to support the additional and needs of the occupiers.
32. Parking provision is related to dwelling size, with ample parking being demonstrated within the large in curtilage area of the plot the dwelling is to occupy. Sufficient space is available for vehicles to enter and exit in a forward gear, along with provision of additional parking for carers and visitors as required by the needs of the family. Parking provision for the proposed replacement dwelling includes eight spaces which can be categorised as: three covered external spaces, including one large vehicle space to accommodate a specialist vehicle with wheelchair access all with access to electric vehicle charging; two spaces for carers; three additional spaces, two of which are for therapist and healthcare visitors.

33. Policy IN4 sets out a requirement that every new residential property which has a garage or dedicated marked out residential car parking space within its curtilage should include an electrical socket suitable for charging electric vehicles. The minimum requirement would be a single phase 13-amp socket. A planning condition is recommended to allow submission and agreement of such details and subsequent implementation and retention.
34. The site is located in excess of the 25m maximum walking distance from the public highway for refuse collection and these arrangements are proposed to continue as they do at present.
35. Subject to a condition requiring a Construction Management Plan, and a condition requiring an EV charging point, the Highways Engineer has raised no objections to the proposed development and the proposal complies with policies DC1 and IN4 in this regard.

e) Public Rights of Way

36. Policy IN1 identifies protecting and enhancing Public Rights of Way as a key priority for the Local Plan. The proposed development will involve the diversion of Footpath No. 6 in the Parish of Hurworth. At present the recorded route of Hurworth Footpath 6 runs diagonally across the site. It is proposed to re-route this footpath in a northerly and then easterly direction following discussions between the applicant and the Public Rights of Way Officer. The new route will be applied for as a diversion to the current Right of Way, as a separate process. The Public Rights of Way Officer has stated the following:

'The development plan is current crossed by a recorded Public Right of Way, specifically Public Footpath Hurworth 6, in a roughly east to west orientation. The current definitive line of this footpath is obstructed by several existing hedgerows and an existing small building within the confines of this proposed development. The applicant has recently submitted a Section 119 application under the Highways Act (1980) to divert the Public Footpath'.

37. Several objections raise concerns regarding the proposed diversion of the footpath. Whilst the formal footpath diversion is a separate application process, impacts on public rights of way is a material planning consideration. It is noted that some residents have raised concerns regarding the proposed route which runs alongside the Cree Beck, and the potential for flooding. It is considered that the site does present opportunities for diversion of the footpath and given the location, there is potential for the diversion to retain a good degree of user experience. There are several options available to the applicant in terms of the route, which could address the concerns of residents due to the openness of the wider site and it is considered that an appropriate solution can be achieved through the separate footpath diversion process. As the development does not propose the loss of the right of way and seeks to achieve the above diversion on nearby land, the proposal is considered to comply with policy IN1 in this regard.

f) Surface Water and Flood Risk

38. Policy DC2 sets out guidance relating to Flood Risk and Water Management for new development sites in the Borough. The development is of a small scale such that it does not meet the thresholds for consultation with Northumbrian Water, Environment Agency, and the Lead Local Flood Authority. The proposed building is situated within Flood Zone 1. It is noted that the northern edge of the site lies within Flood Zones 2 and 3 however documents submitted show that this area of the site remains grassland and represents no increased flood risk.
39. Any development would need to provide suitable drainage as part of its construction and this would be secured under the Building Regulations legislation and through relevant other permissions required from the water authority and as such, there is not specific conflict with Policy DC2.

g) Ecology

40. Policy ENV7 sets out the overarching principles for the protection of sites and features of biodiversity and geodiversity importance. Development will be refused if significant adverse effects to biodiversity or geodiversity, either alone or in combination, cannot in the first instance be avoided, adequately mitigated, or, as a last resort, compensated for. Development will be expected to minimise the impact on and provide net gains for biodiversity, including establishing coherent and resilient ecological networks.
41. The requirement for biodiversity net gains is reiterated in policy ENV8 of the Local Plan which also states that this should be demonstrated by using the Defra Biodiversity Metric. The policy sets out the assessment and mitigation process applicants are required to follow. The Environment Act outlines a minimum requirement of 10% biodiversity net gain, but this will not come into force for smaller sites until later in the year. Presently, the requirement is that the development achieves a net gain in biodiversity.
42. The application was supported by an Ecological Appraisal (OS Ecology, October 2023) and a Biodiversity Net Gain Assessment (OS Ecology, December 2023). The reports make several observations including the following:
- The habitats in the proposed development area being largely built development and gardens, are of low ecological value with the larger grassland field area is of local value.
 - The site is of local value to bats. There is a low risk of the buildings being used during the winter hibernation period.
 - The site provides several foraging and nesting opportunities for birds and is of local value to bird species.
 - The site is likely to be of local value to hedgehog.

43. The Ecological report identifies several impacts should the development take place, including the following:

- Loss of habitats of up to local value.
- Loss of bat day / feeding roosts.
- Loss of foraging resource through demolition of barns.
- Disturbance to bat commuting and foraging habitats.
- Loss of bird nesting and foraging habitats of local value.
- Harm or disturbance to bird species if vegetation clearance / building demolition is undertaken during the nesting bird season (March to August inclusive).
- Risk of harm or entrapment to hedgehog and other small mammals during site works.

44. The Ecological report identifies several avoidance measures which were incorporated into the design including the following:

- The woodland, hedgerows and scattered trees outside the development area will be retained.
- External lighting that may affect the site's suitability for bats will be avoided. If required this will be limited to low-level, minimising the use of high intensity security lighting with lighting directed inward toward the development rather than out towards the surrounding habitats.
- Most of the other neutral grassland in the north of the site will be retained.

45. The Ecological report goes on to recommend a mitigation and compensation strategy, including the following:

- Prior to works which will impact on the roosts within Building 2 (barn) a Natural England mitigation licence will be obtained. If this is not obtained before May 2024, updating bat surveys will be required.
- Demolition of the bungalow (Building 1) will be completed to a detailed method statement for bats.
- Building demolition/vegetation clearance works will not be undertaken during the nesting bird season (March to August inclusive) unless the site is checked by an appropriately experienced ecologist and nests are confirmed to be absent.
- Any excavations left open overnight will have a means of escape for mammals that may become trapped in the form of a ramp at least 300mm in width and angled no greater than 45°.
- Retained trees will be protected from damage in line with the recommendations in BS5837:2012 (as dealt with in the Arboricultural Method Statement).
- Works will not be undertaken during the bird nesting season (March to August inclusive) unless the site is checked by an appropriately experienced ecologist and nests are confirmed to be absent.
- Bat roosting features in the form of five integrated bat boxes will be incorporated into the development.
- Two bat boxes will be erected on retained mature trees in the wider site.

- Landscape planting shall include berry and fruit bearing species to provide increased foraging opportunities in the local area.
- Tree and shrub planting within the site will utilise native species.
- Loss of hedgerows/trees will be compensated for through additional hedgerow/tree planting within the wider site.
- Landscape planting should seek to provide wildlife corridor habitat around the site boundaries as well as throughout the site.
- Grassland areas within the site will be sown with a wild seed mix to create species rich grasslands around site boundaries.
- Integrated swift bricks will be incorporated into the proposed new structures within the site¹⁸. These bricks should be incorporated onto the northern elevation of structures and situated away from windows.
- Nest boxes should be installed within the site owners land holding. Boxes should be installed on retained buildings or incorporated into new structures. Boxes should be suitable for a range of species, particularly starling and house sparrow.
- Hedgehog hibernacula should be installed within the site to provide additional opportunities for such species.

46. The Biodiversity Net Gain Assessment concludes that the proposal results in a net gain of 0.33 habitat units and 0.69 hedgerow units. This achieves a net gain as required by Policy ENV7 and ENV8.

47. The Biodiversity Management and Monitoring Plan includes a list of species proposed for the native hedgerow, the proposed meadow mixture for the enhanced grassland, and outlines that the urban trees will be a mix of native and fruit bearing species. It identifies the key management and maintenance plans for achieving the proposed net gains, with specified intervals for monitoring. The Council's Ecology Officer is satisfied that by following the BNG Assessment and BMMP the development will meet the requirements of the Local Plan and on this basis has raised no objections. Planning conditions are recommended to secure adherence to the above documents.

h) Nutrient Neutrality

48. The application site is located within the River Tees Catchment Area and is therefore subject to the guidance issued by Natural England on the 16th of March 2022 in respect of the unfavourable condition of the Tees mouth and Cleveland Coast Special Protection Area (SPA), Ramsar Site and associated Sites of Special Scientific Interest.

49. The Natural England Tees mouth and Cleveland Coast Special Protection Area/Ramsar Evidence Pack August 2022 (TIN204) confirms that this protected area is currently in an unfavourable condition due to nutrient enrichment, which includes pollution from nitrates, including Nitrogen.

50. Regulation 63 of the Conservation of Habitats and Species Regulations (2017) requires Darlington Borough Council (as the Competent Authority) prior to giving permission for any plan/project that is likely to have a significant effect on a European site (either

alone or in combination with other plans/projects) to undertake an appropriate assessment of the implications of the plan/project for that site in view of that site's conservation objectives.

51. Due to being a replacement dwelling, of approximately the same nutrient impact, current guidance from Natural England is that the proposed development will not need to demonstrate nutrient neutrality.

i) Other matters

52. The application states the following regarding the sustainability credentials of the scheme:

'The scheme has been designed to respond to its environmental situation; sun path, orientation, prevailing wind have all been considered during the development of the proposals. The building itself will have excellent sustainable credentials. Energy consumption will be minimised in many ways, including in the technical detail of the buildings. Using principles of highly insulated roofs, high specification windows and a quality airtight shell will ensure minimal energy usage, and the house will be serviced by a highly efficient ground source heat pump to allow for the use of renewable energy. On site energy generation via roof mounted solar PV panels will contribute to the overall sustainability of the dwelling. The embodied energy of the buildings is a key concern; materials will be certified and sourced locally wherever possible. Materials will be high quality, long lasting, natural materials. Timber frame construction will be used where appropriate to reduce the embodied energy involved in the buildings. The building will be designed to exceed building regulations and to minimise energy use'.

53. The commitment in the application to producing a building with excellent sustainable credentials and utilising on-site energy generation via roof-mounted solar panels, is welcome and complies with Policy DC1 in that the application demonstrates how measures have been implemented to reduce carbon emissions from the development and reduce the need for energy consumption.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998

54. The contents of this report have been considered in the context of the requirements placed on the Council by Section 17 of the Crime and Disorder Act 1998, namely the duty on the Council to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. It is not considered that the contents of this report have any such effect.

CONCLUSION

55. In summary, overall the proposed replacement dwelling is considered to be acceptable in the context of Policy H7. The proposed development complies with the other relevant policies in the development plan and has an acceptable impact on heritage

assets. Subject to the proposed conditions the development would be acceptable in respect of highway safety, ecology, trees, and residential and visual amenity.

RECOMMENDATION

THAT PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS.

GENERAL

1. A3 Implementation limit (3 years)
2. PL Accordance with plan

Site Location Plan

PL1001 Proposed site plan.

PL1003 Proposed roof plan.

PL2001 Proposed house elevations.

PL2002 Proposed courtyard elevations.

PL2003 Proposed Garden studio / store elevations.

SK1002 Proposed ground, first floor and garden studio plans.

1480-100 Landscape Strategy

LANDSCAPE AND MEANS OF ENCLOSURE

3. E3 Landscaping (Implementation)
4. The proposed boundary treatment as shown on the submitted plan (1480_100) shall be installed prior to the occupation of the dwelling hereby approved and shall be retained as such thereafter.

REASON – In the interests of amenity.

CONSTRUCTION IMPACTS

5. Prior to the commencement of the development, a site-specific Demolition and Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The plans shall include the following, unless the Local Planning Authority dispenses with any requirement[s] specifically and in writing:
 - a) Dust Assessment Report which assesses the dust emission magnitude, the sensitivity of the area, risk of impacts and details of the dust control measures to be put in place during the demolition and construction phases of the development. The Dust Assessment Report shall take account of the guidance contained within the Institute of Air Quality Management “Guidance on the assessment of dust from demolition and construction” February 2014.
 - b) Methods for controlling noise and vibration during the demolition and construction phase and shall take account of the guidance contained within BS5228 “Code of Practice for noise and vibration control on construction and open sites”.

- c) Construction Traffic Routes, including parking areas for staff and visitors.
- d) Details of wheel washing.
- e) Road Maintenance.
- f) Warning signage.
- g) Contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.

The development shall not be carried out otherwise in complete accordance with the approved Plan.

REASON – In the interests of amenity and highway safety.

- 6. No construction or demolition activities, including the use of plant and machinery, as well as deliveries to and from the site, shall take place outside the hours of 08.00-18.00 Monday to Friday, 08.00-14.00 Saturday with no activities on Sunday or Bank/Public Holidays without the prior written permission of the Local Planning Authority.

REASON – In the interests of amenity.

LAND CONTAMINATION

- 7. Prior to the commencement of the development and any site investigation works or at a time agreed in writing by the Local Planning Authority a Phase 2 Site Investigation Strategy (Sampling and Analysis Plan) shall be designed and documented by a "suitably competent person(s)" in accordance with published technical guidance (e.g. BS10175 and Land Contamination: Risk Management (LCRM)) and be submitted to and agreed in writing with the Local Planning Authority, unless the Local Planning Authority dispenses with the requirement specifically and in writing. The Phase 2 Site Investigation Strategy (Sampling and Analysis Plan) shall be sufficient to fully and effectively characterise and evaluate the nature and extent of any potential contamination and assess pollutant linkages. No alterations to the agreed Phase 2 Site Investigation Strategy or associated works shall be carried out without the prior written agreement of the Local Planning Authority.

REASON - The site may be contaminated because of past or current uses and/or is within 250 metres of a site which has been landfilled. To ensure that risks from land contamination to the future uses of the land and neighbouring land are minimised, together with those to controlled waters, property, and ecological systems, and to ensure that the development can be carried out without unacceptable risks to receptors, in accordance with the National Planning Policy Framework.

- 8. Prior to the commencement of each phase of the development or at a time agreed in writing by the Local Planning Authority a Phase 2 Site Investigation works shall be

conducted, supervised, and documented by a “suitably competent person(s)” and carried out in accordance with the approved Phase 2 Site Investigation Strategy (Sampling and Analysis Plan). A Phase 2 Site Investigation and Risk Assessment Report prepared by a “suitably competent person(s)”, in accordance with published technical guidance (e.g., BS10175 and Land Contamination: Risk Management (LCRM)) and shall be submitted to and agreed in writing with the Local Planning Authority unless the Local Planning Authority dispenses with the requirement specifically and in writing.

REASON - The site may be contaminated because of past or current uses and/or is within 250 metres of a site which has been landfilled. To ensure that risks from land contamination to the future uses of the land and neighbouring land are minimised, together with those to controlled waters, property, and ecological systems, and to ensure that the development can be carried out without unacceptable risks to receptors, in accordance with the National Planning Policy Framework.

9. Prior to the commencement of the development or at a time agreed in writing by the Local Planning Authority a Phase 3 Remediation and Verification Strategy shall be prepared by a "suitably competent person(s)" to address all human health and environmental risks associated with contamination identified in the Phase 2 Site Investigation and Risk Assessment. The Remediation and Verification Strategy which shall include an options appraisal and ensure that the site is suitable for its new use and no unacceptable risks remain, shall be submitted to, and agreed in writing with the Local Planning Authority, unless the Local Planning Authority dispenses with the requirement specifically and in writing.

REASON - The site may be contaminated because of past or current uses and/or is within 250 metres of a site which has been landfilled. To ensure that risks from land contamination to the future uses of the land and neighbouring land are minimised, together with those to controlled waters, property, and ecological systems, and to ensure that the development can be carried out without unacceptable risks to receptors, in accordance with the National Planning Policy Framework.

10. Any contamination not considered in the Phase 3 Remediation and Verification Strategy but identified during subsequent construction/remediation works shall be reported in writing within a reasonable timescale to the Local Planning Authority. The contamination shall be subject to further risk assessment and remediation proposals agreed in writing with the Local Planning Authority and the development completed in accordance with any further agreed amended specification of works.

REASON - The site may be contaminated because of past or current uses and/or is within 250 metres of a site which has been landfilled. To ensure that risks from land contamination to the future uses of the land and neighbouring land are minimised, together with those to controlled waters, property, and ecological systems, and to ensure that the development can be carried out without unacceptable risks to receptors, in accordance with the National Planning Policy Framework.

11. The Phase 3 Remediation and Verification works shall be conducted, supervised, and documented by a "suitably competent person(s)" and in accordance with the agreed Phase 3 Remediation and Verification Strategy. No alterations to the agreed Remediation and Verification Strategy or associated works shall be carried out without the prior written agreement of the Local Planning Authority.

A Phase 4 Verification and Completion Report shall be compiled and reported by a "suitably competent person(s)", documenting the purpose, objectives, investigation and risk assessment findings, remediation methodologies, validation results and post remediation monitoring carried out to demonstrate the completeness and effectiveness of all agreed remediation works conducted. The Phase 4 Verification and Completion Report shall be submitted and agreed in writing with the Local Planning Authority within 2-months of completion of the development or at a time agreed unless the Local Planning Authority dispenses with the requirement specifically and in writing.

The development site or agreed phase of development site, shall not be occupied until all the approved investigation, risk assessment, remediation, and verification requirements relevant to the site (or part thereof) have been completed, reported, and approved in writing by the Local Planning Authority.

REASON - The site may be contaminated because of past or current uses and/or is within 250 metres of a site which has been landfilled. To ensure that risks from land contamination to the future uses of the land and neighbouring land are minimised, together with those to controlled waters, property, and ecological systems, and to ensure that the development can be carried out without unacceptable risks to receptors, in accordance with the National Planning Policy Framework.

ECOLOGY

12. The development shall be carried out and operated in full accordance with the submitted Biodiversity Management and Monitoring Plan (BMMP) (OS Ecology, December 2023), including provision for future monitoring, reporting and any necessary amendment of management measures, or such other alternative measures which may subsequently be approved in writing by the Local Planning Authority.

REASON: To ensure that any impacts on biodiversity and ecology are mitigated and that appropriate enhancement works, and biodiversity net gain are secured.

13. The development shall not be carried out otherwise than in complete accordance with the recommendations set out within the Ecological Appraisal (Land off Timmy's Lane, Hurworth, OS Ecology, October 2023) unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure that any impacts on biodiversity and ecology are mitigated and that appropriate enhancement works, and biodiversity net gain are secured.

TREES

14. The development shall not be carried out otherwise than in accordance with the recommendations and tree protection measures set out in the submitted 'Arboricultural Impact Assessment and Arboricultural Method Statement (Elliott Consultancy Limited, July 2023) unless otherwise agreed in writing by the Local Planning Authority.

REASON – To ensure a maximum level of protection to safeguard the wellbeing of the trees on the site and in the interests of the visual amenities of the area.

EV CHARGING POINT

15. Prior to the first occupation of the development hereby approved details of the type and location of an electrical socket suitable for charging an electric vehicle, shall be submitted to, and approved by the Local Planning Authority. Thereafter the development shall be undertaken in accordance with the approved details prior to the occupation of the dwelling and maintained as such thereafter.

REASON - To accord with Policy IN4 of the Local Plan.

INFORMATIVES

Pigeons/birds can be known to roost and nest under solar panels. The Applicant may wish to consider the installation of bird proofing mesh to prevent access for birds.