



Area Planning Committee (South and West)

Date Thursday 16 May 2024
Time 10.00 am
Venue Council Chamber, County Hall, Durham

Business

Part A

1. Apologies for Absence
2. Substitute Members
3. Declarations of Interest (if any)
4. Minutes of the Meeting held on 21 March 2024 (Pages 3 - 24)
5. Applications to be determined
 - a) DM/23/03330/FPA - Bus Depot, Morland Street, Bishop Auckland, DL14 6JG (Pages 25 - 60)
Erection of 23no. dwellings with associated means of access and works.
 - b) DM/23/03533/FPA - Land to the South of Broadway Avenue, Salters Lane, Trimdon, TS29 6PU (Pages 61 - 90)
Construction of 41 dwellings with associated works.
6. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration.

Helen Bradley
Director of Legal and Democratic Services

County Hall
Durham
8 May 2024

To: **The Members of the Area Planning Committee (South and West)**

Councillor J Quinn (Chair)
Councillor A Savory (Vice-Chair)

Councillors E Adam, V Andrews, J Atkinson, D Boyes, D Brown,
J Cairns, N Jones, L Maddison, M McKeon, S Quinn,
G Richardson, M Stead and S Zair

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DURHAM COUNTY COUNCIL

At a Meeting of **Area Planning Committee (South and West)** held in Council Chamber, County Hall, Durham on **Thursday 21 March 2024 at 10.00 am**

Present:

Councillor J Quinn (Chair)

Members of the Committee:

Councillors A Savory (Vice-Chair), E Adam, D Brown, J Cairns, N Jones, L Maddison, S Quinn, G Richardson and M Stead

Apologies:

Apologies for absence were received from Councillor Jim Atkinson and Councillor Sam Zair

1 Apologies for Absence

Apologies for absence were received from Councillor Jim Atkinson and Councillor Sam Zair.

Councillor J Quinn expressed that his thoughts and well wishes were with Councillor J Atkinson and his family.

2 Substitute Members

There were no substitutes.

3 Declarations of Interest

Councillor A Savory declared a non-pecuniary interest in agenda item 5d as she had called the planning application to committee but she was open minded and had not made a decision.

4 Minutes

The minutes of the meeting that was held on 22 February 2024 were agreed as a correct record and signed by the chair.

It was agreed that the order of business be amended so that Agenda Item No. 5 b was considered first.

5 Applications to be determined

b DM/23/02803/FPA - High Green Farm, Binchester, Bishop Auckland, DL14 8AU

The Committee considered a report of the Senior Planning Officer that was a resubmission of DM/22/03077/FPA for the erection of one permanent rural equine workers dwelling at High Green Farm, Binchester, Bishop Auckland, DL14 8AU (for copy see file of minutes).

G Spurgeon, Senior Planning Officer gave a detailed presentation that included site photographs, a site location plan and proposed elevation plans. A site visit had taken place prior to the Committee meeting to enable Members to assess the impact of the proposed development and the relationship with their surroundings. He explained that the planning application sought full planning permission for the erection of a single storey 3 bedroomed rural workers dwelling that would be sited in a similar position to the existing static caravan that had temporary approval for 3 years that had now lapsed. The applicant ran an American miniature horse stud business at the Farm since 2019, prior to which he had kept sheep, cattle and poultry. The request for a permanent workers dwelling was for security purposes and the welfare of the animals when foaling. Officers deemed it unnecessary to have a permanent dwelling on site and noted there was alternative accommodation in a nearby village that was 3 minutes away to enable a response to emergencies. Therefore the application was contrary to policies 10 and 12 of the Durham County Plan and the officer recommendation was to refuse the application.

Councillor P Molloy, local Councillor addressed the committee in support of the application who had visited the site on numerous occasions and spoken to Mr Green who had explained that he ran a viable miniature horse breeding business since 2019. Horses cost £10,000 each that were high maintenance with medical and breeding that required a presence on site 24 hours a day, 7 days per week especially around foaling due to the risk of red bag birth. There would be a poor outcome if someone was not there to cut open the placenta to bring the foal out quickly that was required to be done in 3 minutes. There had been 3 red bag births in 2023. This application referenced policy 10 and 12 but due to the nature of the business the primary concern was the welfare of the animals and he requested for the planning application to be heard and reject the planning officer's recommendation to refuse the application.

Mrs J Green, applicant addressed the Committee in support of the application and explained that her and her husband ran a viable stud business since 2019. The planning officer had stated that no permanent accommodation was required as the business could still be run off site. She stressed that the planning officer had a lack of practical understanding of the business as this was not a 9-5pm job and her husband worked all the hours he could which was made possible by the temporary static caravan. It was invaluable for a permanent or temporary accommodation to be on site which had been the case for the last 4 years that had allowed the business to grow and develop. The operation of the business would not be practical, reliable or sustainable if they were based off site as any disturbance would need to be addressed immediately. There was a high value on the mares, stallions and foals that were critical to the business success. The installation of CCTV as suggested by the planning officer would be impractical as monitoring this during the night would make for an even longer working day. In 2019 it was recognised that there was a need for the highest welfare to the mares and foals after birth. She commented that they had tried to get a planning application submitted for a permanent workers dwelling but the planning case officer recommended that the policy would not support it. They challenged it as they believed that they had provided all the evidence required. She asked Members if they would be minded to overturn the officer's recommendation as without the dwelling they could not continue to run a successful business and the welfare of the horses would not be met. She noted it would also be detrimental to other businesses that they supported like vets, trainers, fertilizers and she didn't want their livelihood also taken away.

The Chair opened up the meeting for questions.

Councillor E Adam asked the applicant if when the business model for High Green Farm had been developed if they had thought at the time there would be a need for a permanent dwelling on site and why was there was a need for a large 3 bedroom property supposedly for workers.

Mr B Green responded that there was a need for a large 3 bedroom property to accommodate friends and family, some of whom were disabled as they wanted to make provisions for them to live there later on in life.

Councillor E Adam asked if this large property had been factored into the business model when it was set.

Mr B Green answered Councillor E Adam that they wanted a property on site as there was a need to be on the site 24 hours 7 days per week. When the business model was prepared they didn't know what size of property they would need.

Councillor L Maddison knew the farm and the area. She asked if there had been an increase in business since the planning application for a change of use in September 2019 to an equestrian stud business had been submitted and the temporary approval for 3 years for a caravan to be placed on site had been granted.

Mr B Green confirmed that there had been an increase in business. The fact that they were on site 24 hours a day, 7 days per week meant they had not lost any foals and there had been no issues with security. Prior to living on site there has been some thefts and the year before they had 10 mares foaling and they had lost 8.

Councillor J Quinn asked since they had been living on site temporarily for 3 years that if the planning application was refused where would they live.

Mr B Green stated that they had nowhere to go if the planning application was refused.

The Chair opened up the meeting for debate.

Councillor G Richardson advised that he had attended the site visit and had listened to the presentation given by the officer that had given valid points however as a farmer himself he knew of the business needs to have the site occupied 24 hours a day 7 days a week which had been explained by the applicant. He noted that he himself was a few days from lambing season but a few has come early and as he was on site he was there to look after them. He acknowledged that you still got deaths which could not be helped. He had a sympathetic view and was in favour of supporting animal welfare in whatever shape it took.

Councillor S Quinn was an animal lover and knew people did what they could for their animals. She emphasised with the applicant and although the property was a little remote the applicant had been living out of a caravan for some time to care for the animals. She supported the application and disagreed with officer recommendation to refuse the application.

Councillor L Maddison knew the area and where the property would be located. It was mentioned that the applicant could live in a near by village and still tend to the horses without being on site but she felt that Middlestone Moore and Byers Green were still a good distance away. She noted that the applicant had increased his business because of he had been temporarily housed on site of which planning had approved. She felt that the health of the animals was essential and also the health of other peoples animals when on site when they were brought to stud so was important to have someone on site. She was in support to refuse officer recommendation and approve the application.

Councillor A Savory had listened to what had been said and prior to having someone on site 8 foals had been lost compared to none being lost whilst someone was living on site. She felt that if there was no one on site crime would occur which would be detrimental to a viable business and supported the application to be approved.

Councillor J Quinn inclined to agree that it was important to be on site. He appreciated what officers had presented that the applicant could live at a nearest location off site but he felt that the timings to get there in an emergency were not accurate as it would take time for the applicant to get ready and get there.

Councillor E Adam had listened to what Members had said on how the business was run with a need to have someone on site on a permanent basis. He felt that the applicant had not given a sufficient answer when asked about the property in relation to the business model even though they had sold their property in 2021 and could have settled in a suitable property in a village nearby. He acknowledged that he was not an expert in foaling but thought that many of the births would take place during the day. He fully appreciated the needs of the business but struggled with the application as it conflicted with policy 12.

Councillor S Quinn mentioned that there were planning applications to extend houses near the farm that could propose issues as there was an increase in rural crime. She **moved** the application to go against officer recommendation and approve the application.

Councillor L Maddison **seconded** the application to be approved.

Councillor M Stead agreed with some of the points raised by Councillor E Adam regarding the conflict in policies and asked how many foals were born in a specific time frame.

Mr B Green stated that this year he had 18 mares in foal and to be on site would save lives. He noted that foals were mainly born at night as mares felt protected under the cover of night to give birth.

Councillor M Stead calculated the number of foals born to be 1.5 a month and queried if it was then necessary to have a permanent property on site.

Councillor J Quinn added that foals were not born all year round only within 9 months of the year so there would be times when more foals would be born than others.

Councillor G Richardson stated that numbers did not come into it as even if only 1 foal was born there was a need for someone to be on site. Foals were born during the night and was in support of the application not the refusal.

Councillor D Brown had also listened to all the comments made and had attended the site visit. He also had livestock of 200 cows and used modern technology to look after them. He felt that the applicant was not running a business but a hobby. The temporary approval for the static caravan for 3 years had elapsed and he queried why it had taken so long to submit a new planning application. He noted that the previous business had dealt with cattle, sheep and poultry that would have required to be recorded with passports and again the ponies would also need passports so security would not come into it. The report did not mention any veterinary attention and queried the welfare of the foaling as mares had foals on Dart Moor in the wild without support. He commented that there had been other planning applications similar that had been refused and on appeal inspectors were also inclined on refusal. He could not see how the committee could break precedent. He supported the officer's recommendation to refuse the application.

Councillor J Quinn respectively disagreed with Councillor D Brown's opinion that this was a hobby and not a business as this generated the main source of income for the applicant.

L Ackermann, Legal Officer (Planning and Highways) reminded Members that if they proposed to approve the application and go against officer's recommendation there would be a requirement for delegated authority for officers to request specific conditions that would be linked to the business.

Councillor E Adam reiterated that legal advice was important to create conditions to be set if the decision went against policies relating to developments in the country.

Upon a vote being taken it was:

Resolved:

That the planning application be **APPROVED** subject to delegated authority for further conditions to be added.

**a DM/23/02915/FPA - The Beehive, Salters Lane, Fishburn,
TS21 4AS**

The Committee considered a report of the Planning Officer that was for a change of use of a public house (Use Class Sui Generis) to retail (Use Class E), including demolition of existing lean-to canopy and rear patio, installation of a new compound, facade treatment alterations car park alterations, access alterations and landscaping works at The Beehive, Salters Lane, Fishburn, TS21 4AS (for copy see file of minutes).

M Sandford, Planning Officer gave a detailed presentation that included site location photographs, aerial photographs, site photographs, floor plans and proposed elevations. A site visit had taken place prior to the Committee meeting to enable Members to assess the impact of the proposed development and the relationship with their surroundings. He explained that that application was to change the use of an empty former pub into a retail unit with the proposed opening hours of 6am 11pm, Monday to Sunday that would provide a variety of grocery products, frozen and fresh foods. The proposal would bring an empty property back into use and bring employment to the area. There was a condition to add double yellow lines to the front of the property to prevent parking on the front street. During the consultation process there had been 31 letters of objection including Fishburn Parish Council and Sedgefield Town Council. There has also been a 250 named petition submitted. The officer recommendation was to approve the application subject to conditions highlighted in the report.

Councillor M Barker, Fishburn Parish Councillor addressed the committee in objection to the planning application on the grounds of road safety stating that main road through Fishburn where the premises was located was a notoriously busy road. There was a school nearby where pick up and drop offs were horrific. There were major concerns for pedestrians crossing the road at the zebra crossing in the area due to the speed in which cars came along the main road. There had been several accidents in this area but not all had been reported to the police or the council. Paul Howell MP had undertaken a site visit for residents to show how accidents happened and potentially make improvements. She believed that the shop would increase the traffic making it more dangerous for people walking to school. School Governors had objected to the planning application due to safeguarding issues as the safety of the children was of the utmost priority. She asked that if a child or pedestrian died who would be held responsible. The applicant was not aware of the issues as they did not live in the village. If the application was granted further double yellow lines would be implemented at the front of the premises but these had not stopped motorists parking at the zebra crossing as they were not policed. Residents did not want another shop but would rather have the pub reopened under the right owners.

Councillor M Barker referenced policy 6 that related to highway safety and informed the committee that the road was regularly blocked with traffic in each direction as people parked in the bus stop opposite. The Parish Council supported local shops but this would be more of the same where there would be issues with the sale of vapes and alcohol even if they were subject to licensing. She stated that the area was prone to sink holes having had one in the school yard. There would be further risk of sink holes when heavy goods vehicles made deliveries. She asked that members refused the application.

Ms C Leonard, member of the public spoke in objection to the planning application. She was a parent and grandparent of children who had attended Fishburn Primary school. She told the committee that she had nearly lost her son when he was 7 whilst crossing the road via the zebra crossing due to a speeding vehicle. It was the lollipop lady at the time that saved him by pulling him back by the hood of school coat. Her child never forgot that incident. It only took one bad driver to have an accident that would change peoples lives forever.

Mr M Parkin, member of the public also addressed the committee in objection to the application. He advised that he had submitted a 3-page letter that listed his objections and hoped that members had read it. Councillor Barker had hit the nail of the head regarding road safety in that area. He stated that there had been several accidents around the zebra crossing and crossroads as double yellow lines were not enforced with cars parked on them. The shop was close to a school that would increase traffic making the journey to school more dangerous and the issues highlighted made worse. He noted that 280 people had signed a petition objecting to the shop so in reality it was not wanted in the village. There was no support for the application. He asked who would take responsibility for any further accidents if the members were minded to approve the application. There should be a proposal to retain the building and bring it back into use as a pub as it needed investment due to it falling into disrepair. He hoped members would refuse the application.

D Battensby, Principal DM Engineer appreciated the comments made about accidents that occurred in the area however these were predominantly at the crossroads. He stressed that the existing highway problems were not related to the application or the previous use of the premises. The existing school gate parking issues and operation of the crossroads were not material to the determination of the premises turning into a shop. He advised that in considering this application officers were mindful of the policies relating to highways. Consideration was given to the probability of vehicles parking on the main road to the front which could obscure pedestrians at the zebra crossing and mitigation was proposed to introduce "No waiting/No loading" double yellow lines in this location.

The applicant had been receptive to and engaged with the Council in progressing this request. The number of proposed parking bays had been extended beyond what was required by the DCC Parking Standards SPD and that this may benefit the school gate issues of pick up and drop offs. He stated that it was not possible for the applicant to rectify the road safety issues as this was beyond the scope of planning.

The Legal Officer (Planning and Highways) clarified that the committee should consider the planning application in front of them for this site.

Mr S Moulten, agent for the applicant addressed the committee in support of the application. The applicant had worked with Durham County Council to provide a positive planning application. The applicant had met with the local school via teams to discuss and address any concerns they had. He stated that the premises had not been financially viable as a pub and had since closed leaving the building exposed to vandalism. The proposed development would contribute to the village by creating 4 full time jobs and 8 part time jobs. The application had a condition included to add no waiting and no loading restrictions to the front of the property to prevent parking. There would be an increase in the number of parking spaces in the car park with EV charging points and disabled bays, cycling parks to give access to all users. There would be no loss of privacy to nearby houses as raised by officers. The development would create significant investment and boost the economy. It would bring back into use a non-designated asset and make use of a brownfield site. He asked members to determine the application for approval.

J Jennings, Principal Planning Officer stated that the community would use the facilities and it would provide a contribution to the settlement. People may not feel there was a need for the retail unit but they had not taken into account that after assessment it was appropriate and acceptable.

The Chair opened the meeting for debate.

Councillor D Brown advised that the application was in his ward and he frequently attended the Parish Council meetings. He knew the area and there was a correct assumption about the large volume of traffic on the road. He appreciated the residents in their willingness to resurrect the Beehive as a public house. As a convenience store he was adamant that the traffic would increase. He added that there had been 40 letters of objection and a petition and no support in favour of the development. It was a rural area where there would be no way there would be a reduction in traffic especially with the drop off and collections at the nearby school.

Traffic was chaotic which would be made worse with the delivery of goods by heavy goods vehicles which would need to pull across the entire road to reverse into the car park. He did see the advantages of investment of the convenience store but it would be in competition with the two stores already in situ. There was no support for the Nexus store and would support the refusal of the planning application.

Councillor E Adam appreciated the public attending the committee as there had been many objections submitted that needed to be focused on. He referred to the number of accidents and incidents on the road that indicated that there was an issue. He asked the Highways Officer if the analysis of road accidents/incidents had covered the period when the pub was open. He queried if data and statistics suggested that there had been no accidents or issues when it was open.

Councillor M Barker commented that traffic came through the 30mph village at speeds of approximately 60mph when approaching the zebra crossing and crossroads which caused the accidents. The double yellow lines and no waiting restrictions at the crossroads were not effective as cars parked there obstructing the visibility. She noted that if further double yellow lines were painted outside the development it would push the parking issue further towards the school area.

Mr M Parkin added visibility was obscured at the crossroads due to parked cars on the double yellow lines and speeding vehicles had no time to react. At one point there were 6 accidents in a 4 week period.

The Principal DM Engineer responded to Councillor E Adams that the Highways Authority had originally looked at all accidents over the last 3 years then extended the search for 10 years. He commented that as the pub had closed a year ago the data would have included the period when the pub was open. The main cause of accidents was driver error where there was a failure to give way at the crossroads. One incident occurred at the zebra crossing however the driver of the vehicle was not one which would typically be associated with excessive speed. He stressed that these accidents were not associated to the premises whether it was in use or not. The issues at the crossroads were beyond the scope of the application and if members were inclined to refuse the application on this basis this would not stand up if it went to appeal.

Councillor G Richardson made a comment to the agent that less was more and the presentation was garbled and hard to understand.

Councillor M Stead asked if there was any data on the premises being a convenience store with the number of deliveries being made and whether this would be more than if it were a pub. He felt that the deliveries could potentially reduce traffic along the road.

The Principal DM Engineer confirmed there was no data in relation to deliveries. He stressed that all businesses differed to one another and deliveries would be dependant upon their needs. He noted that delivery vehicles may be larger than a car but there was no history of any complaints or issues with deliveries when the property was a pub as the cellar was within the curtilage of the pub's car park.

Councillor D Brown commented that the accuracy of the photographs contained in the officer's presentation did not reflect the amount of traffic whilst on the site visit.

Councillor E Adam asked highways if the speed restrictions could be reduced along that road from 60 mph to 40 mph to eventually 30 mph that could possibly alleviate the speed of traffic into the area. He queried if this could be an additional condition if members were minded to approve the application.

The Principal DM Engineer stated that the 30mph speed limit terminal point was approximately 250metres north of the property at the commencement of the built up area. He added that speed restrictions should reflect the driving environment to encourage compliance with the posted limit. In situations where this was not the case, the speed limit lacks credibility and results in a lack of compliance by motorists. The road from the north was a rural area and the national de-restricted speed limit of 60mph would be the most appropriate one based upon the speed limit criteria used in assessing the speed. There were dragon's teeth to highlight the area and other traffic calming measures in place that were appropriate for the area.

Councillor E Adam asked legal if this could be added as a condition.

Councillor N Jones was torn with the application as it was an old building that had fallen into ruins but was aspirate with the pedestrian issue. He felt that there should be controlled lights in the area. He added that members needed to be mindful that residents had signed a petition and there had been several objections meaning residents did not want this in their village.

Councillor J Cairns asked the agent when the building was purchased.

Mr S Moulten responded that the sale was closed in May 2023 and the final arrangements for the sale concluded in August/September 2023.

Councillor J Cairns asked when the planning application had been submitted for the development of 6 dwellings in the building and if it was a different applicant.

The Planning Officer did not have that date to hand but it was a different applicant.

The Legal Officer (Planning and Highways) responded to the query from Councillor E Adams that the highways issues were already in place and could not be resolved by the applicant as this was outside the scope of planning. The Legal Officer (Planning and Highways) reiterated that there had been highway objections to this application and there would be a requirement for a highways management plan when the development commenced.

The Principal Planning Officer advised that there was a condition in place for the applicant to add double yellow lines to prevent parking in the front street to help ensure people parked in the car park. She added that the access to the premises was at the side and not at the front.

The Planning Officer responded to Councillor J Cairns query that the planning application to build 6 dwellings was submitted in November 2022 but it was never made valid.

The Chair opened up the meeting for debate.

Councillor M Stead was mindful that to push for reasons to go against officer recommendation to approve the application would not stand up on appeal. He was aware that there were several objections and a signed petition but he felt that delivery vehicles would reduce the speed of traffic in the area.

Councillor E Adam agreed with Councillor M Stead that if the application was refused the applicant would win at appeal. The traffic issues and parking on double yellow lines did not relate to the planning application and the policies were required to be adhered to and Councillors should not go against them. He understood the concerns with traffic, parking, bad driving and the close proximity of the school but these were not caused by the new development. People parking on double yellow lines and outside schools required a vigilant approach to report to the local authority as a way forward and was not a material planning issue. He was not convinced that the shop would increase traffic as there had been no issues when the pub was open. He supported the officer's recommendation to approve the application as this would bring the building back into use to create employment and boost the economy of the village. He did not think the applicant would have submitted a planning application if he did not think the business would be viable.

Councillor A Savory sympathised with the public regarding the issues with collections and drop offs around the school. She supported the application as the pub had been closed for some time and the building had fallen into disrepair. She felt if it was left it would attract vandalism and anti-social behaviour. She thought the shop would be a valuable amenity to the local area and bring an old building back into use.

Councillor G Richardson stated that although it would bring the building back into use and improve the area, he had heard the powerful presentation from residents. He was of the same mind as Councillor D Brown to refuse the application.

Councillor J Quinn stated that Councillor D Brown had **moved** a motion to refuse the application.

Councillor G Richardson **seconded** the motion to refuse the application.

The Legal Officer (Planning and Highways) requested that before the vote took place that relevant reasons were given as to why the planning application should be refused.

Councillor G Richardson stated that the application should be refused on highway safety issues based on the number of accidents in the area even if it was going against highway advise.

The Legal Officer (Planning and Highways) stressed that highways safety would not be a sustainable reason if this went to appeal as there would be no support from the Highways Authority as they had no objections. The Legal Officer (Planning and Highways) advised that the decision was up to members but there would be risks of costs to the council if the application was refused.

Councillor G Richardson was aware of the risk but had to stand up for the residents.

Councillor M Stead **moved** to approve the application. He did sympathise with residents regarding the issues of traffic and parking but they were not material planning considerations. Highways had addressed the issue of parked cars by introducing double yellow lines outside the premises which may reduce the amount of parents parking near the school.

Councillor E Adam **seconded** the application to be approved.

The Chair noted the motion for refusal put forward by Councillor D Brown, seconded by Councillor G Richardson and upon a vote being taken, the motion was **LOST**.

Upon a vote being taken, it was:

RESOLVED

That the application be **APPROVED**, subject to the conditions as set out within the report.

c DM/23/03634/FPA - Land West Of The Garth, Old Eldon, DL4 2QT

The Committee considered a report of the Planning Officer that proposed bungalow, boundary wall and associated access (resubmission) at Land West of The Garth, Old Eldon, DL4 2QT (for copy see file of minutes).

H Sperring, Planning Officer gave a detailed presentation that included a site location plan, aerial photographs, site photographs, images that showed the vision splay by highways, proposed site plans, proposed floor plans and the proposed elevation. A site visit had taken place prior to the Committee meeting to enable Members to assess the impact of the proposed development and the relationship with their surroundings. She explained that the application was for a 2 bed property with a siting room at the front and an open plan kitchen/dining area. Upon consultation Eldon Parish Council were in support of the application to help establish a growing community. There were 2 letters of support and 1 letter of objection. Highways had objected as they considered property to be unsustainable and there were road safety issues with the access. The application conflicted with policy 10 as there were no street lighting meaning the property would be dependant on vehicles as it would be dangerous to cycle or walk between settlements. A bat box would be required to be attached to properties. There were issues in purchasing nutrient neutrality credits with Natural England which in turn would cause issues in completing the Habitats Regulations Assessments (HRA). Natural England credits could not be secured by a condition to the application. The development was not supported by policy 6 and was not compliant with policy 10 as there were no services or amenities to the site and there were no paths or lights on the C34 road. Officer recommendation was to refuse the application.

Councillor D Whitlaw, Eldon Parish Councillor addressed the planning committee in support of the application. He explained that Eldon Parish Council were shocked when the first planning application had been withdrawn following advice from the Planning Officer that it would likely be refused. He gave some background and history to Old Eldon as it was a historic settlement and there had been a need to support the housing stock within the village which was difficult to develop due to the raft of legislation to prevent it.

Old Eldon was classed as a sporadic cluster or properties in the country rather than being classed as a hamlet. He noted that historically the settlement had been there before statutory planning came into force. Councillor D Whitlaw asked members to consider to move the criteria to approve the development as it was minimal 2 bed single storey structure on an infill plot of land in the middle of the settlement of Old Eldon. Members had visited the site and there was clear evidence there were footpaths in the area but there were severely overgrown which was a Durham County Council matter.

Mr K Ryder, applicant's agent addressed the committee in support of the applicant. He argued that the development was not in conflict with policy 6 or 10 that the site was unsustainable and Old Eldon was a sporadic cluster of properties in the countryside with no services. The village had water, electric, broadband and street lighting. He noted that 7 barns had been developed on a site within the vicinity and were occupied that had 15 new car parking spaces. The development would be a natural village infill. He felt that the application had addressed all the issues that had been highlighted including the highway safety element on the access in the revised version of the application.

G Dugdale (Applicant) addressed the committee in support of the application and asked the committee to consider that the development as an infill plot that was in the middle of the village. The highways safety issues with the access had been addressed as she used the access twice daily to care for her horse. She noted that there was traffic calming in the area, with slow signage and staggered junctions. She advised that there was a streetlight at the entrance to the site. The site was environmentally sustainable as there would be an air heat source pump, EV charging points and solar panels installed. She had opened an account with Natural England for credits to address the nutrient neutrality issue and had a reference number. She advised that if she was unsuccessful at procuring credits she would turn 1.2 hectares of low land back into green land planted with trees and flowers that would be more than enough to offset the nutrient neutrality issues.

S Pilkington, Principal Planning Officer pre-empted questions from members and advised that the settlement of Old Eldon scored zero in sustainability scores due to the lack of services that were not just physical elements like social links, employment, bus stops and schools. There were no paths or highway verges that could be walked safely. Consideration in assessing sustainability looked at the function of the settlement, intensive road safety and the lack of paths that linked existing settlements.

The Principal DM Engineer stated that the main highway safety objection was in relation to the sub-standard access visibility. The speed limit of the main road was 60 mph and the highway standards state that visibility from the access must be no less than 215 metres for this speed. This technically could be achieved from the west but not from the east. The available visibility from the east was less than 70 metres and this level of visibility was only equivalent to an approach speed of 30mph however this did not take into account parking adjacent to the development that reduced this visibility even further. He added that vehicle speeds on this road were well in excess of 30mph and therefore there was significantly inadequate visibility. An accident could occur if approaching vehicles at these speeds could not see someone pulling out. Access was sub-standard, unsatisfactory and highways therefore objected to the application due to the serious road safety issue.

Councillor E Adam asked highways for clarity as to whether there was a recognised footpath within the vicinity but it was just overgrown. He advised that he drove along this road on a regular basis and thought that there were street lights close to the development. He also sought clarity on whether the supposedly lack of streetlights was due to the Council's energy reduction scheme where they had taken out streetlights in areas to save energy.

S Pilkington, Principal Planning Officer confirmed that there was street lighting in Old Eldon but not on connecting roads that lead to other settlements meaning people would have to walk in the dark which was not safe or sustainable. There was a public right of way from Eldon to Old Eldon just off the highway which was extremely overgrown and would not be practical to use to access services from other settlements. There was no footpaths on the roads connecting to other settlements and in some places there was no verge either.

Councillor E Adam asked if the removal of lights to save energy conflicted with policy.

S Pilkington, Principal Planning Officer responded that streetlights were highway policy and the pathway was not suitable for someone pushing a pram as it was not lit.

Councillor E Adam referred to page 148 in the report and asked if the statement regarding the development being in support of policy 6 was correct.

The Planning Officer replied that it was a typing error and the statement should read that the development was not in support of policy 6.

Councillor N Jones felt that sustainability could not be judged on bus services as bus services had been cut to the bone within County Durham.

Councillor J Quinn noted that the committee needed to reflect any contradictions of planning policies.

Councillor S Quinn noted that this area was in her ward and she had not pre-determined a decision but did note that some people chose to live in these areas because they were not connected. She stated that there were some parts of Shildon that were not covered by a bus route so sustainability could not be argued. The development would not be isolated as there had been other homes built in the area nearby.

Councillor M Stead liked the application. He had looked at street view and thought that the development would enhance the area as opposed to the monstrosity of the converted barns nearby.

Councillor E Adam had found the application difficult to determine as the old settlement would benefit the additional property to enhance the area but he was stuck on the issues of sustainability and highway safety. He raised the point that if the property was built it may increase highway problems. He commented that sustainability was not just about bus services but location and how to travel to neighbouring facilities like schools and leisure centres. He added that the settlement did not lend itself to facilities and there may be issues in the future if the applicant wanted to sell the property. He agreed with officer recommendation to refuse as it was contrary to policy 6, 10 and 21.

S Pilkington, Principal Planning Officer pointed out there were two reasons for refusal i) sustainability and ii) highway safety. Highways expected certain measurements for visibility which were not there and to go against officer recommendation would be going against professional advice from highway officers.

Councillor E Adam accepted the officer recommendation for refusal based on the key points.

Councillor N Jones asked highways if there was any data on the number of accidents there had been in the area.

The Principal DM Engineer confirmed that there had been 7 accidents in the last 10 years.

Councillor S Quinn noted that she travelled the road on a regular basis which she felt was quite dangerous but people who lived in rural settings were more cautious and there were slow signs on the road. She queried when the last accident happened. She stated that the applicant going there on a daily basis would be no different to accessing the plot when it was built.

Councillor M Stead used street view to show the land to those members who had not attended the site visit. He showed that access was behind a closed gate which would be moved and a driveway added to the property. He also felt that people driving in rural areas took their time. The planning application satisfied him as the proposed property would enhance the area. He was minded to **move** the application to be approved and go against the officer recommendation.

Councillor S Quinn **seconded** the application for approval to go against officer recommendation.

Councillor E Adam **moved** the application to be refused, however no seconder was identified.

Councillor G Richardson also noted that the meaning of sustainability within the planning application was a red herring as there were people living in remote areas within Durham that relied on cars as there were no bus services. He was in support of Councillor M Stead's motion to go against officer recommendation and approve the application.

Councillor E Adam stated that highways sustainability talked about the odd car but potentially when the property was built there could be 3-5 cars. Sustainability promoted climate change to move away from more cars being on the road and working towards other modes of transport like walking and cycling. There should be accessibility to walk between settlements and this was not feasible and the application contradicted policy 6,10 and 29. He noted that the NPPF also referred to this and members to go against policy was objectionable.

Councillor J Quinn directed members to consider highway safety as a vehicle pulling out of the access would have limited visibility. Street view was not a good tool to assess visibility as it put you in the centre of the road.

The Principal DM Engineer stressed that it was clear in the Durham County Plan and the NPPF that where there was a serious road safety issue the application should be refused. He added that it was a difficult decision for Highways Officers but the highway safety issue was not just relevant to the applicant but also future residents of the property and other motorists travelling on that road.

The NPPF and Durham County Plan deemed the entrance incompatible to acceptable road safety and there was a risk that a substandard access could store up issues in the future that would not be able to be resolved by the Authority. He added that the proposed access on to the C34 road should be visible on each side and the planning application could not achieve this.

Councillor S Quinn mentioned that she had seen people walking, jogging and cycling along the C34 to Shildon.

The Legal Officer (Planning and Highways) informed committee members that in relation to this application they could not approve it. They could instead be minded to approve it subject to the nitrate neutrality credit being procured from Natural England that may take a long time or secure a suitable alternative solution through a section 106 agreement and any mitigation to go through the HRA. The application would also require delegated authority to officers to do that.

G Dugdale commented that there was alternative mitigation if Natural England declined to approve the procurement of credits as she would use some land and change it from lowlands to green land to more than offset the nitrate neutrality issues.

The Legal Officer (Planning and Highways) stated that the information relating to the application for credits from Natural England was not in front of Members so could not be checked. While it was appreciated that the applicant had applied there was no confirmation that Natural England were able to grant credits therefore Members could not approve but be minded to approve subject to credits or securing a section 106 agreement if thought acceptable by the HRA. The Legal Officer (Planning and Highways) clarified again that Members could not approve the application.

Councillor J Quinn clarified for Councillor M Stead that if members were minded to approve the application then delegation authority would be given planning officers to resolve the nitrate neutrality issues and approval determined.

Upon a vote being taken it was:

Resolved:

That the Committee were **MINDED TO APPROVE** the application, subject to Nutrient Neutrality Credits procured or Section 106 Legal Agreement and HRA undertaken, with a suite of conditions to be delegated to Officers, in consultation with the Chair and Vice-Chair of the Committee.

d DM/23/02403/FPA - Land North of Hill Top Cottage, Eggleston, DL12 0AU

The Committee considered a report of the Senior Planning Officer for the Erection of 2no. residential dwellings and associated works on land North of Hill Top Cottage, Eggleston, DL12 0AU (for copy see file of minutes).

G Heron, Senior Planning Officer gave a detailed presentation that included a site location, aerial view, site photographs, proposed floor plans and proposed elevations. She explained that the application was for the erection of two detached bungalows with their own access and gardens that was situated near the settlement of Eggleston in the Nutrient Neutrality constraint area. She advised that there would be a need to seek credits from Natural England and no confirmation of this had been confirmed. The application was being reported to Planning Committee upon the request of Councillor Savory to allow assess the landscape harm, design and location of the development given the changed scheme. The site was located within a designated Area of Higher Landscape Value (AHLV). There were issues with the landscape and amenities. There were 4 letters of objection including objections from the Parish Council. Officer recommendation was to refuse the application as on the principle of development it conflicted with policies 6, 10 and 21 of the County Durham Plan and Parts 5 and 9 of the National Planning Policy Framework.

Mr G McGill, agent for the applicant addressed the committee in support of the application. He explained that it was an infill plot near existing properties of a similar size that had been granted permission. The application had no highway safety issues. Following the decision made at committee in 2023 the applicant was aware of the design and scale of the dwellings and understood the proposal was not acceptable. The applicant commissioned a different team to pursue a reapplication that focused on the design issues that had been raised that was sensitive to the location. The bungalows were to be built as family dwellings and were not developer lead that would not impact on amenities or privacy of other properties.

The applicant had deal with the biodiversity net gain (BNG) and nutrient neutrality calculations had been revised and dealt with through a section 106 agreement if credits were not secured through Natural England. He thanked the committee for the opportunity to speak on the application and hoped members would be minded to approve the application.

The Chair opened up the meeting for questions.

Councillor G Richardson directed a query at Councillor A Savory of whom he respected as to why she had called the application to committee when she was a local councillor for Weardale and the planning application was based in Teesdale.

Councillor A Savory responded that she had asked for the application to be brought to committee along with calling it to committee the first time as it had not been corresponded to by the local member and she was interested in a fair hearing. She had brought it back with an open mind. She requested clarification on what purpose the building would be used whether it would include being used as a holiday let.

Mr G McGill responded that the building was to be developed as a family dwelling.

Councillor A Savory questioned if one property would be sold once both had been built.

The Chair opened up the meeting for debate.

Councillor E Adam stated that the application was very similar to the previous application and **moved** to refuse the application due to the 3 reasons for refusal as detailed in the report. He noted that the original application had been refused in April 2023 and felt that it was virtually the same application. He had not attended the meeting in 2023 and determined it as a new application.

Councillor M Stead read out statements from the minutes of the meeting that was held in April 2023 when the original application had been discussed. He noted that there were still visual and design issues that were conflict with policy 10. He felt that it would make the settlement to lose its character.

S Pilkington stated that there was not much to be said as the properties were stainable but it was the decision of members.

Councillor J Cairns felt that the elevation of the properties was very dominant and was out of character for the area. She thought that had the design been for single storied bungalows she may have felt differently. She believed that you could not have executive homes in the country. She **seconded** the application for refusal.

Councillor A Savory made a point that no bus services in a rural area was a red herring within planning for sustainability as there were lots of places within the vicinity that was not supported by a bus service. She commented that there had been notices of new builds being developed in close proximity to this land. She noted that the applicant had complied with officer recommendation to scale down the properties. She felt that the properties would be sustainable and there were no issues with highways as the vehicles would be off the main road. The applicant had demonstrated a willingness to work with DCC officers and she was in support to approve the application.

Upon a vote being taken it was:

Resolved:

That the application be **REFUSED**.



Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

Application No:	DM/23/03330/FPA
Full Application Description:	Erection of 23no. dwellings with associated means of access and works
Name of Applicant:	Oaktree Living
Address:	Bus Depot, Morland Street, Bishop Auckland, DL14 6JG
Electoral Division:	Woodhouse Close
Case Officer:	Gemma Heron (Senior Planning Officer) Tel: 03000 263 944 Email: gemma.heron@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSAL

The Site

1. The application site relates to a parcel of land measuring approximately 0.68 hectare in size. The site is located within the built-up area of Bishop Auckland, and previously contained a Bus Depot. These buildings have recently been demolished, leaving a cleared site consisting of hardstanding associated with the previous buildings. The site is accessed via Morland Street to the south and Caroline Street to the northwest.
2. To the north and west is existing residential development mixed with two commercial units. To the south is Morland Street followed by residential development and to the east is an existing retail unit with an area of open land that accommodated Public Right of Way Footpath 44 beyond the application site.
3. The site is located approximately 75 metres outside and to the west of the Cockton Hill Conservation Area. There are no Listed Buildings in the immediate vicinity of the application site.

The Proposal

4. Full planning permission is sought for the erection of 23no. dwellings with associated means of access and works. The development would comprise:
 - 4 x three bed semi-detached bungalows;
 - 4 x three bed semidetached two storey dwellings;
 - 12 x three bed terraced two storey dwellings;
 - 3 x four bed two storey terraced dwellings.
5. The development would be laid out primarily in two linear rows of housing, facing out towards an internal access road with access being provided to the northwest (via Caroline Street) and south (via Morland Street). Three house types are proposed, utilising a standard palette of materials consisting of red brick and concrete roof tiles. Each of the dwellings would be compliant with the Nationally Described Space Standards (NDSS).
6. The scheme would be offered on an 100% affordable housing scheme with a Registered Provider for affordable rent with two dwellings being proposed as rent-to-buy properties.
7. The application is being reported to planning committee in accordance with the Council's Scheme of Delegation as it constitutes a housing development which exceeds 10 dwellings.

PLANNING HISTORY

8. No relevant planning history.

PLANNING POLICY

National Policy

9. A revised National Planning Policy Framework (NPPF) was published in December 2023. 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; historic environment; design process and tools; determining a planning application; flood risk; healthy and safe communities; land affected by contamination; housing and economic development needs assessments; housing and economic land availability assessment; light pollution; natural environment; 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 1 (Quantity of Development)* outlines the levels of employment land and housing delivery considered to be required across the plan period.
21. *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.
22. *Policy 15 (Addressing Housing Need)* establishes the requirements for developments to provide on-site affordable housing, the circumstances when off-site affordable housing would be acceptable, the tenure mix of affordable housing, the requirements of developments to meet the needs of older people and people with disabilities and the circumstances in which the specialist housing will be supported.
23. *Policy 19 (Type and Mix of Housing)* advises that on new housing developments the council will seek to 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.
24. *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.

25. *Policy 25 (Developer Contributions)* advises that any mitigation necessary to make the development acceptable in planning terms will be secured through appropriate planning conditions or planning obligations. Planning conditions will be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Planning obligations must be directly related to the development and fairly and reasonably related in scale and kind to the development.
26. *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.
27. *Policy 27 (Utilities, Telecommunications and Other Broadcast Infrastructure)* supports such proposals provided that it can be demonstrated that there will be no significant adverse impacts or that the benefits outweigh the negative effects; it is located at an existing site, where it is technically and operationally feasible and does not result in visual clutter. If at a new site then existing site must be explored and demonstrated as not feasible. Equipment must be sympathetically designed and camouflaged and must not result in visual clutter; and where applicable it proposal must not cause significant or irreparable interference with other electrical equipment, air traffic services or other instrumentation in the national interest.

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.

28. *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.
29. Policy 29 also required major developments to appropriately consider the public realm in terms of roads, paths, open spaces, landscaping, access and connectivity, natural surveillance, suitable private and communal amenity space that is well defined, defensible and designed to the needs of its users. Also new major residential development is required to be assessed against Building for Life Supplementary Planning Document, to achieve reductions in CO2 emissions, to be built to at least 30 dwellings per hectare subject to exceptions.

30. *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.
31. *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.
32. *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.
33. *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.
34. *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
35. *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.

36. *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.
37. *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..
38. *Policy 56 (Safeguarding Mineral Resources)* states that planning permission will not be granted for non-mineral development that would lead to the sterilisation of mineral resources within a Mineral Safeguarding Area. This is unless it can be demonstrated that the mineral in the location concerned is no longer of any current or potential value, provision can be made for the mineral to be extracted satisfactorily prior to the non-minerals development taking place without unacceptable adverse impact, the non-minerals development is of a temporary nature that does not inhibit extraction or there is an overriding need for the non-minerals development which outweighs the need to safeguard the mineral or it constitutes exempt development as set out in the Plan. Unless the proposal is exempt development or temporary in nature, all planning applications for non-mineral development within a Mineral Safeguarding Area must be accompanied by a Mineral Assessment of the effect of the proposed development on the mineral resource beneath or adjacent to the site of the proposed development.
39. Residential Amenity Standards SPD (2020 Adopted version) – Provides guidance on the space/amenity standards that would normally be expected where new dwellings are proposed.
40. The Council's Parking and Accessibility Supplementary Planning Document (SPD) 2023 provides guidance on parking and access for new development.

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

Neighbourhood Plan:

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

CONSULTATION AND PUBLICITY RESPONSES

Statutory Consultee Responses:

42. *Lead Local Flood Authority* – Advise that the Flood Risk Assessment, Drainage Strategy and hydraulic calculations for the surface water management of the development are acceptable.
43. *Highways Authority* – Advise that additional information has been supplied to demonstrate acceptable parking provision and bin collection points. The applicant has demonstrated that a DCC 11 metre refuse vehicle can satisfactorily enter and exit the development in a forward gear. However, the proposal is not being put forward for adoption with the Highways Adoption Team and is proposed to be privately managed and therefore, the DCC Refuse vehicle will not enter the private internal layout. The applicant will need to arrange for a private refuse company to manage waste collection.

The applicant has demonstrated an acceptable delineation line between the private and adopted highway at Morland and Caroline Street. This section of the entry access will be within the private development and will require a Section 38 Agreement due to the public crossing.

As the internal layout is not intended to be adopted as a public highway maintainable at the public expense, it is essential that the applicant absolves DCC of their duties and that future landowners and residents are made aware of this. In addition, the public utility service providers must be aware that the road, footways and verges are not being adopted as public highway. Therefore, it will be necessary for the applicant to submit a 'Maintenance and Management Plan' pre-commencement.

Non-Statutory Responses:

44. *Spatial Policy* – Advise that the site is within the built-up area of Bishop Auckland and is previously developed land being last used as a bus depot. The site is not allocated for housing or employment within the County Durham Plan and therefore, Policy 6 is applicable.

The site is within a low value area in regard to affordable housing and therefore, 10% of the homes shall be affordable homes which would equate to 2 affordable units comprised of 1 First Home and 1 Affordable Home Ownership. The Glossary to the NPPF (Annex 2) does acknowledge rent to buy as a product representing an affordable route to home ownership. However, this proposal will be for 100% affordable units with 2 rent to buy units. Therefore, the Housing Development Team will need to be consulted and however, the policy requirement will need to be secured by Section 106 Agreement.

On sites of 5 units or more, 66% of dwellings must be built to Building Regulations M4(2) (Accessible and Adaptable Dwellings) standard.

On sites of 10 units or more, a minimum of 10% of the total number of dwellings on the site are required to be of a design and type that will increase the housing options for older people.

In terms of open space, a financial contribution of £36,204.30 will be required to be secured and on-site amenity/natural green space shall be 759 sqm as required by the Open Space Needs Assessment.

45. *Air Quality* - Advise that the site is not within an Air Quality Management Area and although no local monitoring is available, air quality is likely to be good in the vicinity of the site. The proposal will be temporarily dust generating during the demolition and construction phase. The applicant has submitted a revised Construction Management Plan (including a Dust Management Plan) but identifies outstanding issues that need to be resolved including: information on the site managers daily inspections, actions/process that would be followed as a result of potential dust leaving the site, and the categorisation of the site. A conditional approach is recommended.
46. *Affordable Housing Team* – Advise that 100% affordable housing schemes are not required to provide First Homes and that they have no objections to the units being rent-to-buy.
47. *Ecology* – Advise that the development shows a biodiversity net gain on-site and the landscape management plan is sufficient to understand how habitats will be created and managed as the created habitats are non-significant. At least 10 of the dwellings should included integrated bird boxes.
48. *Landscape Section* – Advise that an indicative planting plan has been provided. However, full hard and soft landscaping details should be provided including tree pit details which can be controlled by condition.
49. *Education* – Advise that the proposed development of 23 dwellings would produce 2 nursery age pupils, 6 pupils of primary school age, three pupils of secondary school age and 0.23 SEND pupils. Based on the projected rolls of the schools, taking into account the likely implementation of the development, build out rates and other relevant committee development, it is anticipated that there will be sufficient space to accommodate the pupils generated by the development in primary and secondary schools and no further mitigation is required in this instance.

With regard to SEND pupils, there is a shortfall of SEND places across the county. In order to mitigate the impact of the development on SEND provision, a contribution of £19,315 would be required.

50. *Environmental Health Nuisance* – Advise that they have advised the assessed the application against the Technical Advice Notes (TANs) and they conclude that the application complies with the thresholds states within the TANS which indicates that the development would not lead to an adverse impact. Also, the development is unlikely to cause a statutory nuisance.
51. *Environmental Health Contamination* – Advise they have no objection to the development subject to conditions securing the submission of a Phase 2-4 contaminated land report.
52. *Tree Officer* – Advise that the proposed tree planting layout is broadly acceptable but the tree species selection is not satisfactory and needs to be amended. For example, there are large species of trees selected for relatively small gardens which are not compatible or sustainable in the long term as they will outgrow the space, cast dense shade and cause other maintenance issues. In addition, there is insufficient information on the tree planting specification and establishment maintenance.

Therefore, they advise they do not support the current landscape plan in its current format and this needs to be amended to ensure a higher standard of tree species selection, planting and establishment maintenance. This should be in accordance with British Standard 8545:2014 Trees – from nursery to independence in the landscape recommendation.

53. *Design and Conservation* – The planning application has been presented for assessment through the Design Review Panel which has offered comments and suggested opportunities for improvement which has resulted in the scheme scoring 10 ‘Green’ classifications and two ‘Amber’ classifications in its amended format.
54. *Public Right of Way Officer* – Advises that the proposed new footpath at the site entrance linking to the PROW Footpath 44 is welcomed. They continue to advise that currently this PROW stopes, and then continues as a path with no recorded legal status and is therefore not maintained. As the path with no recorded status has adopted footways leading to it, and a section of Durham County Council owned land, there is likely to be scope for the developer to improve and extend Footpath 44 on Durham County Council land which would provide greater links to the rights of way network and would encourage active travel.

External Consultees

55. *NHS* – Due to the scale of the development, no requirement for any financial contributions.
56. *Northumbrian Water Ltd* – No objection subject to conditions requiring the drainage to be carried out in accordance with the submitted details as this reflects the pre-planning enquiry advice.
57. *Police Architectural Liaison Officer* – Offers advice in relation to Secured by Design Homes 2023.

Public Responses:

58. The application has been advertised by way of a site notice, press notice and individual notification letters sent to neighbouring properties.
59. One letter of objection have been received raising concerns over the following issues:-
 - The landscaping plan as it shows ornamental shrub planting that will interfere with the maintenance of a boundary fence.
 - The proposed planting of two trees and the concern that they will be within 10 metres of the boundary and the roots have the potential to encroach into their land ownership.

Applicants Statement:

60. Over the course of this application, the proposed development has been before Design Review Panel two times, and we have had numerous conversations

with the planning officer and relevant consultee/officers at the Council to discuss the application. As a result, the scheme before Committee is a significantly improved scheme comprising fewer overall numbers onsite from submission, inclusion of open space, suitable parking and access arrangements and significant levels of landscaping across the whole site.

61. We respectfully urge Members to review the Design Review and Building for Life Assessment which has been undertaken by the applicant's team of accredited professionals. The Design Review confirms the proposed development to be sustainable, high quality and suitable for its location scoring green on 10 of the 12 points and amber on the remaining 2.
62. We have worked hard alongside the Council to provide an attractive and inviting scheme for new residents to live. Additionally, this application provides the following benefits for local people:
 - Re-development of a brownfield site to provide attractive new homes and improve the current state of the land.
 - 1256 Sq.M. of public open space, which will be available for everyone in the community to use.
 - A net gain in biodiversity of 79.07% gain in habitats.
 - 100% affordable housing scheme.
 - A choice of high-quality new homes ranging from 2 bed bungalows to 3 bed family homes responding to local demand.
 - Provision of 23 M4(2) and NDSS compliant dwellings to meet different housing needs.
 - Direct economic benefits to the area through job creation and training opportunities for locals during the construction phase of development.
 - Financial benefits to the Council through the New Homes Bonus payments and increase Council tax receipts.
63. In addition, there have been no objections from the following Council departments: highways, housing, drainage, ecology, heritage, contamination, public rights of way, landscape, archaeology and environmental health.

PLANNING CONSIDERATION AND ASSESSMENT

64. 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 relate to the Principle of Development, Locational Sustainability, Highway Safety, Design / Layout, Landscaping and Visual Impact, Residential Amenity, Open Space, Affordable Accessible and Adaptable Housing, Ecology, Heritage and archaeology, Flooding/Drainage, Ground Conditions, and Sustainability.

Principle of Development

65. 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.

66. Paragraph 11c of the NPPF requires applications for development proposals that accord with an up-to-date development plan to be approved without delay. Paragraph 12 of the NPPF states that where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the 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.
67. CDP Policy 1 sets out the quantum of development to meet the needs for housing over the Plan period. A large proportion of the housing need consists of already committed sites, including those sites with planning permission. The application site is not allocated for housing within CDP Policy 4.
68. Accordingly, the application falls to be considered against CDP Policy 6, this policy sets out that the development of sites which are not allocated in the plan or a Neighbourhood Plan within a built up area which accord with all relevant development plan policies, and which:
 - a. *are compatible with, and not prejudicial to, any existing, allocated or permitted use of adjacent land;*
 - b. *do not contribute to coalescence with neighbouring settlements, would not result in ribbon development, or inappropriate backland development;*
 - c. *do not result in the loss of open land that has recreational, ecological or heritage value, or contributes to the character of the locality which cannot be adequately mitigated or compensated for;*
 - d. *are appropriate in terms of scale, design, layout, and location to the character, function, form and setting of the settlement;*
 - e. *would not be prejudicial to highway safety or have a severe residual cumulative impact on network capacity;*
 - f. *have good access by sustainable modes of transport to relevant services and facilities and reflects the size of the settlement and the level of service provision within that settlement;*
 - g. *do not result in the loss of a settlement's or neighbourhood's valued facilities or services unless it has been demonstrated that they are no longer viable;*
 - h. *minimise vulnerability and provides resilience to impacts arising from climate change, including but not limited to, flooding;*

- i. where relevant, make as much use as possible of previously developed (brownfield) land; and*
 - j. where appropriate, reflect priorities for urban regeneration.*
69. In considering the criteria of CDP Policy 6, the site lies within the settlement of Bishop Auckland and is surrounded in all directions by existing residential development which complies with the requirement to be within the built-up area. The criteria of CDP Policy 6 likely to be most relevant to the proposal would be criterion 'a', 'c', 'd', 'e', 'f', 'I' and 'j'.
70. Turning to criterion (a) and (b), the site is surrounded by residential properties in all directions with the exception of a small number of commercial properties to the immediate west. The introduction of additional housing in an area dominated by residential properties would be compatible to meet criterion (a). In regard to criterion (b), as the site is within the built-up area of Bishop Auckland, it will not contribute to coalescence with neighbouring settlements, will not result in ribbon development and is not considered to be inappropriate backland development. The proposal would comply with criterion (b).
71. In regard to criterion (d), compliance with this will be assessed in detail under 'Scale/Design' section of this committee report. In relation to criterion (e), this will be fully assessed under 'Highway Safety' section of this report and criterion (f) will be assessed under 'Locational Sustainability' of the report. The proposal will make use of previously developed land which would comply with criterion (i). The proposal will make use of previously developed land which would comply with (i). As the proposal will re-develop a parcel of previously developed, disused and untidy land, it will bring the site back into use to reflect criterion (j) of CDP Policy 6.
72. Overall, in principle, the development is located within the built-up area of Bishop Auckland and would introduce a compatible land use into the area, making use of previously developed land to deliver housing. Therefore, the principle is considered to comply with Policy 6 of the County Durham Plan subject to consideration of the details of criterion (d), (e) and (f) of Policy 6 as undertaken below.

Locational Sustainability of the Site

73. Criterion f of CDP Policy 6 requires that developments on unallocated sites have good access by sustainable modes of transport to relevant services and facilities and reflects the size of the settlement and the level of service provision within that settlement. CDP Policy 21 requires all developments to deliver sustainable transport by providing appropriate, well designed, permeable and direct routes for walking, cycling and bus access, so that new developments clearly link to existing services and facilities together with existing routes for the convenience of all users. CDP Policy 29 requires that major development proposals provide convenient access for all users whilst prioritising the needs of pedestrians, cyclists, public transport users, people with a range of disabilities, and emergency and service vehicles whilst ensuring that connections are made to existing cycle and pedestrian networks.

74. The NPPF sets out at Paragraph 109 that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. Paragraph 114 of the NPPF summaries that appropriate opportunities should be taken to promote sustainable transport modes.
75. In considering this the development against the above policy context, Bishop Auckland is identified as a 'Sub Regional Centre' within the County Durham Plan. These settlements are considered to have significant levels of floor space within their defined centre boundaries and have several major national multiplier retailers represented. They are the largest centres in the County and their influence extends over a wider area. Bishop Auckland serves Spennymoor, Crook and much of the rural west.
76. To the immediate east of the site is Public Right of Way (PROW) which is Footpath 44 as well as numerous public footpaths in the surrounding area which provide walking and cycling opportunities for future residents to access services and facilities in the town centre. It is recognised that the PROW Team welcome the proposed new footpath to the site entrance. They also advise that Footpath 44 has no recorded status and there would be an opportunity for the developer to improve and extend Footpath 44 on Durham County Council land. In considering this, it is not considered to be reasonable, due to the scale of the development to request additional improvements to the PROW when the development is securing a new footpath connection to the PROW to serve this.
77. In considering the services within Bishop Auckland as a Sub Regional Centre, it has a range of shops, schools, services and healthcare facilities within the settlement which serve the settlement itself, alongside Spennymoor, Crook and the rural west. It is considered there are facilities and services within the settlement to serve the development proposed.
78. In relation to access to public transport, the Chartered Institute of Highways and Transportation 'Providing for Journeys on Foot' document contains suggested acceptable walking distances for pedestrians to access facilities and services. In terms of access to bus routes, a walk of 400 metres falls within the 'desirable' range. In this respect, the site is within Bishop Auckland and there are wide range of bus stops within 400 metres which have access into Bishop Auckland town centre which has a range of regular bus services to settlements within the County including Durham City, Spennymoor and Crook. The proposal complies with the Chartered Institute of Highways and Transportation 'Providing for Journeys on Foot' document.
79. Overall, as the site is within the built-up area of Bishop Auckland which is identified as a Sub-Regional Centre in the County Durham Plan. The site has access to facilities, services and public transport. Established bus services, walking and cycling routes would give future residents alternative options to the private motor vehicle to access services and facilities. Therefore, the application is within a sustainable location in accordance with Policies 6, 21 and 29 of the County Durham Plan and the National Planning Policy Framework.

Highway Safety/Access

80. 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, CDP Policy 29 advocates that convenient access is made for all users of the development together with connections to existing cycle and pedestrian routes. CDP Policy 6 criterion (e) require development to not be prejudicial to highway safety or have a severe residual cumulative impact on network capacity.
81. The Council's recently adopted Parking and Accessibility SPD sets out parking standards for new developments and requires a two- and three-bedroom dwelling to have a minimum of two in curtilage parking spaces and a four-bedroom dwelling to have a minimum of three in-curtilage parking spaces. Each dwelling should have an active Electric Vehicle Charging point.
82. The NPPF sets out at Paragraph 114 that safe and suitable access should be achieved for all users. In addition, Paragraph 115 of the NPPF states that development should only be refused on transport grounds where the residual cumulative impacts on development are severe.
83. The site would have two access points; one from Morland Street to the south and one from Caroline Street to the north west corner. Morland Street is recognised as an adopted highway, whereas the section of Caroline Street immediately adjacent to the access is within private ownership. The proposal includes two in-curtilage parking spaces for each dwelling, four visitor parking spaces and an electric vehicle charging point for each dwelling.
84. The Highway Authority have been consulted as part of the application and they advise that the scheme provides acceptable parking provision and bin collection points for the development.
85. In relation to bin collections, the Highways Authority advise that the applicant has demonstrated that a DCC 11 metre refuse vehicle can satisfactorily enter and exit the development in a forward gear. However, at this stage the site is not being put forward for adoption with the Council's Highways Adoption Team and would be privately managed. Therefore, a DCC refuse vehicle would not enter a private internal layout and the applicant would need to arrange for a private refuse company to manage waste collection.
86. As the internal layout is not intended to be adopted as a public highway maintainable at public expense, it is essential that the applicant absolves DCC of their duties and that future landowners and residents are made aware of this. A planning condition requiring the submission of a 'Maintenance and Management Plan' for the site to demonstrate how the private road will be maintained and managed for the lifetime of the development is recommended.
87. Planning conditions could secure the submission of the details of the electric vehicle charging points, bin storage areas and require the access and parking arrangements to be carried out on the site in accordance with the submitted details.
88. Overall, through the use of planning conditions, proposal complies with the Council's Parking and Accessibility SPD (2023), Policies 6, 21 and 29 of the

County Durham Plan and Part 9 of the National Planning Policy Framework in relation to highway safety and access.

Scale/Design/Landscaping and Visual Impact

89. CDP Policy 6 criterion (d) requires that development on unallocated sites is appropriate in terms of scale, design, layout and location to the character, function, form and setting of the settlement.
90. 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, CDP 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.
91. 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.
92. CDP Policy 40 seeks to avoid the loss of existing trees and hedgerows unless suitable replacement planting is provided.
93. Part 12 of the NPPF sets out that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
94. The application site relates to a vacant parcel of previously developed land which was occupied by the Bus Depot for Bishop Auckland which has since been demolished. In its current state, the site has a negative impact on the character of the surrounding area as disused land of an untidy and unkept nature. The development of the site would improve the appearance of the site which has a benefit in the planning balance. There are no landscape designations on the site with it being within the built-up area of Bishop Auckland.
95. The development would provide a mix of dwellings, consisting of bungalow and two storey semi-detached and terraced properties. Three house types are proposed arranged in a linear form and layout, and the development would be predominantly constructed from red brick under a concrete roof tile.
96. The application has been considered by the Council's Internal Design Review Team in accordance with CDP Policy 29 and the Building for Life SPD 2019. The amended plans for the proposal scored 10 'Green' classifications and 2 'Amber' classifications for the development.
97. In reviewing the design of the development, the proposed layout connects into the existing footpaths on Morland and Caroline Street with the southern

connection allowing access to the PROW Footpath 44. Landscaping has been proposed to the front of the dwellings via front gardens and associated planting which facilitates in softening the required car parking into the layout of the site. The linear form and nature of the development responds well to the character of the area, which is dominated by red brick, Victorian style terrace properties. The house types would have a vertical rhythm and alignment regarding the fenestration details and the use of red brick responds to the material palette of the area. Therefore, in considering the proposal against the character and appearance of the site and surrounding area, the proposal is acceptable in regard to the design and layout and would be acceptable under Policy 29 of the County Durham Plan.

98. The application has been accompanied by a proposed landscaping scheme for the development. Accordingly, the Landscape Team and the Tree Officer have both been consulted on the application. The Council's Landscape Team advise that an indicative planting plans has been provided, however, full hard and soft landscaping details should be provided including tree pit details. The Tree Officer advises that the landscaping scheme is broadly acceptable but raises issues with the tree species identified on the plan for a few reasons. They advise that the landscaping plan needs to be amended to ensure a higher standard of tree species selection, planting and established maintenance which should be in accordance with British Standard 8545:2014 Trees – from nursery to independence in the landscape recommendation. In assessing this, it is considered that the submitted landscaping scheme is not acceptable for the development, but it does provide information that this can be delivered on the site. Given that the information has been submitted to show the delivery of landscaping on the site, a conditional approach is recommended. With planning conditions, this would deliver an acceptable landscaping strategy for the site.
99. Concerns have been raised by one member of the public regarding the landscaping scheme with concerns over two trees to be planted on the north boundary and the planting of shrubs and the issues this could raise in regard to the maintenance of the boundary fence. It is considered that this would be a civil issue between the parties in terms of access for maintenance of the fence. However, notwithstanding this, their concerns can be taken into consideration in the submission a landscaping scheme secured by condition.
100. The application has been supported by a Tree Survey which includes a Tree Protection Plan (TPP) to secure the retention of the trees to the southwest corner adjacent the site which would be affected by the development but out with the application site. A planning condition is recommended requiring the TPP to be implemented in accordance with the details.
101. Therefore, the proposal complies with Policies 6, 29, 39 and 40 of the County Durham Plan in terms of design and landscape impacts, alongside Parts 12 and 15 of the National Planning Policy Framework.

Residential Amenity

102. 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.

103. 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.
104. 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.
105. 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.
106. The Residential Amenity Standards SPD also sets out the following separation distances for new development to comply with. It states that 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 should be achieved. Where a main facing elevation containing a habitable rooms window 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.'
107. In regard to separation distances, the layout of the site proposes two linear forms of development, each overlooking the access road. Given this arrangement, the dwellings would be sited in excess of the required 21 metre separation distance as set out under the Residential Amenity Standards SPD. The gable elevation of Plot 2 will face towards Plots 21-23, however there would be approximately 26 metres between Plot 2 and the main facing elevations of these plots which would exceed the Residential Amenity Standards SPD.
108. There are third party residential properties to the west, north and south of the application site. It is considered that all of the dwellings would be located a distance that would exceed the requirements of the Residential Amenity Standards SPD. The closest property to the north, 17 High Melbourne, would be sited approximately 15 metres between the gable elevation of each of the dwellings and 16 High Melbourne Street will be sited approximately 17 metres between each of the dwellings gable elevations which exceeds the Residential Amenity Standards SPD. Therefore, given the level of separation that exceeds the requirement of the Residential Amenity Standards SPD, there would be no issues in regard to overlooking, overshadowing or an overbearing impact which would comply with CDP Policy 31 in regard to the residential amenity.
109. Adjacent to the site to the immediate west there is an existing car garage and workshop and to the northeast there is an existing retail business. In considering the position of these land uses and their impact upon the development, the Council's Environment Health Officers have been consulted. They advise that the development would be within the parameters of the Technical Advice Notes (TANs) in relation to noise and that the development would not lead to any adverse impact and the development is unlikely to cause

a statutory nuisance, recognising the proximity of other residential dwellings in the area.

110. Therefore, the proposals are considered to provide a good standard of amenity for existing and future residents, according with CDP Policies 29(e) and 31 and Parts 12 and 15 of the NPPF.

Infrastructure and open space provision

111. Policy 26 of the CDP outlines that new residential developments will be required to make provision for open space to meet the needs of future residents having regard to the standards of open space provision set out in the Open Space Needs Assessment (OSNA). Where it is determined that on-site provision is not appropriate, the Council will require financial contributions to be secured through planning obligations towards the provision of new open space, or the improvement of existing open space elsewhere in the locality.
112. Policy 25 of the CDP supports securing developer contributions where mitigation is necessary to make the development acceptable in planning terms including for social infrastructure such as education and health facilities.
113. Paragraph 102 of the NPPF highlights that access to a network of high-quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities.
114. The Council's Open Space Needs Assessment (OSNA) 2018 is considered the most up to date assessment of need. It identifies the five typologies (allotments; amenity/natural greenspace; parks, sports and recreation grounds; play space (children) and play space (youth), sets out requirements for public open space on a population pro rata basis and whether provision should be either within the site, or through a financial contribution towards offsite provision, in lieu taking into consideration factors such as the scale of the development, existing provision within suitable walking distances and the level of contribution sought.
115. In respect of open space, based on 23 dwellings, this would generate 50.6 people based on 2.2 persons per household and accordingly, the OSNA sets out that for developments between 20-49 dwellings, that an off-site contribution would be required for allotments, parks (sports and recreation grounds), play space (children) and play space (youth) and that amenity/natural green space shall be provided on site. A scheme of this scale would need to provide 759sqm of amenity/natural green space on site and a financial contribution of £36,204.30 would be sought for off-site provision. However, the development only proposes limited amenity/natural green space as the planting to the development would be sited within front gardens of each of the dwellings which would not fulfil this criterion. To mitigate this, an additional financial contribution for amenity/natural green space would be provided for the site which would mean the total financial contribution required for open space would be £39,999.30.
116. The lack of onsite amenity/natural space, contrary to the guidance set out in the OSNA is recognised. However, this is considered the provision of this would adversely affect the layout and design of the site, and the mitigation in the form

an additional offsite contribution as set out above is considered appropriate in this instance.

117. Paragraph 99 of the NPPF sets out the importance of their being sufficient choice of school places being available to meet the needs of existing and new communities.
118. In regard to education provision, the Council's Education Team have been consulted on the application and they advise that in terms of primary and secondary school places, there is sufficient space to accommodate pupils generated by the development in the existing primary and secondary schools and no mitigation is requested.
119. However, the Education Team have requested a financial contribution of £19,315 to mitigate the developments impact in regard to SEND provision. In considering this, the national government direction from August 2023 on contributions for SEND pupil provision is sought from new development has yet to be formally adopted into supplement planning policy that would formally allow this to be secured has not yet been adopted. Regardless of this, the governmental direction contains transitional arrangements for development in process to not require this mitigation, within which this development falls. On this basis, to pursue this request at this time is considered to be unreasonable, failing the tests set out to secure planning obligations set out under CDP Policy 25 and NPPF.
120. Therefore, no financial contribution for mitigation in terms of education is required in this instance.
121. NPPF Paragraph 97 recognises the need for planning decisions to ensure an integrated approach when considering the location of new housing and to plan positively for the provision and use of community facilities and local services. This provides policy justification to seek mitigation in respect to essential services including GP provision where a deficit would result or be exacerbated by the proposal.
122. The NHS have been consulted as part of the application and confirm that there is no requirement in this instance for a financial contribution for the NHS.
123. Overall, no financial contributions for education or the NHS are required to be secured via this application as confirmed by our consultees. However, £39,999.30 would be required to be secured as a financial contribution for open space via a Section 106 Agreement to mitigate the development impacts. Therefore, the proposal is considered compliant with Policy 25 of the County Durham Plan and Paragraph 34 of the National Planning Policy Framework.

Affordable, Accessible and Adaptable Homes

124. Policy 15 of the CDP requires applications for 10no. or more units to provide a percentage of Affordable Housing provision which is accessible, adaptable and meets the needs of those residents unable to access the open housing market. The application site is located within a low value area where 10% of the approved units must be provided for affordable home ownership. Since the CDP was adopted, the Government's First Homes policy has come into force and

requires a minimum of 25% of all affordable housing units secured through developer contributions to be First Homes. The 25% expected First Homes contribution for any affordable product can make up or contribute to the 10% of the overall number of homes expected to be an affordable home ownership product on major developments as set out in the NPPF.

125. Based on a scheme of 23no. units, as the site is within a low value area, 10% of the units are required to be affordable which comprises of 2 units on this scheme which should be 1 First Home and 1 for Affordable Home Ownership.
126. The submitted information states that the proposal would seek to provide 100% affordable housing through a Registered Provider, Livin Homes, and all of the dwelling would be affordable rent. Of these, the applicant proposes that the policy requirement for affordable housing provision would be through 2 rent to buy products. Therefore, no First Homes would be provided as part of the development. In considering this, the Council's Affordable Housing Officer has been consulted and they advise that 100% affordable housing schemes are not required to provide First Homes and there is no objection to the provision of rent-to-buy units. In addition, under Annex 2: Glossary of the NPPF, rent-to-buy is defined, is considered to provide an affordable route to home ownership.
127. Therefore, as the scheme proposed is 100% affordable housing, there is no requirement to provide a First Home, however this is required to be secured through a S106 agreement. On this basis the proposal complies with the requirements of Policy 15 of the CDP and the NPPF.
128. CDP Policy 15 also states that in order to meet the needs of older people and people with disabilities, on sites of 5 units or more, 66% of dwellings must be built to Building Regulations Requirement M4 (2) (accessible and adaptable dwellings) standard. Furthermore, on sites of 10 or more, a minimum of 10% of the total number of dwellings on the site should be of a design and type that will increase housing options of older people. These properties should be built to M4(2) standard and would contribute to meeting the 66% requirement set out above. They should be situated in the most appropriate location within the site for older people. Appropriate house types considered to meet this requirement include:
 - Level access flats;
 - Level access bungalows; or
 - Housing products that can be shown to meet the specific needs of multi-generational family.
129. In this regard, for housing for older people, the development would need to provide 2 units. In reviewing this, the development includes 4no. single storey bungalows which exceeds the CDP Policy 15 requirement for housing for older people which would be a positive in the planning balance.
130. In relation to M4(2), 66% of the 23 units would equate to 15 dwellings which would need to meet the Building Regulations Requirement M4(2). The submitted plans demonstrate that the development would meet this requirement and a planning condition would be attached requiring 15 of the dwellings to be constructed to M4(2) standard to secure this.

131. Overall, the application proposes 100% affordable housing for rent with two of the dwellings being secured as affordable rent-to-buy products under a Section 106 Agreement, over 10% of units would be suitable for older people and the scheme will be compliant with the 66% requirement of M4(2). The proposal would comply with Policies 15 and 29 of the County Durham Plan in this regard.

Ecology

132. 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.
133. Since the submission of the application, a 10% biodiversity net gain (BNG) has become mandatory as of the 12th February 2024 for major developments under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). Under this, developers must deliver a BNG of 10%. However, this application was validated and assessed before BNG became mandatory and therefore, the development will not be seeking a 10% BNG. It will be seeking a BNG under CDP Policy 41 which requires only a net gain.
134. A Preliminary Ecological Assessment (PEA), DEFRA Biodiversity Metric and a Biodiversity Net Gain Report has been submitted as part of the application. This outlines that a BNG would be secured on-site through the creation of habitat through the landscaping plan which will introduce vegetated garden and shrub onto the site which are both considered to be of low distinctiveness. However, given the site is previously developed land, the introduction of vegetated garden and shrub would still introduce an on-site net gain. The Council's Ecology Team have been consulted as part of the application and they advise that the development shows BNG on site subject to ensuring that at least 10 of the dwellings should include an integrated bird box. It is also advised that the landscape management plan is sufficient to understand how habitats would be created and managed.
135. As the BNG will be delivered through the introduction of vegetated gardens and shrubs, it is reasonable and necessary to remove the permitted development rights for hardstanding for dwellings from the development to ensure that the Local Planning Authority retains control over the vegetated gardens which have been included for BNG. Given the nature of the site, the PEA does not identify as mitigation or working methods which need to be followed in undertaking the development.
136. Subject to the above, the proposal will be acceptable in accordance with Policy 41 of the County Durham Plan and Paragraph 180 of the National Planning Policy Framework subject planning conditions.

Drainage

137. 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 173 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 175 goes on to advise that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate.
138. 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. CDP Policy 36 seeks to ensure that suitable arrangements are made for the disposal of foul water. CDP Policy 6 criterion (f) states development should '*minimise vulnerability and provides resilience to impacts arising from climate change, including but not limited to, flooding.*'
139. The site is not located within a flood zone. The application is supported by a Flood Risk Assessment, a Drainage Strategy as well as hydraulic calculations, detailing that surface water would be treated and attenuated on site before being released.
140. The Lead Local Flood Authority have been consulted as part of the application and they advise that the submitted information is acceptable from their point of view. Northumbrian Water has no objection to the drainage strategy for the site.
141. Therefore, as there are no objections from Northumbrian Water and LLFA, the surface water and foul drainage for the site is acceptable and complies with Policies 6, 35 and 36 of the County Durham Plan and Part 14 of the National Planning Policy Framework.

Ground Conditions

142. CDP Policy 32 requires sites to be suitable for use taking into account contamination and unstable land issues. Paragraph 183 of the NPPF requires sites to be suitable for their proposed use taking account of ground conditions and any risks arising from land instability and contamination.
143. A Phase 1 Risk Assessment has been submitted to support the application. Accordingly, the Council's Contaminated Land Team have been consulted as part of the application and they advise that a Phase 2 to 4 Report may be required for the development as the Phase 1 identifies the need for further site investigation. This can be secured via planning condition.
144. The application site is outside of the Coalfield High Risk Area and accordingly, there is no requirement for a Coal Mining Risk Assessment nor consultation with the Coal Authority.

145. CDP Policy 56 seeks to safeguard mineral resources. Significant areas of the County fall into such mineral safeguarding areas, including the application site and wider area in terms of surface mined coal resource. Although a non-mineral development is proposed, it is not considered that the current proposals would sterilise mineral resource taking into account the scale of the site and residential setting. No objections are raised in this regard and the proposal does not conflict with CDP Policy 56.
146. Overall, the proposal would be acceptable in regard to ground conditions and would comply with Policy 32 and 56 of the County Durham Plan.

Sustainability

147. Criterion c) of CDP Policy 29 requires all development to minimise greenhouse gas emissions, by seeking to achieve zero carbon buildings and providing renewable and low carbon energy generation. Where connection to the gas network is not viable, development should utilise renewable and low carbon technologies as the main heating source.
148. In addition, criterion o) of CDP Policy 29 requires all major residential development to achieve reductions in CO₂ emissions of 10% below the Dwelling Emission Rate (DER) against the Target Emission Rate (TER) based on current Building Regulations.
149. Criterion d) of CDP Policy 29 requires all 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 waste and prioritising the use of local materials.
150. No energy assessment or similar has been provided to demonstrate compliance with CDP Policy 29. However, the Building Regulations have changed since the submission of this application and now require all new homes to produce 31% less CO₂ emissions than what was previously acceptable in the Part L regulations and there have been changes to Part F in respect of ventilation with new regulations in respect of overheating. In light of the changes to Building Regulations, the development would now need to meet this new requirement and as this is covered under separate legislation there is no need for a condition to duplicate this requirement.
151. By virtue of the recent changes to Building Regulation requirement, the proposal is considered to meet the requirements of Policy 29 of the County Durham Plan and accords with Part 2 of the National Planning Policy Framework.

Other Matters

152. CDP Policy 27 relates to utilities, telecommunications and other broadband infrastructure and requires any residential and commercial development to be served by a high-speed broadband connection and where this is not appropriate, practical or economically viable, developers should provide appropriate infrastructure to enable future installation.

153. In considering this policy requirement, due the location of the development within Bishop Auckland, there will be existing high-speed broadband availability in the area to comply with Policy 27. A condition will be imposed requiring the precise broadband details to be submitted which is considered to comply with Policy 27 of the County Durham Plan.

Public Sector Equality Duty

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

CONCLUSION

156. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The Council has an up-to-date development plan which is the County Durham Plan. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision making, this means approving development proposals that accord with an up-to-date development plan without delay.
157. It is acknowledged that this proposal is not an allocated housing site under Policy 4 of the CDP. However, Policy 6 of the CDP does permit development on unallocated sites on the basis that specific criteria are met. It is concluded that the development of this application site for housing would not be in conflict with Policy 6 as it is within the built-up area of Bishop Auckland, would make use of previously developed land, is sustainably located with access to public transport and services, would not have a significant impact on the landscape character and would be designed appropriately to respond to the local area. Therefore, the principle of the development would comply with Policy 6 of the County Durham Plan.
158. The application site is neither locally, nor nationally designated in terms of its landscape or townscape quality and is a vacant parcel of previously developed land, which is untidy and unkept in nature having a negative impact on the character of the surrounding area. The development of the site would improve the appearance of the site which is a benefit in the planning balance. The design and layout have been considered at the Council's Internal Design Review and has received 10 'Green' classifications and 2 'Amber' classifications. The design is considered to respond appropriately to the local vernacular and character, utilising linear development and a material palette which is in-keeping with the area. Therefore, in considering the proposal against the character and appearance of the site and surrounding area, the proposal is acceptable in regard to the design and layout and would be acceptable under Policy 29 of the County Durham Plan.

159. In regard to highway safety, the development would provide acceptable levels of parking provision, as well as Electric Vehicle Charging points and a safe and suitable access via Morland and Caroline Street has been demonstrated. It is recognised that the scheme is not being put forward to the Highways Adoptions Team and therefore, the internal access road will not be maintained by the Council. However, through the use of planning conditions, the proposal complies with the Council's Parking and Accessibility SPD (2023), Policies 6, 21 and 29 of the County Durham Plan and Part 9 of the National Planning Policy Framework in relation to highway safety and access.
160. In terms of the residential amenity, the proposal includes at least 9 metre gardens for each dwelling and exceeds the separation distances as set out under the Residential Amenity Standards SPD to ensure there are no issues in regard to overlooking, an overbearing impact or overshadowing. No concerns have been raised by the Environmental Health Team. Therefore, the proposal complies with the Residential Amenity Standards SPD and Policy 31 of the County Durham Plan in regard to the residential amenity.
161. In regard to the financial contributions, no mitigation is required in regard to Education or the NHS. In relation to open space, in accordance with the Open Space Needs Assessment (OSNA), a scheme of this scale would need to provide 759sqm of amenity/natural green space given the layout and constraints of the site this is not achievable. Whilst recognising the scheme deficiency in this regard, in this instance it is considered appropriate to secure and additional contribution to ensure that the developemnt mitigates its impact in this respect. A total contribution of £39,999 for open space is required.
162. Regarding affordable and accessible housing, the application proposes 100% affordable housing for rent with two of the dwellings being offered as affordable rent-to-buy products secured under a Section 106 Agreement. Over 10% of units would be suitable for older people and the scheme will be compliant with the 66% requirement of M4(2). The proposal would comply with Policies 15 and 29 of the County Durham Plan in this regard.
163. The scheme will deliver a Biodiversity Net Gain on-site through the provision of vegetated gardens and shrub alongside the installation of at least 10 bird boxes into dwellings, in accordance with Policy 41 of the County Durham Plan and Paragraph 180 of the National Planning Policy Framework.
164. Regarding the drainage, there are no objections from Northumbrian Water and LLFA, the surface water and foul drainage for the site is acceptable and complies with Policies 6, 35 and 36 of the County Durham Plan and Part 14 of the National Planning Policy Framework.
165. Overall, the proposal is considered to be acceptable and in accordance with Policies 6, 15, 19, 21, 25, 26, 27, 29, 31, 32, 35, 36, 39, 40, 41, 44 and 56 of the County Durham Plan and Parts 2, 5, 8, 9, 12, 14 and 15 of the National Planning Policy Framework. There are no material considerations which indicate otherwise and therefore the application is recommended for approval subject to a Section 106 Agreement and planning conditions.

RECOMMENDATION

That the application be **APPROVED** subject to the completion of a Section 106 Agreement to secure the following:

- A financial contribution totalling £39,999.30 for off-site open space provision; and
- 100% Affordable housing on the site equating to 2 rent to buy units and 19 affordable rent units.

And the following conditions:

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

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

2. The development hereby approved shall be carried out in strict accordance with the following plans and documents:
 - Site Layout Boundary. Drawing Number: 84/2023/35 received by the Local Planning Authority on 6th November 2023.
 - 'Amended Planning Layout 23no. Units'. Drawing Number: 84/2023/35 Rev B received by the Local Planning Authority on 26th March 2024.
 - '2 Bedroom Terraced Bungalow. Plots No. 3-6'. Drawing Number: 84/2023/20 Rev B received by the Local Planning Authority on 16th April 2024.
 - 3 Bedroom Semi Detached House Type. Plots No. 1&2, 7&8. Drawing Number: 84/2023/30 Rev B received by the Local Planning Authority on 16th April 2024.
 - Elevations 3 Bedroom, 4 Person Terraced House. Drawing Number: 84/2023/03 Rev A received by the Local Planning Authority on 16th April 2024.
 - Elevations 2 Bedroom, 3 Person Terraced House. Drawing Number: 84/2023/13 Rev A received by the Local Planning Authority on 16th April 2024.
 - First Floor Plan 2 Bedroom, 3 Person Terraced House. Drawing Number: 84/2023/12 Rev A received by the Local Planning Authority on 7th May 2024.
 - Ground Floor Plan 2 Bedroom, 3 Person Terraced House. Drawing Number: 84/2023/11 Rev A received by the Local Planning Authority on 7th May 2024.
 - First Floor Plan 3 Bedroom, 4 Person Terraced House. Drawing Number: 84/2023/02 Rev A received by the Local Planning Authority on 7th May 2024.
 - Ground Floor Plan 3 Bedroom, 4 Person Terraced House. Drawing Number: 84/2023/01 Rev A received by the Local Planning Authority on 7th May 2024.
 - Highways Details. Drawing Number: 84/2023/36. received by the Local Planning Authority on 29th April 2024.

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies 6, 15, 19, 21, 29, 31, 32, 35, 36, 39, 40, 41 and 43; of the County Durham Plan and Parts 2, 5, 8, 9, 12, 14, 15 of the National Planning Policy Framework.

3. No development shall commence until a land contamination scheme has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall be compliant with the YALPAG guidance and include a Phase 2 site investigation which shall be carried out, and shall include a sampling and analysis plan. If the Phase 2 identifies any unacceptable risks, a Phase 3 remediation strategy shall be produced and where necessary include gas protection measures and method of verification.

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

4. No construction work shall take place, nor any site cabins, materials or machinery be brought on site until all trees and hedges, indicated on the approved tree protection plan (Tree Protection Plan. Drawing Number: 01 received by the Local Planning Authority on 13th March 2024) as to be retained, are protected by the erection of fencing, placed as indicated on the plan and comprising a vertical and horizontal framework of scaffolding, well braced to resist impacts, and supporting temporary welded mesh fencing panels or similar approved in accordance with BS.5837:2010.

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

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

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

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

5. No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include as a minimum but not necessarily be restricted to the following:
 1. A Dust Action Plan including measures to control the emission of dust and dirt during construction.
 2. Details of methods and means of noise reduction/suppression.

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

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

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

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

6. No development shall commence until a Highway Maintenance and Management Plan has been submitted to and approved in writing by the Local

Planning Authority. The Maintenance and Management Plan will set out how the site owner/operator will manage the following:

1. details of how refuse and garden waste collections from each residence will be managed, operated and financed;
2. details of how the roads and footways within the development will be maintained, repaired and financed;
3. details of annual inspections of roads, footways and verges and structures for maintenance purposes;
4. details of reaction times for rectification of defects in road and footway surfaces;
5. details of street sweeping within the privately maintained areas;
6. details of gully emptying and maintenance of the drainage systems;
7. details of dog waste bin and general waste bin collections and management;
8. details of how parking on street within the development will be managed;
9. details of fly tipping and/or excess waste removal and management;
10. management of removal of chewing gum from pavement surfaces;
11. management of removal graffiti, stains and spillages;
12. management of snow clearing and gritting;
13. management of the repair of hard landscaped areas;
14. provision and maintenance of lighting (including energy charges) for standard columns and low height lighting units;
15. details of how the pedestrian routes through the site will be kept safe for pedestrian use;
16. management of street weed control;
17. maintenance of soft landscaping areas including weeding, watering, fertilizing, replacement of failures, trimming and pruning of trees and shrubs, grass cutting and maintenance of water features;
18. maintenance of road signage;
19. cyclic and seasonal maintenance (i.e. leaf clearance);
20. maintenance of street furniture, seats, litter bins and bollards;
21. maintenance of street name plates;
22. inspection and maintenance of boundary walls/retaining walls/fencing around the site, and tree management plan for any trees adjacent to these walls and/or overhanging the adopted highway;
23. reinstatement of private and public utility apparatus trenches to the original palette of materials after essential works;
24. management and inspection of excavations in and subsequent reinstatement of roads, footways and verges to appropriate standards;
25. details of management of complaints arising from any of the above;
26. details of management of claims resulting from alleged defects;
27. details of management of responses to emergency situations i.e. flooding, storm damage etc.

The development must be carried out in accordance with the details approved and be retained in perpetuity.

Reason: In the interests of highway safety to comply with Policy 21 of the County Durham Plan.

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

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

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

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

Trees, hedges and shrubs scheduled for retention.

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

Details of planting procedures or specification.

Finished topsoil levels and depths.

Details of temporary topsoil and subsoil storage provision.

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

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

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

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

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

8. No development shall commence until details of the materials and laying out of the demarcation between the private road and adopted highway has been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details prior to the first occupation of the first dwelling hereby approved.

Reason: In the interests of highway safety in accordance with Policy 21 of the County Durham Plan.

9. No development shall be carried out above damp proof course until detailed drawings, including sections, showing the existing and proposed site levels, and the finished floor levels of the proposed development and those of existing neighbouring buildings (if any), has been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details thereafter.

Reason: In the interests of the amenity of the surrounding areas and neighbouring properties, in accordance with Policy 29 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework. Required as a pre-commencement condition to ensure that the implications of changes in level are properly considered and accounted for in the development.

10. 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.

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

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

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

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

13. Prior to the first occupation of any of the dwellings hereby approved, details of bin stores shall be submitted to and approved in writing by the Local Planning Authority. The bin stores shall be constructed in accordance with the approved details and be made available prior to the occupation of the development to which they relate.

Reason: In the interests of visual amenity and highway safety in accordance with Policies 21 and 29 of the County Durham Plan and Parts 9, 12 and 15 of the National Planning Policy Framework.

14. Prior to the first occupation of any of the dwellings hereby approved, details of 1no. electric vehicle charging point per dwelling as shown on 'Amended Planning Layout 23no. Units' Drawing Number: 84/2023/35 Rev B received by the Local Planning Authority on 26th March 2024 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 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 and Part 9 of the National Planning Policy Framework.

15. Prior to the first occupation of any of the dwellings hereby approved, a scheme detailing the precise means of broadband connection to the site shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the agreed details.

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

16. Notwithstanding any details of materials submitted with the application, no development shall be carried out above damp proof course level 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 Policies 6 and 29 of the County Durham Plan and Part 12 of the National Planning Policy Framework.

17. Prior to the first occupation of any of the dwellings hereby approved, the access and parking as shown on 'Amended Planning Layout 23no. Units' Drawing Number: 84/2023/35 Rev B received by the Local Planning Authority on 26th March 2024' shall be constructed in accordance with the approved details and made available for use.

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

18. Prior to the first occupation of any of the dwellings hereby approved, the pedestrian footpath as shown on 'Amended Planning Layout 23no. Units' Drawing Number: 84/2023/35 Rev B received by the Local Planning Authority on 26th March 2024 shall be constructed in accordance with the approved details and made available for use.

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

19. The drainage for the approved development shall be carried out in accordance with the following:

- Flood Risk and Drainage Strategy. Report Number: MD1729/rep/001 Rev B
- Proposed Drainage Strategy. Drawing Number: MD01729/0100 Rev A

Reason: To ensure effective drainage measures and sustainable principles are adhered to, and to safeguard the proposed development from flood risk, whilst

not increasing flood risk elsewhere in accordance with Part 14 of the NPPF and Policy 35 of the County Durham Plan.

20. No development including ground clearance or remediation works shall commence until a build programme and timetable for the construction of the critical surface water infrastructure has been submitted to and approved in writing by the Local Planning Authority. The programme must include, amongst other matters, details of the outfall structure, control devices, attenuation/storage, temporary control measures during the construction phase and measures to control silt levels entering the watercourse. The order of works to be undertaken must be identified and timescale for delivery. The development thereafter shall be completed in accordance with the details and timetable agreed.

Reason: To ensure that critical surface water infrastructure is in place to adequately deal with and dispose of surface water prior to the construction of the development, in accordance with Policy 35 of the County Durham Plan and Parts 14 and 15 of the National Planning Policy Framework. Required to be a pre-commencement condition to ensure that water infrastructure is in place at an early stage of the development to adequately manage surface water.

21. The development hereby approved shall include at least 15 dwellings (66% of the total dwellings) to be constructed to Building Regulations M4(2) standards and thereafter, the development shall be constructed in accordance with the approved details.

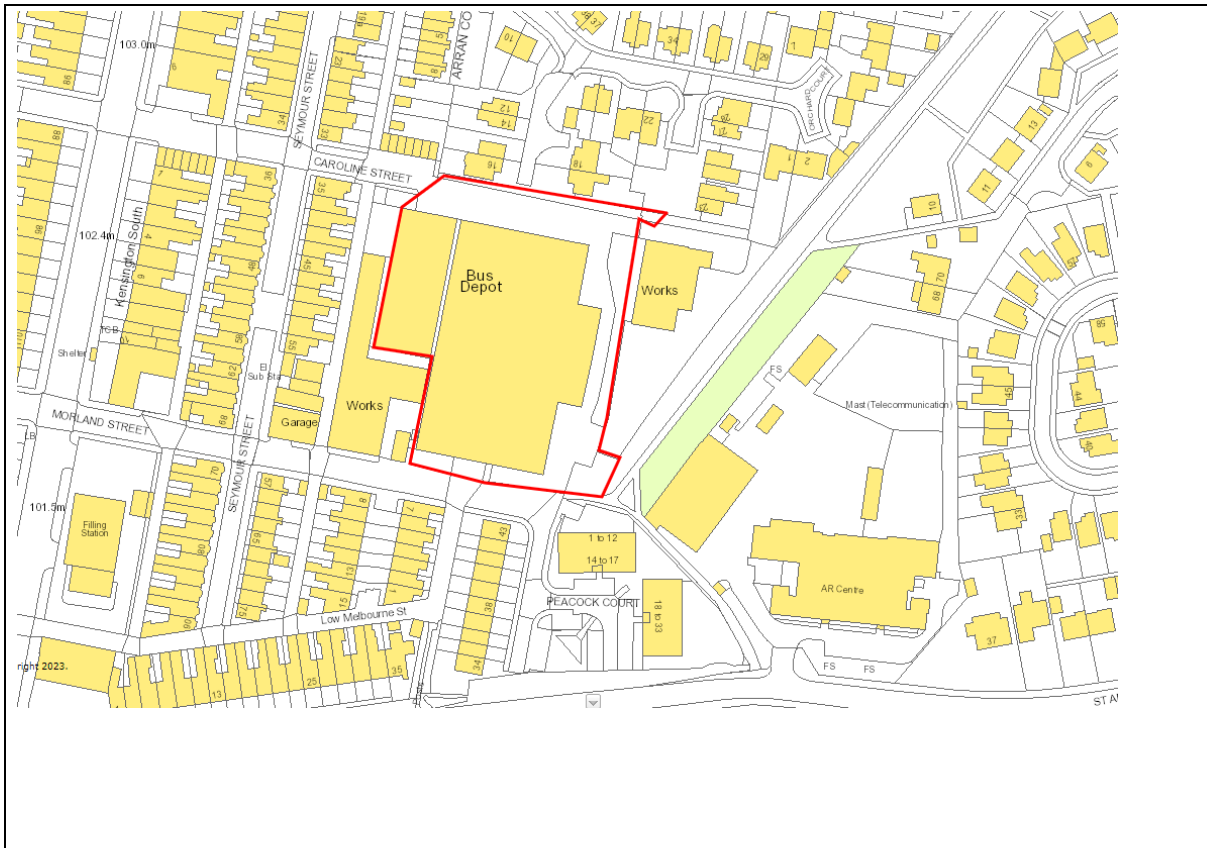
Reason: To provide an adequate level of housing mix to meet the needs of people with disabilities in accordance with Policy 15 of the County Durham Plan and Section 5 of the NPPF

STATEMENT OF PROACTIVE ENGAGEMENT

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.

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documents
National Planning Policy Framework
The County Durham Plan (CDP)
County Durham Strategic Housing Market Assessment 2019
County Durham Plan Building for Life Supplementary Planning Document 2019
Residential Amenity Standards Supplementary Planning Document 2020
Statutory consultation responses
Internal consultation responses
External consultation responses



<p>Planning Services</p>	<p>Erection of 23no. dwellings with associated means of access and works (Amended 13.03.2024)</p>	
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	<p>Date: 7thth May 2024</p>	

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COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	DM/23/03533/FPA
FULL APPLICATION DESCRIPTION:	Construction of 41 dwellings with associated works.
NAME OF APPLICANT:	Esh Homes Limited
ADDRESS:	Land To The South Of Broadway Avenue Salters Lane Trimdon TS29 6PU
ELECTORAL DIVISION:	Trimdon and Thornley
CASE OFFICER:	Lisa Morina Senior Planning Officer Telephone: 03000 264877 Lisa.morina@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site is located to the west of Trimdon in the south east of the County. The site previously comprised part of an agricultural field with areas of scrub vegetation and crops however is not considered as a brownfield development site.
2. The site is bordered to the north by Broadway Avenue, a residential cul-de-sac consisting of a mix of single storey and two storey dwellings. The highway Salters Lane is located to the east, across which lies an existing residential development.
3. Open fields extend to the south and west and a Public Right of Way runs across the site in a south westerly direction. There is a noticeable level change across the site, with the land to the south being lower than that to the north with an approximate difference of around 10m from the Broadway Avenue properties with an approximate 5m change towards the middle of the site with a further 5m drop to the southern end of the site. Trimdon Village Conservation area lies 170m to the northeast of the site.

The Proposal:

4. Consent is sought for the erection of 41 dwellings. These are proposed as both two-storey dwellings and bungalows. The site is proposed to contain a mix of 4 x 2-bedroom bungalows, 13 x 3-bed dwellings in two different styles and 24 x 4-bed dwellings (9 different house types). It is proposed that the dwellings will be constructed of a mix of brown/buff materials with dark grey roof tiles.

5. A SUDs area is proposed to the southern part of the site as is the public open space. One entrance into the site is proposed from Salters Lane with the dwellings located to either side of the road with a cul-de-sac location proposed at the western part of the site.
6. A public right of way currently runs through the site and it is understood the applicants are in discussions with the Public Rights of Way team to alter this location.
7. A previous application was approved back in 2016 for outline consent for the erection of up to 30 dwellings. This was followed up with a reserved matters application in 2018. This proposal was considered on a self-build basis. This consent has been implemented and the roadway is now constructed with the foundations of at least one dwelling started however no dwellings have been fully constructed.
8. This application is being reported to Planning Committee as it falls within the definition of a major development.

PLANNING HISTORY

9. DM/14/00678/OUT - Erection of up to 30 dwellings (Outline, all matters reserved). Refused 20.06.2014.
10. DM/15/01714/OUT - Outline application for the erection of up to 30 dwellings (all matters reserved). Approved 09.05.2016.
11. DM/18/01230/RM - Reserved matters application (all matters) pursuant to DM/15/01714/OUT for 27 dwellings and discharge of conditions 4 (pedestrian footway), 5 (site levels), 6 (foul and surface water), 8 (open space management), 9 (sustainability), 11 (tree protection) and 12 (land contamination). Approved 14.12.2018.
12. Various discharge of condition application have also been received.

PLANNING POLICY

NATIONAL POLICY

13. A revised National Planning Policy Framework (NPPF) was published in July 2023. 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.
14. *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.

15. *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.
16. *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.
17. *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.
18. *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.
19. *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.
20. *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.
21. *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.
22. *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.
23. *NPPF Part 15 Conserving and Enhancing the Natural Environment* - Conserving and enhancing the natural environment. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and

existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.

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

NATIONAL PLANNING PRACTICE GUIDANCE:

24. 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.

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

LOCAL PLAN POLICY:

County Durham Plan

25. 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.
26. Policy 10 (Development in the Countryside) states that 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 design and scale suitable for intended use and well related to existing development.

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: change of use of existing building, intensification of existing use through subdivision; replacement of existing dwelling; or householder related development.

27. Policy 15 (Addressing housing need) establishes the requirements for developments to provide on-site affordable housing, the circumstances when off-site affordable housing would be acceptable, the tenure mix of affordable housing, the requirements of developments to meet the needs of older people and people with disabilities and the circumstances in which the specialist housing will be supported.
28. Policy 19 (Type and mix of housing) advises that on new housing developments the council will seek to 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.

29. 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.
30. Policy 25 (Developer contributions) advises that any mitigation necessary to make the development acceptable in planning terms will be secured through appropriate planning conditions or planning obligations. Planning conditions will be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Planning obligations must be directly related to the development and fairly and reasonably related in scale and kind to the development.
31. Policy 29 Sustainable Design details general design principles for all development stating that new development should contribute positively to an areas' character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities.
32. 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.
33. 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.
34. 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.
35. 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.

36. 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.
37. 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.
38. 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.
39. Policy 42 (Internationally Designated Sites) states that development that has the potential to have an effect on internationally designated sites, either individually or in combination with other plans or projects, will need to be screened in the first instance to determine whether significant effects on the site are likely and, if so, will be subject to an Appropriate Assessment.

Development will be refused where it cannot be ascertained, following Appropriate Assessment, that there would be no adverse effects on the integrity of the site, unless the proposal is able to pass the further statutory tests of 'no alternatives' and 'imperative reasons of overriding public interest' as set out in Regulation 64 of the Conservation of Habitats and Species Regulations 2017.

Where development proposals would be likely to lead to an increase in recreational pressure upon internationally designated sites, a Habitats Regulations screening assessment and, where necessary, a full Appropriate Assessment will need to be undertaken to demonstrate that a proposal will not adversely affect the integrity of the site. In determining whether a plan or project will have an adverse effect on the integrity of a site, the implementation of identified strategic measures to counteract effects, can be considered. Land identified and/or managed as part of any mitigation or compensation measures should be maintained in perpetuity.

40. 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.

41. Residential Amenity Standards SPD – Provides guidance on the space/amenity standards that would normally be expected where new dwellings are proposed.
42. Parking and Accessibility SPD – provides guidance on road widths and parking standards for new developments.

Neighbourhood Plan

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

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/EXTERNAL RESPONSES:

44. Highways – No objection subject to conditions and informatives being added.
45. Northumbrian Water – No response received.
46. Durham Constabulary – Information provided on secured by design principles.
47. NHS – £19,803 contribution is required.
48. LLFA Drainage – No objection, drainage is considered acceptable.
49. Natural England – No objection subject to final credits being secured.

INTERNAL CONSULTEE RESPONSES:

50. Archaeology – No requirement for further archaeological investigations.
51. Affordable Housing – Affordable housing required to be provided.
52. Ecology – No objection
53. Education – Sufficient primary school spaces are in existence however, in order to mitigate the impact of the development a contribution of £82,770 (5 x £16,554) would be required to facilitate the provision of additional teaching accommodation for secondary schools.
54. Environmental Health (Contamination) – No objection, no requirement for a land contamination condition
55. Environmental Health (Noise) – No objection subject to conditions regarding noise implications
56. Environmental Health (Air Quality) – No objection
57. Landscape – Landscaping Scheme is considered acceptable.

58. Policy – Advice given in respect of which policies to consider and open space contributions
59. Public Rights of Way – No objection, a separate diversion application is underway.

PUBLIC RESPONSES:

60. The application has been advertised by means of site notice and by notifying neighbouring residents by letter. To date, three letters of objection (two from the same neighbouring property) have been received with the following concerns:
- It is pleasing to see the provision of affordable bungalows for ownership on the site, albeit nowhere near enough to meet the need of local people.
 - The larger houses are very close to existing properties and this will cause a loss of privacy (in addition to a significantly reduced view and a potential loss of value).
 - Concern raised regarding the distribution of the different house types across the site and that they have been positioned in such a way as to maximise volume/density/profit
 - This current layout will change the landscape and is not sympathetic to the appearance of the area and could be easily fixed by carrying out minor adjustments.
 - This development will add further pressure to the already over-subscribed local schools and GP surgeries. It is unclear from the application how this would be addressed and there is lack of certainty around the developer contributions.
 - Concern over the increase in traffic due to the number of houses and other developments approved as well as the location of the access.

APPLICANT'S STATEMENT:

61. This scheme is an application requesting full approval for the delivery of 41no residential dwellings. The site has a history of applications; DM/15/01714/OUT and DM/18/01230/RM all granted with planning permission previously by Durham County Council between May 2016 and May 2018. Previous planning permissions, alongside the site being allocated within the adopted County Durham Plan–means the principle of development has already been firmly established.
62. We have worked collaboratively and positively with the officers through the Council's own Enhanced Design Review Panel process. The design of the scheme has been carefully considered, with a mix of house types, which offer a variety of housing for families, ranging from 2 – 4-bedroom homes. The development has the benefit of being able to create a fully sustainable community by providing family housing, 10% affordable housing, 100% M4(2) (accessible and adaptable) compliance, NDDS (Nationally Described Space Standards) housing and 10% older person housing (in the form of bungalows)
63. The latter means that the proposal is fully in accordance with policy 15 of the County Durham Plan and the affordable housing offer is consistent with that contained in the S.106 agreement. The proposals offer an attractive landscape-led scheme for 41 new homes. Referencing to the BNG report submitted, the site is to deliver an increase of 28.55% in habitat units and 264.31% increase in hedgerow units. The site takes its character and material palette from similarities which are reflective of the nearby Front Street North & South village green vernacular. This means houses across the scheme appropriately face POS and roads/footpaths to provide attractive streetscenes and external visuals. This naturally creates an interest across the

scheme by enhancing the legibility, making it clear as to which part of the site you are in. The large open space areas will be a great benefit to future residents of the estate and indeed those in the wider area, with existing & new PROW links to be formed. These areas will be multifunctional and publicly accessible.

64. The scheme will follow a rigorous construction management plan, with methodologies proposed to help prevent the neighbouring residents from noise and general disturbances. The CEMP provided as part of our application best explains this, and shows the thought put into the scheme by Homes by Esh to best deliver the scheme with limited disruption to Salters Lane and the wider area.
65. The new homes proposed have been designed to reflect the most recent changes in building regulations resulting in higher energy efficiency levels. This will result in lower CO2 emissions (31% reduction from previous building regulations), with homes which can run on less energy. This should be particularly welcomed given both the ongoing challenge of climate change and the cost-of-living crisis.
66. If granted full planning approval, the development will deliver the S.106 legal agreement, to be signed once planning permission is granted. This includes the following benefits for the wider community:
 - A financial contribution of £19,803 towards the provision or improvement of NHS healthcare facilities
 - A financial contribution of £64,538.10 towards the provision or improvement of open space facilities.
 - A financial contribution of £82,770 towards the provision or improvement of educational facilities.
 - New footpaths to the Western side of carriageway to Salters Lane, linking to the bus stop South of the entrance and North towards Broadway Avenue junction (to be delivered through S.278 works).
67. It is considered that development of the site for 41 new homes, will create new investment in the area and increased activity. This will have tangible economic benefits as well as assisting in tackling local issues such as anti-social behaviour, given that the new homes will offer natural surveillance through the careful orientation of the houses. More generally the proposed scheme will be:
 - Adding to the County's housing supply and delivery of an allocated housing site.
 - Create a sustainable community by including family housing, affordable housing, M4(2) & NDSS provisions, and older person housing (in the form of bungalows).
 - Retention of 25no direct construction jobs per annum over the site's construction period. Over the duration of the scheme, the creation of new apprenticeship positions and opportunities for the unemployed will be provided.
 - £6.674m (approx.) to be generated in the purchasing of materials and directly subcontracted companies employed to construct the scheme, both locally sourced by Homes by Esh.
 - £61,188 (approx.) generated in total first occupation S.106 contributions.
 - Generate Council Tax receipts of £86,515 per annum (approx.) to reinvest in Council services (Average based on Trimdon Band C amount of £2,110.11 x 41no units).

68. With all of the above benefits being taken into account, alongside the high-quality design and attractiveness of our development proposals (which have resulted from a collaborative approach undertaken with the Council). It becomes clear that this scheme will be a benefit to the local area and should therefore be recommended for approval.

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=P8X9C0GDL8J00>

PLANNING CONSIDERATIONS AND ASSESSMENT

69. As identified in Section 38(6) of the Planning and Compulsory Purchase Act 2004 the key consideration in the determination of a planning application is the development plan. Applications should be determined in accordance with the development plan unless material considerations indicate otherwise.
70. The NPPF is a material planning consideration in this regard. The County Durham Plan (CDP) is the statutory development plan and the starting point for determining applications as set out at Paragraph 12 of the NPPF. The NPPF advises at Paragraph 219 that the weight to be afforded to existing Local Plans depends upon the degree of consistency with the NPPF.
71. The County Durham Plan is now adopted and is considered to represent the up-to-date Local Plan for the area. Consequently, consideration of the development should be led by the plan if the decision is to be defensible.
72. In this context, it is considered that the main planning issues in this instance are as detailed below:

Principle of the Development

73. This site is considered to be adjoining the built-up area of Trimdon and is not allocated for housing within the County Durham Plan (CDP). Given this both policies 6 and 10 of the CDP would be of relevance in this instance.
74. As stated above a previous application has been approved on the site for residential dwellings. As such, the principle of residential development on the site has been established. Notwithstanding this however, the previous application was approved under prior Local Plan policies and as such a further assessment under the new County Durham Plan policies has been undertaken.
75. The site is considered to be outside but well related to the settlement and as such Policy 10 allows for Policy 6 to be considered.
76. Policy 6 states that development of sites which are not allocated in the Plan or in a Neighbourhood Plan which are either (i) within the built-up area; or (ii) outside the built-up area (except where a settlement boundary has been defined in a neighbourhood plan) but well-related to a settlement, will be permitted provided the proposal accords with all relevant development plan policies and:
77. a) Development should be compatible with, and not prejudicial to, any existing, allocated or permitted use of adjacent land.

The site is surrounded for the most part by residential properties and open space, as such the residential use of this site would therefore be compatible with surrounding uses.

78. b) Development does not contribute to coalescence with neighbouring settlement, would not result in ribbon development, or inappropriate backland development.

There is no concern that the site would lead to coalescence with neighbouring settlements. In addition, given its location and relationship to the existing built form along with the proposed layout of dwellings on site, the development would not be considered ribbon or backland development.

79. c) Development does not result in the loss of open land that has recreational, ecological or heritage value, or contributes to the character of the locality which cannot be adequately mitigated or compensated for.

The application site does not fall within any designations for landscape or ecology value and is located some 170 metres from the conservation area of Trimdon village. Given this distance it is not expected that the proposals would impact on the character or appearance of the designated heritage asset. The proposal does result in the impact on a public right of way (PROW) which runs through the site however an appropriate diversion has been discussed with the PROW officer. The principle however of the loss of this countryside area has already been agreed in that the previous permission has been partially implemented.

The site has also previously been considered within the Council's Strategic Housing Land Availability Assessment (SHLAA) (5/SO/15) where one part of the site was given a green classification with another part given an amber classification. The red line boundary of the site does extend slightly further south than the previous applications however the main built-up area of the site is located within the green classification area with the SUDS and Open Space areas falling within the amber classification areas.

Given the above the proposal is considered acceptable in respect of part c of Policy 6.

80. d) Development is appropriate in terms of scale, design, layout, and location to the character, function, form and setting of the settlement.

The development is considered to be acceptable in this regard with more detailed consideration contained elsewhere in this report.

81. e) Development will not be prejudicial to highway safety or have a severe residual cumulative impact on network capacity.

The development is considered to be acceptable in this regard with more detailed consideration contained elsewhere in this report.

82. f) Development has good access by sustainable modes of transport to relevant services and facilities and reflects the size of the settlement and the level of service provision within that settlement.

Trimdon is a large settlement with many facilities available, including local shops, pubs, school, GPs and a community centre. Measured from the entrance to the site, the nearest bus stops are located around 200m away. Buses are available hourly between the hours of 7-11 Monday to Saturday with a shorter service available on a

Sunday between Peterlee and Middlesbrough and also hourly between the hours of 7-8 between Durham and Hartlepool, Monday to Saturday. In this regard, the proposed development would be well related to necessary facilities and sustainable modes of transport, and it is therefore not considered that future occupiers at the dwellings would be solely reliant on private vehicles as a consequence.

83. g) Development does not result in the loss of a settlements or neighbourhood's valued facilities or services unless it has been demonstrated that they are no longer viable;

The development would not result in the loss of any facilities or services. As such there is no conflict with this criteria of the policy.

84. h) Development minimises vulnerability and provides resilience to impacts arising from climate change, including but not limited to, flooding.

The site is not contained within Flood Zones 2 or 3 of the Environment Agency mapping system. From assessing the Strategic Flood Risk Assessment mapping layers associated with the Local Lead Flood Authority, there are no noted flood risk areas within the application site area. There is no conflict with this part of the policy, but further consideration is provided below.

85. i) where relevant, development makes as much use as possible of previously developed (brownfield) land.

The site has previously been considered acceptable for residential development and the roadway of the previous consent has now been constructed. The proposal is therefore considered to accord with this aspect of the policy given the extent of development already having taken place on site.

86. j) where appropriate, it reflects priorities for urban regeneration.

It is not considered that criteria j is relevant in this instance.

87. On the basis of the above assessment, it is considered that the proposal would accord with the criteria set out in CDP Policy 6 and is therefore deemed acceptable in principle, subject to further considerations below.

Impact on Residential Amenity

88. CDP Policy 31 seeks to prevent development that would have an unacceptable impact upon the amenity of existing neighbouring residents and only allow development where adequate amenity for future occupiers is provided. Part 11 of the NPPF requires planning decisions to ensure healthy living conditions and emphasises the importance of securing healthy places. Part 15 requires decisions to prevent new development from being put at unacceptable risk from, or being adversely affected by, unacceptable levels of pollution such as noise pollution.

89. Paragraph 191 seeks to ensure that new development is appropriate for its location taking into account the likely effects of pollution on health and living conditions. In terms of noise, Paragraph 191 advises that planning decisions should mitigate and reduce potential adverse impact resulting from noise from new development - and avoid noise giving rise to significant adverse impacts on health and the quality of life. Part 12 also states that proposals create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

90. CDP 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. Provision for major developments to appropriately consider the public realm in terms of roads, paths, open spaces, landscaping, access and connectivity, natural surveillance, suitable private and communal amenity space that is well defined, defensible and designed to the needs of its users.
91. CDP Policy 29 also require that new major residential development is assessed against Building for Life Supplementary Planning Document, to achieve reductions in CO2 emissions, to be built to at least 30 dwellings per hectare subject to exceptions. It also states that all new residential development should meet Nationally Described Space Standards (NDSS).
92. The dwellings are proposed to be located adjacent to an established residential area with residential properties located to north of the site. The rear elevations of the existing residents face the site, and the development has been designed in a way that rear/side gardens will directly alongside their rear boundaries. A mix of hedging and boundary treatment are currently in place along these rear elevations and a 1.8m high close boarded fence is proposed along the northern boundary of the site.
93. Concern has been raised from one neighbour that the larger houses are very close to existing properties, and this will cause a loss of privacy (in addition to a significantly reduced view).
94. All dwellings are required to meet with the required separation distance as outlined within the Council's Residential Amenity Standards Document, which requires 21 metres between main habitable windows and 13 metres between a habitable window and blank gable wall.
95. In respect of plots 11 and 14 which are the nearest to the existing residents, separation distances of in excess of 17m would remain which more than exceeds the recommended distances between a blank gable and habitable room window. There is a change in land levels and as noted on the levels plans, the difference being up to 3.6m. Given this it is not considered that the proposal would result in any loss of light, overshadowing or overlooking to the existing neighbours, particularly as separation distances are appropriate.
96. In respect of the loss of view which was raised as a point of concern, whilst it is accepted that protection of a private view is not a material planning consideration, an assessment of the submitted site sections in conjunction with boundary treatment already in place, indicates that , it is likely that residents would likely see part of the gable/roofline of plot 14 only with general outlook from the rear of their houses largely retained. It is considered however that a condition should be added for no windows to be added in the future to the gable elevations of these two plots to protect mutual privacy of existing and future occupiers.
97. In respect of distances within the site the majority of the properties meet the recommended 21m or 13m as set out within the Councils SPD, with the exception of distances between plots 9 and 34, 10 and 33 and plots 11 and 14 where 20m will

remain. These however have been orientated to be slightly offset from each other so there is no direct window to window relationship. In addition, the SPD states "habitable room windows that are adjacent to each other across a public highway may not be required to meet these standards". Given the layout of the properties and the fact that they are only slightly below, it is not considered that a refusal reason could be sustained in this instance.

98. The proposed dwellings are all considered to comply with the NDSS Space Standards and have appropriate garden depths of at least 9m, apart from two of the bungalows which are reduced to 8m to allow access to the rear gardens of the bungalows located within the centre of the terrace of 4, but it is noted that they have a sufficient width, providing an acceptable amount of external amenity space. Overall, the proposals would allow for an appropriate level of living accommodation and outdoor amenity for future residents and therefore accords with Policy 29 of the CDP in this respect.
99. Environmental Health were consulted and raised no objections generally, however during the construction phase the development could lead to a negative impact upon existing residential receptors, due to their close proximity, however it is considered that this can be easily overcome by the submission of a Construction Management Plan which should include information with regards to dust and a restriction on the hours of construction. This will be secured by a pre-commencement condition. A condition regarding hours of construction will also be added to any potential approval.
100. CDP Policy 15 also aims to meet the needs of older people and people with disabilities. On sites of 5 units or more, 66% of dwellings must be built to Building Regulations Requirement M4 (2) (accessible and adaptable dwellings) standard.
101. On sites of 10 units or more, a minimum of 10% of the total number of dwellings on the site are required to be of a design and type that will increase the housing options of older people. These properties should be built to M4(2) standard and would contribute to meeting the 66% requirement set out above. They should be situated in the most appropriate location within the site for older people. Appropriate house types considered to meet this requirement include:
 - level access flats;
 - level access bungalows; or
 - housing products that can be shown to meet the specific needs of a multi-generational family.
102. All units are proposed to comply with M4(2) standards which would more than meet this requirement, and 4 bungalows are proposed which would satisfy the 10% requirement in relation to housing for older people. Detailed plans / document has been provided which has been duly assessed and officers are satisfied that the dwellings suitably meet this requirement. A condition would be included to any approval to ensure the appropriate percentage of M4(2) are provided in line with policy.
103. The proposal, therefore, is considered acceptable in respect of Policies 15, 29 and 31 in respect of residential amenity of both existing and future residents subject to pre-commencement conditions being added.

Scale/Design

104. CDP 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.
105. Policy 29(n) of the CDP also states that when assessed against the Building for Life Supplementary Planning Document a development should secure as many greens as possible, whilst minimising the number of ambers. Schemes with one or more red will not be acceptable and will be refused planning permission unless there are significant overriding reasons. CDP Policy 6d states proposal should be appropriate in terms of scale, design, layout, and location to the character, function, form and setting of, the settlement.
106. The proposal was considered at Design Review and scored 5 green, 4 amber and 3 reds initially. The applicant was encouraged to address some of the various outstanding issues to improve on the red scoring. Following amendments to the scheme, which included the introduction of both street tree planting and landscaping improvements to the southern boundary, further consultations were undertaken, and the proposal was re-scored at design review.
107. At the re-score, it achieved 7 green, 5 ambers and no reds. Whilst the amber scores remain, the issues have been addressed to a reasonable point in that a suitable landscaping scheme has been provided which is considered to result in an appropriate new southern boundary to the settlement.
108. Concern has been raised regarding the distribution of the different house types across the site and that they have been positioned in such a way as to maximise volume/density/profit.
109. The proposed development site lies adjacent an established residential area. As detailed above the estate road has already been installed and as such the layout of the site is restricted in this instance to fit with the road layout already constructed. The layout of the properties are acceptable in this instance in that the proposed layout is considered to positively address streets and spaces, and incorporates a mix of parking both to the side and front of dwellings which helps to reduce the visual impact on the street. All dwellings are forward facing either towards the main access road through the site with the exception of the 4 bungalows proposed at the front of the site which face onto Salters Lane and provides a frontage at this point.
110. The design of the dwellings are considered acceptable with the materials proposed are a mix of brown/buff brick in Marshall Darlstone and the roof tiles are dark grey Sandtoft Calderdale which is considered to reflect the material palette noted at other parts of Trimdon Village. Block paving is also proposed for the driveways.
111. In respect of boundary treatments, these range between 500mm and 1.8m high railings/close boarded fencing all of which are considered acceptable and are typical additions to housing developments of this nature.
112. Fencing of 1.8m high close boarded fencing is proposed as the rear boundary of the properties located to the northern and southern boundaries of the site 500m high birds mouth fencing is proposed at the entrance to the site in front of the bungalows

proposed and that of plot 1 as well as around some of the visitor parking areas provided. In areas where retaining walls are required and are more than 0.6m, 1m high railings will be added these which are located forward of the front building line separating the plots only and not along the front curtilage. All front garden areas will remain open and the plots will be separated at the rear by 1.35m high fencing.

113. It is acknowledged that the number of dwellings has increased from the previous application however it is considered that the site can accommodate the increase and that the proposed layout is acceptable. The proposal is not considered to equate to overdevelopment of the site with each property being detached other than the bungalows proposed at the entrance to the site. Given this the dwellings are considered to be appropriately spaced with space between each dwelling and suitable amenity space provided. In addition, there is a larger area of green public open space provided as well as a SUDS area. The proposals would also include a small terrace of bungalows overlooking Salters Lane which provide an active frontage upon entering into the estate.
114. All details of materials, fencing, bin stores and hard standings have been provided and as such no conditions are required to be added for these as they will form part of the approved plans. The proposal is considered acceptable in respect of Policy 29 of the County Durham Plan and Part 12 of the NPPF.

Landscape

115. CDP Policy 6 sets out developments should not contribute to coalescence with neighbouring settlement, should not result in ribbon or inappropriate backland development. The Policy also requires that development should be appropriate in scale, location and form and setting to a settlement.
116. 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.
117. Concern has been raised that the current layout will change the landscape and is not sympathetic to the appearance of the area and could be easily fixed by carrying out minor adjustments.
118. As detailed above the layout of the site is considered appropriate and an appropriate robust landscaping scheme which has been provided which incorporates significant planting to the proposed SUDS area also and is considered to provide a new suitable landscape buffer to what will become the new southern edge of the settlement of Trimdon.
119. A 1.8m high close boarded fence will be located adjacent to the rear boundaries of the properties at Broadway Avenue and the site will then drop down using 1:3 batters to a retaining wall within the rear garden area of those properties along the northern part of the site. Levels will continue to slope across the site (north to south) with a similar approach being proposed to the southern boundary in the form of a 1.8m high close boarded fencing proposed to the rear boundaries of those dwellings which are located to the southern boundary of the site. The site will then step down using 1:3 batters to the new proposed landscape edge.
120. A suitable landscaping scheme has been secured following officer discussions with the agent at the southern part of the site which includes a mix of native woodland and shrub planting and flowering lawn mix. A SUDS area is also proposed which is

to be planted with a mix of meadow mix and pond mix and the open space area will further be enhanced by around 50 native trees. 28 street trees are also proposed to provide tree lined streets. This landscaping approach has been agreed with the Councils Landscape Officers.

121. The proposal therefore is considered acceptable in respect of Policies 39 and 40 of the County Durham Plan and Part 15 of the NPPF.

Highway and Pedestrian Safety

122. CDP Policy 21 requires that all development ensures that any vehicular traffic generated by new development can be safely accommodated and have regard to Parking and Accessibility Supplementary Planning Document. Paragraph 115 of the NPPF states development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
123. Concern has been raised over the increase in traffic due to the number of houses and other developments approved as well as the location of the access.
124. The application was accompanied by a transport statement the content of which has been assessed by the Council's Highways Officers and was considered acceptable. The access road has already been constructed under a previous consent and the access to the site and road layout are considered acceptable. Technical approval has been agreed with the exception of street lighting and as such these plans form part of the approved details. The street lighting would be subject to approval from the adoptions team and as such it is not considered that any further information is required in this instance.
125. It is considered that conditions relating to the roadway being installed to adoptable standards and that parking spaces should also be available prior to the occupation of the dwellings should be added. Appropriate off-street parking for each dwelling has been provided and a suitable number of visitor parking spaces has also been provided which is considered to be appropriately distributed throughout the site, in line with the Council's Parking and Accessibility SPD. In addition, plans have been provided which shows each property is to be provided with an electric vehicle charging point.
126. Taking all the above into consideration, including the content of the transport statement mentioned above, it is considered that the level of traffic generated by the proposals would be safely accommodated on the surrounding road network and internally within the site the proposal meets with the Councils Parking and Accessibility SPD. It is not considered therefore that a highways safety reason could be sustained as the proposal is not considered to cause a severe impact on highway safety as stipulated within paragraph 115 of the NPPF.
127. Subject to the above conditions and informatives which have been requested by the highways officer, the proposal is considered acceptable in respect of Policy 21 of the County Durham Plan and Paragraph 115 of the NPPF.

Sustainability

128. CPD Policy 29 states that all new development should minimise greenhouse gas emissions, by seeking to achieve zero carbon buildings and providing renewable and low carbon energy generation, and include connections to an existing or approved district energy scheme where viable opportunities exist.

129. Information has been provided that clarifies that solar panels would be included on each property and EV charging points would also be installed. And as such the proposal is considered to accord with this aspect of the policy and it is not considered that a condition would be required for further details on this as this will form part of the approved plans. Policy 29(c) is therefore, considered to be met.

Broadband

130. CDP Policy 27 states new residential and commercial development should be served by a high speed broadband connection. This will need to be directly accessed from the nearest exchange and threaded through resistant tubing to enable easy access to the cable for future repair, replacement and upgrading. Where it can be demonstrated that this is not appropriate, practical or economically viable, developers will be encouraged to provide appropriate infrastructure to enable future installation.
131. A broadband plan from Openreach has been provided which is considered acceptable and there is therefore no requirement for a condition seeking these details. The proposals accord with Policy 27 of the CDP in this regard.

Contamination

132. Paragraph 183 of the NPPF advises that planning decisions should ensure a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. In line with this, CDP Policy 32 states that development will not be permitted unless the developer can demonstrate that:
- a. any existing despoiled, degraded, derelict, contaminated or unstable land issues can be satisfactorily addressed by appropriate mitigation measures prior to the construction or occupation of the proposed development;
 - b. the site is suitable for the proposed use, and does not result in unacceptable risks which would adversely impact on the environment, human health and the amenity of local communities; and
 - c. all investigations and risk assessments have been undertaken by an appropriately qualified person.
133. The application has been assessed by the Land Contamination Officer who has assessed the historical maps and the submitted information which included a Dunelm Geoenvironmental Appraisal (2018) and Dunelm Gas Risk Assessment (2018) and they have confirmed that there is no requirement for further land contamination conditions.
134. The proposal therefore is considered acceptable in respect of contaminated land issues in respect of Policy 32 of the County Durham Plan. An informative with respect to unforeseen contamination however will be added.

Drainage

135. CDP 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.

136. Whilst CDP 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.
137. Durham County Council's Drainage and Coastal Protection Team acting as the Local Lead Flood Authority (LLFA) have assessed the various plans and information submitted in support of the scheme and raise no objection to the proposal. This also includes a timetable for the implementation of works. These will form approved documents of the application. The site proposes a SUDS areas to the south eastern part of the site to manage surface water run off as well as the introduction of permeable block paving driveways. In respect of foul water this will be connected to the existing sewer and it is understood consent has been given by Northumbrian Water in this instance.
138. The proposal, therefore, is considered acceptable in respect of Policies 35 and 36 of the County Durham Plan.

Ecology

139. Part 15 of the NPPF seeks to ensure that when determining planning applications, Local Planning Authorities seek to conserve and enhance biodiversity. CDP Policy 41 seeks to resist proposals for new development which would otherwise result in significant harm to biodiversity or geodiversity, which cannot be avoided, or appropriately mitigated, or, as a last resort, compensated for. Proposals for new development will be expected to minimise impacts on biodiversity by retaining and enhancing existing biodiversity assets and features and providing net gains for biodiversity including by establishing coherent ecological networks.
140. Ecology were consulted for their views on the scheme. They confirmed that the Preliminary Ecological Appraisal report by EcoSurv is sufficient to inform the application and no further surveys are required prior to determination. The survey confirms the site is generally of low ecological value however various precautionary working methods are proposed for the construction phase of the development. Therefore, they recommend that the contents of section 6 of the report (Conclusions and Recommendations) should be conditioned to ensure complete compliance with this. An appropriately worded condition will be included as part of any approval granted.
141. The Biodiversity Net Gain (BNG) Statement confirms the baseline habitats to be modified grassland and a small section of hedgerow. Several new habitats are to be created on the development to ensure BNG is achieved. The proposed habitats are appropriate for the site and successful establishment is likely.
142. The BNG statement also confirms a net gain of +28.55% for habitats and a +246.75% gain for hedgerows. This provides a small surplus of units over the current 10% BNG target however it is acknowledged that this application was received before the mandatory deadline to provide the 10% and as such for the purposes of this scheme, the BNG achieved is acceptable and policy compliant. The developer has stated that they are considering banking the surplus to use for future developments within Co. Durham.

143. A Biodiversity Management and Monitoring Plan (BMMP) has also been submitted which details how the habitats are to be managed. It also includes details of the installation of bat roost units and breeding bird boxes which are required as ecological enhancements. A further plan has been received which shows the location of these and will form part of the approved plans.
144. The BNG Statement and BMMP would need to be secured via an appropriate legal agreement. Overall, this would achieve a biodiversity net gain in accordance with Policies 26 and 41 of the County Durham Plan and Paragraph 180 of the NPPF.

Nutrient Neutrality

145. Under the Conservation of Habitats and Species Regulations 2017 (as amended) (Habitat Regs), the Local Planning Authority must consider the nutrient impacts of any development proposals on habitat sites and whether those impacts may have an adverse effect on the integrity of a habitats site that requires mitigation, including through nutrient neutrality. In this respect Natural England have identified that the designated sites of the Teesmouth & Cleveland Coast Special Protection Area/Ramsar (SPA) is in unfavourable status due to excess Nitrogen levels within the River Tees.
146. In this instance the development proposes the formation of 41 additional dwellings, which would ultimately give rise to additional loading of nitrogen into the Tees catchment. Given the advice provided by Natural England, it is likely that in combination with other developments, the scheme would have a significant effect on the designated SPA/RAMSAR sites downstream both alone and in-combination.
147. The Habitat regulations therefore require the Authority to make an 'Appropriate Assessment' of the implications of the development on the designated sites in view of the sites conservation objectives. Where an adverse effect on the site's integrity cannot be ruled out, and where there are no alternative solutions, the plan or project can only proceed if there are imperative reasons of over-riding public interest (IROPI) and the necessary compensatory measures can be secured.
148. Nutrient Neutrality advice is provided by Natural England, including the provision of a Neutrality Methodology. This requires a nutrient budget to be calculated for all types of development that would result in a net increase in population served by a wastewater system including residential development that would give rise to new overnight accommodation. In utilising the nutrient budget calculator produced by Natural England mitigation is identified as being required.
149. The application has been successful in reserving credits from Natural England and supplied its provisional certificate as part of the planning application. The Nutrient Neutrality Budget Calculator has been reviewed by the Ecology Team who are satisfied that the correct number of credits have been reserved by the development via Natural England in order to mitigate the proposals impact upon the Teesmouth and Cleveland Coast Special Protection Area/Ramsar to an acceptable level. Natural England have also confirmed their acceptance to the scheme subject to full payment being provided for the credits that have been secured.
150. Officers are now in receipt of the final certificate which has been signed by Natural England and confirms the final payment has been secured.
151. The proposal would, therefore, be in accordance with Policies 41 and 42 of the County Durham Plan and Paragraph 186 of the National Planning Policy Framework.

The Authority can also satisfy itself under its obligations under the Conservation of Habitats and Species Regulations 2017 (as amended) and ensure that protected sites would not be adversely affected by the development.

Developer Contributions

152. CDP Policy 25 (Developer contributions) advises that any mitigation necessary to make the development acceptable in planning terms will be secured through appropriate planning conditions or planning obligations. Planning conditions will be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Planning obligations must be directly related to the development and fairly and reasonably related in scale and kind to the development.

Affordable Housing / Mix of Dwellings

153. CDP Policy 15 establishes the requirements for developments to provide on-site affordable housing, the circumstances when off-site affordable housing would be acceptable, the tenure mix of affordable housing, the requirements of developments to meet the needs of older people and people with disabilities and the circumstances in which the specialist housing will be supported.
154. On sites of 10 or more units, affordable housing is expected to amount to 25% of units in the highest value areas to 10% in the lowest. On sites of 10 or more units, 10% of the homes provided should be for affordable home ownership (starter homes, discount market sale housing and other affordable routes to home ownership). Any contribution above 10% should be provided as affordable housing for rent.
155. As this site is within a low value area, this development would require 10% affordable housing, which would result in 4 Affordable home ownership properties being provided.
156. CDP Policy 19 states that on all new housing developments the council will seek to 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. The scheme proposes a mix of 2, 3 and 4 bedroom dwellings including bungalows, which would achieve a good mix of dwelling types and sizes on the site in compliance with this policy.
157. Whilst concern has been raised regarding the number of affordable bungalows being provided not meeting the needs of local people, the number provided does meet policy requirements and as such there would be no policy basis to require further provision. Therefore, Policy 19 of the County Durham Plan is considered to be met.

Open space / Green Infrastructure

158. CDP 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.
159. In accordance with CDP Policy 26 and having regards to the Council's OSNA, an average occupancy of 2.2 people per dwelling (Co. Durham average household size, 2011 Census). A scheme of 41 units would generate at least 90.2 people (41 x 2.2) based on 2021 census data of 2.2 persons per household.

160. This scheme would fall into the 2nd category of Table 19 where some typologies of open space should also be provided on site, and a contribution sought for the others. The contribution therefore, should be $90.2 \times \text{£}715.50$ ($\text{£}790.50 - \text{£}75.00$) = $\text{£}64,538.10$ with 1,353 sqm of open space to be provided on site. The applicants have exceeded the level of open space that is required to be provided and have also agreed to provide the contribution required.
161. As stated above a PROW currently runs through the site diagonally from north east to south west. Colleagues in our PROW team have confirmed that a separate application to divert Public Right of Way, Trimdon Footpath 6, has been discussed with the developer and the proposed diverted route is considered acceptable subject to the diversion being completed. The diversion will link to the proposed footpaths within the open space area which provides a new link to the east towards Salters Lane.
162. Given this and subject to a Section 106 Agreement being entered into to secure the financial payment in relation to open space, the proposal is considered acceptable in respect of Policy 26 of the County Durham Plan

Education Provision

163. Paragraph 95 of the NPPF confirms that the government places great importance to ensure that sufficient choice of school places is available to meet the needs of existing and new communities and requires LPAs to proactively meet the requirement.
164. The Council's Education Team have confirmed that based on their methodology and in assessing the projected rolls of schools, taking into account the likely implementation of the development, build out rates and other relevant committed development it is anticipated that there will be sufficient space to accommodate the pupils generated by the development in primary schools and no further mitigation is required in this instance. In respect of Secondary Schools however and in order to mitigate the impact of the development a contribution of $\text{£}82,770$ ($5 \times \text{£}16,554$) would be required to facilitate the provision of additional teaching accommodation. Any approval would therefore be subject to the contributions being included and agreed as part of a Section 106 agreement.

Health Contributions

165. Paragraph 34 of the NPPF required Local Authorities to have regard to setting where contributions are necessary within the Local Plan. In this regard CDP Policy 29(f) requires that developments should contribute to healthy neighbourhood and consider the health impacts and needs of the existing and future users.
166. The NHS has confirmed that a payment of $\text{£}19,803$ is required to improve health facilities within the area. Any approval would therefore be subject to the contributions being included and agreed as part of a Section 106 agreement.

Developer contribution conclusion

167. Concern has been raised that the development will add further pressure to the already over-subscribed local schools and GP surgeries and that it is unclear from the application how this would be addressed and there is lack of certainty around the developer contributions.

168. The applicant has agreed to enter into the required Section 106 to secure the payments requested by relevant consultees and identified to mitigate the impact on the development and as such the proposal is considered to be in accordance with Policies 25 and 26 of the County Durham Plan.

Public Sector Equality Duty

169. Section 149 of the Equality Act 2010 requires public authorities when exercising their functions to have due regard to the need to i) the need to eliminate discrimination, harassment, victimisation and any other prohibited conduct, ii) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and iii) foster good relations between persons who share a relevant protected characteristic and persons who do not share that characteristic.

170. In this instance, officers have assessed all relevant factors and do not consider that there are any equality impacts identified.

CONCLUSION

171. The proposals have been assessed against relevant policies and are considered to accord with appropriate criteria and requirements and is acceptable in principle subject to conditions, given the site has been previously approved consent for residential development and the site partially implemented.

172. The proposal is considered to have an acceptable impact upon the character and appearance of the surrounding area/landscape with an appropriate robust landscaping scheme being provided which will create a new settlement edge to the village.

173. The proposal is also considered to be acceptable in respect of residential amenity, highway safety, ecology, flooding and surface water and contaminated land.

174. Limited public interest has been generated by this proposal with concerns raised regarding highway safety and the distribution/position of dwellings across the site being raised however, on balance the concerns raised were not felt to be of sufficient weight to justify refusal of this application.

175. The application is considered to be in accordance with Policies 6, 21, 29, 31, 32, 35, 36, 39, 41 and 44 of the County Durham Plan and Parts 5, 6, 9, 12, 14, 15 and 16 of the NPPF and is therefore, recommended for approval subject to entering into a Section 106 Agreement and various conditions as detailed below.

RECOMMENDATION

That the application be **APPROVED**, subject to a s106 agreement to provide:

- S.39 Agreement to secure the long-term management, maintenance and monitoring of the biodiversity land in accordance with a Biodiversity Management and Monitoring Plan (BMMP) and Biodiversity Net Gain.
- A contribution of £19,803 is required towards the NHS
- A contribution of £82,770 is required towards education provision
- Open Space Contributions of £64,538.10
- Affordable Housing provision of 4 dwellings including 1 first home product

and subject to the following conditions:

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

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

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

Plan	Drawing No.	Date Received
Site location plan 1:1250		22/11/23
Location plan	TRM-LOC-001	22/11/23
Ground Floor Plan (The Palm)	PAL-PD-05	22/03/24
Various plans (The Palm)	PAL-PD-00	22/03/24
First Floor Plan (The Palm)	PAL-PD-10	22/03/24
Various plans (The Willow)	WIL-PD-00	22/03/24
Ground Floor Plan (The Willow)	WIL-PD-05	22/03/24
First Floor Plan (The Willow)	WIL-PD-10	22/03/24
Biodiversity Metric 4.0 Information	Rev 3	22/03/24
Nutrient Credit Certificate		22/04/24
Construction Management Environmental Plan		09/04/24
Bio-Diversity Management and Monitoring Plan		02/04/24
Specification Details		22/03/24
Drainage Calcs		22/04/24
Proposed finished levels	01 (Rev P15)	09/04/24
Proposed drainage layout	05 (Rev P12)	09/04/24
Proposed surface finishes kerb layout/road markings	11 (Rev P8)	09/04/24
Section 104	41 (Rev P9)	09/04/24
Flood flow paths	121 (Rev P2)	09/04/24
Construction surface water management plan	141 (Rev P2)	09/04/24
Street Scenes	OGT-SS-001 (Rev B)	09/04/24
Site layout	TR-SLP-001 (Rev Q)	09/04/24
Section 25A Report		23/02/24
Micro Drainage Calculations		23/02/24
Control and Management of Vibration		23/02/24
Arboricultural Constraints Survey, Impact Assessment, Protection Plan and Method Statement		22/11/23
Preliminary Ecological Assessment		22/11/23
Email confirming materials	81 P4	11/03/24
Suds details	131 (Rev P2)	04/03/24
Proposed catchment plan	SL-ED-001	22/04/24
Enclosures Details	Rev A	23/02/24
Mood board	D356.D.103	23/02/24
Tree Pit Details	SL-EVP-001 (Rev A)	22/03/24
EV Charger Location Plan	CHE-PD-00	22/03/24
Various plans (The Cherry)	BIR-PD-00	22/03/24
Various plans (The Birch)	BIR-PD-05	22/03/24
Ground floor plan (The Birch)	BIR-PD-10	22/03/24
First floor plan (The Birch)	CHE-PD-05	22/03/24
Ground Floor Plan (The Cherry)	CHE-PD-10	22/03/24
First Floor Plan (The Cherry)	DAM-PD-00	22/03/24
Various plans (The Damson)	DAM-PD-05	22/03/24
Ground Floor Plan (The Damson)	DAM-PD-10	22/03/24
First Floor Plan (The Damson)	ELM-PD-00	22/03/24
Various plans (The Elm)	ELM-PD-05	22/03/24

Ground Floor Plan (The Elm)	JUN-PD-00	22/03/24
Various plans (The Juniper)	JUN-PD-05	22/03/24
Ground Floor Plan (The Juniper)	JUN-PD-10	22/03/24
First Floor Plan (The Juniper)	OAK-PD-00	22/03/24
Various plans (The Oak)	LAU-PD-00	22/03/24
Various plans (The Laurel)	LAU-PD-05	22/03/24
Ground Floor Plan (The Laurel)	LAU-PD-10	22/03/24
First Floor Plan (The Laurel)	OAK-PD-05	22/03/24
Ground Floor Plan (The Oak)	OAK-PD-10	22/03/24
First Floor Plan (The Oak)	D356.L.100 (Rev J)	22/03/24
Landscape strategy	ENG/TRIM/001 Rev A	02/04/24
Site Sections	D356.P.101 (Rev H)	08/02/24
Tree and Hedge planting	SL-MCP-001 (Rev B)	28/03/24
POS & MC Plan	SL-PVP-001 (Rev B)	28/03/24
PV Panel Location Plan	SL-MF-001 (Rev C)	28/03/24
Material Finishes Layout	21 Rev P8	28/03/24
Section 38 and 278		01/05/24

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies 6, 21, 29 and 31 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.

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

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

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

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

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

4. 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.

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

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

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

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

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

6. 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.

7. The development shall include 66% of properties built to a standard which meets the requirements set out in M4(2) of the Building Regulations 2010 Approved Document Part M: Access to and use of building (as amended) or any updated version of replacement document.

Reason: To meet the housing needs of older people and people with disabilities in accordance with Policy 15 of the County Durham Plan and Part 5 of the National Planning Policy Framework.

8. No dwellings hereby approved shall be occupied until the estate road leading to that dwelling has been constructed in accordance with the technical details approved by the Councils Adoption Team.

Reason: To ensure satisfactory provision is maintained in the interests of highways safety in accordance with Policy 21 of the County Durham Plan and Part 9 of the National Planning Policy Framework.

9. Before the dwellings hereby approved are occupied the hard standings/drives and visitor parking bays shall be constructed in accordance with the approved plans and details, and thereafter they shall be used and maintained in such a manner as to ensure their availability at all times for the parking of private motor vehicles.

Reason: In the interests of highway safety in accordance with Policy 21 of the County Durham Plan and Part 9 of the National Planning Policy Framework.

10. The proposal shall be carried out in accordance with all sound attenuation measures detailed in the noise assessment NJD Environmental Associates Noise Assessment reference NJD23-0157-002R dated November 2023. All measures shall be fully implemented prior to the beneficial occupation of the development and permanently retained thereafter.

Reason: In the interests of the residential amenity of future occupants in accordance with policy 31 of the County Durham plan and part 15 of the NPPF.

11. The proposal shall be carried out in accordance with Section 6 (Conclusions and Recommendations) as set out within the Preliminary Ecological prepared by Eco Surv received 22 November 2023.

Reason - In the interests of protected species in accordance with policy 41 of the County Duram Plan and Part 15 of the NPPF.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order), no windows shall be installed in the gable elevations of plots 11 and 14 facing north towards Broadway Avenue without the grant of further specific planning permission from the Local Planning Authority.

Reason: In the interests of the amenity of the surrounding area in accordance of Policies 29 and 31 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.

STATEMENT OF PROACTIVE ENGAGEMENT

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.

BACKGROUND PAPERS

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

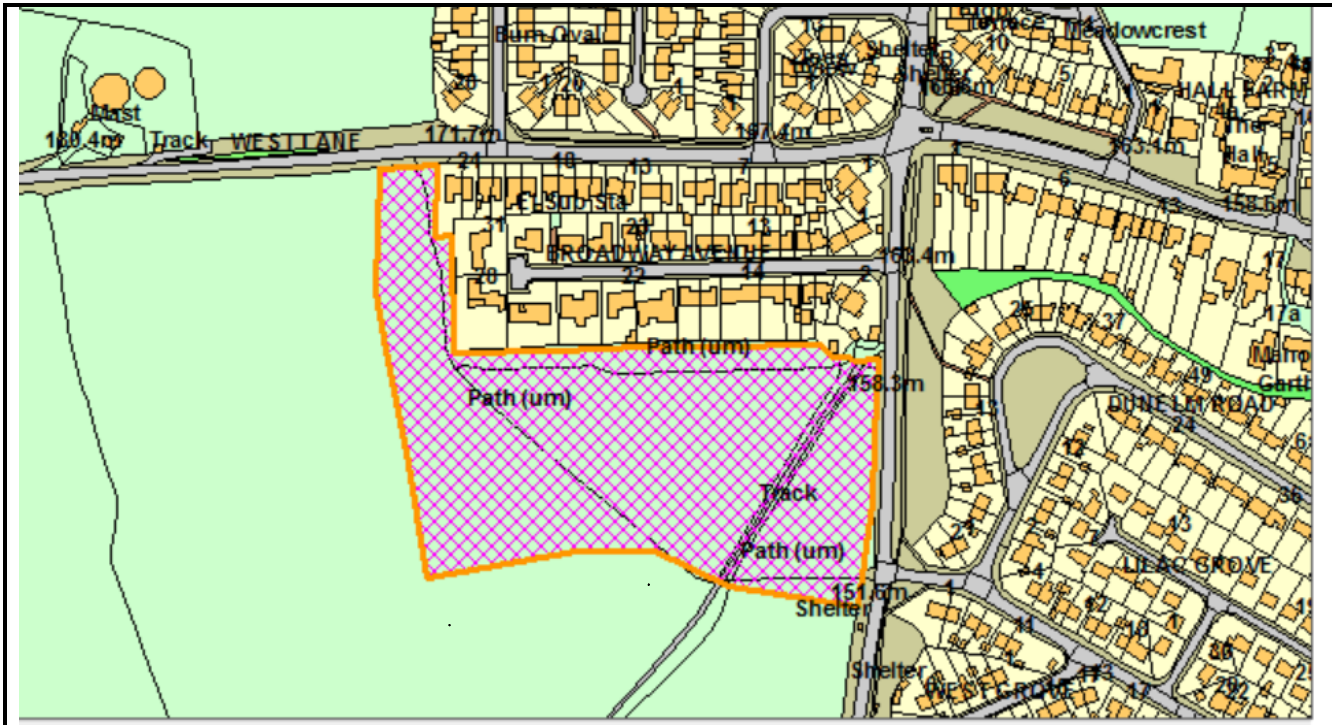
The National Planning Policy Framework (2021)

Residential Amenity Standards Supplementary Planning Document

National Planning Practice Guidance Notes

County Durham Plan

Statutory, internal and public consultation responses



<p>Planning Services</p>	<p>Construction of 41 dwellings with associated works on Land To The South Of Broadway Avenue, Salters Lane, Trimdon, TS29 6PU</p> <p>Application Reference: DM/23/00532/FPA</p>	
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