



Area Planning Committee (South and West)

Date Thursday 20 January 2022

Time 9.30 am

Venue Council Chamber, County Hall, Durham

Business

Part A

1. Apologies for Absence
2. Substitute Members
3. Declarations of Interest (if any)
4. The Minutes of the Meeting held on 16 December 2021 (Pages 3 - 8)
5. Applications to be determined
 - a) DM/21/01832/FPA - Land West Of 1 Durham Road, Wolsingham (Pages 9 - 38)
Construction of 20 affordable homes and associated works
 - b) DM/21/03473/FPA - Land west of Durhamgate Development Centre, Hay Lane, Spennymoor (Pages 39 - 56)
Erection of 3 storey 66 no. bed residential care home for the elderly with associated works
 - c) DM/21/03180/FPA - 9-16 Fir Tree and 22-28 Maple Avenue, Shildon (Pages 57 - 76)
Demolition of 24no. apartments and garages and erection of 15no. bungalows
6. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration.

Helen Lynch

Head of Legal and Democratic Services

County Hall
Durham
12 January 2022

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

Councillor G Richardson (Chair)
Councillor A Savory (Vice-Chair)

Councillors E Adam, J Atkinson, V Andrews, D Boyes, J Cairns,
L Brown, M McKeon, D Oliver, S Quinn, I Roberts, M Stead,
A Sterling 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 16 December 2021 at 9.30 am**

Present:

Councillor G Richardson (Chair)

Members of the Committee:

Councillors A Savory (Vice-Chair), E Adam, J Atkinson, V Andrews, L Brown, M McKeon, D Oliver, S Quinn, M Stead and A Sterling

1 **Apologies**

Apologies for absence were received from Councillors J Cairns and S Zair.

2 **Substitute Members**

There were no substitute Members in attendance.

3 **Declarations of Interest**

There were no declarations of interest.

4 **Minutes**

The minutes of the meeting held on 18 November 2021 were agreed as a correct record and signed by the Chair.

5 **DM/21/02619/OUT - Land south of Eve Lane, Spennymoor, Co Durham**

The Committee considered a report of the Senior Planning Officer with regards to a Residential development of up to 20no. dwellings (Outline - some matters reserved) at Land south of Eve Lane, Spennymoor, Co Durham (for copy see file of minutes).

The Senior Planning Officer gave a detailed presentation of the report and included site location plans, aerial photographs and photographs of the site.

On behalf of the Applicant, Mr T Gibbons advised Members that this application had been submitted to establish the principle of development was acceptable and to confirm the exact access arrangements to and from the adopted highway.

He described the site and advised that an indicative scheme had been provided as part of the submission to give an illustration of what a future development could look like and was not a definitive representation the final development. With regards to the report, he advised that the sole issues Officers had was regarding landscape & design, however other technical matters such as flood risk, ecology, highways, environmental health, were deemed acceptable subject to necessary conditions.

It was the Senior Planning Officer's view that the development would not be appropriate in respect of its scale and form and would not contribute positively to the areas character and townscape. He had concluded that it did not provide an appropriate level of mitigatory structural landscaping and would therefore create an unattractive settlement edge to the detriment of the character of the landscape.

Mr Gibbons advised that no definitive landscaping details had been proposed as they were a reserved matter and therefore the definitive design details regarding appearance, layout and scale were not up for consideration.

The site did not abut the open countryside but was separated by the A688, which formed a physical feature separating the build form of Spennymoor and the countryside. This was a small in-fill site which would not encroach into the open countryside and there were existing urban features between the site and countryside, including the highway itself and street signs and lighting, which gave an urban context in visual terms.

Mr Gibbons advised that there was an array of existing planting between the site and the highway, in the form of mature hedgerows and trees, and this would be retained as part of any future scheme, with only a small proportion of hedgerow removed to enable the proposed access arrangements.

He advised that a condition could be attached to any consent granted requiring a specific scheme for structural planting. If a landscaping scheme was submitted at reserved matters stage and the proposal was not deemed to be appropriate or provide a suitable edge to the settlement, the Council would be able to refuse the scheme and the development could not be pursued.

Mr Gibbons referred to the Landscape Appraisal which had determined that in principle, development would not have an impact on the landscape and

any future scheme would be viewed against the backdrop of the existing built form of Spennymoor. It also reinforced the fact that a definitive landscaping scheme could be provided at a later stage and the Council would have control on whether or not a proposed scheme was appropriate.

Mr Gibbons considered the issues which had been raised could be addressed accordingly, when a definitive scheme was proposed. He advised that the grant of outline consent did not lessen the Councils control on the situation and that there was appropriate means to address the situation at a reserved matters stage. Any future proposals would also be policy compliant with regards to on-site affordable housing provision, open space on site and a sizeable section 106 contribution towards off-site open space provision.

Mr Gibbons considered the proposal to be acceptable and the principle of development policy compliant, which was contrary to the view of the Senior Planning Officer. The proposals would be commensurate with the adjacent land uses and at reserved matters an appropriate scheme in terms of landscaping, appearance, layout and scale could be compiled which would be in keeping with the character and appearance of the area and would form an appropriate edge to the settlement.

The Senior Planning Officer accepted that this was the edge of the settlement site but it was a bolt on to the south of the settlement and although on the edge, it was still outside of the settlement. The benefits that the development would bring such as affordable housing and open space were accepted but given the constraints, he did not accept that the indicative plan would change much at reserved matters. Landscaping was normally reserved, but at this stage the Planning Authority needed to be confident that the hedgerow would not be removed and the site could be adequately screened.

Councillor Quinn knew the area well and could not see why this development would be out of place, it was a good development in a built up area on the outskirts of the town.

Councillor Brown had considered the size of the site and the houses which were very close to A688 and she could see a conflict with Policy with regards to the noise from the bypass.

Councillor Atkinson concluded that a lot of detail had been submitted by the Applicant and Members could only be minded to approve the application due to the nature of the outline permission. If at reserved matters, the developer could not satisfy the Planning Officer, the development would not go ahead. In his opinion this would be useful to the community, would generate money, and he would want far more robust reasons to refuse.

Councillor McKeon had concerns with the application and the precedent that would be set by overturning recommendations. The planning process gave protection to local communities and this was one of the most important considerations of planning. This application did change the settlement boundary and she was uncomfortable with that. The site was essentially a strip of land between two busy roundabouts and could more likely be described as an urban highway than a residential area. She did not know why people would want to live on a strip of land surrounded by main roads and queried how people would access amenities and the location of the nearest bus stop and infrastructure. Councillor McKeon considered this to be an application to add a few extra houses and make a profit which she accepted was what development was all about, however she was concerned about the precedent this would set if it were approved.

Councillor Adam agreed with some of the concerns expressed by other Members and was minded to support the Planning Officer's recommendation. Although the Applicant had indicated that the site was a natural boundary that would keep at length with other houses, he was concerned with regards to the density and landscaping of the area which had been alluded to. He acknowledged what the Applicant was saying of the outline application status, however he would have preferred the application to have been put forward with concerns having been mitigated.

In response to a question from Councillor Adam regarding the land to the south west of the site, the Senior Planning Officer confirmed there were no plans for housing that he was aware of.

Councillor Atkinson reiterated that this was an application for outline planning permission and there was no issue in terms of setting a precedent.

Mr Gibbons responded that should outline consent be granted and a scheme be submitted at reserved matters that did not address concerns, the Applicant would have no issue it being refused. Due to the outline nature of the application there had been no opportunity to propose a landscaping scheme. The application was for up to 20 dwellings but the Applicant may want to reduce it to come up with a scheme that was acceptable.

The Senior Planning Officer reminded the Committee that outline approval was for consent and if permission was granted for 20 dwellings, that was the number of houses that could be built. The principle of houses had not been deemed unacceptable but rather the harm to the character of the landscape.

Councillor Brown commented that if the application was approved the principle of development would be there, the boundary breached, and it would open flood gates for further development.

Councillor Sterling confirmed that she was minded to approve the application as there was not a strong reason to refuse. The boundary would be adjacent to the road and she wanted to give the Applicant the opportunity to put forward more detailed plans.

Councillor McKeon commented on the lack of detail in the application and advised that developers did not tend to build fewer houses than applied for. Fundamentally, she believed that this was a point of principle for the Committee. This was an area that was close to her own ward, where there had been a lot of concerns expressed about precedent. This area had also been master planned and to allow the application negated the whole concept of the master plan. The area was meant to be left as green space and she was concerned as to whether the master plan meant anything at all if it could be amended just after a development had been completed.

Councillor Oliver was more inclined to approve the application for the affordable housing and he considered local people would recognise the A688 as the natural boundary.

Councillor Stead commented on a similar sized site to the north east which had been developed and moved refusal of the application due to the density of the indicative plots, which was seconded by Councillor McKeon.

Councillor Adam supported the motion and agreed that the application was contrary national planning policy.

Councillor Andrews advised that she was also in support of the recommendation and advised that on a site surrounded by roads, fewer houses and more screening may have been a better option.

In response to a point of order from Councillor Atkinson, the Planning and Development Solicitor advised that as members were aware, they had to determine the application that had been put forward. He advised that in response to the concerns relating to noise impact that Councillor Brown raised, a noise assessment had been submitted and this was something that could be conditioned if the Committee were minded to approve.

In addition, he advised that this was an application for outline permission, with the only matter of detail being access, everything else was for future determination. The site plan was indicative, however the Committee had to be satisfied that a satisfactory scheme could be accommodated, which the Planning Officer had advised was not possible with the constraints and layout of the site.

Resolved:

That the application be REFUSED for the reasons outlined in the report.

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/21/01832/FPA
FULL APPLICATION DESCRIPTION:	Construction of 20 affordable homes and associated works.
NAME OF APPLICANT:	Tom Winter, Believe Housing
ADDRESS:	Land West Of 1 Durham Road, Wolsingham, DL13 3JB
ELECTORAL DIVISION:	Weardale
CASE OFFICER:	Steven Pilkington, Principal Planning Officer, 03000 263964, steven.pilkington@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site relates to a rectangular agricultural field, measuring approximately 0.6ha in area, located to the eastern fringe of the Village of Wolsingham in the West of the County. The site lies in-between the residential terrace of 1-20 Durham Road, located to the east of the site, and Wolsingham Industrial Estate, sited to the to the west. The A689 is located to the south, separated by a stone boundary wall, beyond which lies open space and residential properties. Agricultural fields and the open countryside is located to the north of the site.
2. A Public right of way footpath (No. 28 Wear Valley) runs along the northern site boundary and adjacent to the eastern site boundary. The route of the public right of way to the east is also a private access road leading to the rear of the adjacent terrace houses.
3. The site contains redundant out buildings, comprising of a stone lean to and timber structure, located in the south west corner of the site. A sycamore tree, protected by a tree preservation order (TPO), lies immediately to the north of the outbuildings. Further sycamore trees, which are not protected by a TPO are situated in the north east corner of the site. A hedge runs along the western site boundary behind the outbuildings and adjacent to the industrial estate.
4. A Northumbrian Water easement runs directly across the site from the north west corner to the south east reflecting the position of a strategic water main.
5. The site lies outside of the boundary of the Wolsingham Conservation Area but is located within an area of Higher Landscape Value.

Proposal

6. Planning permission is sought for the erection of 20 no. dwellings, comprising 11 no. 3 bedroom dwellings, 7 no. 2 bedroom dwellings and 2 no. 2 bedroom bungalows. All of the dwellings would be offered on an affordable housing basis, with a tenure split of rent to buy and affordable rent. All dwellings would be constructed to Building Regulations M4(2) (accessible and adaptable dwellings) standard and would comply with the Nationally Described Space Standards (NDSS).
7. The dwellings are proposed to be faced in coursed stone, with slate effect tiled roofs, of traditional proportions and roof slope. Windows are proposed to be arranged vertically and proportioned to reflect the traditional detailing of the surrounding area. Each dwelling would have private outdoor amenity space, with in-curtilage storage sheds in the rear garden. There would also be bin storage within the curtilage of some dwellings and communal bin stores for those without.
8. A new vehicle access is proposed to the south west corner of the site, which would be the sole vehicular access serving the development. An existing stone wall fronting out onto the highway is proposed to be largely retained, with modifications to facilitate the access. A row of 7no. terraced dwellings would set back behind this fronting out onto the highway. An internal access road would run northwards within the site, with the remaining dwellings and bungalows positioned to either side of a turning head.
9. There would be areas of public open space provided within the development to the south west corner and a strip down the east side of the site, forming part of the Northumbrian Water easement. These areas would be subject to provision of species rich grassland, wild flower and bulb planting.
10. In order to accommodate the development, it would be necessary to divert a Northumbrian Water easement across the site. This diverted route is proposed to run along the northern and eastern sides of the site, requiring the removal of 2 no. sycamore trees to the north east corner of the site. A sycamore tree protected by a TPO would be retained as part of the scheme.
11. This application is being reported to planning committee as it constitutes major residential development.

PLANNING HISTORY

12. Planning permission DM/16/03230/FPA previously granted consent for 4 no. dwellings on the site and planning permission DM/18/00791/OUT subsequently granted consent for a further 7 no. dwellings. These consents have not been implemented and have now lapsed.

PLANNING POLICY

NATIONAL POLICY

13. A revised National Planning Policy Framework (NPPF) was published in July 2021. 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 Page 73 pollution and land stability and remediating contaminated or other degraded land where appropriate.
24. *NPPF Part 16 - Conserving and enhancing the historic environment*. Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

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

NATIONAL PLANNING PRACTICE GUIDANCE:

25. 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; climate change; design process and tools; determining a planning application; effective use of land; enforcement and post permission matters; flood risk; healthy and safe communities; land affected by contamination; land stability; natural environment; noise; rural housing; 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)

26. Policy 1 (Quantity of Development) outlines the levels of employment land and housing delivery considered to be required across the plan period.
27. 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.

28. 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.
29. 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.
30. 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.
31. 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.
32. 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.
33. 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.
34. 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. All new development to achieve BREEAM minimum rating of 'very good'.

35. 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.
36. 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.
37. 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.
38. Policy 36 (Water infrastructure) advocates a hierarchy of drainage options for the disposal of foul water. Applications involving the use of non-mains methods of drainage will not be permitted in areas where public sewerage exists. New sewage and waste water infrastructure will be approved unless the adverse impacts outweigh the benefits of the infrastructure. Proposals seeking to mitigate flooding in appropriate locations will be permitted though flood defence infrastructure will only be permitted where it is demonstrated as being the most sustainable response to the flood threat.
39. 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
40. 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.
41. Policy 41 (Biodiversity and geodiversity) restricts development that would result in significant harm to biodiversity or geodiversity and cannot be mitigated or compensated. The retention and enhancement of existing biodiversity assets and features is required as are biodiversity net gains. Proposals must protect geological features, have regard to Geodiversity Action Plans and the Durham Geodiversity Audit

and where appropriate promote public access, appreciation and interpretation of geodiversity.

42. Development proposals where the primary objective is to conserve or enhance biodiversity or geodiversity will be permitted if they comply with other local plan policy. Development proposals which are likely to result in the loss of deterioration of irreplaceable habitats will not be permitted unless there are wholly exceptional reasons and a suitable compensation strategy exists.
43. 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.
44. Policy 44 (Historic Environment) seeks to ensure that developments should contribute positively to the built and historic environment and seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets. The policy advises on when harm or total loss of the significance of heritage assets can be accepted and the circumstances/levels of public benefit which must apply in those instances.
45. Residential Amenity Standards SPD (2020 Adopted version) – Provides guidance on the space/amenity standards that would normally be expected where new dwellings are proposed.

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

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

46. *Wolsingham Parish Council* – Offer support for the application.
47. *Highways Authority* – Following the submission of amended plans offer no objections to the development.
48. *NHS* – No comments received.
49. *Northumbrian Water* – No objections subject to condition requiring development to be carried out in accordance with submitted drainage strategy.

INTERNAL CONSULTEE RESPONSES:

50. *Archaeology* – No objections advising that no conditions in relation to archaeology are required.
51. *Contaminated Land* – Advise that following the submission of phase 1 and 2 contaminated land reports and a ground gas risk assessment, the information provided is considered satisfactory and there is no need for a contaminated land condition.

52. *Design and Conservation* – Advise that the amended layout has introduced further landscaping which will give some level of softening to an area dominated by parked cars. The use of stone through the development is welcomed, the finer detailing of the proposed windows should be secured by condition, with a heritage slider being more appropriate in achieving a true interpretation of the local character.
53. *Drainage* – An outline drainage strategy has been submitted, this is considered broadly acceptable. A full drainage design should be agreed by condition.
54. *Ecology* – No objections, advise that in order to provide a net gain to biodiversity, contributions of £3700 for off site biodiversity habitat creation should be secured as part of the s106 agreement, together with a condition to require the undertaking of the recommendations/mitigation detailed in the Ecological Impact Assessment.
55. *Education* – Advise that £49,662 of contributions towards secondary school places is required to mitigate the impact of the development. There are adequate primary school places available in the local area to meet the needs of the number of pupils expected to be generated by the development.
56. *Environmental Health Air Quality* - The proposed 20 units are unlikely to trigger the screening criteria provided in Institute of Air Quality Management and Environmental Protection UK guidance requiring a detailed assessment of road traffic emissions impacts is required. As such, no consideration of road traffic emissions impacts is considered to be required in this instance. The submitted Construction Environmental Management Plan is considered satisfactory and no objections are raised.
57. *Environmental Health Nuisance* – No objections, note that a Noise Impact Assessment has been submitted with the application which identifies noise impact from A689 and from the nearby industrial estate. The report establishes relevant noise levels will be breached due to road traffic noise and suggests relevant mitigation measures concerning glazing and ventilation. To achieve relevant noise levels to amenity areas the report advises a range of noise barriers should be implemented to mitigate noise against road traffic noise and noise from the industrial estate. A condition is required to ensure compliance with the noise mitigation identified.
58. *Housing Delivery Team* – Raise no objections and note that information provided in the application on the products which will be delivered on this scheme demonstrates that the houses will meet the affordable needs of the area in respect of location. Confirmation is also provided that following discussions with Homes England, securing 100% of the dwellings as affordable housing in the s106 agreement, is acceptable and would comply with Homes England’s funding requirements.
59. *Landscape* – Following the receipt of amended plans no objections are raised, subject to agreeing finer landscaping details practically in relation to the northern site boundary, and the relationship between the extended footway within the adopted highway and the existing wall to be retained.
60. *Public Rights of Way* – No objections, advise that the proposed moving of NWL easement alongside the footpath must not negatively impact on the existing surface. The improvement to the surface of the public right of way for a distance of 200m to the north and east of the site is required as new residents of the development will put pressure on the existing route, this should be a whin stone dust surface and £16,950 should be secured as part of the s106 agreement for the footpath improvement works.
61. *Spatial Policy* – No objections. Advise that 66% (13 no. dwellings) should be provided to comply with Building Regulations M4(2) (accessible and adaptable dwellings)

standard. 10% (2 no. dwellings) should be to a type and design that will increase the housing options of older people. As the open space provided on the site is not to the relevant size or a useable layout, contributions of £34,782 towards the off site open space provision should be secured as part of the s106 agreement.

62. Note that the site is in a mineral safeguarding area for river sand and gravel allocated in the County Durham Plan, however given the proximity to adjacent dwellings extraction of mineral would not be considered appropriate in such a location and the proposal represents infilling in an otherwise built-up frontage within a settlement, as such any sterilisation would be minimal and is not fundamental to the delivery of the County Durham Plan.
63. *Sustainability* – No objections, note that the proposed development would have CO2 emissions of 10% below the Dwelling Emission Rate (DER) against the Target Emission Rate (TER) based on current Building Regulations.

PUBLIC RESPONSES:

64. The application has been publicised by way of site notice, press advertisement and individual neighbour notification letters. 1 no. letter of objection was received stating that the local doctor's surgery and primary school can't cope with more people in the village, there are already other sites with planning permission in the locality and no more are needed.

APPLICANTS STATEMENT:

65. The proposed development offers an abundance social, environmental and economic benefits to comply with local and national planning policy. The site is located in a highly sustainable location which will be directly adjacent to the existing properties within Wolsingham and as such it well connected to the existing community, shops and services which would be reasonably expected to serve a residential development of this scale.
66. Importantly the proposed development will deliver a scheme which is 100% affordable housing, including the delivery of 2 bungalows to address an identified need in the area. The tenure of the houses will consist of 11 x 3 bedroom dwellings which will be 'rent to buy' with the 7 two bedroom houses and 2 bungalows being affordable rented properties. As such the proposed development will make a significant contribution towards the delivery of affordable housing. The development will be managed by Believe Housing who have a proven track record of delivering successful affordable housing schemes across the county.
67. Believe Housing is also proposing to provide all the required developer contributions towards open space, school places, biodiversity net gain and footpath improvements which will be secured through a section 106 agreement.
68. The design of the proposed development has been carefully considered to be of a high quality finish comprising proportions and scale to be completely in keeping with the surrounding area. Furthermore all the dwellings, throughout the site, will be constructed from coursed sandstone integrating design features such as cills and headers in dressed cast stone with anthracite, slate appearance roof to assimilate it seamlessly with the existing adjacent properties.
69. There is sufficient separation distance between existing and future dwellings to ensure the proposal would be acceptable in terms of amenity of existing and future residents and would not result in an overbearing impact or any loss of privacy for residents.

There is also a large separation distance between the proposed dwellings and the existing commercial uses in the area to ensure there would be no impact as a result of noise. This is confirmed by the supporting noise assessment.

70. Public open space has been incorporated in the layout of the proposals adjacent to the access to soften the visual appearance of the development. The mature Sycamore tree towards the front of the site and the existing stone wall along the front boundary, both of which positively contribute to the visual appearance of the area have been retained and incorporated into the development. The application is also supported by a supplementary landscaping scheme to further soften the visual appearance of the development and ensure that it makes a positive contribution to the appearance and character of the area.
71. The proposed layout includes connections to the public right of way to the north of the site and existing footpath to the south to provide excellent pedestrian links in and out of the site.
72. Safe vehicular access from Durham Road is to be provided, with sufficient car parking and manoeuvrability within the site for refuse and emergency vehicles. As such the Councils highway section have raised no objections to the proposals. All properties include private usable gardens and allocated car parking spaces with infrastructure for electric vehicle charging points. Visitor car parking spaces are also proposed to prevent indiscriminate car parking throughout the site.
73. Northumbrian Water and the Local Flooding Authority have considered the drainage strategy and Flood risk assessment and raise no objections.
74. No technical consultees have raised any objections to the proposals and the applicant is happy to accept conditions where they are considered necessary. The proposal accords with planning policy in all regards and the applicant has agreed to secure full developer contributions via a section 106 agreement. Therefore It is respectfully requested that the Committee supports the proposal and approves the planning application to provide much needed affordable housing in the area.

The above 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/search.do?action=simple&searchType=Application>

PLANNING CONSIDERATIONS AND ASSESSMENT

75. 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, landscape/visual impact, design, residential amenity, highway safety, ecology, ground conditions, flooding and drainage, affordable and accessible/adapted housing and infrastructure and open space.

Principle of the development

76. 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. 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. Paragraph 11c of the NPPF requires applications for development proposals that accord with an up to date development plan to be approved without delay.

77. Policy 6 of the County Durham Plan states that the development of sites which are not allocated in the Plan which are either (i) in the built up area; or (ii) outside the built up area but well related to a settlement will be permitted provided the proposal accords with all relevant development plan policies and:
- a. is compatible with, and is not prejudicial to, any existing, allocated or permitted use of adjacent land;
 - b. does not contribute to coalescence with neighbouring settlements, would not result in ribbon development, or inappropriate backland development;
 - c. does not result in the loss of open land that has recreational, ecological or heritage value, or contributes to the character of the locality which cannot be adequately mitigated or compensated for;
 - d. is appropriate in terms of scale, design, layout, and location to the character, function, form and setting of, the settlement;
 - e. will not be prejudicial to highway safety or have a severe residual cumulative impact on network capacity;
 - f. has good access by sustainable modes of transport to relevant services and facilities and reflects the size of the settlement and the level of service provision within that settlement;
 - g. does not result in the loss of a settlement's or neighbourhood's valued facilities or services unless it has been demonstrated that they are no longer viable;
 - h. minimises vulnerability and provides resilience to impacts arising from climate change, including but not limited to, flooding;
 - i. where relevant, makes as much use as possible of previously developed (brownfield) land; and
 - j. where appropriate, it reflects priorities for urban regeneration.
78. The County Durham Plan defines 'the built up area' as land contained within the main body of existing built development of a settlement or is within a settlement boundary defined in a Neighbourhood Plan.
79. The site is an agricultural field situated on the eastern periphery of Wolsingham, with a frontage onto the A689. It is surrounded to the east and west by existing built development, with other development parallel on the southern side of the A689. Planning permission, although now lapsed, has previously been granted for the erection of a total of 11 no. dwellings on the site. The proposed development would only extend as far back as the public right of way which would correspond to the northern building line of the adjacent industrial estate and terrace. Whilst the site is currently undeveloped, given the relationship to surrounding built form on the eastern edge of Wolsingham, it is perceived to be within the 'built up area' of Wolsingham and supported in principle by Policy 6 of the CDP,

80. The proposal would provide 20 no. affordable dwellings, including 2 no. bungalows, which would reflect priorities for urban regeneration, in accordance with part j of Policy 6.
81. Overall in principle of the proposal is considered to accord with Policy 6 of the County Durham Plan, subject to consideration of the detailed criteria of the policy, as considered below.

Locational Sustainability

82. Policy 6 part f requires that new development within or outside but well related to existing settlements 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. Policy 21 of the CDP requires new development to deliver sustainable transport, including 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.
83. Paragraph 103 of the NPPF states that planning should actively manage patterns of growth to support the objectives of sustainable transport, including opportunities to promote public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.
84. In terms of distances to services and amenities, in general, it is considered that a walking distance of 1650-2000m or a 20-minute walk is considered at the upper end of what future residents could be expected to walk, taking into account topography and desirability of routes. These distances are based on good practice guidance set out in the Chartered Institute of Highways and Transportation (CIHT) documents including 'Guidelines for Providing for Journeys on Foot' and 'Planning for Walking', The Department for Transport's 'Manual for Streets'.
85. The site is located around 700m from the village centre of Wolsingham. There are existing roadside footpaths from the site along the southern side of the A689 and from the industrial estate to the northern side, which are largely flat and lit by street lighting which would provide good pedestrian access to local services and facilities in the village. A new Spar retail store, which includes a delicatessen, butchers and petrol filling station has recently been constructed on the opposite side of the A689 around 120m to the east of the site. The development proposes an extension of the roadside footpath on the northern side of the A689 which would connect to that existing to the east and west of the site and improve pedestrian links to the village centre and the Spar retail store.
86. There is an existing bus stop to the south east corner of the site and a further bus stop a short distance away on the southern side of the A689 opposite the terrace, which provide links to Crook, Bishop Auckland, Stanhope and other local settlements.
87. Overall the location is considered to be sustainable for residential development in accordance with Policies 6 part f and 21 of the CDP and Part 9 of the NPPF.

Landscape and Visual Impacts

88. Policy 6 part c of the CDP states that development on unallocated sites should 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. Part d of policy 6 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.

89. Policy 39 of the County Durham Plan 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. These are similar requirements to those outlined at Policy 6. Policy 39 also sets out that development affecting Areas of Higher Landscape Value (which the site is located in) will only be permitted where it conserves the special qualities of the landscape unless the benefits of development in that location clearly outweigh the harm. Policy 40 seeks to avoid the loss of existing trees and hedgerows unless suitable replacement planting is provided. Parts 12 and 15 of the NPPF promotes good design and sets out that the planning system should contribute to and enhance the natural and local environment by (amongst other things) protecting and enhancing valued landscapes and recognising the intrinsic character and beauty of the countryside.
90. The site is located in an area of higher landscape value (AHLV) as defined in the County Durham Plan. The development would transform the existing agricultural field to a small residential housing estate. However, this is in line with previous consents on the site and the development would respect established building lines of surrounding development to the northern boundary. This would ensure that the development would not represent any unacceptable encroachment into the open countryside beyond. Nevertheless, the transformation of the site resulting from the development would result in some harm to the landscape character of the AHLV. Given the nature of the proposals and relationship to the surrounding area, this harm is considered to be to a low level. However, in accordance with Policy 39 of the County Durham Plan this harm should be weighed against the benefits of the development.
91. The scale and appearance of the dwellings, which is considered in detail in the design section below, would generally reflect that of adjacent dwellings in the surrounding area. Other than the 2 no. single storey bungalows, dwellings would be two storeys in height, all would have stone elevations and an artificial slate roofs.
92. There is an existing stone wall at the front of the site along the roadside boundary with the A689, which is a key feature of the site. This would be retained as part of the development to preserve the character of the site and its surroundings.
93. Concerns were raised by the Landscape Officer initially about the view northwards into the site from the new junction with the A689, which proposed to look onto parking spaces, bin storage and the blank gable of the dwelling on plot 8. Revised plans have been provided adding windows to add interest to the visible gable elevation and improving landscaping in the vicinity of the parking spaces and bin store, which improves this key vista into the site.
94. The site slopes downwards in a southerly direction towards the A689. Site section drawings have been provided detailing how site levels would be dealt with as part of the development. The roof of the dwellings behind the front terrace would be stepped as the ground floor level gradually increases in a northerly direction. The submitted details are considered acceptable and whilst it is noted the site is sloping the treatment of the levels changes would not be detrimental to the character and appearance of the site and its surroundings. A conditional approach to agree the final site levels is however recommended in the event of any approval.
95. The development would retain a TPO sycamore tree to the south west of the site within an area of amenity open space and generally away from built form. Tree protection

details have been provided as part of an Arboricultural Impact Assessment (AIA) and detail the location of protective fencing around the root protection area. A small part of the domestic curtilage of Plot 8 would lie within the root protection area of the TPO sycamore tree. An Arboricultural Method Statement forming part of the AIA details no dig working methods that would be used in this area, which is identified on a tree protection plan. A condition is appropriate to ensure compliance with the AIA, method statement and tree protection plan to ensure no damage occurs to the TPO tree during the construction works. Given the canopy spread of this tree which does not extend into the proposed curtilage of Plot 8,

96. In order to accommodate diversion of the Northumbrian Water easement around the northern and eastern parts of the site it is proposed to remove 2 no. sycamore trees in the north east corner of the site. Whilst not subject to TPOs, these are attractive trees that make a positive contribution to the visual amenity of the surrounding area. The Tree Officer has assessed these trees on site and considers they are healthy, mature trees and do not have any significant structural defects that would justify their loss.
97. The applicant advises that the existing Northumbrian Water easement running diagonally across the site cannot be retained as part of the development as this would heavily constrain the layout and number of dwellings capable of being constructed, raising viability issues. Options to retain the trees whilst diverting the Northumbrian Water easement have been considered, but ultimately due to the nature of the ground works it is not considered possible to retain the trees.
98. Policy 40 states that proposals for new development will not be permitted that would result in the loss of trees of high landscape, amenity or biodiversity value unless the benefits of the proposal clearly outweigh the harm. Where trees are lost, suitable replacement planting, including appropriate provision for maintenance and management, will be required within the site or the locality. The proposal would result in conflict with Policy 40 due to the loss of the 2 no. sycamore trees to the north east corner of the site and it will need to be considered whether the benefits of the scheme outweigh this harm.
99. A new hedge, incorporating a series of trees is proposed to the northern site boundary and a further hedge is also proposed set in behind the Northumbrian Water easement to the eastern boundary. Tree planting is proposed in front of the terrace fronting the road but behind the existing roadside stone boundary wall and throughout the site. The proposed planting would partly mitigate for the loss of the 2 no. sycamore trees. It would also soften the appearance of the development both in views from within and externally to the site and provide screening over time when trees mature.
100. It is acknowledged the removal of the 2 no. sycamore trees to the north east corner of the site, together with the inherently transformational nature of the development within this part of the AHLV would result in some landscape and visual amenity harm. This would be partly mitigated for by the proposed new planting across the site. However the site is situated within the eastern expanse of Wolsingham village, has a direct road frontage and is well related to adjacent built form in this part of the village. Amended plans have been provided to address landscape and visual impacts subject to minor refinements to be secured by condition. Overall the landscape and visual harm resulting from the development is considered minimal and required to be weighed against the wider benefits of the scheme, in accordance with Policies 39 and 40 of the County Durham Plan.

Design

101. Part d of Policy 6 of the CDP 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. Policy 29 of the CDP 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. Parts 12 and 15 of the NPPF also seek to promote good design, while protecting and enhancing local environments. Paragraph 127 of the NPPF also states that planning decisions should aim to ensure developments function well and add to the overall quality of the area and establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit.
102. A Building for Life Supplementary Planning Document (2019) (BfL SPD) has been adopted by the Council. In recognition of national planning advice and to achieve high quality housing developments DCC has adopted an in-house review process to assess schemes against the Building for Life 12 (BfL 12) Standards. The BfL SPD formalises the review process and establishes the guidelines and standards for its operation and is linked to the Sustainable Design Policy (29) in the County Durham Plan. The scheme was considered against the BfL standard through a series of 12 questions. The scoring is based on a traffic light system with the aim of the proposed new development to secure as many "greens" as possible, minimise the number of "ambers" and avoid "reds". The more "greens" achieved the better the development will be, "ambers" are usually concerns that can be raised to "green" with revisions, whereas a "red" gives a warning that a particular aspect needs strong reconsideration. Policy 29 of the CDP states that schemes with one or more red will not be acceptable and will be refused planning permission unless there are significant overriding reasons.
103. Following the submission of amended plans, which included changes to the materials to be use, alteration of blank gable elevations, landscaping the proposal has been reassessed by the Council's Design Review Panel. Overall the scheme scored 6 greens and 6 ambers with the majority of the ambers resolved through the use of conditions to control matters such as the finer details of the landscaping, management of bin stores, open space and the detailing of the S.U.D.S scheme.
104. Overall, in line with the views of the Council's Design Panel, it is considered that the development would provide for a high-quality design that is sympathetic to the surrounding area, particularly through the use of stone facing materials and appropriate fenestration detailing. The se development is therefore considered to comply with Policies 6 and 19 of the CDP and Policies 12 and 15 of the NPPF in this respect.

Highway Safety

105. Policy 6, part e of the CDP outlines that development should not be prejudicial to highway safety or have a severe cumulative impact on network capacity. Policy 21 reiterates the requirement of Policy 6 in addition to expecting developments to deliver well designed pedestrian routes and sufficient cycle and car parking provision. Similarly, Policy 29 advocates that convenient access is made for all users of the development together with connections to existing cycle and pedestrian routes. Specifically, the NPPF sets out at Paragraph 108 that safe and suitable access should be achieved for all people. In addition, Paragraph 109 of the NPPF states that development should only be refused on transport grounds where the residual cumulative impacts on development are severe.

106. The Highways Authority advise that the proposed new access junction off the A689 is of a satisfactory design to allow for a good standard of highway safety, with adequate sight visibility being provided in both directions. It is advised that the developer would still need to enter into agreements with the Highways Authority under sections 38 and 278 of the Highways Act in relation to works within the public highway and construction of the new adoptable road. An informative to remind the applicant of these requirements is appropriate.
107. A new footway along the northern side of the A689 linking the development to the east and further to the west is proposed, to allow pedestrian access to services and amenities. Whilst this element is within the adopted highway, it is considered appropriate to secure the details of construction and the interface with the wall to be retained.
108. Dwellings on plots 8 – 20 would all have 1 no. designated parking bay. A further 4 no. non allocated spaces are proposed in the vicinity of these dwellings. 8 no. non allocated spaces would be provided to the rear of the plots 1-7. A total of 4 no. visitor parking bays are provided adjacent to the front terrace. Overall the parking provision is considered adequate to meet the needs of new residents.
109. In accordance with the Council's Car Parking and Accessibility Guidelines, each dwelling would have a passive electric vehicle charging point, which comprises the wiring system necessary to install an EV charging point externally in the future. In addition 5 no. full EV charging points are indicated on the proposed site plan. However, it is not considered these are optimally sited and the precise design of the EV charging points has not been provided within the application, as such a condition to agree finer details of locations and specifications of the EV charging points is considered appropriate.
110. Overall, the highway impacts of the proposed development are considered to be acceptable and in accordance with Policies 6 part e, 21 and 29 of the CDP as well as Part 9 of the NPPF.

Residential Amenity

111. Policy 6 part a of the CDP requires that development on unallocated sites is compatible with, and is not prejudicial to, any existing, allocated or permitted use of land. Policy 29 part e of the CDP requires all development to provide high standards of amenity and privacy and minimize the impact of development upon existing adjacent and nearby properties.
112. Policy 31 of the CDP seeks to support proposals only 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. The policy sets out that developments will also need to demonstrate that future occupiers of the proposed development will have acceptable living and/or working conditions. Proposals which will have an unacceptable impact such as through overlooking, visual intrusion, visual dominance or loss of light, noise or privacy will not be permitted unless satisfactory mitigation measures can be demonstrated whilst ensuring that any existing business and/or community facilities do not have any unreasonable restrictions placed upon them as a result. Development which has the potential to lead to, or be affected by, unacceptable levels of air quality, inappropriate odours, noise 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.

113. A Residential Amenity Standards Supplementary Planning Document (SPD) has been adopted by the Council.
114. 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.
115. The site is located adjacent to Wolsingham Industrial Estate, which contains a number of noise generating industrial uses, additionally the A689 which is a fairly heavily trafficked road lies to the south of the site. A noise assessment has been submitted as part of the application which concludes that subject to provision of an acoustic fence along the boundary to the west of plots 8 – 14 and the use of acoustic glazing and ventilation, new residents would not be subject to any unacceptable levels of noise. The Environmental Health Officer agrees with these conclusions and recommends a condition that the development is implemented in accordance with the recommendations of the noise assessment which is considered appropriate. Given the nature of surrounding businesses on the industrial estate it is considered unlikely that restrictive impacts would be placed on operators under the Environmental Protection Act (Noise Nuisance Complaints)
116. A construction environmental management plan (CEMP) has been submitted as part of the application and includes details of dust management. The Air Quality Team have been consulted on this document and advise that the CEMP is satisfactory. They also note that given the small scale of the development it is unlikely to generate significant vehicle movements both during construction and once occupied that would adversely affect local air quality. A condition requiring the development to be implemented in accordance with the construction environmental management plan is considered appropriate to ensure existing residents and occupiers of commercial premises are not subject to unacceptable levels of noise and disturbance during construction works.
117. A condition to control construction working hours is also considered appropriate given the proximity of adjacent dwellings, to ensure minimal disturbance to existing residents during construction works.
118. Guidance within the SPD advocates separation distances of 21m between facing principal elevations and 18m between bungalows, 13m between principal and two storey gable elevations and 10m to a single storey. These separation distances would be achieved by the proposals.
119. The SPD also advises that private gardens should be of 9m in length unless site specific circumstances allow for a reduction in size. Plots 8 – 20 broadly comply with the requirements of the SPD and are considered to have adequately sized gardens. Plots 1 – 7 comprising the front terrace would only have rear gardens of 3.8m, however would have larger front gardens of 7.8m in depth. Given this arrangement it is considered that garden sizes to these plots are acceptable and would provide adequate private outdoor amenity space for new residents.
120. Given the relatively high density of the development and its sensitive location on the approach into Wolsingham within the AHLV, a condition to remove permitted development rights from the scheme is considered appropriate. This will ensure future alterations and extensions do not compromise residential amenity or the appearance of the site as a whole.

121. Overall, the proposed development is considered to be acceptable in terms of residential amenity and in accordance with Policies 6 part a, 29 and 31 of the CDP and parts 12 and 15 of the NPPF.

Ecology

122. Policy 41 of the CDP states that proposals 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. 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.
123. Policy 43 of the CDP states that development proposals that would adversely impact upon nationally protected sites will only be permitted where the benefits clearly outweigh the impacts whilst adverse impacts upon locally designated sites will only be permitted where the benefits outweigh the adverse impacts. Appropriate mitigation or, as a last resort, compensation must be provided where adverse impacts are expected. In relation to protected species and their habitats, all development likely to have an adverse impact on the species' abilities to survive and maintain their distribution will not be permitted unless appropriate mitigation is provided or the proposal meets licensing criteria in relation to European protected species.
124. Part 15 of the NPPF seeks to ensure that proposals show regard to the protection and enhancement of internationally and nationally important sites and species; contributing and enhancing the natural and local environment by ensuring there is no net loss of biodiversity.
125. An Ecological Impact Assessment, biodiversity assessment, precautionary method statement for bats and Landscape Strategy drawing have been submitted as part of the application, which assess the loss/gain of biodiversity and set out proposed ecological mitigation and enhancement.
126. The Council's Ecologist has reviewed the submitted information and raises no objections. The Ecological Impact Assessment notes that the development would result in a net loss of biodiversity on the site, however the significant areas of new tree and hedge planting, wildflower and bulb planting would help to address this loss. Despite these works on site a small net loss of biodiversity from the scheme is still identified. In order to overcome this contributions of £3700 would be required as part of the S.106 agreement to provide 1 unit of grassland habitat off site, to be delivered by Durham County Council. Subject to the contributions and provision of on site improvements detailed in the Ecological Impact Assessment a net gain to biodiversity would be provided as part of the scheme as required by Policy 41 of the CDP and para. 174 (d) of the NPPF. A condition is recommended to secure implementation of the development in accordance with the mitigation and enhancement measures, which is considered appropriate.
127. The 2 no. sycamore trees intended to be removed to the north east corner of the site have been identified as being of potentially suitability for use by bats. These trees were surveyed during summer 2021 and no bats were found to be using the trees at that time. A precautionary method statement for bats has been submitted with the application which sets out methods to be followed during the felling of these trees to ensure bats, and additionally nesting birds, are not affected by the proposals.

128. Overall, the proposals would provide a net gain to biodiversity and would not affect any protected species, in accordance with Policies 41 and 43 of the CDP and Part 15 of the NPPF.

Flooding and Drainage

129. 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.
130. Policies 35 and 36 of the CDP relate to flood water management and infrastructure. Policy 35 requires development proposals to consider the effects of the scheme on flood risk and ensure that it incorporates a Sustainable Drainage System (SuDs) to manage surface water drainage. Development should not have an adverse impact on water quality. Policy 36 seeks to ensure that suitable arrangements are made for the disposal of foul water. National advice within the NPPF and PPG with regard to flood risk advises that a sequential approach to the location of development should be taken with the objective of steering new development to flood zone 1 (areas with the lowest probability of river or sea flooding). When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where a sequential test and some instances exception test are passed, informed by a site-specific flood risk assessment.
131. The site is not within a flood zone. An outline drainage strategy has been submitted as part of the application, which indicates use of sustainable forms of surface water drainage as part of the development including soakaways and permeable paving, which is in accordance with the hierarchy set out in Policy 35. As the drainage strategy has been prepared in outline form, it does not provide a sufficient level of detail for the Council's drainage team to consider the precise nature of the proposed scheme. The Drainage Team are generally satisfied with the principles of the outline drainage strategy and recommend a pre-commencement condition to agree the fully detailed drainage scheme, which is considered appropriate.
132. Northumbrian Water are also satisfied with the outline drainage strategy and request a condition for the development to be carried out in accordance with it, which is considered appropriate.
133. Foul drainage would be disposed of into the public sewer, Northumbrian Water are satisfied with this arrangement. This approach is in accordance with the hierarchy specified in Policy 36 of the CDP.
134. Overall, subject to the above condition, the proposed development is not considered to be at risk of flooding and would not increase flood risk elsewhere, in accordance with Policies 35 and 36 of the CDP and Part 14 of the NPPF.

Ground Conditions

135. Policy 32 of the CDP 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.
136. A Phase 1 Desk Study and Phase 2 Site Investigation have been submitted as part of the application. The Contaminated Land Officer have been consulted on these reports

and advise that the phase 2 has identified limited made ground and no elevated levels of contamination. Ground gas monitoring has demonstrated there is no requirement for ground gas protection measures. As such the Contaminated Land Officer is satisfied with the information provided and does not require any conditions or remediation works.

137. The development would not pose any risks from contamination on the site, in accordance with policy 32 of the County Durham Plan and Part 15 of the NPPF.

Public Rights of Way

138. Policy 26 of the County Durham Plan states that development will be expected to maintain or improve the permeability of the built environment and access to the countryside for pedestrians, cyclists and horse riders. Proposals that would result in the loss of, or deterioration in the quality of, existing Public Rights of Way (PROWs) will not be permitted unless equivalent alternative provision of a suitable standard is made. Where diversions are required, new routes should be direct, convenient and attractive, and must not have a detrimental impact on environmental or heritage assets.
139. Para. 100 of the NPPF states that planning decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users.
140. Public footpath No. 28 (Wear Valley) runs immediately beyond the northern and eastern site boundaries. Whilst this would generally remain unaffected by the proposed development, the Public Rights of Way Team note that usage of the footpath is likely to increase as a result of the development, particularly due to the proposed connections to it. To mitigate this impact, upgrading works to the surface for a section of 200m to the north and east of the site is recommended. As the land is outside the application site, the improvement works would need to be undertaken by the Council under statutory provisions at a cost of £16,950.
141. The applicant is agreeable to securing these contributions through a S106 legal agreement for the public right of way improvements, as such the proposal would accord with the requirements of Policy 26 of the County Durham Plan and para. 100 of the NPPF in this respect.

Sustainability

142. Policy 29 part o requires that new residential development of 10 units or more should achieve reductions in CO2 emissions of 10% below the Dwelling Emission Rate (DER) against the Target Emission Rate (TER) based on current Building Regulations.
143. A Sustainability Checklist and calculations confirming compliance with these requirements have been submitted. The Council's Sustainability Team have been consulted on the application and confirm the 10% reduction would be achieved. The proposal would therefore comply with Policy 29 in this regard. A condition to secure this by condition is recommended.

Affordable and Accessible/Adapted Housing

144. The Council's most up to date assessment of need is outlined within Policy 15 of the CDP, setting out the required percentage of affordable housing and tenure mix. Paragraph 62 of the NPPF sets out that, where a need has been established, an appropriate level of affordable housing should be provided.

145. As the site falls within a high value area, it would normally be expected that 20% of the properties within the scheme would be delivered as affordable housing, split into 10% in the form of affordable home ownership (starter homes, discount market sale housing and other affordable routes to home ownership) and 10% as affordable housing for rent. These requirements would translate as 2 no. affordable home ownership units and 2 no. affordable rented units.
146. The scheme proposes 100% of the dwellings on an affordable basis, with 11 units (55%) being rent to buy, an affordable home ownership product, and 9 units (45%) as affordable rent. In this instance and to comply with funding requirements from Homes England, the applicant is in agreement to securing 100% of the development as affordable housing as part of the s106 agreement, which would exceed the requirements of Policy 15 of the County Durham Plan.
147. Policy 15 of the CDP outlines on sites of 10 or more units, a minimum of 10% of the units to be designed so as to increase the housing options for older persons and people with disabilities comprising of level access flats and bungalows or housing products which can be shown to meet the specific needs of a multi-generational family. The policy also requires that 66% of dwellings should be built to Building Regulations Requirement M4 (2) (accessible and adaptable dwellings) standard unless site specific factors indicate otherwise. Policy 19 requires an appropriate mix of dwellings, types and sizes. Paragraph 61 of the NPPF states that the size, type and tenure of housing needed for different groups in the community should be assessed. Part 5 of the NPPF is also clear that developments should help to address housing needs.
148. The applicant confirms that all 20 no. dwellings would be to Building Regulations Requirement M4 (2) (accessible and adaptable dwellings) standard. 2 no. bungalows are proposed as part of the scheme which would increase the housing options for older persons and people with disabilities. A condition to secure a minimum of 13 no. dwellings to M4(2) standard is considered appropriate, subject to this it is considered the development would comply with the above requirements of Policy 15 of the County Durham Plan.
149. Policy 29 of the County Durham Plan requires that all new residential development will be required to comply with the Nationally Described Space Standards (NDSS). In order to allow for an appropriate transition period, the NDSS will only be applied to outline or full applications approved one year after the Plan is adopted. The County Durham Plan was adopted in October 2020, as such from October 2021 it is necessary for residential development to comply with NDSS. Initially the proposed house types were not NDSS compliant, however amended plans have now been provided demonstrating compliance with NDSS, in accordance with Policy 29 of the County Durham Plan.

Infrastructure and Open Space

150. 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. Paragraph 96 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. Paragraph 127 requires amongst its advice that developments function well and optimise the potential of the site to accommodate

and sustain an appropriate amount and mix of development (including green and other public space).

151. 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.
152. The development proposes 2 no. areas of amenity open space within the site, to the south west corner adjacent to the TPO sycamore tree and along the eastern site boundary forming the diverted Northumbrian Water easement. These areas of amenity open space are not especially large enough in their own right or laid out appropriately to be usable areas of public open space for use by future residents. The applicant states these areas of amenity open space would be managed by Believe Housing's Estate Management Team, most likely as part of an adoption agreement with Durham County Council.
153. In addition to the above, a contribution of £34,782 would be required towards off-site provision in lieu of those typologies not provided for on site (useable amenity open space, allotments, parks, sports and recreation grounds, children and youth play space). Having regard to the OSNA, this is considered to be acceptable and in accordance with the Council's standard approach. The contribution could be secured through a planning obligation under Section 106 agreement. This would satisfy the OSNA requirements, Policy 26 of the CDP and Paragraph 96 of the NPPF with regards to the provision of public open space.
154. 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. Paragraph 94 of 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.
155. The School Places Manager has advised that the proposed development is likely to generate an additional 6 primary age school pupils and 3 secondary age school pupils. There is sufficient capacity within local primary schools to accommodate the identified need, however contributions of £49,662 are required to mitigate the developments impact in this respect of secondary school places. The applicant has agreed to this contribution to be secured by the s106 agreement.

Other issues

156. Policy 14 of the CDP states that the development of the best and most versatile agricultural land, will be permitted where it can be demonstrated that the benefits of the development outweigh the harm, taking into account economic and other benefits. NPPF Paragraph 170 states that LPAs should recognise the economic and other benefits of the best and most versatile agricultural land and where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality. Best and most versatile agricultural land is classified by the NPPF as grades 1, 2 or 3a. The site is currently in agricultural use and an agricultural land classification report has been submitted as part of the application. This indicates the land is grade 5, very poor quality agricultural land with very severe limitations which

restrict use to permanent pasture or rough grazing with the exception of occasional pioneer forage crops. As such the land is not the best and most versatile agricultural land and there is no conflict with Policy 14 in this regard.

157. An Archaeological Assessment was submitted as part of the application. This included details of archaeological investigations, including trial trenching, that had taken place on the site. No significant archaeology was found on the site and the Council's Archaeology Team raise no objections to the application. As such the development would not disturb any significant archaeological resources, in accordance with policy 44 of the County Durham Plan and Part 16 of the NPPF.

Conclusion

158. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. In light of the recent adoption of the CDP, the Council has an up to date development plan. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means approving development proposals that accord with an up-to-date development plan without delay (paragraph 11 c).
159. The proposed development would provide 20 no. affordable dwellings within the area, which would help to meet local demand for this type of accommodation. This is considered acceptable in principal and would accord with the aims of Policy 6 of the County Durham Plan.
160. It is acknowledged the transformative nature of the development would result in some localised landscape and visual harm within the AHLV and result in the loss of 2 mature trees. However, within the context of its surroundings this harm is considered to be at a low level and would not harm the distinctiveness of the wider landscape or character of the area. The scheme would provide substantial benefits in terms of the provision of affordable housing, support for local services and businesses in a rural area from new residents and a temporary economic uplift during the construction phase. It is therefore considered that the benefits of the scheme would outweigh the minimal landscape harm, having regard to the requirements of Policies 39 and 40 of the County Durham Plan.
161. No adverse impacts are identified in terms of locational sustainability, design, highway safety, residential amenity, ecology, ground conditions, flooding and drainage, accessible and adaptable housing, infrastructure and open space and sustainability in accordance with relevant policies from the County Durham Plan and the NPPF.
162. There are no material considerations which indicate otherwise and the application is recommended for approval.

RECOMMENDATION

That the application be **APPROVED** subject to a s106 agreement to secure:-

20 Affordable Housing units
£16,950 offsite footpath improvement works
£49,662 education contribution
£34,782 Open Space, Sport and Play Provision contribution
£3700 Habitat Mitigation

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 approved plans:

Proposed Ownership Plan (DR-A-1450 Rev P03) received on 17 December 2021
Proposed Site Plan (DR-A-1200 Rev P01.42) received on 17 December 2021
Proposed Site Sections (DR-A-1300 Rev P02) received on 8 December 2021
Construction Phase Plan (DR-A-3810 P01.01) received on 8 December 2021
Drainage Strategy (1540/0100 Rev D) received on 11 November 2021
Terrace T3 – Plans and Elevations – NDSS and M4(2) Units 8–12 (DR-A-3013 Rev P01) received on 1 November 2021
Terrace T2 – Plans and Elevations – NDSS and M4(2) Units 1-7 (DR-A-3012 Rev P01) received on 1 November 2021
2B/4P Housetype B – NDSS Typical Floor Plans and Elevations (DR-A-3002 Rev P01) received on 1 November 2021
Terrace T5 – Plans and Elevations – NDSS and M4(2) Units 15-20 (DR-A-3015 P01) received on 1 November 2021
3B/5P Housetype A – NDSS Typical Floor Plans and Elevations (DR-A-3001 P02) received on 1 November 2021
2B/3P Housetype C / Terrace 4 – NDSS Floor Plans and Elevations (DR-A-3003 Rev P04) received on 25 October 2021
Site Location Plan (DR-A-0500 Rev P01) received on 20 May 2021

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies 6, 15, 19, 21, 25, 26, 29, 31, 32, 35, 36, 40, 41 and 44 of the County Durham Plan and Parts 2, 4, 5, 6, 8, 9, 11, 12, 14, 15 and 16 of the National Planning Policy Framework.

3. No development shall commence until a scheme for the provision surface water drainage works have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be developed in accordance with the Councils Sustainable Drainage Systems (SuDS) Adoption Guide 2016 and based on the principles set out in the submitted Flood Risk and Drainage Assessment (M Design, MD1540/rep/001 Rev C) and drainage strategy (drawing no. 1540/0100 Rev D) received on 11 November 2021. The drainage scheme shall ensure that foul flows discharge to the combined sewer at manhole 3205. The development thereafter shall be completed in accordance with the approved details and timetable agreed.

Reason: To ensure that surface water is adequately disposed of, in accordance with Policies 35 and 36 of the County Durham Plan and Parts 14 and 15 of the National Planning Policy Framework.

4. No external windows shall be installed unless full details including plans at a scale of 1:20, including cross sections and details of colour finish, of the proposed windows have first been submitted to and approved in writing by the Local Planning Authority. The windows shall thereafter be installed in accordance with the approved details.

Reason: In the interests of the visual amenity of the surrounding areas in accordance with Policies 6 and 29 of the County Durham Plan and Part 12 of the National Planning Policy Framework.

5. With the exception of windows which are to be agreed under condition 4, the dwellings hereby approved shall be constructed in complete accordance with the materials specified on the Materials List received on 3 November 2021.

Reason: In the interests of the visual amenity of the surrounding areas in accordance with Policies 6 and 29 of the County Durham Plan and Part 12 of the National Planning Policy Framework.

6. No development of the dwellings above base course level shall commence, until full details of passive EV charging points to serve each property and 5no. full EV charging Points (including their location and specifications) have been submitted to and approved in writing with the Local Planning Authority. The development shall thereafter be completed in complete accordance with the approved details and the EV charging points made available prior to the first occupation of the plot they serve.

Reason: To ensure adequate provision for electric vehicles is made as part of the development and charging points are provided in optimum locations, in accordance with Policy 21 of the County Durham Plan and the Council's Parking and Accessibility Standards 2019.

7. The development hereby approved shall be undertaken in complete accordance with the mitigation detailed within the Noise Impact Assessment (Apex Acoustics, 8902.1 Rev A, 18 March 2021).

Reason: In the interest of residential amenity, in accordance with Policies 6, 29 and 31 of County Durham Plan and Parts 12 and 15 of the NPPF.

8. The development hereby approved shall be undertaken in complete accordance with the Arboricultural Impact Assessment, Arboricultural Method Statement, Arboricultural Impact Assessment Tree Protection Plan (TPP), Arboricultural Method Statement Tree Protection Plan (TPP) received on 20 May 2021.

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.5837:2012. Protective fencing shall remain in place for the duration of all construction works on the site.

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 other than that detailed in the Arboricultural Impact Assessment shall be carried out.

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

Reason: To ensure that adequate tree protection is in place prior to the commencement of any construction works and that there are no resulting adverse impacts on mature trees or historic hedgerows to be retained within the site, to preserve the visual amenity of the surrounding area, in accordance with policies 6, 29 and 40 of the County Durham Plan and Parts 12 and 15 of the NPPF.

9. The development hereby approved shall be undertaken in complete accordance with the Construction Management / Environmental Plan (J & B Nelson Construction / Emperor Developments V2 27/10/2021) and Construction Phase Plan (drawing no. DR-A-3810 P01.01) received on 3 November 2021.

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

10. 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.

11. The development hereby approved shall be carried out in complete accordance with the mitigation and compensation strategy detailed in section 7 of the Ecological Impact Assessment (Eco North, V07, 8/11/2021), biodiversity calculation received on 10 November 2021, and Precautionary Method Statement – Bats (Eco North V01, 3/11/2021) received on 5 November 2021.

Reason: To enhance biodiversity on the site and ensure there are no adverse impacts to protected species, in accordance with Policies 41 and 43 of the County Durham 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 development under Part 1 Classes A, AA, B, C, D, E and F and Part 2 Class A of the above order shall take place 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.

13. Notwithstanding the submitted information, no development above base course level of the dwellings hereby approved shall commence until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority.

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

Trees, hedges and shrubs scheduled for retention.
Details of all means of enclosure
Details of areas of residential curtilage and areas of maintained open space/landscaping
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 public bin storage, including the design and materials to be used in any structure.
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 detailing of the management of all areas of maintained open space/landscaping and bin storage area/structures for the life time of the development.

The approved landscaping scheme shall be completed in the first planting season following the substantial completion of the development.

No trees, hedges and shrubs shall not be removed without agreement within five years. In the event that any landscaping is removed, die or fail to establish within 5 years it shall be replaced and thereafter maintained for a minimum of 5 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.

14. Prior to the occupation of the first dwelling hereby approved, full engineering details of a new adoptable standard pedestrian footway extending along the A689 in an easterly and westerly direction to adjoin the existing pedestrian footway, shall be submitted to and approved in writing by the Local Planning Authority. The submitted information shall include details of any regrading/retaining structures in the highway verge between the footway and the existing stone wall to be retained and an Arboricultural Impact/Method Statement to protect existing mature trees. The footpath and resurfacing work shall thereafter be completed in accordance with the approved details prior to the occupation of the 1st dwelling hereby approved.

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

15. No development shall other than site clearance or remediation works shall commence 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.

16. No development shall other than site clearance or remediation works shall commence until a scheme to detail how at least 13 of the dwellings comply with

Building Regulations M4(2) Accessible and Adaptable Dwellings has been submitted to and agreed in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

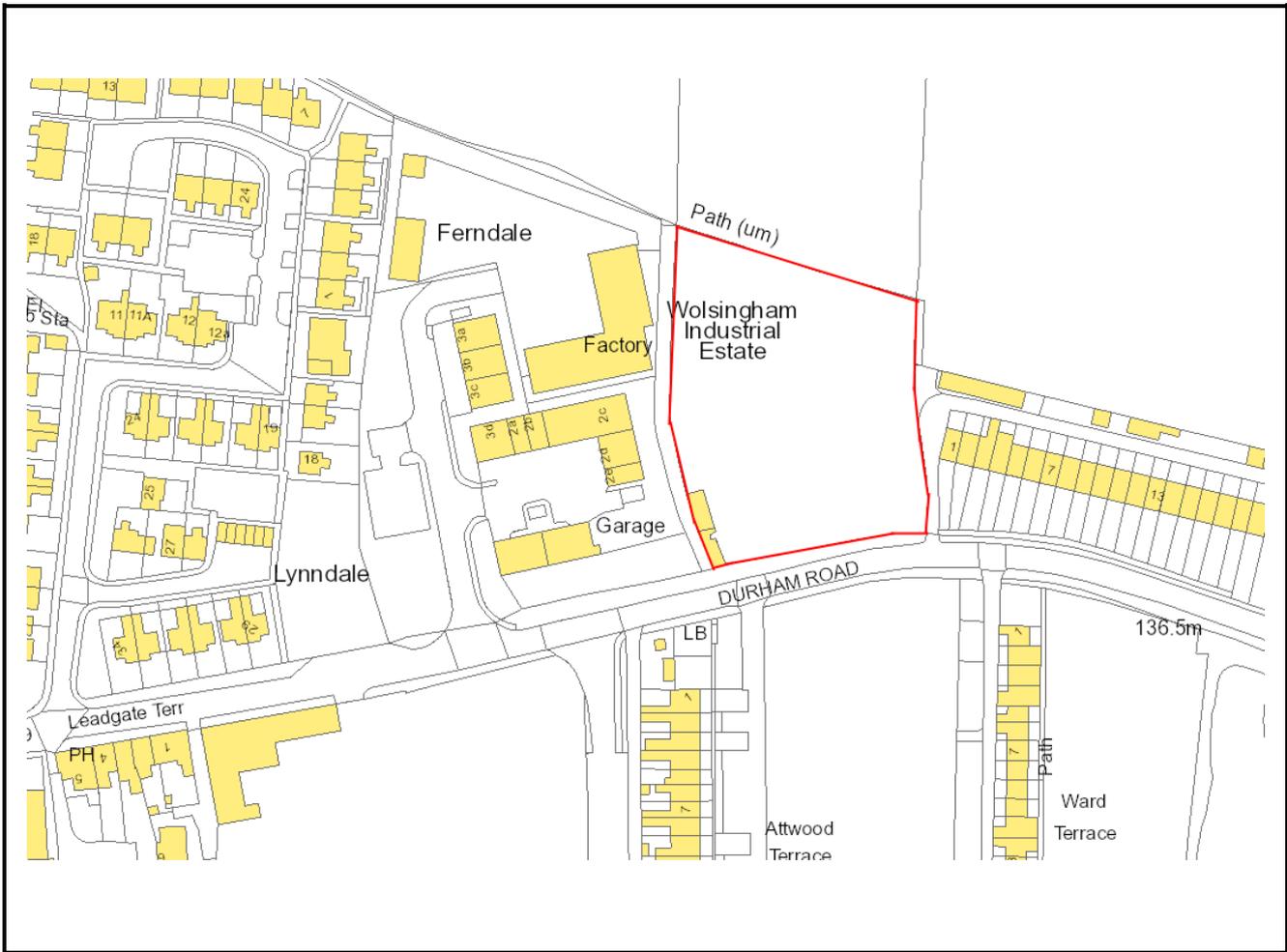
Reason: In order to address housing need requirements in accordance with Policy 15 of the County Durham Plan.

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)
Statutory consultation responses
Internal consultation responses
External consultation responses



<p>Planning Services</p>	<p>Construction of 20 affordable homes and associated works (amended plans received 1.11.2021)</p>	
<p>This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding. Durham County Council Licence No. 100022202 2005</p>	<p>Comments</p>	
	<p>Date 20 January 2022</p>	

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Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	DM/21/03473/FPA
FULL APPLICATION DESCRIPTION:	Erection of 3 storey 66no. bed residential care home for the elderly with associated works
NAME OF APPLICANT:	LNT Care Developments
ADDRESS:	Land west of Durhamgate Development Centre, Hay Lane, Spennymoor, Co Durham
ELECTORAL DIVISION:	Tudhoe
CASE OFFICER:	Mark O'Sullivan, Senior Planning Officer, 03000 261056, mark.o'sullivan@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site relates to a parcel of undeveloped grassland and hard landscaping (some 0.51Ha) within the Durham Gate redevelopment area on the eastern edge of Spennymoor. The site is located to the north of the Fox Cub PH and south of the Durham Gate/Eve Lane roundabout, bordering residential properties on Hay Lane/Eve Lane to the west and an office building to the east. To the north of the roundabout is a hard landscaped area with currently grassed undeveloped plots beyond. It is intended that the areas immediately adjacent to the roundabout and application site will be developed in the future for retail purposes.

The Proposal

2. Planning permission is sought for the erection of a 3 storey, 66no. bed residential care facility for the elderly with associated access, parking and landscaping, falling within the Class C2 (residential institutions) use classification. The main care facility building would be located to the north of the site fronting Eve Lane, with parking and secure gardens to the rear (south). A solar battery store building and meter house would be constructed, detached from the main facility to the south of the site adjacent to the site access which would be taken off Hay Lane.
3. The application is submitted by LNT Care Developments (a company with considerable experience in the operation and construction of care homes for older people). The proposed facility would be built to current government standards and cater for two types of care (general residential and residential dementia), with the proposed internal layout designed as such so as to provide for these separate care requirements.

4. The planning application is reported to the Planning Committee in accordance with the Council's Scheme of Delegation as the proposals fall within the definition of major development.

PLANNING HISTORY

5. The application site forms part of the wider Durham Gate redevelopment area, where outline consent was granted in October 2009 (planning ref: 7/2008/0488/DM) for the erection of 376no. homes including offices, retail and community facilities, a health centre and PH. This was subsequently varied by other applications including approval ref: DM/15/02341/VOC (November 2015) which concerned the phasing of development and remains the most relevant approval for the wider Durham Gate site. Much of the development across the wider Durham Gate site has already been delivered with a number of housing cells and the PH having been completed.

PLANNING POLICY

NATIONAL POLICY

6. A revised National Planning Policy Framework (NPPF) was published in July 2018 (with updates since). The overriding message continues to be that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. In accordance with Paragraph 213 of the National Planning Policy Framework, the following elements of the NPPF are considered relevant to this proposal.
7. *NPPF Part 2 Achieving Sustainable Development* - The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three overarching objectives - economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.
8. *NPPF Part 4 Decision-making* - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
9. *NPPF Part 5 Delivering a Sufficient Supply of Homes* - To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
10. *NPPF Part 6 Building a strong, competitive economy* - Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and

productivity, taking into account both local business needs and wider opportunities for development.

11. *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.
12. *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.
13. *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.
14. *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.
15. *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.
16. *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:

17. 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; 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; 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

18. Paragraph 47 of the NPPF states that planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. The development plan is the County Durham Plan (CDP). The following CDP policies would be deemed relevant to the determination of the application:

Policy 6 (Development on unallocated sites)
Policy 15 (Addressing housing need)
Policy 19 (Type and mix of housing)
Policy 21 (Delivering sustainable transport)
Policy 25 (Developer contributions)
Policy 26 (Green infrastructure)
Policy 29 (Sustainable design)
Policy 31 (Amenity and pollution)
Policy 32 (Despoiled, degraded, derelict, contaminated and unstable land)
Policy 35 (Water management)
Policy 36 (Water infrastructure)
Policy 39 (Landscape)
Policy 41 (Biodiversity and geodiversity)
Policy 56 (Safeguarding mineral resources)

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

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

19. *Spennymoor Town Council* – No comments received.
20. *Highway Authority* – No objections, subject to condition ensuring the appropriate highways junction visibility splays into the site are achieved.
21. *The Coal Authority* – Raise no objections.

INTERNAL CONSULTEE RESPONSES:

22. *Spatial Policy* – No objections. The principle of development can be assessed by policies 6 and 15 of the CDP, and the main consideration is ensuring that the proposal will integrate into the surrounding area in accordance with Policy 29 of the CDP.
23. *Care Homes Adult and Health Services* – No comments received
24. *Children and Adult Services* – Raise concerns over the proposals which would involve the construction of a new Care Home within the County where existing DCC care homes are already running at low occupancy, with little need for additional capacity. Such provision could potentially increase empty bed numbers and put existing homes at risk, and service users at risk of moves with potential for upward pressure on DCC

fees. There is also no indication of the company who would provide care, with it requested that a more suitable alternative would be the provision of extra care.

25. *Ecology* – The proposed development would result in an overall net loss in biodiversity. Due to the low distinctiveness of the existing habitats, and relatively small nature of the site, the LPA could accept a financial contribution of £7700.00 to be used by the Council towards biodiversity enhancements in line with the framework identified in Durham County Council's Local Biodiversity Compensation Strategy document. The proposed onsite habitat creation would need to all be included on the proposed landscaping plans prior to determination, and the remaining offset would need to be agreed, and secured by S106 or similar. A detailed habitat management plan to ensure that the habitats proposed on site can be delivered would need to be controlled by condition.
26. *Contaminated Land* – No objections, subject to condition.
27. *Environmental Health (Noise)* – No objections, subject to condition.
28. *Drainage* – No objections, subject to a condition ensuring the submission a detailed method statement confirming how surface water arising from the development will be effectively managed. This information would be required to be pre-commencement and should include hydraulic calculations together with a drainage layout plan identifying cover and invert levels for all inspection chambers, and finished floor levels.
29. *Landscape* – No objections, subject to conditions controlling landscape and boundary treatment.
30. *Business Durham* – No comments received.
31. *Design and Conservation* – Raise no objections to the proposals.
32. *Energy* – No comments received.

NON-STATUTORY RESPONSES:

33. *NHS* – No Objections. Durham CCG do not expect any contribution for this development.

PUBLIC RESPONSES:

34. The application has been publicised by way of site and press notice, and notification letters to neighbouring residents. No representations have been received in response to this exercise.

APPLICANTS STATEMENT:

35. This application seeks approval for a 66 bedroom care home for the elderly providing general residential and dementia care for those with a medical need. The scheme is proposed on one of the remaining plots within the Durham Gate development that was originally identified within the outline application for office/commercial uses. Due to a lack of demand for office/commercial uses, an alternative use as a care home has been considered for the site and discussed with the LPA.
36. The proposed development provides a transition between the existing commercial uses surrounding the site and the residential developments to the east. The home provides a compatible neighbour to the recently approved over 55s bungalows on the

adjacent side of the road. Although falling within a residential C2 use, the care home provides employment and other economic benefits including:

- The generation of employment during construction stages and the operation of the home. The care home employs between 50 – 60 part- and full-time employment opportunities.
 - Support to local businesses during the construction and operation of the home.
 - Increase in local expenditure.
37. LNT Care Developments is part of LNT Group, a group of companies who not only construct the homes but will also operate them under Ideal Care Homes (the operational arm of the group of companies), therefore this is not a speculative development. Works will commence on the project once planning is approved and any relevant pre-commencement conditions discharged.
38. The scheme will provide a high-quality, purpose-built care home that will further enhance the community at Durham Gate and deliver an attractive building which will provide a high standard of care in a contemporary and stylish setting to reflect the surrounding development. The home will also include renewable energy provisions including ground source heat pumps and photovoltaic panels to provide heat and electricity to the home reducing the carbon emissions.
39. The site is in a sustainable location with excellent transport links, close to local amenities and a supporting population for the provision of nearby employees. The proposed scheme will deliver substantial social, economic and environmental benefits to enhance and support the Durham Gate development.

PLANNING CONSIDERATIONS AND ASSESSMENT

40. 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, scale/design, privacy/amenity/impact on neighbouring uses, highways, ecology, land stability, flooding/drainage, sustainability and planning obligations.

The Principle of the Development

41. The application is to be determined in accordance with relevant policies set out within the County Durham Plan (CDP) and the NPPF. Paragraph 11C of the NPPF requires applications for development proposals that accord with an up to date development plan to be approved without delay.
42. The application site falls within the wider DurhamGate redevelopment area, where outline permission has been granted for a mixture of uses including residential, commercial, retail and business use. A care home facility was not included in the list of uses to occupy the redevelopment area, albeit such a use may be considered to complement adjacent residential and commercial uses.
43. Policy 6 (Development on Unallocated Sites) of the CDP allows for the development of this site which is within the built up area provided that the development meets certain conditions outlined within the policy. Of particular relevance would be part a.) which requires proposals to be compatible with, and not prejudicial to, any existing, allocated or permitted use of adjacent land, and d.) which specifies development must be appropriate in terms of scale, design, layout, and location to the character, function,

form and setting of the settlement. Policy 6 parts i.) which seeks to maximise the use of brownfield land and j.) which relates to urban regeneration would also weigh in favour of the proposal.

44. The NPPF (Section 5 – Delivering a sufficient supply of homes) clarifies the Government’s objective of significantly boosting the supply of homes, and Section 11 (Making effective use of land) seeks to promote an effective use of land in meeting the need for homes and strives to make as much use as possible of previously-developed land. Para 119 expects planning decisions to give substantial weight to the value of using suitable brownfield land within settlements for homes (part c) and promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing (part d).
45. Policy 15 (Addressing Housing Need) supports the provision of specialist housing for older people, vulnerable adults and people with disabilities provided that the criteria laid out within the policy is adhered to. This requires the development to be in an appropriate location with reference to the needs of the client (part i.); be designed to meet the particular requirements of residents (j.); contain appropriate measures to ensure access for emergency vehicles and safety measures (k.); and satisfactory outside space, highway access, parking and servicing will need to be provided (l.). Policy 15 also requires specialist housing for older people to meet some additional standards with 100% of accommodation required to meet M4(2) (accessible and adaptable dwellings); and a minimum of 25% of accommodation to meet M4(3) (wheelchair user dwellings).
46. Policy 19 of the CDP seeks to ensure that on all new housing developments, the Council will 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.
47. Proposals concern the provision of a care facility for the elderly, consistent with the above policies. The facility would be located within a suitable and acceptable location within residential surrounds, close to public transportation links to the town centre and beyond. The proposed development would improve the mix of housing on offer in the area and also bring with it important economic benefits to the local economy in terms of employment opportunities and investment in construction, with the applicant stating that between 40-50 full-time equivalent jobs would be created and offered to suitable candidates from the local area. These jobs would range from the Home Manager; a series of Care Workers; through to Catering and Domestic Assistants.
48. Subject to the following material planning considerations, the principle of the proposed development is considered acceptable.

Scale/Design

49. Part 12 of the NPPF and CDP policy 29 seek to ensure good design in new developments. New development should be appropriate in terms of scale, design, layout, and location to the character, function, form and setting of the settlement. It 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; and also create buildings and spaces that are adaptable to changing social, technological, economic and environmental conditions and include appropriate and proportionate measures to reduce vulnerability, increase resilience and ensure public safety and security.

50. The proposed development would be located at a prominent focal point towards the centre of the Durham Gate redevelopment site. It would comprise a large 3-storey building facing outwards toward the main carriageway and Durham Gate central roundabout which in the future is anticipated to be framed by retail and commercial development to the north.
51. The design of the building is largely dictated by its intended purpose, taking into account the operational needs of the home, and to meet the requirements of the Care Standards Act. The shape of building enables the home to function efficiently internally providing segregation between care categories and ensuring a secure environment for residents, providing separation between back of house functions and residents with a variety of communal spaces for residents to enjoy. Furthermore, the inclusion of solar panels to the main roof of the building would ensure a more sustainability, energy efficient development form.
52. Design officers have reviewed the submitted plans, raising no objections. The proposed development would positively address Eve Lane and Durham Gate with an outward-facing, active frontage to the street, set within a landscaping setting. Proposed access and parking areas, together with the single storey solar battery store and meter house would be located to the rear of the site, screened from the site frontage by the main building, having a minimal visual impact.
53. Landscape officers raise no objections to the proposals subject to control over landscape and boundary treatment details by condition.
54. The wider site context includes a variety of uses and building heights. The proposed 3 storey building would be set back from the street and existing housing and would be viewed adjacent to an existing 3 storey office building to the east. Where the development sits closest to existing dwellings on Eve Lane to the west, there is sufficient separation distance between the opposing gables and only a single storey difference in height, between the proposed development and 2 storey detached dwellings.
55. The overall mass of the building would be broken up with the inclusion of slight increase in height and footprint, stepping out from the dominant building lines at the centre of the block and centrally within the wings. In addition to this, the material palette and fenestration pattern gives a vertical rhythm to the building.
56. With regard to the material palette, the applicant has identified that the facility would be of red brick, render and grey weatherboard cladding construction with a smooth grey tile roof. Such design features would reflect some of the design features apparent within the surrounding area. Subject to control of materials via condition, the proposals are considered to be of a scale and design which would sit comfortably within the site and its surroundings without any resultant harm to the character or amenity of the area. Proposals are considered to be acceptable in design terms, satisfying the provisions of CDP Policy 29 and Part 12 of the NPPF.

Privacy/Amenity/Impact on neighbouring uses

57. CDP Policy 31 seeks to support proposals only 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. The proposal will also need to demonstrate that future occupiers of the proposed development will have acceptable living and/or working conditions. Proposals which will have an unacceptable impact such as through overlooking, visual intrusion, visual dominance or loss of light, noise

or privacy will not be permitted unless satisfactory mitigation measures can be demonstrated whilst ensuring that any existing business and/or community facilities do not have any unreasonable restrictions placed upon them as a result.

58. The proposed Care Facility would be located within its own private grounds within the wider Durham Gate redevelopment area. As explained by the applicant, the facility would be fully compliant with the Care Standards Act 2000; providing single-room accommodation, with en-suite facilities and a more than suitable ratio of communal/recreational space per resident together with level/amenable access throughout. The site would also provide for communal living/dining area, laundry rooms and staff facilities.
59. The development would be sufficiently separated from neighbouring uses which include residential to the west, a PH and car park to the south and commercial uses to the east. Land to the north surrounding the roundabout remains undeveloped at this time, albeit there is the intention to develop this area in the future as a retail hub to the wider Durham Gate development area. Given the level of separation (at least 28m from nearest residential properties), and intended use, there would be no adverse impact upon neighbouring uses in terms of overlooking or overshadowing.
60. EHO's have undertaken a technical review of information submitted in relation to the likely impact upon amenity in accordance with the relevant TANs (Technical Advice Notes). The proposed development is located in a sensitive area comprising a mixture of rural, residential and commercial uses, with several sources of commercial noise in the vicinity of the site as well as residential properties. The main issue associated with this proposal is considered to be the impact upon neighbouring amenity during construction, and impact upon the amenity of future occupiers due to road traffic noise.
61. The application is submitted alongside an acoustic report which suggests that noise should be at acceptable levels if the proposed mitigation measures are installed and retained (glazing, ventilation and close boarded fencing). Subject to adherence to these mitigation measures (to be controlled by condition), no objections are raised, with it considered that adherence to these measures for the lifetime of the development would ensure acceptable amenity standards for future residents irrespective of potential future retail development nearby, and continued operation of the adjacent PH. It is further recommended that approval be granted subject to a condition ensuring sensitive construction measures.
62. The information submitted demonstrates that the application complies with the thresholds stated within the TANS which would indicate that the development would not lead to an adverse impact. Based on the information submitted with the application, the development is unlikely to cause a statutory nuisance. Subject to the recommendations of the Environmental Health Officer, the application is considered to satisfy the provision of CDP Policy 31.

Highways

63. NPPF Part 9 seeks to ensure that development is only 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. CDP Policy 21 seeks to ensure that any vehicular traffic generated by new development, following the implementation of sustainable transport measures, can be safely accommodated on the local and strategic highway network and does not cause an unacceptable increase in congestion or air pollution and that severe congestion can be overcome by appropriate transport improvements. New developments should provide for 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.

64. The proposal is for a 66 unit residential care home located to the south of the main Durham Gate boulevard with on-site parking located to the rear, accessed from Hay Lane to the west.
65. Given the nature of the proposed use, it is not considered that the additional trips generated by the proposed development would have a material impact on the surrounding highways network, particularly given the nearby Thinford signalised junction was modelled on the anticipated development of Durham Gate as a whole.
66. The minimum parking provision for a care home is generally expected to be 36% of the number of residential units. The proposed parking achieves this minimum and is therefore acceptable in highway terms. The provision of charging points for electric vehicles and a cycle storage facility are also welcomed. The car park also includes an area for an ambulance/drop off along with two disabled bays and a footpath link to the frontage which will assist those wishing to access the nearby bus stops.
67. The section of Hay Lane adjacent to the site, and the access road from which the site will be accessed are not adopted public highway. Notwithstanding this, it is advisable to ensure that an adequate visibility splay of 2.4 x 33 metres is achievable for the proposed access in each direction. This will require fencing and vegetation to be no higher than 1 metre within the visibility splay, with such detail to be controlled via condition. On the basis of the above, no highways objections are raised, with proposals to satisfy the provisions of Part 9 of the NPPF and CDP Policy 21.

Ecology

68. Part 15 of the NPPF ensures that when determining planning applications, Local Planning Authorities seek to conserve and enhance biodiversity. CDP Policy 41 seeks to ensure new development minimizes 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.
69. The application is submitted alongside a Preliminary Ecological Appraisal Report which confirms the proposed development would result in an overall net loss in biodiversity. This is supplemented by a Biodiversity net gain assessment and Biodiversity Metric calculations. Ecology officers advise that in light of biodiversity losses resulting from the development and the limited size of the site restricting the ability to provide reasonable on site mitigation, a biodiversity offset will be required in the form of financial contribution to be secured via S106 in line with the requirements of the NPPF. The applicant has agreed a suitable financial settlement of £7700.00 to be used by the Council towards biodiversity enhancements in line with the framework identified in Durham County Council's Local Biodiversity Compensation Strategy document. Where appropriate opportunities are available the delivery of compensatory works will be in the vicinity of development. The applicant has agreed to pay this amount within a set deadline, with the LPA recommending payment can be secured after development has commenced but prior to its completion. Subject to the above, no ecological objections are raised with proposals to satisfy the principles of Part 15 of the NPPF and CDP Policy 41.

Land stability

70. Part 15 of the NPPF seeks to prevent unacceptable risks from pollution and land stability. Where a site is affected by contamination or where land stability issues arise, responsibility for securing a safe development rests with the developer and/or landowner. Policy 32 of the CDP seeks to resist development where the developer is unable to 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.
71. EHO's have assessed the available information and historical maps with respect to land contamination including the following report: *Calabrian (June 2021) Geoenvironmental appraisal for land at Durham Gate, Spennymoor*
72. Officers are satisfied with the information provided in the report, with ground gas monitoring ongoing. A ground gas risk assessment is required, albeit contaminated officers are satisfied that this detail may be controlled by condition with findings unlikely to hinder the application. No information has been provided as to whether subsoil and topsoil is proposed to be imported for landscaping. Given the above, whilst there is no requirement for a phase 1, approval should be subject to a contaminated land condition.
73. With regards Coal mining legacy, the application site falls within the defined Development High Risk Area. Coal Authority records indicate that within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application, specifically probable shallow coal mine workings.
74. The Coal Authority have reviewed the submitted Geo-Environmental Appraisal which has been informed by the findings of an intrusive investigation and confirms that the site is stable from a mining viewpoint. On account of the above, the Coal Authority offer no objection to this planning application. Proposals would satisfy the provisions of Part 15 of the NPPF and CDP Policy 32.

Flooding and Drainage

75. 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.
76. Policy 35 of the CDP requires 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. Development in flood zones should not be permitted unless in exceptional circumstances. Regarding surface water flood risk,

the management of water must be considered intrinsic to the overall development, with runoff rates carefully controlled. Policy 36 of the CDP requires proposals to the disposal of foul water, utilising the hierarchy of foul water.

77. The application site is not located within a known flood risk area, with surface water drainage details having been provided in consultation with the Councils drainage team. The submitted information is deemed to be satisfactory with respect to the management of surface water for the development subject to a condition ensuring the submission a detailed method statement confirming how surface water arising from the development will be effectively managed. This information would be required to be pre-commencement and should include hydraulic calculations together with a drainage layout plan identifying cover and invert levels for all inspection chambers, and finished floor levels. Subject to the above, drainage engineers are satisfied, with no objections raised. Proposals would satisfy the provisions of Part 14 of the NPPF and CDP Policies 35 and 36.

Sustainability

78. CDP Policy 29 seeks to ensure all development proposals will be required to achieve well designed buildings and places. Development should minimise greenhouse gas emissions by seeking to achieve zero carbon buildings and providing renewable and low carbon energy generation.
79. Where connection to the gas network is not viable, development should utilise renewable and low carbon technologies as the main heating source. Furthermore, new development should 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;
80. The application is submitted alongside a sustainability and energy statement and separate travel plan. The site is located within a sustainable location within built up surrounds, focusing a shift away from the use of private car use.
81. In terms of building design, steps have been taken to reduce energy demand having regard to the operational requirements of the home. Externally the building has been designed with glazed areas to maximise access to natural light and to minimise energy requirements for lighting and heating in communal areas, in particular in the main day lounge/dining areas and the quiet lounges. All glazing would be specified to minimise heat loss and excessive solar gain. Other glazing in the corridors and stairwells will provide natural light into circulation areas, reducing the level of artificial lighting required. Furthermore, the use of photovoltaic panels on the roof of the facility would support sustainable energy use and efficiency. The application is considered to satisfy the provision of CDP Policy 29 in this regard.

Planning obligations

82. Policy 25 of the CDP seeks to ensure that new development is only approved where any mitigation necessary to make the development acceptable in planning terms are secured through appropriate planning conditions or planning obligations. Developers will be required to enter into Planning Obligations which are directly related to the development and fairly and reasonably related in scale and kind to the development

Affordable Housing

83. As the proposed development concerns specialist housing for older people, it does not need to provide on-site affordable housing, or a financial contribution towards the delivery of affordable housing as part of the scheme.

Open Space contributions

84. CDP Policy 26 requires proposals for new residential development 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). The OSNA sets out the most up to date position in respect to open space provision across the county and provides a formula for calculating requirements on a site specific basis.
85. In supporting documentation the applicant confirms that all future residents would have an assessed medical need to be in this type of care facility, which generally means they would not be active and unlikely leave the home alone. The facility would provide for a variety of different outdoor spaces within the home grounds for residents to enjoy in a safe and assisted environment. Furthermore, all rooms would be single occupancy, with most residents aged between 85 – 100. In addition, many residents in the home would require specialist dementia care, with those residents unlikely to be leaving the home requiring constant supervision. Officers acknowledge that typical open space calculations would relate more to retirement accommodation falling within the C3 residential use classification and not the C2 use care facility to be provided here which is more specialist in nature. Based on the demographic provided by the applicant, no open space contributions would be requested on this occasion.

Healthcare

86. Paragraph 93 of NPPF 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. Local surgeries are part of CCG wide plans to improve GP access and would be the likely beneficiaries of any S106 funds secured. Local GP Practices are keen to maintain/improve their access, and an increase in patient numbers may require adjustments to existing premises/access methods. The NHS advise that based upon the nature of the development proposed, no financial contribution would be required in this instance.

Other matters

CAS objections

87. Concerns have been raised by the Children and Adult Services team over the need for an additional elderly care facility within the area. It is argued that such overprovision could potentially increase empty bed numbers across the County and put existing care homes at risk, with existing service users at risk of moves and the potential for upward pressure on DCC care fees. The future management of the site is also unclear.
88. Whilst such matters do not necessarily constitute a material planning consideration relevant to the determination of the application, the applicant has provided further information in this regard. It is explained how the applicants (LNT Care Developments)

specialise in building care homes. The sister company (Ideal Care Homes) operate a number of these homes. This provides the applicant with a wealth of information relating to the operation of the homes and the suitability of the location for attracting residents and staff for the home. A Zone Report has been provided by the applicant as part of the application detailing all existing homes within a 3 mile radius, and the demand for care and types of care available. This information has been used by the applicant to assess the need in the area and the suitability of the site for a care home, which has ultimately informed the applicants decision pursue the current planning application.

Safeguarding mineral resources

89. 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. Although a non-mineral development is proposed, it is not considered that the current proposals would sterilise this mineral resource taking into consideration the scale of the site, previous land use and wider site history, and the residential setting. No objections are raised in this regard.

CONCLUSIONS

90. Planning permission is sought for the erection of a 3 storey, 66no. bed residential care facility for the elderly with associated access, parking and landscaping. The application is submitted by LNT Care Developments (a company with considerable experience in the operation and construction of care homes for older people). Consideration is given to the principle, of the works proposed, scale/design, privacy/amenity/impact on neighbouring uses, highways, ecology, land stability, drainage, sustainability and planning obligations.
91. Concerns raised have been taken into consideration where material to the application and the applicant has agreed to enter into a legal agreement to secure a £7700.00 contribution towards off-site ecological mitigation.
92. Proposals are considered to satisfy the provisions of Parts 2, 4, 5, 6, 8, 9, 11, 12, 14 and 15 of the NPPF and policies 6, 15, 19, 21, 25, 26, 29, 31, 32, 35, 36, 39, 41 and 56 of the CDP. Subject to the following conditions, the application is recommended for approval.

RECOMMENDATION

Recommendation that the application be **APPROVED** subject to the completion of a unilateral undertaking pursuant to S106 to secure a £7700.00 financial contribution and the following conditions.

1. Time limit

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. Approved plans

The development hereby approved shall be carried out in strict accordance with the following approved plans:

DL16 6FY-A-01 (Location Plan), received 06 October 2021

DL16 6FY-A-03-A (Proposed site plan), received 21 December 2021

DL16 6FY-A-04 (Proposed floor plans), received 06 October 2021
 DL16 6FY-A-05 (Proposed elevations), received 06 October 2021
 DL16 6FY-A-08 (PV battery store), received 21 December 2021
 SDL-090.3B (Combined electric meter house and garden store detail), received 04 January 2022
 NM15062113NR (Environmental Noise Assessment Report, 20 August 2021), received 06 October 2021
 7120/1 (Geoenvironmental appraisal, June 2021), received 06 October 2021
 Sustainability and energy statement, received 06 October 2021
 Transport statement and travel plan, received 06 October 2021
 ER-5641-01 (Preliminary Ecological Appraisal Report), received 06 October 2021
 ER-5641-02A (Biodiversity net gain assessment), received 22 December 2021
 Biodiversity Metric 3.0 revA, received 22 December 2021
 DR-5641-01.01 rev B (Landscape plan)
 B-11 (Surface water drainage scheme at construction stage), received 04 January 2022
 DURD-BSP-ZZ-XX-DR-S-0240 P02 (Drainage strategy), received 07 December 2021
 DURD-BSP-ZZ-XX-DR-S-0245 revP01 (Drainage diversion), received 07 December 2021
 DURD-BSP-ZZ-XX-DR-S-0260 revP01 (Drainage details), received 04 January 2022
Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Parts 2, 4, 5, 6, 8, 9, 11, 12, 14 and 15 of the NPPF and policies 6, 15, 19, 21, 25, 26, 29, 31, 32, 35, 36, 39, 41 and 56 of the CDP.

3. Materials

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 Part 12 of the NPPF and CDP policies 6 and 29.

4. Surface water drainage

No development shall commence until a detailed method statement confirming how surface water arising from the development will be effectively managed is submitted to and approved in writing by the Local Planning Authority. This information shall include hydraulic calculations together with a drainage layout plan identifying cover and invert levels for all inspection chambers, and finished floor levels. The development shall be constructed in accordance with the approved details.

Reason: In order to satisfy the provisions of Part 14 of the NPPF and CDP Policies 35 and 36 in relation to effective surface water management.

5. Visibility splays

The section of Hay Lane adjacent to the site, and the access road from which the site will be accessed shall achieve and maintain an adequate visibility splay of 2.4 x 33m in each direction at all times. Fencing and vegetation within these splays shall be no higher than 1 metre at any point.

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

6. EHO mitigation

No development shall take place unless in accordance with the mitigation detailed within the Environmental Noise Assessment Report. Such measures shall be retained for the lifetime of the development.

Reason: In the interests of the privacy/amenities of future residents in accordance with CDP policy 31.

7. Landscape implementation

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first available planting season following the practical completion of the development (or occupation of buildings or commencement of use) and any trees or plants which within a period of 5 years from the substantial completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species

Reason: In the interests of the visual amenity of the area and to comply with policy 29 of the County Durham Plan.

8. Habitat management plan condition

No landscaping works shall commence until a detailed establishment and management strategy for all soft landscape areas, in line with the habitat types and areas as detailed within the Warwickshire biodiversity metric, and detailed within the approved landscape plan (DR-5641-01.01 rev B), Biodiversity net gains plan, and Design and Access Statement have been submitted to and approved in writing by the Local Planning Authority. Works shall be carried out in strict accordance with the approved details thereafter and the management plan adhered to.

Reason: In the interests of the visual amenity of the area and to comply with policies 39 and 40 of the County Durham Plan.

9. External lighting

Prior to first occupation of the care facility hereby approved, details of all external lighting shall be submitted to and approved in writing by the Local Planning Authority. The detail provided must be sufficient to demonstrate adherence to the ILP guidance notes for the reduction of intrusive light. The external lighting shall be erected and maintained in accordance with the approved details to minimise light spillage and glare outside the designated area and maintained thereafter.

Reason: In the interests of the amenity of nearby sensitive uses and the appearance of the area in accordance with Part 12 and 15 of the NPPF and CDP policy 31.

10. Car parking

The approved car park shall be constructed, marked out and made available for use prior to the development hereby approved being brought into operation. Thereafter the car parking spaces shall be used and maintained in such a manner as to ensure their availability at all times for the parking of vehicles.

Reason: In the interests of highway safety in accordance with the requirements of CDP Policy 21.

11. Enclosures

Prior to the commencement of the development details of means of enclosure including the proposed refuse store shall be submitted to and approved in writing by the Local Planning Authority. The enclosures shall be constructed in accordance with the approved details prior to the first occupation of the care facility.

Reason: In the interests of the visual amenity of the area and to comply with policy 29 of the County Durham Plan.

12. Contaminated Land (Phase 2-3)

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 further Phase 2 site investigation/Ground gas risk assessment. 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 is suitable for use, in accordance with Part 15 of the National Planning Policy Framework. Required to be pre-commencement to ensure that the development can be carried out safely.

13. Contaminated Land (Phase 4)

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 Part 15 of the National Planning Policy Framework.

14. Construction

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 0800 to 1400 on Saturday. No internal works audible outside the site boundary shall take place on the site other than between the hours of 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.

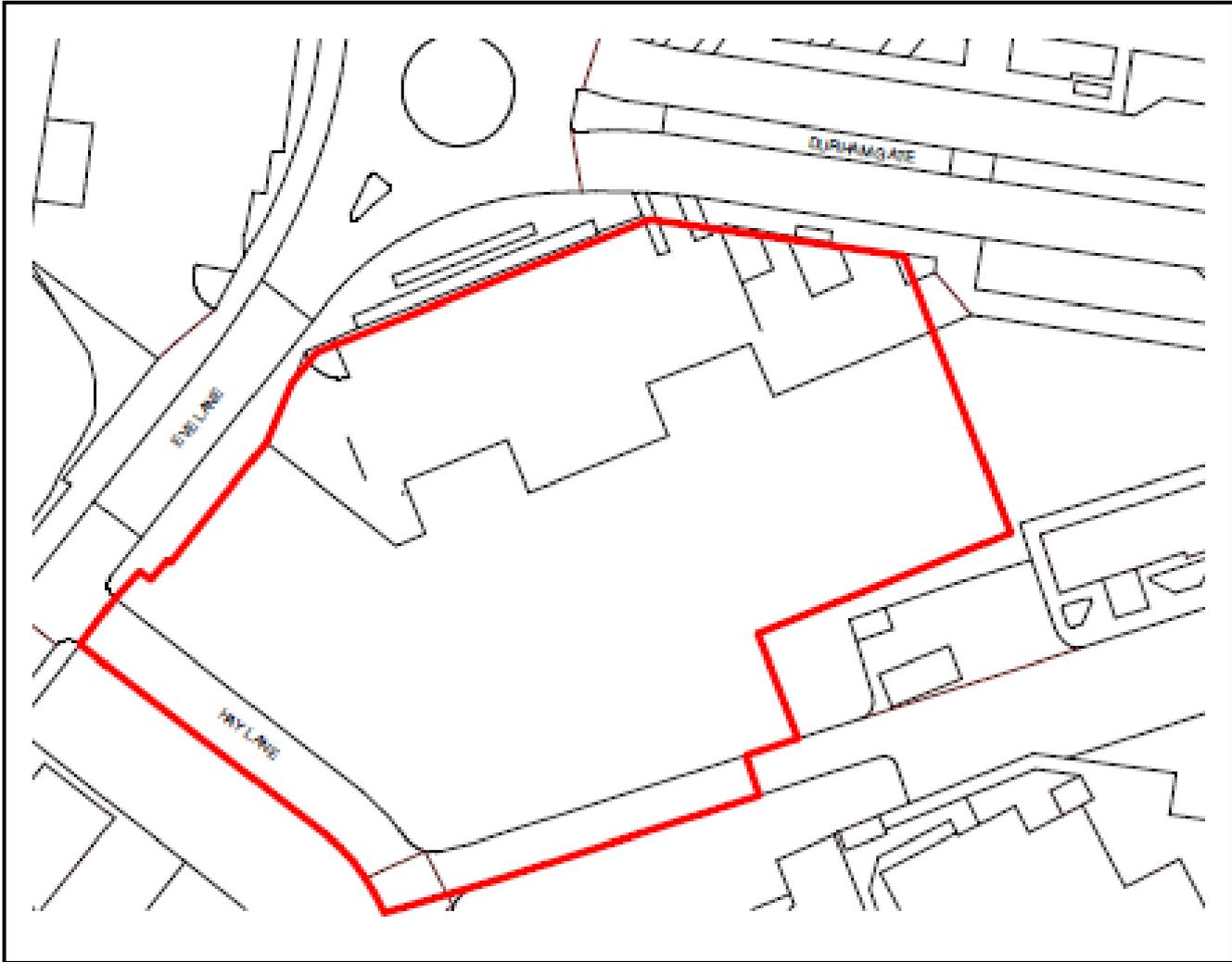
Reason: In the interests of the privacy/amenities of neighbouring occupiers in accordance with CDP policy 31.

STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at its decision have, without prejudice to a fair and objective assessment of the proposals, issues raised, and representation received, sought to work with the applicant in a positive and proactive manner. The Local Planning Authority have sought to ensure that this application has been determined within a mutually agreed extended determination period. All pre-commencement conditions have been agreed in writing with the applicant.

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documents
National Planning Policy Framework
The County Durham Plan (CDP)
Statutory consultation responses
Internal consultation responses
External consultation responses



Planning Services

Erection of 3 storey 66no. bed residential care home for the elderly with associated works

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Comments

Date 20 January 2022

Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	DM/21/03180/FPA
FULL APPLICATION DESCRIPTION:	Demolition of 24no. apartments and garages and erection of 15no. bungalows
NAME OF APPLICANT:	Livin
ADDRESS:	9-16 Fir Tree and 22-28 Maple Avenue, Shildon, Co Durham
ELECTORAL DIVISION:	Shildon and Dene Valley
CASE OFFICER:	Mark O'Sullivan, Senior Planning Officer, 03000 261056, mark.o'sullivan@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application relates to 24no. existing 2 storey apartments located on Maple Avenue and Firtree, Shildon. These specific units (no's 22-28 Maple Avenue, even only), and 9-16 Firtree (inclusive) take the form of traditional 2 storey semi-detached properties, located in a residential setting of neighbouring semi-detached and terraced dwellings. The application site also includes a terraced block of 17no. unoccupied single storey garages located to the rear (west) of 20-28 Maple Avenue, and a grassed previously developed area located to the northernmost extent of the site, formerly occupied by a PH which has been demolished.

The Proposal

2. Planning permission is sought for the demolition and replacement of the 24no. apartments and 17no. garage units, with 15no. bungalows. The bungalows would occupy the site of the existing residential units and the former PH site to the north, with allocated parking serving bungalows on Maple Avenue, and unallocated parking located to the rear (west) of Maple Avenue, accessed from Magnolia Way. Plans also detail the creation of a communal garden space located between Maple Avenue and Firtree.
3. The application is submitted by Livin who would provide all dwellings as accessible accommodation for the over 55s and disabled, with all plots available for affordable rent.
4. The planning application is reported to the Planning Committee in accordance with the Council's Scheme of Delegation as the proposals fall within the definition of major development.

PLANNING HISTORY

5. A prior notification application was submitted in June 2021 for the demolition of a terrace of existing garages on Magnolia Way (planning ref: DM/21/02067/PND). In July 2021 it was confirmed that prior notification was not required for these works. These garages fall within the proposed application site and are scheduled to be demolished.

PLANNING POLICY

NATIONAL POLICY

6. A revised National Planning Policy Framework (NPPF) was published in July 2018 (with updates since). The overriding message continues to be that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. In accordance with Paragraph 213 of the National Planning Policy Framework, the following elements of the NPPF are considered relevant to this proposal.
7. *NPPF Part 2 Achieving Sustainable Development* - The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three overarching objectives - economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.
8. *NPPF Part 4 Decision-making* - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
9. *NPPF Part 5 Delivering a Sufficient Supply of Homes* - To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
10. *NPPF Part 8 Promoting Healthy and Safe Communities* - The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
11. *NPPF Part 9 Promoting Sustainable Transport* - Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located

where the need to travel will be minimised and the use of sustainable transport modes maximised.

12. *NPPF Part 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.
13. *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.
14. *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.
15. *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:

16. 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; 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; 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

17. Paragraph 47 of the NPPF states that planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. The development plan is the County Durham Plan (CDP). The following CDP policies would be deemed relevant to the determination of the application:

- Policy 6 (Development on unallocated sites)
- Policy 15 (Addressing housing need)
- Policy 19 (Type and mix of housing)
- Policy 21 (Delivering sustainable transport)
- Policy 25 (Developer contributions)
- Policy 26 (Green infrastructure)
- Policy 29 (Sustainable design)
- Policy 31 (Amenity and pollution)
- Policy 32 (Despoiled, degraded, derelict, contaminated and unstable land)
- Policy 35 (Water management)
- Policy 36 (Water infrastructure)
- Policy 39 (Landscape)
- Policy 40 (Trees, woodlands and hedges)
- Policy 41 (Biodiversity and geodiversity)
- Policy 56 (Safeguarding mineral resources)

Residential Amenity Standards SPD (2020 Adopted version) – Provides guidance on the space/amenity standards that would normally be expected where new dwellings are proposed.

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

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

- 18. *Sildon Town Council* – No comment.
- 19. *Highway Authority* – Raise no objections subject to the provision of a Construction Management Plan.

INTERNAL CONSULTEE RESPONSES:

- 20. *Spatial Policy* – Raise no objections. The application site comprises of ‘white’ land located within the town of Sildon. The principle of redeveloping the site for housing is considered to be acceptable under Policy 6 of the CDP, particularly as the site already contains residential properties. The scheme would need to comply with Policy 29 and the residential amenity standards SPD.
- 21. *Ecology* – Raise no objection, subject to condition and the acquisition of a relevant protected species license. The completed development would meet the required net gains in biodiversity as required by the NPPF.
- 22. *Drainage* – No objections.
- 23. *Environmental Health (Contaminated Land)* – No objections raised, subject to suggested conditions.
- 24. *Environmental Health (Noise)* – Due to the proximity of residential housing, sensitive construction/demolition conditions would be required to mitigate the potential of a statutory nuisance and excessive impact.
- 25. *Trees* – No objections raised. The revised Arboricultural Impact Assessment and Tree Protection Plan are comprehensive and acceptable. The proposal will require the removal of one tree; however this is not considered significant in relation to the scheme

as a whole. There is unlikely to be any significant negative impact on the tree to be retained. All trees should be adequately protected by protective fencing and ground protection as identified in the Tree Protection Plan.

26. *Landscape* – No objections.
27. *Design and Conservation* – No objections. The layout of dwellings responds positively to the existing building lines and provides active built frontage to streets and open spaces. In addition, the proposed dwellings respond to the material palette and simple detailing of the site context.
28. *Affordable Housing* – No comment received.
29. *NHS* – No objections. County Durham CCG will not be applying for S106 funding for this development
30. *Education* - Based on the projected rolls of the 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 and secondary schools and no further mitigation is required in this instance.
31. *NWL* – No objections, subject to the development being implemented in line with the submitted Drainage Strategy.
32. *Energy* – No comments received.

PUBLIC RESPONSES:

33. Prior to submission of the application, the applicant organised a community consultation event at Jubilee Fields Community Centre on 29 July 2021. This was attended by a number of residents from Maple Avenue, Magnolia Way and Firtree. A summary of comments received is set out within the supporting Design and Access Statement. It was concluded that the general response to the proposals were positive, although some concerns were expressed over existing parking in the area which could be addressed through the proposed application.
34. The application has subsequently been publicised by way of press notice, site notice and notification letters to neighbouring residents. No comments have been received in response to this exercise.

APPLICANTS STATEMENT:

35. This application seeks approval for the demolition of 24no. apartment units, all of which are now vacant following detailed consultation with residents who have all been rehoused within the local community. Over the years the apartments have seen a transient population with high levels of void properties and high turnover rates leading to blight and anti-social behaviour. The replacement of these units with 15no. new bungalows for older persons and/or disabled will provide much needed accommodation that is in short supply within the Jubilee Fields estate area of Shildon and help meets the strategic needs of the County Durham Strategic Housing Market Assessment for affordable homes.

PLANNING CONSIDERATIONS AND ASSESSMENT

36. 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, loss of open space, scale/design, privacy/amenity, highways, landscape impact, ecology, flooding/drainage, contaminated land and planning obligations.

The Principle of the Development

37. The application is to be determined in accordance with relevant policies set out within the County Durham Plan (CDP) and the NPPF. Paragraph 11C of the NPPF requires applications for development proposals that accord with an up to date development plan to be approved without delay.
38. The NPPF seeks to boost significantly the supply of housing, as well as using land that is physically well related to existing settlements. Part 11 (Making effective use of land) seeks to promote an effective use of land in meeting the need for homes, with particular emphasis on previously developed/brownfield development and underutilised land/buildings. Meanwhile Part 5 (Delivering a sufficient supply of homes) clarifies the Government's objective of significantly boosting the supply of homes, and that the needs of groups with specific housing requirements are addressed.
39. Policy 19 of the CDP seeks to ensure that on all new housing developments, the council will 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.
40. The application site is not allocated for housing within Policy 4 of the CDP and therefore falls to be considered against CDP Policy 6. CDP Policy 6 supports 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.

- 41. It is considered that criteria a), b), c), d), e), f) and i) will be particularly relevant in assessing the current proposals, all of which are covered in more detail within this report.
- 42. The application site comprises primarily of existing residential land located within the heart of the Shildon settlement. The site is surrounded by residential properties and located close to the town centre, services and public transportation linkages. This proposal seeks to redevelop an existing housing area to create 15no. bungalows designed as accessible accommodation for the over 55's and disabled. The new homes will replace 24no. existing apartments, which represents an overall net loss of 9no. units. However the proposals would see the removal of a dated housing stock and the creation of affordable rent bungalows, providing a mix of house types and tenures to an existing and established residential setting, utilising previously developed land.
- 43. Annex 2 of the NPPF sets out that to be considered deliverable, sites for housing should be available now and have a realistic prospect that housing will be delivered within 5 years. In particular where a site has planning permission for major development it should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years. Given the scale of the development proposed and the fact the applicant is a social housing provider, with an identified need for more affordable housing in the area, particularly bungalows, there is no reason to presume why this would not be the case, with it entirely reasonable to assume that the site could be built out in its entirety within the time periods required.
- 44. With the principle of redeveloping the site considered to be acceptable under CDP Policy 6, the main issue with this proposal is whether the form of replacement development is appropriate, taking account of the interrelationship with existing properties in the local area. Subject to the above and the following material planning considerations, no objections are raised to the principle of the proposed works, which are consistent with the overarching principles of the NPPF.

Loss of open space

- 45. The application includes an area of grassland (some 846m²) located to the north of the site formerly occupied by a PH which was previously demolished. Over time this area has become established as a modest area of amenity open space at the junction of Coronation Avenue and Maple Avenue, albeit it is not classified as open space within the authority's open space needs assessment.

46. CDP Policy 26 (Green Infrastructure) seeks to resist development proposals which would result in the loss of open space or harm to green infrastructure, unless the benefits of the development clearly outweigh that loss or harm, and an assessment has been undertaken which has clearly shown the open space or land to be surplus to requirements. Where appropriate there will be engagement with the local community. The open space in question is adjacent to a number of estate roads and busy road junction, and close to a number of neighbouring residential properties. It is not considered to be of the best quality, with no features of note. Given the availability of alternative and more suitable, usable and larger areas of amenity space in close proximity to this site, there would be no overriding objections to the loss of this area of land for the purposes specified which is considered surplus to requirements, consistent with the principles of CDP Policy 26.
47. Given its previously developed status, it would also be necessary to test how valued the current site use is to residents of the local community. It is accepted that the site has been used as public amenity space in the intervening period since demolition took place. It is also noted that no public objections have been received regarding its future development following the result of a consultation exercise, neighbour notification letters, and press and site notices in varying locations close to the application site.

Scale/Design

48. Part 12 of the NPPF and CDP policy 29 seek to ensure good design in new developments. New development should be appropriate in terms of scale, design, layout, and location to the character, function, form and setting of the settlement. It 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; and also create buildings and spaces that are adaptable to changing social, technological, economic and environmental conditions and include appropriate and proportionate measures to reduce vulnerability, increase resilience and ensure public safety and security.
49. The application site is located within an established residential setting comprising mainly semi-detached and terraced 2 story dwellings, some of which are evidently occupied as apartments. The site is not located within a conservation area and contains no designated heritage assets. The single storey garages to be demolished are in poor condition and largely unused with some boarded up, detracting from the appearance of the area.
50. Proposals would see the construction of 15no. bungalows across the site, laid out as semi-detached pairs and short terraces. Their positioning has been designed to accommodate sewer easements to the north and south of the site. The proposed layout of bungalows would follow existing building lines on Maple Avenue and Firtree, albeit where necessary, these have been slightly set back to accommodate off street parking provision for residents on Maple Avenue.
51. Bungalows have been designed to meet Nationally Described Space Standards and approved document M(2) providing a high quality development which meets the needs of target residents (over 55s). These would be of red brick and grey tile construction with white upvc fenestration. A front porch feature would provide a contemporary appearance, giving these new plots their own identity.
52. The layout of dwellings provides active built frontage to streets and open spaces. In addition, the proposed dwellings respond to the material palette and simple detailing of the site context. Although the bungalows would introduce a new housing form, these

would not appear incongruous to their residential surrounds and provide a much needed housing mix to the area in accordance with CDP Policy 19. No design objections are raised in the context of Part 12 of the NPPF and CDP Policy 29.

Privacy/Amenity

53. CDP Policy 31 seeks to support proposals only 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. The proposal will also need to demonstrate that future occupiers of the proposed development will have acceptable living and/or working conditions. Proposals which will have an unacceptable impact such as through overlooking, visual intrusion, visual dominance or loss of light, noise or privacy will not be permitted unless satisfactory mitigation measures can be demonstrated whilst ensuring that any existing business and/or community facilities do not have any unreasonable restrictions placed upon them as a result.
54. Minimum separation distances between dwellings are set out within the Councils adopted Residential Amenity Standards SPD which provides guidance on the space/amenity standards that would normally be expected where new dwellings are proposed. With regards two storey development, the following minimum standards are applied:
- Main facing elevation to main facing elevation containing window/s serving a habitable room
 - 21 metres between two storey buildings;
 - 18 metres between bungalows
 - Main facing elevation to gable wall which does not contain a window serving a habitable room
 - 13 metres to two storey gable;
 - 10 metres to single storey gable
55. All dwellings would benefit from private amenity space to the front and rear commensurate in scale to that of surrounding properties. Within supporting documentation it is explained how boundaries bordering public land and footpaths would be enclosed with 1.8m high timber fencing. Low level brick walls to the front gardens in Firtree would demarcate the area between private property and adjacent public footpaths, maintaining the more open character to the street. Due to the amount of open frontage required to Maple Avenue to accommodate parking and footpaths, no front boundary has been proposed. All other existing site boundaries are to be retained.
56. It is accepted that all dwellings (notwithstanding plots 1-3) would occupy the site of existing 2 storey residential units in an established street scene. No concerns are raised with regards the siting of plots 4-15 which would maintain sufficient separation in excess of the aforementioned minimum standards.
57. The rear (west facing) elevation of Plots 1-3 to the north of the site would be sited 8m from the side gable elevation of no.32 Coronation Avenue (a 2 storey dwelling). This elevation contains 2no. first floor windows (including an obscurely glazed bathroom window), facing east towards the proposed bungalows. Formerly these windows faced directly onto the adjacent PH prior to its demolition in closer proximity to the bungalows proposed, although more recently, they have overlooked open grassland. If approved these first floor gable windows would overlook a ground floor bedroom window, shower room (to be obscurely glazed by condition) and narrow kitchen window attached to the kitchen door.

58. Although the relationship between the properties would be below the required 18m, it is accepted that units 1-3 would be single storey in height, with 1.8m high means of enclosure to ensure sufficient screening between plots at the ground floor level. Located to the east of no.32, there would be no significant loss of daylight through the day with first floor windows to remain unobscured in the mornings. In this respect, it is considered that acceptable levels of residential amenity can be achieved for both existing and proposed residents, with Permitted Development rights to be removed by condition for extensions and outbuildings in the interests of protecting these amenities. Furthermore, given the previous PH located here was larger in scale and located closer to neighbouring properties to the west than the proposed dwellings, there would be no more significant loss of amenity to these neighbours compared to historical uses.
59. EHO's having reviewed the submitted information, raise no objections to the proposals subject to control over future demolition/construction methods. Such details can be controlled by condition, in the interests of neighbouring amenities. Having regard to the above, and subject to the suggested conditions, it is considered that the proposed works can be carried out in a manner that achieves a satisfactory relationship with neighbouring properties. The application is considered to satisfy the provision of CDP Policy 31.

Highways

60. NPPF Part 9 seeks to ensure that development 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. CDP Policy 21 seeks to ensure that any vehicular traffic generated by new development, following the implementation of sustainable transport measures, can be safely accommodated on the local and strategic highway network and does not cause an unacceptable increase in congestion or air pollution and that severe congestion can be overcome by appropriate transport improvements. New developments should provide for 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.
61. Proposals would not involve changes to the existing adopted public highways other than the provision of new residential footway crossings for in curtilage car parking. Submitted plans detail a tarmac finish to new parking areas (with the exception of plots 4-11 which would have a block paved finish). The domestic access crossing must be constructed in accordance with the requirements of Section 184(3) of the Highways Act 1980 with the applicant to be reminded of this detail by informative.
62. The proposed parking provision meets the requirements of the DCC Parking Standards and the inclusion of the communal parking areas provide for sufficient visitor parking requirements. The provision of several communal parking spaces is welcomed and will provide assistance in an area of high parking demand. No highways objections are raised subject to the provision of a Construction Management Plan which includes times of work and control of site vehicles, mud, noise, storage of materials etc to minimise disruption to existing residents. Subject to the above, no objections are raised, with proposals to satisfy the provisions of Part 9 of the NPPF and CDP Policy 21.

Landscape impact

63. CDP Policy 39 sets out that 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 will be expected to incorporate appropriate measures to mitigate adverse landscape and visual effects, showing regard to the County Durham Landscape Character Assessment and County Durham Landscape Strategy, and contribute, where possible, to the conservation or enhancement of the local landscape.

64. CDP Policy 40 states that proposals for new development will not be permitted that would result in the loss of, or damage to, trees of high landscape, amenity or biodiversity value unless the benefits of the proposal clearly outweigh the harm. Proposals for new development will be expected to retain existing trees where they can make a positive contribution to the locality or to the development, maintain adequate stand-off distances between them and new land-uses, including root protection areas where necessary, to avoid future conflicts, and integrate them fully into the design having regard to their future management requirements and growth potential.
65. Landscape officers have reviewed the landscape masterplan and detailed landscape plan submitted alongside the application and raise no objections. Landscape proposals are considered to be appropriate to the environment in and around the site and would provide positive enhancements to the area. Furthermore, as stated by the Senior Tree Officer arrangements for tree retention and protection are also considered appropriate. The proposal will require the removal of one tree; however this is not considered significant in relation to the scheme as a whole. There is unlikely to be any significant negative impact on the trees to be retained, subject to these being adequately protected by protective fencing as identified in the submitted tree protection plan. Such details can be controlled by condition. The proposed landscape scheme would need to be properly maintained to ensure it is sustainable in the longer term. Subject to the above, proposals are considered to satisfy the provisions of CDP Policies 39 and 40.

Ecology

66. Part 15 of the NPPF ensures that when determining planning applications, Local Planning Authorities seek to conserve and enhance biodiversity. CDP Policy 41 seeks to ensure new development minimizes 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.
67. The application is submitted alongside a Bat Survey report rev03 (E3 Ecology, November 21) which notes the presence of a small bat roost within no's 22 and 24 Maple Avenue to be demolished. As such a relevant bat licence will be required in advance of any works commencing on site. The presence of protected species is a material consideration in planning decisions as they are a protected species under the Wildlife and Countryside Act 1981 and the European Union Habitats Directive and the Conservation of Habitats and Species Regulations 2017 (as amended). The Habitats Directive prohibits the deterioration, destruction or disturbance of breeding sites or resting places of protected species without a licence. Natural England has the statutory responsibility under the regulations to deal with any licence applications but there is also a duty on planning authorities when deciding whether to grant planning permission for a development which could harm a European Protected Species to apply three derogation tests contained in the Regulations in order to form a view on whether a licence might be granted. These state that the activity must be for imperative reasons of overriding public interest or for public health and safety, there must be no satisfactory alternative, and that the favourable conservation status of the species

must be maintained. Brexit does not change the Council's responsibilities under the law.

68. In terms of the three derogation tests contained in the Regulations it is considered that the benefits of removing a dated and unused housing stock to provide a mix of affordable housing tenures in regenerating this area would be in the overriding public interest. There would be no other satisfactorily alternative to these proposals other than to keep the existing housing stock, which would affect the regeneration programme. Furthermore, it is also the case that the Council can only consider the acceptability or otherwise of the application that has been made to it. Finally, it is considered that there would not be a detrimental effect upon the conservation status of protected species.
69. Ecology officers have viewed the amended site plans, which include the proposed bat and bird boxes as requested. No objections are raised subject to the inclusion of the recommendations detailed in Section G of the Bat Report, as a condition including but not limited to the acquisition of a relevant protected species licence prior to any works commencing to the relevant buildings on site. All works thereafter are to be undertaken in strict accordance with the conditions of the license.
70. Subject to the above, and the acquisition of a protected species licence from Natural England, it is considered that the relevant derogation tests are met, and it is likely that a licence from Natural England would be granted. No ecological objections are raised, with proposals to satisfy the provisions of Part 15 of the NPPF and CDP policy 41.

Flooding and Drainage

71. 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. Policy 35 of the CDP requires 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. Development in flood zones should not be permitted unless in exceptional circumstances. Regarding surface water flood risk, the management of water must be considered intrinsic to the overall development, with runoff rates carefully controlled. Policy 36 of the CDP requires proposals to the disposal of foul water, utilising the hierarchy of foul water.
72. The application site is not located within a known flood risk area, with all surface water drainage details having been provided in consultation with the Council's Drainage team. The submitted information is deemed to be satisfactory with respect to the management of surface water for the development and proposals would satisfy the provisions of Part 14 of the NPPF and CDP Policies 35 and 36. Subject to adherence to the approved drainage documents, no further drainage conditions are required.

Contaminated land

73. Part 15 of the NPPF seeks to prevent unacceptable risks from pollution and land stability. Where a site is affected by contamination or where land stability issues arise, responsibility for securing a safe development rests with the developer and/or landowner. CDP Policy 32 seeks to resist development where the developer is unable to 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.

74. EHO's have assessed the available information and historical maps with respect to land contamination. Given the site is currently developed and demolition is required, Made Ground will exist on site and there is the potential for some contamination. Given this, contaminated land conditions should apply to any permission granted. Subject to the above, proposals would satisfy the provisions of Part 15 of the NPPF and CDP Policy 32.

Planning obligations

75. Policy 25 of the CDP seeks to ensure that new development is only approved where any mitigation necessary to make the development acceptable in planning terms are secured through appropriate planning conditions or planning obligations. Developers will be required to enter into Planning Obligations which are directly related to the development and fairly and reasonably related in scale and kind to the development

76. *Affordable Housing*

Paragraph 65 of the NPPF requires major development proposals to include at least 10% of the homes provided to be made available for affordable home ownership. Policy 15 of the CDP requires applications for 10no. or more units to provide a percentage of Affordable Housing provision which is accessible, affordable and meets the needs of those residents unable to access the open housing market.

77. The application site is located within a low value area where 10% of the approved units must be provided for affordable home ownership. Based on a scheme of 15no. new units, this equates to 2no. units. It is recognised that the applicant is Livin (a registered provider), and all units proposed are earmarked to be retained as social, affordable or intermediate housing for rent. Although this is a departure from the required tenure mix of affordable home ownership, it is possible to provide the affordable housing as affordable rent, as Policy 15 does enable a case to be made. It specifies that where it can be evidenced to the Council's satisfaction that this tenure mix would make the required affordable housing contribution unviable or that alternative affordable housing products are required to meet local needs, then proposals for an alternative tenure mix as proposed by the applicant will be considered. To this extent, Livin have presented evidence of local housing need to justify the provision of affordable homes to rent instead of home ownership, with no objections raised. The applicant has agreed to the provision of a minimum 10% affordable housing provision to be retained in perpetuity through a S106 agreement.

78. *Educational provision*

Paragraph 95 of 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 seek this. Based on the methodology set out in the Council's adopted Securing Developer Contributions towards Education Provision in County Durham, the proposed development of 15no. dwellings would

produce 6no. pupils of primary school age and 2no. pupils of Secondary age. Based on the projected rolls of the 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 and secondary schools. It is further accepted that the proposed bungalows would be targeted towards over 55s. As such no educational contribution would be required in this instance.

79. *NHS*

Local surgeries are part of CCG wide plans to improve GP access and would be the likely beneficiaries of any S106 funds secured. Local GP Practices are keen to maintain/improve their access, and an increase in patient numbers may require adjustments to existing premises/access methods. The NHS raise no objections to current proposals and advise that they would not be applying for s106 funding in this instance.

80. *Open Space contributions*

CDP Policy 26 requires proposals for new residential development 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). The OSNA sets out the most up to date position in respect to open space provision across the county and provides a formula for calculating requirements on a site-specific basis. Where it is determined that on-site provision is not appropriate, the council will require financial contributions secured through planning obligations towards the provision of new open space, or the improvement of existing open space elsewhere in the locality

81. As the submitted scheme involves the redevelopment of an existing housing area through the demolition of 24no. flats and replacement with 15no. bungalows, it reasonable to recognise the overall net reduction in the number of units by 9, and as such the LPA would not seek an open space contribution on this occasion.

Other matters

82. *Accessible and adaptable homes*

CDP Policy 15 includes a requirement for sites for 5 or more dwellings to ensure 66% of the dwellings proposed are built to Building Regulations Requirement M4(2) (accessible and adaptable dwellings) standard. Furthermore, on sites of 10 units 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 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.

83. In this instance, at least 2no. of the 15no. units would be required to be a house type suitable for older people, with 10no. to comply with Building Regulations M4(2) Accessible and Adaptable Dwellings standard. The applicant confirms that all proposed bungalows are designed to be accessible for the over 55's, with the proposed internal layouts designed to meet the National Described Space Standards and Approved Document M Category 2, providing a high quality development that meets the needs of residents. This will meet and surpass the requirements of this aspect of CDP Policy 15 with no objections raised, and will be ensured via condition.

84. *Mineral safeguarding*

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. Although a non-mineral development is proposed, it is not considered that the current proposals would sterilise this mineral resource taking into consideration the scale of the site, residential setting and previous site use. No objections are raised in this regard.

CONCLUSIONS

85. Planning permission is sought by Livin for the construction of 15no. bungalows to replace 24no. existing apartments and 17no. garage units. Bungalows would occupy the site of existing residential units to be demolished and a former PH, with allocated parking serving bungalows on Maple Avenue, and unallocated parking located to the rear (west) of Maple Avenue, accessed from Magnolia Way. Plans also detail the creation of a communal garden space located between Maple Avenue and Firtree. All dwellings would be provided as accessible accommodation for the over 55s and disabled, with all plots available for affordable rent.
86. Consideration is given to the principle, of the works proposed, loss of open space, scale/design and the resulting impact on neighbouring amenity. Also, highways, landscape impact, ecology, drainage, contaminated land and planning obligations. No objections have been raised, with proposals to satisfy the provisions of Parts 2, 4, 5, 8, 9, 11, 12, 14 and 15 of the NPPF and policies 6, 15, 19, 21, 25, 26, 29, 31, 32, 35, 36, 39, 40, 41 and 56 of the County Durham Plan and the Residential Amenity Standards SPD (2020 Adopted version). Subject to the following conditions, the application is recommended for approval.

RECOMMENDATION

Recommendation that:

The application be **APPROVED** subject to the completion of a Section 106 Obligation to secure the following:

- Provision of 10% affordable housing on site in perpetuity;

And the following conditions:

1. Time limit

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. Approved plans

The development hereby approved shall be carried out in strict accordance with the following approved plans:

PHS-XX-XX-DR-A-9002 revP3 (Location Plan), received 13 October 2021

PHS-XX-XX-DR-A-9000 revP10 (Proposed site plan), received 10 November 2021

PHS-XX-XX-DR-A-2000 revP4 (Bungalow Type 1), received 20 September 2021

PHS-XX-XX-DR-A-2001 revP3 (Bungalow Type 2), received 13 September 2021

PHS-XX-XX-DR-A-9003 revP4 (Boundary treatment and materials layout), received 13 October 2021

Landscape Management Plan, received 18 October 2021

R2524/1B (Landscape Masterplan), received 10 November 2021

R2524/2 (Landscape details), received 10 November 2021

Bat Survey R03, received 25 November 2021

AIA TPP revA (Retained Trees Shown on Proposed Layout with Protective Measures Indicated), received 07 December 2021

AMS TPP revA (Retained Trees Shown on Proposed Layout with Protective Measures Indicated), received 07 December 2021

Arboricultural Impact Assessment revA, received 07 December 2021

Arboricultural Impact Assessment revA, received 07 December 2021

C-0001 revP08 (Drainage Strategy), received 11 January 2022

2092 (Hydro design drawing), received 10 November 2021

22282 revB (ACO S-range S100 S01 channel installation detail drawing), received 10 November 2021

2092 P02 (Drainage strategy and maintenance document), received 02 December 2021

C-0002 rev P01 (Drainage construction details), received 10 November 2021

C-0003 revP02 (Proposed Attenuation Crate and Catchpit Detail), received 10 November 2021

SW hydraulic calcs, received 09 December 2021

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Parts 2, 4, 5, 8, 9, 11, 12, 14 and 15 of the NPPF and policies 6, 15, 19, 21, 25, 26, 29, 31, 32, 35, 36, 39, 40, 41 and 56 of the County Durham Plan.

3. M4(2) standard

No development other than site clearance or remediation works shall commence until a scheme to detail how at least 10no. of the dwellings comply with Building Regulations M4(2) Accessible and Adaptable Dwellings has been submitted to and agreed in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: In order to address housing need requirements in accordance with Policy 15 of the County Durham Plan.

4. **Materials to be agreed**
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 Part 12 of the NPPF and policies 6 and 29 of the County Durham Plan.
5. **Landscape implementation**
All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first available planting season following the practical completion of the development (or occupation of buildings or commencement of use) and any trees or plants which within a period of 5 years from the substantial completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
Reason: In the interests of the visual amenity of the area and to comply with policies 6, 29 and 40 of the County Durham Plan.
6. **Mitigation**
No development shall take place unless in accordance with the mitigation detailed in Section G of the Bat Report, including but not limited to the provision of bat and bird boxes, and the acquisition of a relevant protected species license prior to any works commencing to the relevant buildings on site. All works thereafter are to be undertaken in strict accordance with the conditions of the license.
Reason: To conserve protected species and their habitat in accordance with Part 15 of the NPPF and Policy 41 of the County Durham Plan.
7. **Drainage**
Development shall be undertaken in line with the drainage scheme contained within the submitted document entitled "Drainage Strategy" dated 19 August 21. The drainage scheme shall ensure that foul flows discharge to the foul sewer at manholes 5305,5307,4203 and 5101. The surface water flows shall discharge to the surface water sewer slightly upstream of manhole 4101 and shall not exceed 5 l/sec. The final surface water discharge rate shall be agreed by the Lead Local Flood Authority.
Reason: To prevent the increased risk of flooding from any sources in accordance with the NPPF.
8. **Contaminated Land (Phase 1-3)**
No development (excluding demolition) shall commence until a land contamination scheme has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall be compliant with the YALPAG guidance and include a Phase 1 preliminary risk assessment (desk top study). If the phase 1 assessment identifies that further investigation is required a Phase 2 site investigation shall be carried out, which shall include a sampling and analysis plan. If the Phase 2 identifies any unacceptable risks, a Phase 3 remediation strategy shall be produced and where necessary include gas protection measures and method of verification.
Reason: To ensure that the presence of contamination is identified, risk assessed and proposed remediation works are agreed in order to ensure the site is suitable for use, in accordance with Part 15 of the National Planning Policy Framework. Required to be pre-commencement to ensure that the development can be carried out safely.
9. **Contaminated Land (Phase 4)**
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 Part 15 of the National Planning Policy Framework.

10. Construction Management Plan

Prior to the commencement of any part of the development or any works of demolition, a Construction Management Plan shall be submitted to and approved in writing by the local planning authority. The Construction Management Plan shall be prepared by a competent person and shall consider the potential environmental impacts (noise, vibration, dust, & light) that the development may have upon any nearby sensitive receptors and shall detail mitigation proposed, as a minimum this should include, 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 taking into account relevant guidance such as the Institute of Air Quality Management "Guidance on the assessment of dust from demolition and construction" February 2014.
2. Details of methods and means of noise reduction
3. Designation, layout and design of construction access and egress points;
4. Details of contractors' compounds, materials storage and other storage arrangements, including cranes and plant, equipment and related temporary infrastructure;
5. Details of provision for all site operatives for the loading and unloading of plant, machinery and materials
6. Details of provision for all site operatives, including visitors and construction vehicles for parking and turning within the site during the construction period;
7. Details of the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
8. Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works.
9. 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 be adhered to throughout the construction period and the approved measures shall be retained for the duration of the construction works.

Reason: In the interest of amenity in accordance with Policy 31 of the County Durham Plan.

11. PD removed (Windows)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or in any Statutory Instrument revoking or re-enacting that Order with or without modification) no further windows, including dormer windows, or other openings shall be formed in the rear (west facing) elevations of plots 1-3

Reason: In the interests of the privacy/amenities of neighbouring occupiers and to comply with CDP Policy 31.

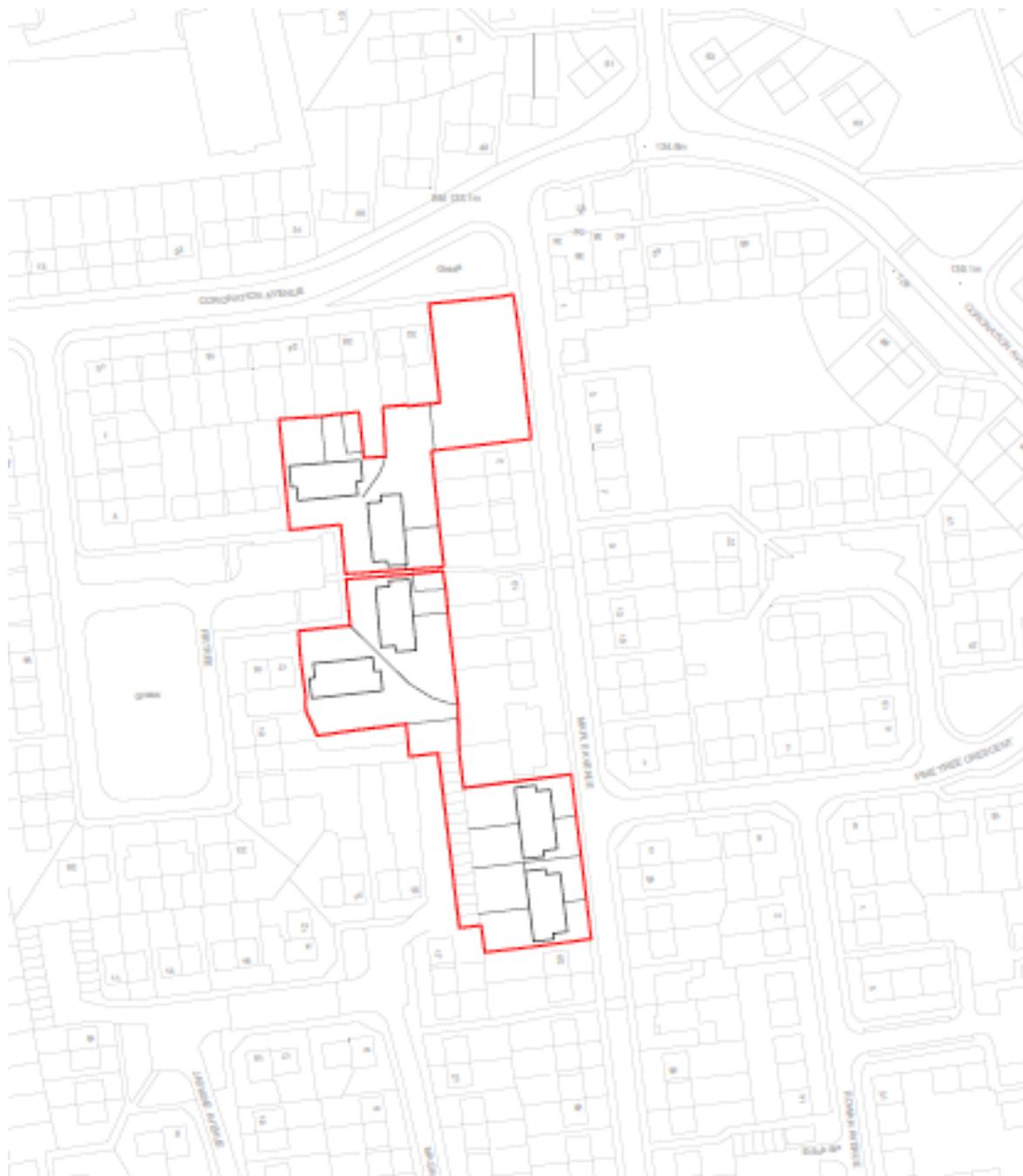
12. PD rights removed
Notwithstanding the provisions of Class A, B, C, D, E, F and G of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order) details of any enlargement, improvement or other alteration to the dwellings hereby approved shall be submitted to and approved in writing by the Local Planning Authority.
Reason: In the interests of the privacy/amenities of neighbouring occupiers and to comply with CDP Policy 31.
13. Construction
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 0800 to 1400 on Saturday. No internal works audible outside the site boundary shall take place on the site other than between the hours of 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: In the interests of the privacy/amenities of neighbouring occupiers and to comply with Policy 31 of the County Durham Plan

STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at its decision have, without prejudice to a fair and objective assessment of the proposals, issues raised, and representation received, sought to work with the applicant in a positive and proactive manner. The Local Planning Authority have sought to ensure that this application has been determined within a mutually agreed extended determination period. All pre-commencement conditions have been agreed in writing with the applicant.

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documents
National Planning Policy Framework
The County Durham Plan (CDP)
Statutory consultation responses
Internal consultation responses
External consultation responses



Planning Services

Demolition of 28no. apartments and garages and erection of 15no. bungalows

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Comments

Date 20 January 2022