



Area Planning Committee (Central and East)

Date Tuesday 14 February 2023
Time 9.30 am
Venue Council Chamber, County Hall, Durham

Business

Part A

1. Apologies for Absence
2. Substitute Members
3. Minutes of the special meeting held on 20 December 2022 and meeting held 10 January 2023 (Pages 3 - 24)
4. Declarations of Interest, if any
5. Applications to be determined by the Area Planning Committee (Central and East)
 - a) DM/20/02681/FPA - Land North of Windsor Drive, South Hetton, DH6 2UU (Pages 25 - 58)
Erection of 80no. dwellings with associated works (revised description 16/11/2021).
 - b) DM/22/01768/FPA - Land and Buildings West of Hallfield Drive, Hall Walk, Easington Village (Pages 59 - 86)
Demolition of existing agricultural buildings and erection of 38no. dwellings (Class C3) with associated access and landscape works (amended plans received regarding layout and removal of footpath link).
 - c) DM/22/00987/FPA - Land adjoining Snook Acres, Front Street, Witton Gilbert, DH7 6SY (Pages 87 - 116)
Residential development for 29 dwellings and associated works (amended title).

- d) DM/22/02364/FPA - 1 St Monica Grove, Crossgate Moor, Durham, DH1 4AS (Pages 117 - 134)

Change from dwellinghouse (C3) to small house in multiple occupation (C4) including conversion of the garage into a habitable room and single storey extension to rear.

6. Such other business as, in the opinion of the Chair of the meeting, is of sufficient urgency to warrant consideration

Helen Lynch

Head of Legal and Democratic Services

County Hall
Durham
6 February 2023

To: **The Members of the Area Planning Committee (Central and East)**

Councillor D Freeman (Chair)
Councillor L A Holmes (Vice-Chair)

Councillors A Bell, L Brown, I Cochrane, J Cosslett, S Deinali, J Elmer, C Kay, D McKenna, R Manchester, C Marshall, J Quinn, K Robson, K Shaw and A Surtees

DURHAM COUNTY COUNCIL

AREA PLANNING COMMITTEE (CENTRAL AND EAST)

At a Special Meeting of **Area Planning Committee (Central and East)** held in **Council Chamber, County Hall, Durham** on **Tuesday 20 December 2022** at **1.30 pm**

Present:

Councillor D Freeman (Chair)

Members of the Committee:

Councillors L A Holmes (Vice-Chair), A Bell, L Brown, I Cochrane, M Currah (substitute for J Quinn), S Deinali, J Elmer, C Kay, R Manchester, C Marshall, K Shaw and A Surtees

Also Present:

Councillor C Fletcher

1 Apologies for Absence

Apologies for absence were received from Councillors D McKenna, J Quinn and K Robson.

2 Substitute Members

Councillor M Currah substituted for Councillor J Quinn.

3 Declarations of Interest

In respect of Item 4a, Councillor L Brown noted she was a Member of the City of Durham Parish Council, however, she had not been party to their representations on the application. She noted she was also a member of the City of Durham Trust, however she was not a Trustee and had not been party to their submission in objection.

In respect of Item 4a, the Chair, Councillor D Freeman noted he was a Member of the City of Durham Parish Council, however, he was not a member of their Planning Committee and had not been party to their submission in objection.

He noted he was also a member of the City of Durham Trust, however he was not a Trustee and had not been party to their submissions in objection.

Councillor C Marshall noted he was aware of both applications from his previous role as Portfolio Holder, however, he had a clear mind in terms of looking at the applications at Committee.

4 Applications to be determined by the Area Planning Committee (Central and East)

a DM/22/00961/FPA - William Robson House, Claypath, Durham, DH1 1SA

The Principal Planning Officer, Paul Hopper gave a detailed presentation on the report relating to the abovementioned planning application, a copy of which had been circulated (for copy see file of minutes). Members noted that the written report was supplemented by a visual presentation which included photographs of the site. The application was for conversion of parts of the ground, first and second floors to create 28 bed student accommodation (Sui Generis) with ancillary communal social area, plant room, cycle and refuse storage and was recommended for approval, subject to the conditions and s106 Legal Agreement as set out in the report.

The Principal Planning Officer noted the report erroneously referred to Policy 16 within the first sentence of paragraph 87, with Members to note it should have referred to Policy 6.

The Chair thanked the Principal Planning Officer and asked Parish Councillor Grenville Holland to speak in relation to the application.

Parish Councillor G Holland thanked the Chair and Committee and explained that the Officer's report clearly identified the concerns of the residents of Durham City. He added that, however, the recommendation for approval tried to interpret Policy 16 of the County Durham Plan (CDP) in favour of the applicant by finding a new route, one which he would put to the Committee was never intended by those who drafted and approved the CDP two years ago.

He explained that the key part of the Policy, concerning student accommodation read:

“All proposals for new, extensions to, or conversions to, Purpose-Built Student Accommodation on sites not allocated for student accommodation, will be required to demonstrate:

- a. *that there is a need for additional student accommodation of this type in this location;*
- b. *consultation with the relevant education provider pursuant to the identified need;*

Parish Councillor G Holland added that the precise definition of the English word “need” was: *“Because it is essential or very important, rather than just desirable.”*

He noted that therefore the question before Members was: do we need Robson House as offered in this form and can that need be shown? Was it essential or merely desirable? He explained that, of course, we did not need it and suggested asking residents and the University, who would tell you that we did not need it, and while it might be nice to have a few more beds for extras but was not essential. He stated that the only person who needed it, and for whom it was also desirable, was the developer.

Parish Councillor G Holland explained that, if approved, the outcome would be a curious melange of C3/student purpose build student accommodation (PBSA) that would surely become a larger PBSA within a short space of time, thereby losing the C3 accommodation needed in this part of the city. He reminded Members that Policy 16 was designed to avoid that situation. He added that was with good reason, and that residents did not want Robson House to be turned into a student development; and the University had neither asked for it or endorsed it, confirming that, despite the recent glitch in their admissions process last August, the PBSAs already in existence, coupled to the College rooms and HMOs available, were sufficient to keep them on course to manage their future student numbers until 2027.

Parish Councillor G Holland noted that because the University would not endorse the application, the developer went behind their back by unofficially approaching the Colleges in an attempt to overcome the constraint of “need” and “consultation” required in Policy 16. He noted that, however, the reference within the Committee Report to statements by individual Colleges and an article in Palatinate (student newspaper) carry no weight in the determination of the application because neither were the education provider, as required in Policy 16.2. He added that furthermore, Members should take into account that the students already have a large PBSA available to them called Student Castle which was just across the road from Robson House.

Parish Councillor G Holland noted that the applicant has also used a StuRents report to suggest that there was an accommodation shortfall in Durham. He explained that StuRents was a national service for private letting agencies and therefore, that report did not include accommodation from the Colleges and other University owned properties.

He added that the developer had also devised a supposed need by suggesting that a slight modification in the design of his property would create an alternative choice in the market and, while that may be desirable, it did not prove need.

Parish Councillor G Holland noted that device involved stretching a phrase in the Policy 16 explanatory paragraph 5.141 discussing 'need' for additional student accommodation where it notes that "*PBSAs can increase choice for the student population and is an alternative to Houses in Multiple Occupation (HMO)*". He added that then so do the University Colleges and other more private arrangements increase that choice, with paragraph 5.141 merely balancing HMOs against PBSAs. He noted that, to help further their cause, the developers also provided a report to demonstrate that their plans would be well received by the student body. He explained that report should not influence Members and that such reports were designed and funded with such a purpose and the Officer had given it far too much weight. He noted the report was demonstrating desire, not need.

Parish Councillor G Holland noted that there was therefore nothing special about Robson House that could allow it to enjoy an enhanced consideration in this present planning context, noting that Policy 16 Part 2 applied. He explained that the real problem that faced all of those who were concerned about the future of Durham City was that the process of C4 encroachment would go on until residential accommodation in our City had become a thing of the past. He added that Robson House could, of course, provide welcome C3 accommodation to that part of the city, whereas the proposed melange of C3/PBSA would be an unhealthy and unsustainable arrangement. He noted that alternatives for the site should be identified following the guidance of CDP Policy 15.

Parish Councillor G Holland noted that, in the time available to him, he had only been able to look at CDP Policy 16 Section 2 paragraphs a and b, by both of which the application failed. He added that, in the final analysis, the application also failed the test of Policy 16 Section 2, paragraphs c, e, and g. He noted it failed Policy 29, Sustainable Development, sections e and f, and the guidance of paragraph 5.287. He explained it also failed Policy 31, Amenity and Pollution, whose concerns would be briefly mentioned by another speaker. He concluded by noting that the application also fell well short of the intentions of Paragraphs 91 and 127 of the NPPF and sections of the DCNP Policy 5 and therefore, for those reasons, the Parish Council felt the Committee should refuse the application

The Chair thanked Parish Councillor G Holland and asked John Ashby, representing the City of Durham Trust to speak in respect of the application.

J Ashby thanked the Chair and Committee and explained he was speaking both on behalf of the City of Durham Trust and the St. Nicholas Community Forum in respect of the application and would refer to presentation slides to give additional context.

J Ashby reminded Members that the history of the site was a saga of unsatisfactory applications that were either withdrawn or refused, including two that were lost on appeal. He explained that finally, in 2018, approval was sought for C3 residential development, with the applicant having mentioned that the apartments could be attractive to students, which the Trust opposed. He noted that assurances were sought and given that the development would not be for students and approval was duly granted only for C3 residential accommodation, with conditions on noise, waste management and construction. He noted that, however, we were at Committee today with an application for the conversion of parts of the ground, first and second floors of William Robson House to create 28-bed student accommodation.

J Ashby stated that for a PBSA, which the application was for apparently, Policy 16.2 required proof of a need for additional student accommodation of that type in that location. He noted that it was agreed by the Trust and the Planning Officer that there was not a quantitative need for the accommodation. He added that the applicant's various submissions on need were spurious, and he would gladly demonstrate that if asked. J Ashby noted that therefore the proposal should be refused, however, the Committee Report recommends approval.

He noted that the Trust disagreed with the Committee Report in that the proposal met a qualitative need, with that argument destroying requirement (a) of Policy 16.2. He added that the Trust disagrees with the Committee Report in that the University's views could be set aside, with that argument destroying requirement (b) of Policy 16.2. He noted that there was simply no point in having had those carefully-crafted requirements hammered out in the CDP Examination in Public, only for them to be turned into anything goes for developers. He added that the proposed C4 student accommodation use raised potential problems with noise, waste management, and construction.

In respect of noise, J Ashby explained that whatever was done to protect the students from external noise, none of that prevented adverse impacts upon nearby residents in Blue Coat Court from noise from the student occupants, especially from music and celebrations with windows open onto the yard adjacent to Blue Coat Court, and with student occupants returning at all hours from a night out in town.

In reference to waste disposal, J Ashby noted that applicant explained that:

“Provision has been made for external refuse storage with three 1,100 litre bins for general waste and two 1,100 litre bins for recycling. The bins will be moved to Claypath by private contractors in line with the method previously employed for the offices and collected weekly or as frequently as needed.”

J Ashby asked where on Claypath would those huge waste bins be placed, with a run of three bins being four metres in length. He added that if the bins were placed in front of the Durham Food Store they would not only block access into that shop but would also obstruct the passage on the pavement of wheelchairs and prams because of the ‘no waiting’ post there. He noted that equally, if they are placed in front of The Big Jug public house, the pavement would be blocked because of the fixed litter bin, as shown on the presentation slide. The Committee were referred to a further slide showing the 1,100 litre waste bins typically used at student premises, with the poor state of bins shown also being noted as typical by J Ashby.

In respect of construction, J Ashby explained that work had already started on the approved scheme for William Robson House, with large lorries and cement wagons having disgorged their contents on Claypath, obstructing both pedestrians and vehicles for hours. He noted that clearly the existing management plan was not good enough.

J Ashby noted that, over and above all those issues, CDP Policy 15 and DCNP Policies D2 and D3 seek 25 percent of residential units to be affordable, and 10 percent to be suitable for older people, and 66 percent to be accessible and adaptable. He noted none of those provisions were included, adding that disabled students required proper provision. He noted that the Trust and Community Forum believe that the approved C3 residential use should be retained, following the successful example across the road of the former Royal Mail offices at Claypath Court, converted to much-needed older persons’ accommodation that was, in Durham City terms, affordable. J Ashby concluded by noting that the application should be refused as it conflicted with the requirements of CDP Policy 16.2 and Policy 15 and DCNP Policies D2 and D3.

The Chair thanked J Ashby and asked Steve Major, Agent for the Applicant, to speak in support of the application.

S Major thanked the Chair and Committee and explained that throughout the application, the applicant and their team had engaged proactively with the Planning Department in relation to NPPF and CDP policies. He noted the Committee report gave a fair and balanced summary of the proposals and referred to the applicant’s statement within the report. He noted compliance with Policy 29(c) in terms of minimising CO₂ and use of low carbon energy, and use of insulating fabric and air source heat pumps.

He noted that the applicant's aim was for a high level of quality, giving use to a significant building in a sustainable way. He added he would be happy to answer any questions from Members as necessary.

The Chair thanked S Major and asked the Committee for their comments and questions.

Councillor L Brown noted that, when looking at the plans via the Planning Portal, she could not see any disabled access to the upper floors and communal areas, as required by Policy 15 of the CDP and paragraph 5.146 of Policy 16. She added that the Parish Council and City of Durham Trust had questioned the need for the proposed student provision, and could not see any independent demonstration, indeed with the University's Senior Property Asset Manager, Matthew Wright referring to the proposals as '*lower quality accommodation*'. She added that paragraph 99 of the Committee report referred to reports within Palatine that there was less student accommodation as a result of the pandemic, however, that was hearsay and not data and therefore should be disregarded.

Councillor M Currah asked for clarification from Officers in terms of need. The Principal Planning Officer noted there was quantitative and qualitative need, in terms of the range of accommodation available. He explained that the report set out the requirements in terms of range and variety and attached weight accordingly. He added the offer was significantly different from other PBSAs in the city centre and HMOs within the city, noting it was that difference that was considered in this application. He noted there were opportunities for communal living and to live alone within the proposals and noted the report set out the reasons why Officers felt the application was in line with Policy 16. In reference to the question from Councillor L Brown in terms of disabled access, the applicant's agent may be able to provide comment. The Chair allowed the agent to respond. S Major noted that the proposals were for conversion of an existing building and explained that the ground floor was actually lower than ground level. He noted a lift for access to the first, second and lower ground levels, although noted three steps to the lower ground level.

Councillor A Bell noted he had listened to the objections raised, however, he was struggling to find reasons for a refusal of the application and moved approval. He asked as regards the use class and whether if an HMO it would not have come to Committee, with over 85 percent of those living in the nearby areas being students.

Councillor C Marshall noted he appreciated the sensitivity in terms of student accommodation within the city. He added there was a larger issue in terms of the range and choice of student accommodation, noting that was not satisfactory.

He noted that the University had given views on need and demand, and he recalled stating, around six months ago, that there was a need for the Council and University to speak to key stakeholders on the matter. He added that until real evidence was produced, and the student policies were looked at, he would agree with the Officer's recommendation for approval, seconding Councillor A Bell, noting that the proposals would enhance the offer to students.

Councillor C Kay explained he had known the application site since the 1980s, when part of the area was used for motorcycle parking. He noted that the area was not what it once was, and the building was currently vacant. He asked as regards other PBSAs in the area and the demand levels, or lack of, as referred to by Councillor L Brown. The Principal Planning Officer noted comments from Councillor L Brown in terms of quantitative need, but that the need the application sought to address was qualitative need.

Councillor J Elmer asked Members to think back over the last few years, with the various arguments in relation to the need for student accommodation, specifically within the city. He noted the issue of quantitative need, the University and Colleges would want as many students as possible within their accommodation, and similar for private landlords. However, looking at need, he would say that the top priority was for the needs of permanent residents within the city, for affordable and appropriate provision, for example for older persons. He added that he had concerns relating to the mix of residents and failure to meet nationally describe spaces standards (NDSS). He noted that the Parish Council, City of Durham Trust and St. Nicholas Community Forum all objected to the application and therefore it was important that the Council understood the importance of local determination of issues, with none of those bodies wanting the application approved. He added he would want any application to comply with the needs of residents, and their opinion should be given weight. He noted the issue of bin storage and concluded by noting he felt the application undermined CDP Policy 16, part 2 and therefore he would recommend refusal, contrary to the Officer's recommendation. Councillor L Brown noted figures she referred to had been provided by the Parish Clerk from precept / Council Tax information. She added she would second the motion for refusal put forward by Councillor J Elmer, the application being contrary to Policies 15 and 16, noting the lack of disabled access for all.

The Principal Planning Officer noted the NDSS related to new dwellings, adding it was not easily applied to the unique offer proposed and that there was no absolute policy requirement to do so. He noted that an issue that could be looked was the size of bedrooms and communal areas and noted the choice being offered between communal living and self-contained units.

Councillor K Shaw noted the same issues always came forward when looking at these types of student accommodation applications, however, he could see the clear lines for qualitative need, as set out within the Officer's report, and the choice they would give to students. He noted the University's opposition to the proposals, though added they would prefer students to use their accommodation. He noted that he felt the application on balance was acceptable, adding there was also a significant s106 contribution which he felt would be welcome, adding he would welcome such a contribution in his Electoral Division.

The Chair noted he felt there was not a qualitative need, with many other PBSAs and HMOs and Colleges providing all types of different provision within the city centre, whether through the private sector or the University. Councillor C Marshall noted had the opposing view to the Chair, adding he felt it was not possible to have it both ways, both supporting the expansion of the University then looking to refuse applications for additional student accommodation. Councillor J Elmer noted he felt that the Council did not support mass expansion, rather it supported the needs of the University as it expanded.

Upon a vote being taken it was:

RESOLVED

That the application be **APPROVED**, subject to the conditions and s106 Legal Agreement as set out within the report.

Councillor A Bell left the meeting at 14.28pm

b DM/21/02193/FPA - Land to the east of Whitwell House, Front Street, New Durham, DH1 2EP

The Senior Planning Officer, George Spurgeon gave a detailed presentation on the report relating to the abovementioned planning application, a copy of which had been circulated (for copy see file of minutes). Members noted that the written report was supplemented by a visual presentation which included photographs of the site. The Senior Planning Officer advised that Members of the Committee had visited the site and were familiar with the location and setting. The application was for the erection of retail unit and associated parking court (amended plans received 07.03.22) and was recommended for approval, subject to the conditions as set out in the report.

The Senior Planning Officer noted that there was no specific type given for the retail unit, though it had been intimated that it was likely to be a convenience store. He noted a previous application in 1998 as regards demolition of 6 Front Street, with the land subsequently walled off and used as garden for 5 Front Street. He noted that the applicants did not own all the land subject to the application, however, they had undertaken the required advertisement of the application, as part of the land was unregistered.

The Chair thanked the Senior Planning Officer and asked Councillor C Fletcher, Local County Councillor and Parish Councillor to speak in objection to the application.

Councillor C Fletcher thanked the Chair and Committee and explained that while she could appreciate that the proposals looked to be acceptable in principle, with the land identified within the CDP for retail, there were serious concerns as regards the scheme from local residents. She noted that Policy 9 referred to retail and looked at issues such as the vitality and viability of such development, together with other elements such as public safety. She noted that the applicants had yet to clarify what the retail unit would be used for specifically and that was of great concern to local residents. She noted the nearest property to the proposed development was residential and that the proposals would mean that one resident would lose access to being able to park his car and another access to his land altogether. She added she felt the report had not adequately covered this aspect and there was a need for more discussions between the applicant and residents in terms of the needs of the community. In terms of the potential use as a convenience store, Councillor C Fletcher noted she felt there was no need in the area, with the close proximity of the existing successful convenience store at 4 Front Street.

Councillor C Fletcher noted CDP Policy 29 referred to sustainable development and she felt that the proposals were contrary in terms of parking and deliveries. She noted that it would be likely that delivery vehicles would use the main road, very close to a five-way junction, leading to traffic congestion. She added that residents were concerned as regards potential opening hours, noise and light issues especially as the final use was not known. She added if the proposals were approved then hours of operation must be controlled. She noted that the Committee may feel that it would be appropriate to defer the determination, until the final use was known, and consideration was given to those residents that would lose access and amenity as a result of the application.

The Chair thanked Councillor C Fletcher and asked Alan Appleby and Chris Osborn, local residents to speak in objection to the application.

A Appleby noted he had kept horses on the adjacent land for over 20 years and the proposals would mean he would not be able to get access to allow him to provide hay for the animals.

C Osborn noted the report had been pulled previously when he had spotted inaccuracies. He noted the report did not refer to off-road parking for two cars, which would be lost. He explained he would no longer be able to charge his electric vehicle and asked who he would claim compensation from. He added there was still no idea as the intended use for the proposed retail unit or details of any lighting plan, noting rumours that the site would remain as a car wash. He noted an e-mail from the Planning Officer as regards the widening of the access road and he noted he had responded to that e-mail, however, he had no further response from Planners.

C Osborn explained that the land was unsightly as a result of the applicant and noted that previously the Council or residents had mowed the grass and kept the site clear and tidy. He noted that the applicant was occupying land they did not own and had dumped a large amount of soil on the land. He noted an incident of verbal abuse and added that A Appleby would lose vehicular access and would not be able to get a horse box or hay onto his land. C Osborn noted the proposed access for the service yard was ridiculous, going across disabled parking spaces. He added there would be vehicles having to reverse out on to the very busy main road, across a path used by many people, including children. He concluded by asking that the Committee refuse the application.

The Chair thanked the speakers and asked Steven Karim to speak on behalf of the applicant.

S Karim corrected the position, noting the applicant owned the application site, explaining the applicant had bought the land in 2018. He added there had been an application for a car wash, however that had been refused. He explained as regards discussions with the Council and noted space had been left available for access to Whitwell House and also a few metres at the rear of the site for the other resident. S Karim noted that the proposed use would be for a convenience store, the applicant already operating a successful similar store in Gateshead, showing a proven track record in that regard.

The Chair thanked S Karim and asked the Senior Planning Officer if he wished to respond to the points raised by the speakers.

The Senior Planning Officer noted the concerns raised by residents as regards any final use for the retail unit. He noted that, notwithstanding the comments from the applicant, the recommendation within the report was for Class E use, though the exact goods to be sold could not be specified.

He added that use as a car wash would not be permitted as this fell within another use class and any use other than within Class E would be subject to enforcement action. He added that reference to another similar store nearby and potential competition were not material in considering the proposed use. The Senior Planning Officer noted that opening hours would be set by Condition 17 being 7.00am to 10.00pm on Sunday to Thursday and 7.00am to 11.00pm on Fridays and Saturdays. He noted these were similar to that of the nearby convenience store. He noted that Condition 6 referred to external lighting and that details of which would be required to be submitted and approved prior to first use. He added that noise from plant equipment would also be subject to condition, with the applicant having to demonstrate compliance.

In reference to the comments relating to land ownership, the Senior Planning Officer noted a Land Registry Search from May 2022 noted ownership of a strip of land by another party, part ownership by the applicant, together with an area of unregistered land. He noted that land ownership issue was a civil matter and not a material consideration in terms of planning.

The Senior Planning Officer noted that each application was assessed on its own merits and added that planning permission was attached to land and was not granted to an applicant as such.

The Principal DM Engineer, David Battensby noted the concerns raised by the Local Member and resident in respect of delivery vehicles and referred the Committee to Condition 18 within the report which set out that Servicing Management Plan would be required to be submitted to and agreed by the Local Planning Authority. He noted the suggestion that there would not be sufficient space, however, that was incorrect. He noted that the development plan showed a turning circle that did not go over the proposed disabled parking space, rather it was over the section of the road that would be marked with "keep clear" around the disabled parking space and therefore was acceptable. In terms of reference to the proximity to the signalised junction at Dragonville, he explained that junction was around 180 metres to the east and there were already two access points to other service yards in between the application site and the junction. He noted it was felt the proposals were acceptable, given the light additional volume the proposals would generate, the traffic calling in at the proposed store likely to be predominately already on the network. He reiterated that the proposals were acceptable in highways terms.

The Lawyer (Planning and Highways), Neil Carter reiterated the points made by the Senior Planning Officer in that the land ownership and access matters raised were private law matters and not for the planning system to resolve.

The Chair thanked the Officers and asked the Committee for their comments and questions.

Councillor C Kay noted that any development of the land would be an improvement on the current situation. He noted that the issues of land ownership were not material, however, he could not recall a full planning application where the final use of the proposed unit was not known, with the application appearing like an outline application, with a reserved matters application to follow. He asked what the situation would be in terms of any different use and requirements for change of use application in future as required. The Senior Planning Officer noted that Use Class E covered all retail use, for convenience store, clothing store etc., with the planning system not requiring that level of specificity. He added that if the store changed from convenience store use to another Class E use it would not require a change of use application.

Councillor A Surtees asked for clarity in terms of the access, noting residents having noted access for over 40 years. The Lawyer (Planning and Highways) reiterated that was not an issue for the Committee. He noted there may be private rights, however, that was not an issue for Members to consider.

Councillor K Shaw noted the issue would be civil matter, however, the application would have an impact upon the residential amenity of those residents currently accessing their property. The Lawyer (Planning and Highways) noted that as a general proposition that was the case, however, it was difficult if framed purely on the impact on any right of way that may or may not exist. Councillor K Shaw noted those residents affected would lose their currently enjoyed rights of access to parking and in maintaining horses. The Lawyer (Planning and Highways) understood the point, however, it was not permissible to consider private law rights as amenity in order to come to a refusal reason, it was not for planning to enforce any such existing rights.

Councillor M Currah asked if there could not be some compromise in terms of the site layout in order to retain access for residents. The Senior Planning Officer noted that the application before Members was that which was submitted and ultimately that was to be determined, any discussions and agreement between the applicant and residents was for them as private citizens. Councillor A Surtees asked if it would be appropriate to defer the application in order to have the access issues discussed further. The Lawyer (Planning and Highways) noted that the strict legal position was that as resolution of those access issues was not a requirement in terms of planning, there was no basis to defer determination. Councillor A Surtees noted she thought that any agreement in terms of a private right of way could impact on whether an application goes ahead and is completed.

The Lawyer (Planning and Highways) noted that in some cases there were restrictive covenants in place and other issues that may prevent an application from being built out. He noted that if planning permission was granted, it would not necessarily follow that the scheme could go ahead for a number of other reasons. He reiterated that, however, those other reasons were not for the planning system to address.

The Chair proposed that the application be approved, he was seconded by Councillor LA Holmes, and upon a vote being taken it was:

RESOLVED

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

DURHAM COUNTY COUNCIL
AREA PLANNING COMMITTEE (CENTRAL AND EAST)

At a Meeting of **Area Planning Committee (Central and East)** held in **Council Chamber, County Hall, Durham** on **Tuesday 10 January 2023** at **9.30 am**

Present:

Councillor D Freeman (Chair)

Members of the Committee:

Councillors A Bell, L Brown, I Cochrane, J Cosslett, S Deinali, J Elmer, P Jopling (substitute for LA Holmes), D McKenna, J Quinn, K Robson, K Shaw and A Surtees

1 Apologies for Absence

Apologies for absence were received from Councillors C Kay, LA Holmes and C Marshall.

2 Substitute Members

Councillor P Jopling substituted for Councillor LA Holmes.

3 Minutes

The minutes of the meeting held on 13 December 2022 were confirmed as a correct record by the Committee and signed by the Chair.

Councillor J Elmer entered the meeting at 9.35am

4 Declarations of Interest

Councillor L Brown noted, in respect of Item 5a, she was one of the Local Members and therefore had been contacted in respect of the proposals relating to the Little Angels Memorial Garden. She added that she was a member of the City of Durham Trust, however he was not a Trustee and had not been party to their submissions in objection.

The Chair, Councillor D Freeman noted, in respect of Item 5a, he was a member of the City of Durham Trust, however he was not a Trustee and had not been party to their submissions in objection.

5 Applications to be determined by the Area Planning Committee (Central and East)

5a DM/22/02388/FPA - University Hospital North Durham, North Road, Durham, DH1 5TW

The Senior Planning Officer, Jennifer Jennings (JJ) gave a detailed presentation on the report relating to the abovementioned planning application, a copy of which had been circulated (for copy see file of minutes). Members noted that the written report was supplemented by a visual presentation which included photographs of the site. The application was for the erection of two storey Emergency Department and surface car parking with associated demolition of Dryburn House and other existing outbuildings and was recommended for approval, subject to the conditions as set out in the report.

The Senior Planning Officer (JJ) noted that there was a separate Listed Building application, yet to be determined, in respect of the demolition of the Grade II Listed Building, Dryburn House. She explained it was pending approval, subject to a Section 106 Legal Agreement being finalised. She explained as regards representations received from one of the Local Members and City of Durham Trust in respect of the Little Angels Memorial Garden and the loss of the Grade II Listed Building. The Senior Planning Officer (JJ) added that a third representation received had noted potential issues for ambulances accessing the Emergency Department as a consequence of increased traffic levels from new housing development in the area. Members were informed that there had been both Full Planning approval and Listed Building approval for a largely similar scheme in 2017, however, those approvals had since lapsed. It was added that the new applications were considered against the adopted County Durham Plan (CDP) and Durham City Neighbourhood Plan (DCNP), different policies than those which the 2017 application had been considered against. The Senior Planning Officer (JJ) noted explained that it was considered that the current application was acceptable in principle and while there was some conflict in terms of Policy 29 and BREEAM, there had been a lot of work by the NHS in terms appointing a BREEAM professional and targeting zero carbon, as well as passive measures including skylights to allow natural light to enter, improved insulation, photovoltaic (PV) panels, and electric vehicle (EV) charging points. She added there was a condition relating to further details being required on such measures.

She concluded by explaining that while there was partial conflict with Policy 29, that it was felt on balance the positive aspects of the application outweighed any negative aspects and reiterated that the recommendation was for approval, subject to conditions.

The Chair thanked the Senior Planning Officer (JJ) and noted there were several NHS staff and their Planning Agents in attendance to answer any questions that Members may have. He asked the Committee for their comments and questions.

Councillor P Jopling asked, if the application were approved today, what the timescales were in terms of construction. She noted the report referred to extra Emergency Department (ED) capacity and asked if the proposals were such to meet current demands and predicted future demand, noting an aging population and increasing number of residents within the area. The Chair asked if representatives on behalf of the applicant could respond.

Dr Shafie Kamaruddin MBE, Deputy Medical Director for County Durham and Darlington NHS Foundation Trust (CDDFT) noted the forecasts for attendance at the ED and explained that the proposals, with a capacity of 90,000 per year, were such to cope with expected demand. He added that the existing ED would be repurposed and explained as regards the workforce, different ways of working and various other measures to help mitigate any concerns in terms of capacity. He noted current figures of around 190 to 220 attendances per day, which would put annual figures in excess of 60,000. M Heaps, Senior Project Manager explained that the demolition phase would take around 20 weeks, with construction scheduled to take approximately 80 weeks. Councillor P Jopling asked, if the application was approved, whether works would commence as soon as possible, the Senior Project Manager noted, should permission be granted, work would commence as soon as conditions were satisfied.

Councillor L Brown noted for clarification she had not objected to the application, rather she had raised issues on behalf of residents. She noted the main issues raised related to the loss of the Grade II Listed Building and the Little Angels Memorial Garden. She noted as regards Beamish Museum showing interest in terms of the materials from the listed building and the details of the proposed sympathetic move of the memorial garden. She added that the University Hospital of North Durham (UHND) had not been fit for purpose since 2001, not having sufficient space and explained that therefore she would be delighted to move approval of the application.

Councillor A Surtees explained she had a number of concerns relating to the application and asked for clarification in terms of the Listed Building application, noting her experience with a listed building in her Electoral Division that had taken 23 years before demolition took place.

She asked if the Listed Building was separate and agreed, or was subject to consultation with Government, or a Section 106 Agreement or at an early stage. She asked if that application was not agreed, what impact would there be on the application being considered. She noted she would come back with further questions relating to the memorial garden.

The Principal Planning Officer, Paul Hopper noted that the Listed Building application was pending consideration, recommended for approval, subject to details relating to the s106 being agreed. He noted the approval would be for the Council under delegated authority, not for Government. The Senior Planning Officer (JJ) noted there had been some discussions with Beamish Museum around the time of the lapsed application, but although the NHS Trust had tried to contact the Museum, they had not had recent discussions. She noted that the proposals included provision for the Listed Building to be fully recorded and the historic elements of it stored with a hope that Beamish may be in a position at a later date to receive them. She added that there would not be a condition relating to this on the Listed Building application, as it would not be deemed necessary as part of the approval and was not included in the previous Listed Building permission.

Councillor J Quinn noted he had read the report and listened to the Officer's presentation and felt that the pros outweighed the cons and therefore he would be happy to second Councillor L Brown's motion for approval.

Councillor A Bell noted he agreed with Councillor J Quinn and recalled he had been a Member of the Committee that had approved the original 2017 application. He noted that he hoped that the application would be approved today, and that work would commence sooner rather than later. He noted the relocation of the Little Angels Memorial Garden, however, he asked if the original site would be built upon.

The Operation Director, CDDFT, Paul Frank explained that regardless of whether Beamish were interested in the Listed Building, there would be a record made of what was there. He explained that the site of the existing memorial garden would be effectively in the middle of the new ED and it may be possible for plaque to mark the location.

Councillor J Elmer noted it was great to see an application to bring forward the much needed facility, however, it was important to get the details right. He noted that the application failed to meet the requirements of Policy 29, however, Officers had stated that the application was acceptable. He noted that further energy efficiency measures would help to reduce ongoing costs and therefore he felt that it was short-sighted not to have gone further. He noted that it had been stated that a redesign was not viable and added that it had been a few years since the CDP had been in place and therefore he was frustrated the application had not gone further in terms of energy efficiency.

The Senior Project Manager noted that the BREEAM process was complex and noted that the scheme would be Part L compliant with the inclusion of low carbon heating, PV cells and significantly improved air-tightness, demonstrating efficiency. He added that the BREEAM process was such that if credits were missed from the beginning of the process they could not be made up later in the process. He added there would be no tangible benefit from beginning the process again and that the delays would not make the building any more energy efficient, noting the proposals were energy efficient. Councillor J Elmer noted he felt there had been plenty of time since the last application to have been able to cover the issues he raised. Councillor J Quinn asked if there would be battery storage linked to the photovoltaic cells to store and excess energy, and if not would it be considered. The Senior Project Manager explained that there were no plans for battery storage and explained that while there was as much PV as possible within the scheme, it would still not be sufficient to meet the energy demands of an ED and provided additional energy that could be stored.

Councillor K Shaw noted that all would recognise the importance of the extension to the ED and the need, however, he had real concerns as regards the Listed Building, impact on existing parking and the destruction of the Memorial Garden. He added that therefore he could not agree to the application in its current form as it would not protect the Memorial Garden and therefore he would be voting against the application.

Councillor A Surtees noted she was not 100 percent certain as regards the position with the Listed Building and what the position would be, if those proposals were not approved by Government, and the Committee were minded to approve this application. She agreed wholeheartedly that the extension to ED was needed, however, she shared the concerns raised by the public and would move deferral of the application until there was resolution in respect of the Little Angels Memorial Garden. She explained that a Listed Building in her Electoral Division had taken around 40 years to be demolished, adding she would prefer more details in respect of the Listed Building aspect.

The Principal Planning Officer noted that if the Listed Building consent was not agreed, the scheme before Committee could not be carried forward. As regards the Little Angels Memorial Garden, he noted there had been a lot of discussion as regards relocation of the garden, though still within the larger hospital site. He added that the precise details were required by condition to be agreed by the Local Planning Authority prior to construction commencing.

The Operation Director noted that Dryburn House was effectively the full width of the proposed new ED and therefore if Listed Building consent was not given, the scheme could not go ahead.

He referred Members to the proposed site plans and explained that, if retained in the current location, the memorial garden would be landlocked. He noted discussions had taken place with a number of the families affected as regards the way forward. He added that subject to approval by the Committee, the applicant would act at pace as regards relocation, though with appropriate sensitivity. He noted that the applicant was open to further discussions as regards issues such as the relocation of plaques and events at the new memorial garden. He explained that the new garden would be secure and fit for the future, with security cameras, noting incidents of items having been taken from the current memorial garden. The Operation Director noted that discussions had also taken place involving the hospital's chaplaincy service and local undertakers in terms of the memorial garden.

Councillor A Bell noted the proposal regarding deferral, however, noted that if the memorial garden was not relocated then the proposed scheme could not be brought forward. He noted that the new facility was much needed.

Councillor K Shaw noted that if he had been concerned initially, he was now more concerned. He noted there were remains in the memorial garden and could not understand why the site had not been designed around the garden. He added he felt the way children's remains were being dealt with was abhorrent.

The Chair noted there had been a proposal for approval by Councillor L Brown, seconded by Councillor J Quinn and upon a vote being taken it was:

RESOLVED

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

Councillor I Cochrane entered the meeting at 10.22am

5b DM/22/02314/FPA - Land south of Bowburn Sewage Works and west of A688, Bowburn, DH6 5NP

The Senior Planning Officer, Steve France (SF) gave a detailed presentation on the report relating to the abovementioned planning application, a copy of which had been circulated (for copy see file of minutes). Members noted that the written report was supplemented by a visual presentation which included photographs of the site. The application was for the erection of a Care Home with associated vehicle parking, landscaping and infrastructure and was recommended for approval, subject to the conditions as set out in the report.

The Senior Planning Officer (SF) noted an addendum to the report, if Members were minded to approve the application, the landscaping plan reference would need updating to reflect the latest plan, Condition 4 would be altered as details relating to the means of enclosure had been received and agreed, and paragraph 75 referred to a condition relating to servicing hours, they would be added to an additional condition, between the hours of 8.00am and 6.00pm.

The Chair asked the Committee Services Officer to read out a statement from the Local Member, Councillor J Blakey.

"I fully support this planning application for the care home in Bowburn as it is another phase of the multi-million pound development that I, and the community, have been consulted on over the last 11 years. I do agree with the conditions applied in the report and hope that when it is opened it will provide residents in the county more locally based service for families in the area and help free up bed space within the NHS".

The Chair thanked the Committee Services Officer and asked the Committee for their comments and questions.

Councillor A Bell noted he felt that all in all the application was a brilliant scheme, with the location being suitable and added value to the larger Integra 61 site. He therefore proposed approval of the application, subject to the amendments and additional condition as referred to by the Senior Planning Officer (SF).

Councillor J Elmer noted he broadly supported the proposals, especially as there was a demonstrated need. He noted concerns as regards the national system in terms of biodiversity net gain, in particular with having habitat moved off-site. He noted recent studies that showed that many applications where biodiversity provision had been agreed off-site, that provision had never materialised. He noted capacity issues within Local Authorities in terms of enforcement and asked what reassurance Members could be given that such a situation in terms of off-site provision would not occur. The Senior Planning Officer (SF) explained that the preference in this case was for provision to be met on-site. He added that the Council was improving in terms of s39 and s106 Agreements and conditions relating to 30 year management plans. He noted that the Senior Ecologist had noted that the site merged with the wider landscape of the Integra 61 site. He noted he had taken on the role of following up on several reserved matters with the wider Integra 61 site and explained that that the current application helped in terms of several issues, including the SuDS pond and Swift box that met the request from the Cassop-cum-Quarrington Parish Council and Durham Bird Club. He added that any application would be closely monitored in terms of any triggers and management plans.

Councillor A Surtees asked as regards the name of the site 'land south of Bowburn sewer works' and whether there would be any issues in terms of odour. The Senior Planning Officer (SF) noted an odour assessment had been carried out and that the wider Integra 61 site was a very large site, referring Members to the site plan for the application, with the sewer works being a significant distance from the application site.

Councillor L Brown noted she supported the application and would second Councillor A Bell's motion. Upon a vote being taken it was:

RESOLVED

That the application be **APPROVED**, subject to the conditions as set out within the report with the amended and additional condition as referred to by the Senior Planning Officer.

6 Appeal Update

The Chair noted an appeals update report had been provided for Members' information, with all the appeals having been dismissed.

RESOLVED

That the report be noted.

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	DM/20/02681/FPA
FULL APPLICATION DESCRIPTION:	Erection of 80no. dwellings with associated works (revised description 16/11/2021)
NAME OF APPLICANT:	Gleeson Regeneration Ltd
ADDRESS:	Land North of Windsor Drive, South Hetton, DH6 2UU
ELECTORAL DIVISION:	Shotton and South Hetton
CASE OFFICER:	Laura Eden Senior Planning Officer 03000 263980 laura.eden@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site lies on the north-western edge of South Hetton, on land to the north of Windsor Drive. It extends to approximately 3.5 ha and comprises of agricultural land. The site is relatively flat albeit the land rises slightly to the east. It is bounded by post and wire fencing, with a hedgerow to the northern boundary. Several trees lie where the new access road is proposed and would need to be removed to facilitate it.
2. Residential properties lie immediately to the south and west of the site. Murton Moor West Farm lies to the north west with allotment gardens to the east. Amenity open space lies to part of the site's southern boundary and includes both children's and youth play provision.
3. There are no designated or non-designated heritage assets within close proximity of the development site. An Area of Higher Landscape Value (AHLV), as defined in the adopted County Durham Plan lies approximately 450m to the south west. There are no statutory or locally designated ecological sites located within or immediately adjacent to the application site. Hesledon Moor West Site SSSI and the adjacent Local Wildlife Site (LWS) lie approximately 700m and 920m respectively to the south east of the site.
4. There are no public rights of way within the site however Bridleway no.15 (Easington) runs close to and follows the route of its eastern edge. Sustrans National Cycle Network Route No. 1 (NCN1) follows a similar route and includes the Hawthorn-Ryhope Railway Path.

The Proposal

5. The application seeks full planning permission for the erection of 80 dwellings, which has been reduced by 26 from the 106 originally proposed. The proposal includes a mix of 2, 3 and 4 bedroomed bungalows and houses in a range of detached and semi-

detached options. The materials palette proposed comprises facing brickwork, a tiled roof and UPVC windows, doors and features in anthracite grey. Boundary treatments are proposed to be a mixture of timber fencing. All properties feature off-street parking and enclosed rear gardens.

6. Access to the site from the wider highway network will be taken from the A182 Hedley Terrace and then via a continuation of Ravensworth Court at its junction with Windsor Drive. The access to the site will be formed on land between dwelling no.'s 32 and 33 on an area that is currently an area of green space and would result in the loss of 7no. existing car parking spaces. The proposal includes compensatory parking arrangements in the form of 6no. parallel visitor spaces located to either side of the new access road.
7. Amenity open space would be provided primarily to the north-west and along the northern boundary of the development, with a further smaller area of open space in the south east corner. Structural landscaping belts are proposed to both the north and east of the development
8. The application has been brought to the Central and East Planning Committee for consideration in accordance with the Council's scheme of delegation due this being a major residential development with a site area under 4 hectares.

PLANNING HISTORY

9. On 11th February 2014, the Council resolved to approve an outline application for 80no. units on the site subject to the completion of a Section 106 legal agreement. The legal agreement was never signed and the application was finally disposed of on 14th January 2019.

PLANNING POLICY

NATIONAL POLICY

10. A revised National Planning Policy Framework (NPPF) was published in July 2021 (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.
11. In accordance with Paragraph 219 of the National Planning Policy Framework, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). The relevance of this issue is discussed, where appropriate, in the assessment section of the report. The following elements of the NPPF are considered relevant to this proposal.
12. *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.

13. *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.
14. *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.
15. *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.
16. *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.
17. *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.
18. *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.
19. *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.
20. *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.
21. *NPPF Part 15 - Conserving and Enhancing the Natural Environment* - Conserving and enhancing the natural environment. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued

landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.

22. *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.
23. *NPPF Part 17 - Facilitating the Sustainable Use of Minerals* - It is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. Since minerals are a finite natural resource, and can only be worked where they are found, best use needs to be made of them to secure their long-term conservation.

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

24. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to; air quality; historic environment; design process and tools; determining a planning application; flood risk; healthy and safe communities; land stability; land affected by contamination; housing and economic development needs assessments; housing and economic land availability assessment; light pollution; natural environment; neighbourhood planning; noise; open space, sports and recreation facilities, public rights of way and local green space; planning obligations; travel plans, transport assessments and statements; use of planning conditions; viability; Tree Preservation Orders and trees in conservation areas and; water supply, wastewater and water quality.

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

LOCAL PLAN POLICY:

The County Durham Plan

25. *Policy 6 - Development of 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 the character of 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; encourages the use of previously developed land and reflects priorities for urban regeneration.
26. *Policy 10 – Development in the Countryside*. Development in the countryside will not be permitted unless allowed for by specific policies in the Plan, relevant policies within an adopted neighbourhood plan relating to the application site or where the proposal relates to one or more of the following exceptions; economic development, infrastructure development or the development of existing buildings. New development in the

countryside must accord with all other relevant development plan policies and general design principles.

27. *Policy 14 – Best and Most Versatile Agricultural Land and Soil Resources.* Development of the best and most versatile agricultural land, will be permitted where it is demonstrated that the benefits of the development outweigh the harm, taking into account economic and other benefits.
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 27 – Utilities, Telecommunications and Other Broadcast Infrastructure.* States amongst its advice that new residential and commercial development should be served by a high speed broadband connection or appropriate infrastructure for future installation if direct connection is not appropriate, practical or economically viable.
34. *Policy 29 – Sustainable Design.* Requires all development proposals to achieve well designed buildings and places having regard to SPD advice and sets out detailed criteria which sets out that where relevant development is required to meet including; making a positive contribution to an areas character and identity; provide adaptable buildings; minimise greenhouse gas emissions and use of non renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; providing suitable landscape proposals; provide convenient access

for all users; adhere to the Nationally Described Space Standards (subject to transition period).

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.* 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.* 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. *Policy 42 - Internationally Designated Sites.* Development will be refused where it cannot be ascertained, following appropriate assessment, that there would be no adverse effects on the integrity of the site, unless the proposal is able to pass the further statutory test of 'no alternatives' and 'imperative reasons for overriding public interest'.
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. *Policy 56 Safeguarding Mineral Resources.* Sets out that planning permission will not be granted for non-mineral development that would lead to the sterilisation of mineral resources within a Mineral Safeguarding Area unless certain exception criteria apply.

NEIGHBOURHOOD PLAN:

46. There is no Neighbourhood Plan for this area.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

47. *South Hetton Parish Council* – The Parish Council has no objections in principle however raises concerns with regards to:
 - The number of affordable houses available;
 - The access road;
 - The increased volume of traffic; and,
 - The lack of buffer between the existing houses and the proposed development.
48. *Highway Authority* – The applicant has made amendments to the scheme which address the highway issues previously raised. No highway objection is raised subject to the imposition of conditions and informatives.
49. *Drainage and Coastal Protection* – The submitted scheme has been assessed against National Standards and Council Policies which seek to provide sustainable surface water management solutions and ensure the prevention of flood risk to and from the proposed development. Whilst the drainage strategy has been agreed in principle there

is an outstanding query relating to how driveways will be treated. No objection is raised subject to a condition to secure these details.

INTERNAL CONSULTEE RESPONSES:

50. *Spatial Policy* – The proposal site is located on the northern edge of the settlement of South Hetton. For non-allocated residential proposals, Policy 6 sets down several key criteria for considering whether a proposal should be supported in principle terms. The site has been considered within the Council's Strategic Housing Land Availability Assessment (SHLAA) (5/SO/10) and has a suitable (green) classification. For this proposal to be acceptable, the impacts in terms of landscape, townscape and integration with settlement form and access to services and facilities would need to be within acceptable parameters, and it noted that a previous planning application for housing on this land was considered to be acceptable. Further policies are identified which are relevant to the detailed elements of the proposal. On mineral safeguarding grounds, no objection is raised on the grounds of Policy 56.
51. *Archaeology* – No objection is raised and no further work is required.
52. *Countryside Services* – The application will bring new users to the Hawthorn-Ryhope Railway Path. This will require support from the development via S106 funding to mitigate the impacts of this additional usage.
53. *Design and Conservation* – The overall layout and design has been amended to reflect the comments raised at the Council's internal Design Review process. No objection is raised on the grounds of heritage impact.
54. *Ecology* – Raise no objections subject to the applicant entering into the appropriate legal agreements and the imposition of conditions. The revised Biodiversity Net Gain (BNG) Assessment is sufficient to inform the application. The development will result in net gain however the habitats proposed are insufficient to meet the BNG trading rules and a loss of -2.96 habitat units comprising of Other Neutral Grassland is proposed to be offset by a financial contribution to the DCC Biodiversity Net Gain Compensation Fund. The net gain contribution for this development is £15,688 and should be secured by an appropriate legal agreement. A Biodiversity Management and Monitoring Plan (BMMP) that covers the management of all the habitat creation and enhancement for this development. The BMMP should also include monitoring in years 2,5,10,15,20 and 30 with reporting to DCC Planning on each occasion. Part of the application site extending to 5no. units is located within 6km of the Heritage Coast Special Area of Conservation (SAC) therefore a payment of £3,783.05 (£756.61 per unit) is required (in lieu of on-site mitigation) to be used towards schemes contained within the Coast Access Management Measures. The delivery of the Biodiversity Scheme and Management Plan and financial contributions towards biodiversity offsetting and HRA nature conservation sites should be secured via an appropriate legal agreement. Conditions relating to the adherence of recommendations outlined with the ecology report are also required.
55. *Environment, Health and Consumer Protection (Air Quality)* – Raise no objection in principle however recommend that the Construction Management Plan is amended to provide confidence that potential dust emissions are adequately controlled and that procedures are in place to deal with incidents, should they occur.
56. *Environment, Health and Consumer Protection (Pollution Control)* – Raise no objection subject to a condition being imposed to secure the submitted Construction Management Plan.

57. *Environment, Health and Consumer Protection (Contaminated Land)* – Raise no objection. Confirm there is no requirement for conditions however recommend an informative in relation to unforeseen contamination.
58. *Housing Delivery - Affordable Housing* provision should reflect the requirements of local residents in respect of property type, size and location. The area has a need for more 3 bedroomed affordable properties for home ownership and there is above average demand for bungalow accommodation in comparison to neighbouring areas. Where discount market sale is being considered as affordable home ownership the required percentage discount will need to be agreed with the Housing Development Team.
59. *Landscape* – Following detailed discussions with the applicant, the latest revision to the landscaping plan have addressed all previous queries and comments from a landscape perspective.
60. *Landscape (Arboriculture)* – The applicant has now submitted an Arboricultural Impact Assessment and Tree Protection Plan. A number of trees are recommended for removal however these are low quality. Retained trees will be protected during the construction period and this should be secured by condition.
61. *School Places Manager* – It is considered that the development is likely to produce 24 primary pupils and 10 secondary pupils. 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 there would be sufficient secondary places available, but insufficient places at the nearest primary school. Consequently, a contribution of £352,872 (24 x £14,703) towards education provision is therefore required.
62. *Sustainable Travel* – Consider that the site is borderline acceptable from a public transport accessibility perspective. Important walking and cycle routes (NCN1 and BW15) would be impacted by this development. Mitigation measures would therefore be required. Confirmed a Travel Plan is no longer a requirement given unit numbers have reduced to 80.

EXTERNAL CONSULTEE RESPONSES:

63. *Environment Agency* – No comments received (the site lies within a Groundwater Source Protection Zone (3) thereby are a non-statutory consultee).
64. *Northumbrian Water Limited* – Recommend a conditional approach to secure the submitted drainage scheme.
65. *Police Architectural Liaison Officer* – No comments received.
66. *Tees Valley Clinical Commissioning Group* – State that a contribution of £38,640 would be required to increase GP surgery capacity.

PUBLIC RESPONSES:

67. The application has been advertised by way of a press and site notice and individual notification letters to neighbouring residents.
68. Letters of objection have been received from 4 no. local residents. The main concerns and queries raised by the objectors can be summarised as follows:

- The original outline application was for 80no. and significantly more houses are now proposed.
 - Access to the A182 is a concern due to the proximity of older persons bungalows and existing businesses.
 - The existing road is small. It would increase traffic, including larger vehicles, into an already busy street where children play.
 - The creation of the access road into the development will reduce the amount of car parking available for existing residents. This will make the area more congested and could lead to safety concerns for both motorists and pedestrians.
 - It would result in the loss of an existing area of open space, including trees, where children play.
 - The road into Windsor Drive is in a poor state of repair and the extra traffic associated with the development will make this worse.
 - The local primary school and medical centre is at capacity.
 - Query the approach to affordable housing.
 - Concerns about drainage.
 - The development would put a strain on phone lines.
69. *Cllr Ivan Cochrane (Shotton and South Hetton)* – Objects to the planning application on the grounds of highway safety, the lack of a landscaped buffer, the inadequate parking and the environmental impacts.
70. *Eunice Huntington (former Councillor for Shotton and South Hetton)* – Notes that a number of residents have expressed their concerns to her about this application. Seems to recall that an application was previously turned down on the site. There are already parking issues in the areas and this development would add to that.

The above is not intended to repeat every point made and represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at: <https://publicaccess.durham.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

APPLICANTS STATEMENT:

71. The site provides a sustainable development opportunity and would contribute to the provision of a mix of housing size, types and affordability in the area, particularly promoting family housing and appropriate dwellings which allow people to stay in their local community. The proposals aim to deliver quality new homes to local people in addition to providing much needed new housing in this location.
72. This planning application has considered all relevant planning policy matters in respect of the proposal bringing forward residential development. At a national, regional and local planning policy level, there remains a priority for development in urban areas to which this site would accord, as well as addressing the housing shortage faced at all levels. The site is fully compliant with the adopted County Durham Local Plan, as well as satisfying all the components of the CDLP Policy 6. The development will also fully comply with Local Policy and contribute towards meeting the needs of the county's existing and future residents by providing affordable housing, as well as providing 100% space standard dwellings, 66% M4(2) compliant dwellings and meeting the needs of older people and people with disabilities by providing bungalows. Additionally, the site will integrate well into the locality through design proposals and density accords with National Planning Policy. The applicants have undertaken considerable dialogue with architects, local residents, consultants and relevant officers at the Council to ensure that the scheme not only delivers high quality design, but also responds to the aspirations of the local community. Indeed, the proposals have been amended through the formal planning submission process, to take into account of the comments made.

73. The site lies on the edge of a residential area in close proximity to services and facilities including access to sustainable travel options such as bus services and footpath links. There is ready access to local amenities, schools and employment sites, making the development socially sustainable.
74. Development of the site will bring a number of social and economic benefits directly to South Hetton and the surrounding area. In terms of economic benefits, the development will deliver around £142,943 additional Council Tax per annum, with a New Homes Bonus payment to the Council of approximately £103,424. Based on the additional construction costs, the site will generate spend in the region of £6.8m directly from building activity. Socially, the development will sustain and create 84 direct jobs and 164 indirect jobs.
75. The value of the community is crucial to Gleeson and this is demonstrated through the Community Matters Programme. Gleeson understand the importance of involving the community before and during the construction of a development and leaving a legacy once the works are complete. Community engagement is a crucial part of the development process, and Gleeson will work closely with the local schools to make an impact in a positive way by promoting strong community ties and inspiring the future generations. In addition, through the Community Matters Programme, Gleeson are committed to provide 'Local Jobs for Local People' and offer priority of employment to those living within 2 miles of each site, ensuring that the benefit of jobs and spend go to directly to the local community.

PLANNING CONSIDERATIONS AND ASSESSMENT

76. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that if regard is to be had to the development plan, decisions should be made in accordance with the development plan unless material considerations indicate otherwise. In accordance with advice within the National Planning Policy Framework (NPPF), the policies contained therein are material considerations that should be taken into account in decision making. Other material considerations include representations received. In this context, it is considered that the main planning issues in this instance relate to: the principle of the development, locational sustainability of the site, highway safety and access, landscape and visual impact, layout and design, heritage and archaeology, residential amenity, ecology, flooding and drainage, infrastructure and public open space, addressing housing need, contamination and land stability, developer contributions, other considerations and public sector equality duty.

The Principle of the Development

The Development Plan

77. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The County Durham Plan (CDP) is the statutory development plan and the starting point for determining applications as set out in the Planning Act and reinforced at Paragraph 12 of the NPPF. The CDP was adopted in October 2020 and provides the policy framework for the County up until 2035.
78. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means:-

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

79. As the Council has an up to date development plan Paragraph 11(d) of the NPPF is not engaged. The application site is located on the north-western edge of the settlement of South Hetton. It is not allocated for housing within Policy 4 of the County Durham Plan (CDP). Development of housing on unallocated sites should be assessed and determined against Policy 6 of the CDP.

80. Policy 6 of the CDP sets out the following criteria. The development of sites which are not allocated in the Plan or in a Neighbourhood Plan which are either (i) within the built-up area; or (ii) outside the built-up area (except where a settlement boundary has been defined in a neighbourhood plan) but well-related to a settlement, will be permitted provided the proposal accords with all relevant development plan policies and:

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.

81. In terms of townscape and landscape implications the key considerations are the relationship to the settlement pattern and form, as development would extend the settlement northwards into the open countryside, so the issue is whether the development of the site would be a well-related and natural extension to the settlement or whether it would unacceptably affect the landscape character of the countryside. It is also necessary to appraise the merits of this proposal against considerations such as the proximity to services and facilities, other buildings and built-up areas as well as other judgements, such as its sustainability in terms of location and access to sustainable transport options.
82. It is considered that the development of the application site would not be in conflict with Policy 6 as it is considered to be well-related to the settlement, would not significantly affect the landscape character and lies within acceptable distances to local community facilities, services and sustainable transport links. The reasoning behind this judgement is set out in the consideration of the scheme against the relevant criterion of the policy in later sections of this report.
83. As the application site is located outside of the built-up area of South Hetton it is considered to be technically in the countryside although well related to the settlement. CDP Policy 10 relates to development in the countryside and advises that development will not be permitted unless allowed for by specific policies in the Plan, relevant policies within an adopted neighbourhood plan relating to the application site or where the proposal comprises an exception related to economic development, infrastructure development or the development of existing buildings. The proposal would be permissible under Policy 6 therefore falls within the relevant criteria and is thereby not in conflict with Policy 10.
84. The site is greenfield land. Although the CDP and NPPF encourages the use of previously developed land, they do not preclude the development of greenfield land, nor do they impose any sequential requirement. However, any adverse impacts of development on greenfield land should be considered in the planning balance. It is not considered that the proposal would conflict with Policy 6 (i).

Locational Sustainability of the Site

85. Criteria f of Policy 6 of the CDP requires that developments on unallocated sites have good access by sustainable modes of transport to relevant services and facilities and reflects the size of the settlement and the level of service provision within that settlement. Policy 21 of the CDP requires all developments to deliver sustainable transport by providing appropriate, well designed, permeable and direct routes for walking, cycling and bus access, so that new developments clearly link to existing services and facilities together with existing routes for the convenience of all users. Policy 29 of the CDP requires that major development proposals provide convenient access for all users whilst prioritising the needs of pedestrians, cyclists, public transport users, people with a range of disabilities, and emergency and service vehicles whilst ensuring that connections are made to existing cycle and pedestrian networks. Specifically, the NPPF sets out at Paragraph 105 that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. At paragraph 110 the NPPF states that appropriate opportunities to promote sustainable transport modes should be taken whilst paragraph 112 amongst its advice seeks to facilitate access to high quality public transport.

86. The County Durham Settlement Study 2018 is an evidence-based document which seeks to provide an understanding of the number and range of services available within the settlements of County Durham. South Hetton is rated as having a settlement score of 33.9 (ranked 47th out of an identified 230 settlements including clusters). It is considered as one of the middle order settlements within the County based on the services and facilities within the area and is, therefore, capable of accommodating appropriate housing growth. Consideration is required to be given as to the ability of future occupiers to access these services and amenities. In this respect, the application is accompanied by a Transport Assessment and an Interim Travel Plan, which assess the accessibility of the site to local services and facilities, by foot, bicycle and bus, as well as impacts upon the highway network in terms of vehicular traffic.
87. South Hetton benefits from a range of facilities including a primary school, GP surgery, a sports and social club, a community centre, a place of worship and local convenience stores, as well as a variety of businesses located within a former industrial estate. The settlement is, therefore, relatively well serviced. South Hetton Primary School is located approximately 680m from the closest part of the application site, the convenience store is around 480m away and the GP's surgery lies around 620m from the site boundary. In terms of distances to services and amenities, these are generally considered acceptable as 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', along with work undertaken by independent consultants. In general, 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. The walking routes to the facilities and services within the surrounding area are along adopted well-lit highways with no significant topographical restrictions. These factors are likely to encourage future residents to access these facilities on foot. Cycling is also likely to be an attractive option and it is recognised the site lies in close proximity to Sustrans National Cycle Network route (NCN 1).
88. The CIHT "Providing for Journeys on Foot" document contains suggested acceptable walking distances for pedestrians to access facilities and services. In terms of access to bus routes, a walk of up to 400m falls within the 'desirable' range whereas a walk of 800m falls within the 'acceptable' range. Existing bus stop provision lies on A182 Front Street which provides a regular service throughout the week and into the evenings. The submitted plans show that pedestrian connections would be established to facilitate access to existing public footpaths, rights of way and the cycle route to increase connectivity and permeability between the development and the surrounding area. Despite this, some properties within the development would lie outside the desired maximum walk of 400m to bus stops; however, they would still lie in what is considered to be an acceptable walking distance.
89. There are no Public Rights of Way (PROW) within or immediately abutting the site; however, Bridleway no.15 (Easington) runs close to and follows the route of its eastern edge. Sustrans National Cycle Network Route No. 1 (NCN1) follows a similar route and includes the Hawthorn-Ryhope Railway Path. Given the site's proximity to this already popular recreation and utilitarian walking, cycling and horse-riding route, it is envisaged it would experience increased usage by future residents of the estate. To mitigate the impacts of this increased footfall, Sustainable Transport Officers have requested a financial contribution to support improvements to the route including surfacing, drainage, signage and bins. A contribution of £16,000 (£200 per dwelling) has been agreed with the developer and would be secured by means of a planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended).

90. Whilst an Interim Travel Plan (TP) was submitted in support of the application, following a reduction in unit numbers to 80 (from the 106no. originally proposed), colleagues in Sustainable Transport have confirmed it is no longer a requirement.
91. Overall, it is considered that the site has access to an array of services and facilities, to serve the development proposed and that these are within relatively easy reach of the site. Established bus services, walking and cycle routes would give future residents alternative options to the private motor car to access services. No objections are raised having regards to the locational sustainability of the site.
92. In conclusion, the development would promote accessibility by a range of methods in accordance with Policies 6 criterion f, 21, 26 and 29 of the CDP and Paragraphs 98, 103, 108 and 110 of the NPPF. It is also considered that the development has the potential to maintain or enhance the vitality of the village through increased patronage of its local shops, services and facilities.

Highway Safety and Access

93. Policy 6 (criteria 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 110 that safe and suitable access should be achieved for all people. In addition, Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
94. A Transport Assessment (TA) has been submitted to consider the potential highway and transport related impacts associated with this proposal (assessment based on the 106no. unit originally proposed) and any mitigation required. The transport consultant concludes that the proposed development would not result in severe residual cumulative impacts on the operation of the highway network and therefore no mitigation is required.
95. Access to the site from the wider highway network would be taken from the existing junction of Ravensworth Court and the A182 Hedley Terrace, which would remain as existing, and then via a continuation of Ravensworth Court at its junction with Windsor Drive. The continuation of Ravensworth Court would recreate a crossroads type arrangement with the new access formed on land between dwelling no.'s 32 and 33 on land that is currently an area of green space resulting in the loss of 7no. existing car parking spaces. The proposal includes compensatory parking arrangements in the form of 6no. parallel visitor spaces located to either side of the new access road. This access point would comprise a new 5.5m wide, single point of vehicular access into the development site with 1.8m footways to either side to connect to both new and existing footway infrastructure.
96. Internally, the scheme has been amended to address areas of concerns initially raised by the Highway Authority. Compensatory parking has been provided, driveway lengths amended, visitor parking bays are sufficient in number and are evenly distributed around the site. In the event of an approval, conditions to secure electric vehicle charging points and estate roads being designed and constructed to meet current highway standards in addition to informatives relating to the creation of a 20mph speed limit controlled by a Traffic Regulation Order and entering into an adoption agreement would be required.

97. Overall, the highway impacts of the proposed development are considered to be acceptable and in accordance with Policies 6, 21 and 29 of the CDP as well as Part 9 of the NPPF.

Landscape and Visual Impact

98. Policy 39 of the CDP 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 of the CDP. Policy 26 of the CDP outlines developments are expected to provide new green infrastructure and ensure provision for its long-term management and maintenance. Similar requirements are outlined in Policy 29. Criteria I specifically requires that in the case of edge of settlement development, provide for an appropriate level of structural landscaping to screen or assimilate the development into its surroundings and provide an attractive new settlement boundary. Policy 40 of the CDP 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) recognising the intrinsic character and beauty of the countryside. Paragraph 131 of the NPPF sets out that planning decisions should ensure that new streets are tree-lined.
99. The site lies in the East Durham Limestone County Character Area which forms part of the larger East Durham Magnesian Limestone Plateau National Character Area (NCA 15). The site lies within an area identified in the County Durham Landscape Strategy (2008) as a Landscape Improvement Priority Area with a strategy of restore or enhance. The site doesn't lie in an area covered by any national or local landscape designations. An Area of Higher Landscape Value (AHLV) lies approximately 450m to the south west. Trees within the site are not covered by a Tree Preservation Order (TPO).
100. The development site comprises of an area of pasture extending to approximately 3.5 ha. The site is relatively flat albeit with a slight rise to the east. It is bounded by post and wire fencing with a hedgerow to the northern boundary. The access to the site is proposed to be taken across an area of green space between no.'s 32 and 33 Windsor Drive and would result in the loss of several existing trees. The proposed development would extend the settlement of South Hetton to the north, however, the landscape value of the site is not considered to be particularly high or sensitive and could accommodate development.
101. Areas of pasture would be lost including trees where access is required. As with development of any greenfield site for housing, it would have a transformative and significant adverse impact on the immediate local landscape character appreciated most in views of the immediate locality. The impact on the surrounding area would be of a lower magnitude given the proposed design and landscape mitigation which includes amenity open space, tree planting and SUDs areas to the northern boundary as well as a structure belt to the east which aims to create a new green settlement edge. Development of the site would extend the settlement edge northwards into the surrounding countryside, however, it would be read as an extension to the urban form of South Hetton but not necessarily affect the general character of the area to a substantial degree. The proposal does not contribute to coalescence with neighbouring settlements, would not result in ribbon development of inappropriate backland development and would not, therefore, not conflict with Policy 6 criteria (b).

102. The revised landscape strategy plan now reflects the advice given by Landscape Officers and as part of the wider Design Review process. During the course of the application, the red line boundary has been amended to both the north and east to include additional land to help provide an appropriate level of structural landscaping. This would help to screen and assimilate the development into its surroundings, link in with the existing trees outside the development site to the south east and, it would also provide an attractive new settlement edge and section of the route along the bridleway and NCN. The proposed layout retains existing landscape features with the exception of where trees are proposed to be removed for access or where they are low quality specimens. Any loss of landscape features is considered minimal and would be more than compensated for by the additional tree and hedge planting. A condition would be required to ensure existing features are suitably protected during the construction phase. The Council's Arboricultural Officer raises no objection to the development.
103. Development responds positively to the existing houses, being outward facing, and connects with existing areas of open space outside the site as well as establishing new footpath links to the surrounding area. Internally, trees would be planted in front gardens and boundary lines would be set back from the pavement to allow for areas of shrub planting. Wildflower planting is proposed along the southern, north eastern and northern edges of the built development.
104. Overall, it is recognised that there would be some adverse landscape and visual impacts arising from the development. Whilst the development of the site would result in an incursion into the surrounding countryside, any identified harm needs to be considered in the context that the development would be read as an extension to the urban form of the settlement and would not necessarily change the character of the area to a substantial degree. The scheme would provide the appropriate level of structural landscaping to screen or assimilate the development into its surroundings and provide an attractive new settlement boundary. The impact of the development would progressively reduce over time as the proposed landscaping establishes. Internally, the scheme mitigates against the existing landscaping features that would be lost and represents good design through features such as tree and shrub planting to help soften the development. The proposals would not cause unacceptable landscape harm and therefore, would not conflict with Policies 6, 26, 29, 39 and 40 of the CDP and Parts 12 or 15 of the NPPF.

Layout and Design

105. 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 130 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.
106. 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 Building for Life Supplementary Planning Document (2019) (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 CDP. 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. Following amendments to the scheme, it scored relatively positively achieving 4 greens and 8 ambers. Since this assessment, further amendments have been made to address the limited areas of concern.

107. The development is considered to represent good design and the scheme has been significantly improved since it was first submitted. In response to earlier feedback the elevational treatment of the properties have been improved to give them a more contemporary feel, unit numbers have reduced and development is outward facing which adds to the streetscape and provides informal surveillance of shared spaces and footpaths, additional greenspace has been provided to create buffers with existing development and landscape features. The proposed materials and boundary enclosure details are considered to be acceptable.
108. The Council’s Design and Conservation Officer raises no objection to the development. The overall design and layout of the development would be compliant with Policies 6 (criterion d) and 29 of the CDP and Part 12 of the NPPF in this respect.

Heritage and Archaeology

109. Policy 44 of the CDP sets out development will be expected to sustain the significance of designated and non-designated heritage assets, including any contribution made by their setting. Development proposals should contribute positively to the built and historic environment and should seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets whilst improving access where appropriate. The NPPF advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
110. The Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a statutory duty that, when considering whether to grant planning permission for a development which affects a listed building or its setting, the decision maker shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Any such harm must be given considerable importance and weight by the decision-maker. Under the Act, special attention to the desirability of preserving or enhancing the character and appearance of a conservation area must be equally considered.
111. There are no designated or non-designated heritage assets within close proximity of the development site. Hawthorn Conservation Area, containing a number of Grade II listed buildings, is located approximately 3.9km to the east. The nearest listed buildings are East Farmhouse in Murton, the attached granary and adjacent stable block some 1.6km to the north-east of the site. It is considered that there would be no intervisibility between the site and surrounding heritage assets due to the distances involved, the intervening buildings, topography and landscaping. It is therefore considered that the proposal would have no adverse impact on heritage assets within the vicinity of the site and would not impact upon the setting of the nearby conservation area, in accordance with Policy 44 of the CDP and Part 16 of the NPPF. Design and Conservation Officers raise no objection to the scheme on these grounds.

112. The Council's Archaeologist has confirmed that no objection is raised and no further work is required. The proposal is therefore considered to comply Paragraph 189 of the NPPF. comply with Policy 44 of the CDP and Part 16 of the NPPF.

Residential Amenity

113. Policies 29 and 31 of the CDP outline that developments should provide high standards of amenity and privacy, minimise the impact of development upon the occupants of existing adjacent and nearby properties and not lead to unacceptable levels of pollution. A Residential Amenity Standards Supplementary Planning Document (SPD) has been adopted by the Council. 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.

114. 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. The length of gardens will generally be dictated by the minimum distancing standards but should be no less than 9 metres unless site specific circumstances allow for a reduction in size. The layout demonstrates that minimum separation distances between proposed properties and existing dwellings would be achieved. Internal arrangements are also considered to provide an adequate level of amenity although it is acknowledged that on some occasions they fall slightly short of the required standards. As an example, some front to front distances fall slightly short (there is approximately 17.3m between the facing elevations of plots 36 and 65) as do some back to gable arrangements (there is approximately 8.9m between the rear elevation of plot 9 and its garage gable). Front to front arrangements have a tendency to fall short where corner turners are used; however, such features improve the overall character and appearance of the street. Garden lengths are generally acceptable, however, there are some instances where they are only 7.5m long (e.g. plot 62). Again, this tends to occur only with the corner turner or feature plots. It is considered that the proposed arrangements do not fall short to an unacceptable degree and are such that the privacy and amenity of existing and prospective occupiers would be safeguarded. Overall, it is considered that the layout arrangements are acceptable, provide adequate levels of private amenity space and would not lead to any unacceptable impacts with regards to loss of light, overshadowing, loss of privacy or overbearing impact in accordance with the requirements of Policies 6, 29 and 31 of the CDP and Parts 12 and 15 of the NPPF.

115. Given the location of the development, noise levels should be relatively low and there is no requirement for a noise mitigation scheme. There is the potential for disturbance during the construction period therefore a construction management plan (CMP) should be secured to deal with construction related impacts. Subject to the imposition of such a condition and one controlling hours of working, temporary construction related impacts could be adequately mitigated. Disruption arising during the construction process is temporary and the suggested conditions would help to mitigate any significant adverse impacts.

116. The site is not within or adjacent to an Air Quality Management Area (AQMA) and it is not considered that the development would have any significant effect on air quality. Whilst Environment, Health and Consumer Protection raise no objection to the scheme, they consider that the submitted CMP needs additional measures included to aid dust suppression. A dust action management plan can be secured by condition. On balance, it is not considered there would be an adverse impact on the environment having regard to Policy 31 of the CDP and Paragraph 186 of the NPPF.

117. The development would not lead to a significant reduction in residential amenity for existing or future residents, subject to appropriate conditions. Overall, the scheme would comply with Policies 29 and 31 of the CDP and Parts 12 and 15 of the NPPF.

Ecology

118. Policies 26, 35, 41 and 43 of the CDP seek to secure net gains for biodiversity and coherent ecological networks. Policy 43 relates to protected species and nationally and locally protected sites. Policy 42 relates to internationally designated sites. Part 15 of the NPPF seeks to ensure that developments protect and mitigate harm to biodiversity interests, and where possible, improve them. 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. 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 tests contained in the Regulations. 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.
119. A Preliminary Ecological Appraisal has been submitted in support of the proposal. There are no statutory or locally designated ecological sites located within or immediately adjacent to the application site. Hesledon Moor West Site SSSI and the adjacent Local Wildlife Site (LWS) lie approximately 700m and 920m respectively to the south east of the site. The development is not predicted to have any impacts on statutorily or non-statutorily designated sites. The site provides limited roosting opportunities for bats and habitats within the site are considered to be of low suitability for foraging. The site provides limited foraging and nesting opportunities for birds and is likely to support small numbers of locally common species. The development is required to be completed to a method statement to address the residual risk of causing harm to individual great crested newts. The site provides potential foraging opportunities and limited habitats suitable for sett creation for badgers. Other protected species are considered likely absent. Habitats on site are suitable to support brown hare and hedgehog.
120. The report outlines the potential impacts of the development to both habitats and species as well as a series of recommendations to minimise these. The mitigation measures can be secured via condition. No interference with protected species is identified as a result of the development which would require a European Protected Species Licence. As a licence is not required, it is not necessary to consider the derogation tests under the Conservation of Habitats and Species Regulations 2017 and the Council's Ecologist is satisfied with the submitted assessment.
121. The Council's Ecologist has also considered the biodiversity metric which was undertaken and revised during the course of the application. The submitted Biodiversity Net Gain (BNG) Assessment concludes that as a result of the habitats provided within the development site and the proposed off-site compensation area on land immediately to the north, post development there would be a biodiversity Unit Change of 6.14 equating to 41.93% net gain. Habitat trading rules are not met due to a net loss of -2.96 Biodiversity Units of Other Neutral Grassland. Biodiversity offsetting is therefore required to ensure there is no net loss to biodiversity. A financial contribution of £15,688 to the DCC Biodiversity Net Gain Compensation Fund is required. A Biodiversity Management and Monitoring Plan (BMMP), that covers the management of all the

habitat creation and enhancement, including a monitoring strategy for a minimum of 30 years, would need to be secured under Section 39 of the Wildlife and Countryside Act 1981. Overall, this approach would achieve a biodiversity net gain in accordance with CDP Policy 26 and 41 requirements and Paragraph 174 of the NPPF.

122. Part of the application site is located within 6km of the Heritage Coast Special Area of Conservation (SAC) which is designated as such for its ecology and biodiversity value. The Council's adopted Habitat Regulation Assessment Developer Guidance and Requirements outlines the requirement for the payment of a commuted sum to mitigate the impacts upon increased numbers of visitors to the SAC as a result of development. The Council's Ecologist has confirmed 5no. units lie within the buffer zone, therefore, a contribution of £3,783.05 (5no. units at £756.61 per unit) is required (in lieu of on-site mitigation) to be used towards schemes contained within the Coast Access Management Measures.
123. Overall, and subject to the imposition of conditions to secure the mitigation strategy, a detailed habitat creation and management document including a monitoring strategy for a minimum of 30 years the proposal would comply with Policies 26, 35, 41, 42 and 43 of the CDP and Part 15 of the NPPF. The Council's Ecologist offers no objection to the scheme on this basis.

Flooding and Drainage

124. 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.
125. The application is accompanied by a Flood Risk Assessment (FRA) and Drainage Strategy which highlights that the application site is within Flood Zone 1 with a low flood risk probability. The drainage strategy includes the incorporation of Sustainable Urban Drainage (SUD's) including permeable paving and filter drains to driveways, a swale and a detention basin to treat and attenuate surface water runoff. Drainage and Coastal Protection Officers advise that this approach would be comply with National Standards and Council Policies in providing sustainable surface water management solutions and ensuring the prevention of flood risk to and from the proposed development. Whilst the drainage strategy has been agreed in principle there is an outstanding query relating to how driveways will be treated. No objection is raised subject to a condition to secure these details.
126. In relation to foul water, it is proposed to connect to the existing sewerage network, to which Northumbrian Water raise no objections subject to the imposition of a condition.
127. On this basis no objections to the development on the grounds of flood risk or drainage are raised having regards to Policies 35 and 36 of the CDP and Part 14 of the NPPF.

128. It is important to ensure that development proposals contribute to improvements in infrastructure capacity to mitigate for the additional demands that new development creates. By securing financial contributions through planning obligations, developers would help fund the physical, social and environmental infrastructure that is needed to make development acceptable and ensure that the development mitigates its impact upon existing infrastructure. 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. Paragraphs 55-58 of the NPPF explain the circumstances when it is appropriate for planning obligations to be used to mitigate the impacts of the development.
129. 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 98 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 130 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).
130. 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. For clarification, the existing grassed area between no. 32 and 33 that would be lost through the creation of the new access road is not identified as amenity space within the OSNA. The application also excludes the area of accessible natural greenspace that lies to the north east of the site.
131. The site layout demonstrates that the open space/natural green space requirement is met within the site. It has been advised that a private management company would be used to manage and maintain the areas of open space within the development, funded by future residents paying an annual service charge. Conditions can secure the details of the future management and maintenance arrangements.
132. A contribution of £214,632 would be required for off-site provision in lieu of those typologies not provided for onsite (allotments; parks, sports and recreation grounds; play space (children) and play space (youth)). Having regard to the OSNA, the availability and the proximity of existing facilities to the development, this is considered acceptable and would satisfy the OSNA requirements, Policy 26 of the CDP and Paragraph 98 of the NPPF with regards to the provision of public open space.
133. 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. The School Places Manager has advised that the proposed development is likely to generate an additional 24 primary age school pupils and 10 secondary age school pupils. Whilst there is sufficient capacity at the local secondary school to

accommodate this need, there is insufficient capacity at the local primary school. A total contribution of £352,872 (24 x £14,703) towards education provision is therefore required.

134. The Tees Valley Clinical Commissioning Group (TV CCG) advise that the local GP practice is at full capacity with regards to space requirements to deliver services to their patient list size. A contribution of £38,640 is requested to support creating extra capacity for them to provide appropriate services to patients and to make the proposed housing expansion supportable from a health infrastructure perspective.

Addressing Housing Need

135. Part 5 of the NPPF is clear that developments should help to address housing needs. Policy 15 of the CDP states that affordable housing will be sought on sites of 10 or more units, for up to 25% of units in the highest value areas to 10% in the lowest. On sites of 10 or more units, 10% of the homes provided should be for affordable home ownership (starter homes, discount market sale housing and other affordable routes to home ownership). Any contribution above 10% should be provided as affordable housing for rent in order to meet the requirements of Policy of the CDP.
136. The site falls within a low value area, meaning this development would be required to deliver 10% affordable housing solely in the form of affordable home ownership. The scheme would provide a total 8 no. affordable units comprising of 6no. 2 bedroom and 2no. three bed roomed houses for discounted market sale thereby meeting the requirements of Policy 15 of the CDP and Paragraph 65 of the NPPF. The affordable housing would be secured in perpetuity through a planning obligation under S106 of the Town and County Planning Act 1990 (as amended).
137. Policy 15 of the CDP also requires that on sites of 10 or more units, a minimum of 10% of the units should 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 8 no. 2 bedroom detached bungalows would fulfil this requirement. 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. The developer has indicated that they would meet this requirement and a condition is proposed to ensure that this is achieved. All new residential development will be required to comply with the Nationally Described Space Standards (NDSS). All properties within the development would meet the requirements.
138. 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. In terms of housing mix, the development would provide a range of 2, 3 and 4 bedroomed units including detached, semi-detached houses and bungalow options therefore in compliance with Policy 19 of the CDP and Part 5 of the NPPF.
139. Overall, the scheme meets the identified housing needs of the County in accordance with the requirements of Policy 15 of the CDP and Part 5 of the NPPF.

Contamination and Land Stability

140. 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.

141. Given the sensitive end use of the site, a series of reports have been submitted in support of the application considering the issue of land contamination. Environmental Health Officers are satisfied with the information provided and the additional sampling undertaken following their initial comments. No remedial works are required therefore there is no requirement for conditions. An informative relating to unforeseen contamination is recommended and would ensure that the site is suitable for its intended use taking account of any risks arising from contamination. The proposal would therefore accord with Policy 32 of the CDP and Paragraph 183 of the NPPF.
142. The site does not lie within the defined high-risk area in relation to coal mining legacy. An informative outlining the Coal Authority's standing advice would be applied in the event of an approval. The proposal therefore complies with Policy 32 of the CDP and Paragraph 178 of the NPPF in demonstrating that the site is safe and stable for future development.

Developer Contributions

143. Policy 25 of the CDP, Paragraph 57 of the NPPF and Paragraph 122 of The Community Infrastructure Levy Regulations 2010 set out three planning tests which must be met in order for weight to be given to a planning obligation. These being that matters specified are necessary to make the development acceptable in planning terms, are directly related to the development, and are fairly and reasonably related in scale and kind to the development. The following obligations are considered to meet these tests and have been sought from the developer to mitigate the impacts of the development and to meet an identified affordable housing need in the County and would be secured through a planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended):
- The requirement to enter into a S.39 Agreement to secure the long term management, maintenance and monitoring of the biodiversity land in accordance with a Biodiversity Management and Monitoring Plan (BMMP),;
 - £15,688 to towards biodiversity enhancements in accordance with the framework identified in Durham County Council's Local Biodiversity Compensation Strategy;
 - £352,872 towards primary education provision;
 - £214,632 towards improving offsite open space and recreational provision within Shotton and South Hetton Lane Electoral Division;
 - £16,000 towards improvements to the Sustrans National Cycle Network Route No. 1 (NCN1), also known as the Hawthorn-Ryhope Railway Path, within the vicinity of the development;
 - £38,640 to increase GP surgery capacity;
 - £3,783.05 towards CAMMS Tier 2 of the Durham Coastal Management Plan.
 - provision of 10% affordable housing units on site equating to 6no. 2 bed units and 2no. 3 bed units for discounted sale

Other Considerations

144. Policy 29 of the CDP sets out that major new build residential development should achieve CO₂ reductions. Part 14 of the NPPF advises that the planning system should support the transition to a low carbon future. The policy requirement (Policy 29(n) of the CDP) no longer applies as new Building Regulations came into force June 2022 which will ensure that new homes built under the revised standards are more energy efficient.
145. 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 and significant weight can be attributed to this policy. NPPF Paragraph 174 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. An Agricultural Land Classification Statement has been submitted in support of the application which identifies that the development would result in the loss of approximately 3.01ha of Grade 3b (moderate quality) agricultural land. The land is therefore not deemed to be best and most versatile.

146. Soil is a fundamental and finite resource that fulfils many important functions and ecosystem services and some of the most fundamental impacts on this resource can occur as a result of construction activity. Where development proposals are permanent it is important that soil resources are used effectively on undeveloped areas of the site for landscape, habitat or garden creation or used appropriately on other suitable sites. Policy 14 of the CDP requires all development proposals relation to previously undeveloped land must demonstrate that soil resources will be managed and conserved in a viable condition and used sustainably in line with accepted best practice. A soil resource management strategy has been submitted and adherence to it would be secured by condition.
147. The site lies within a Mineral Safeguarding Area due to it lying within a sand and gravel mineral resource area. Policy 56 of the CDP states that planning permission will not be granted for non-mineral development that would lead to the sterilisation of mineral resources within such areas unless specific criteria apply. The Council's Spatial Policy team, having reviewed the Minerals Assessment, considers that it is unlikely that an acceptable small-scale scheme of working could come forward in this location. The site is difficult to access from the public highway and it lies in close proximity to public footpaths and cycleways therefore would result in adverse impacts which lessen the suitability and likelihood of future mineral working. On this basis, no objection is raised on the grounds of either Policy 56 of the CDP or Part 17 of the NPPF.
148. Policy 27 of the CDP outlines that new residential development should be served by a high-speed broadband connection. Part 10 of the NPPF also has similar aims. The developer has confirmed that the site would be served by fibre broadband and a condition can be imposed to secure this.
149. The proposal has generated limited public interest, with letters of objection received from 4 no. local residents. Objections were also received from local members and the Parish Council initially. The objections and concerns raised have been taken account and addressed within the report, where appropriate. No letters of objection have been received following the amendments to the scheme.

Public Sector Equality Duty

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

CONCLUSION

151. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The Council has an up to date development plan. 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).
152. It is acknowledged that this proposal is not an allocated housing site under Policy 4 of the CDP. Policy 6 of the CDP does however permit development on unallocated sites on the basis that specific criteria are met. Through the course of this report, the overall acceptability of the scheme or otherwise has been considered taking account all of the issues and consideration of applicable policies.
153. It is considered that the development of the application site would not be in conflict with Policy 6 as it is well-related to the settlement, would not significantly affect the landscape character, the site lies within acceptable distances to local community facilities, services and sustainable transport links, it is acceptably designed and would not be prejudicial to highway safety or have a severe residual cumulative impact on network capacity.
154. The application site is neither locally, nor nationally designated in terms of its landscape quality. Whilst the development would alter the character of the landscape, overall, it is not considered that this would be significantly adverse as the development would be read as an extension to the existing settlement of South Hetton. The scheme provides an appropriate level of structural landscaping to assimilate the development into its surroundings and provide an attractive new settlement boundary which and the landscaping planting proposed would help to mitigate this impact. The impact of the development will progressively reduce over time as the proposed landscaping establishes. As such there would be no unacceptable landscape impact and the proposals would not therefore conflict with Policies 6, 26, 29, 39 and 40 of the CDP and Parts 12 or 15 of the NPPF.
155. The proposal has generated limited public interest. The objections and concerns raised have been taken into account and addressed within the report. On balance the concerns raised were not felt to be of sufficient weight to justify refusal of this application in light of the benefits of the scheme and the ability to impose conditions and secure planning obligations under S106 of The Town and Country Planning Act 1990 (as amended) and secure net gains under S39 of the Wildlife and Countryside Act 1981 (as amended).
156. On balance, it is considered that proposals are acceptable, and the application is recommended for approval.

RECOMMENDATION

That the application be **APPROVED** subject to the completion of a S106 Legal Agreement to secure the following:

- The requirement to enter into a S.39 Agreement to secure long term management maintenance and monitoring of the biodiversity land in accordance with a Biodiversity Management and Monitoring Plan (BMMP),;
- £15,688 to towards biodiversity enhancements in accordance with the framework identified in Durham County Council's Local Biodiversity Compensation Strategy;
- £352,872 towards primary education provision;

- £214,632 towards improving offsite open space and recreational provision within Shotton and South Hetton Lane Electoral Division;
- £16,000 towards improvements to the Sustrans National Cycle Network Route No. 1 (NCN1), also known as the Hawthorn-Ryhope Railway Path, within the vicinity of the development;
- £38,640 to increase GP surgery capacity;
- £3,783.05 towards CAMMS Tier 2 of the Durham Coastal Management Plan.
- provision of 10% affordable housing units on site equating to 6no. 2 bed units and 2no. 3 bed units for discounted sale

And subject to the following conditions:

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

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

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

Plan	Drawing No.	Date Received
Boundary treatments layout	GH100: L: 04 F	10/10/22
355 house type - Urban (elevations)	21-355-U-0301 (Rev C02)	02/11/22
354 house type - Urban (various layouts & elevations)	21-354-U-0001 (Rev C02)	02/11/22
354 house type - Urban (elevations)	21-354-U-0301 (Rev C02)	02/11/22
355 house type - Urban (various layouts & elevations)	21-355-U-0001 (Rev C02)	02/11/22
358/9 house type - Urban (various layouts & elevations)	21-358/9-U-0001 Rev C02	02/11/22
358/9 house type - Urban (elevations)	21-358/9-U-0301 Rev C03	02/11/22
360 house type - Urban (various layouts & elevations)	21-360-U-0001 (Rev C02)	02/11/22
360 house type - Urban (elevations)	21-360-U-0301 (Rev C02)	02/11/22
450 house type - Urban (various layouts & elevations)	21-450-U-0001 (Rev C02)	02/11/22
450 house type - Urban (elevations)	21-450-U-0301 (Rev C02)	02/11/22
451 house type - Urban (various layouts & elevations)	21-451-U-0001 (Rev C02)	02/11/22
451 house type - Urban (elevations)	21-451-U-0301 (Rev C02)	02/11/22
454 house type - Urban (various layouts & elevations)	21-454-U-0001 (Rev C02)	02/11/22
454 house type - Urban (elevations)	21-454-U-0301 (Rev C02)	02/11/22
455 house type - Urban (various layouts & elevations)	21-455-U-0001 (Rev C02)	02/11/22
455 house type - Urban (elevations)	21-455-U-0301 (Rev C04)	02/11/22
E.V Charging point installation details	NSD251	02/11/22
1800m high close boarded timber fence	SD-100 (Rev F)	02/11/22
600mm high post and wire fence	SD103 (Rev C)	02/11/22

Detached single garage details	SD700 (Rec C)	02/11/22
Detached double garage details	SD701 (Rev D)	02/11/22
Terraced double garage details	SD703 (Rev D)	02/11/22
Sales garage only detail	SD704	02/11/22
Location Plan	GH100: L: 02 A	23/01/23
Planning Layout	GH100: L: 07 F	23/01/23
Detailed Landscape Proposals	3854/2 Rev K	23/01/23
Detailed Landscape Proposals	3854/3 Rev K	23/01/23
254 house type - contemporary (elevations)	21-254-C-0301 (Rev C03)	02/11/22
250 house type - contemporary (various layouts & elevations)	21-250-C-0001 (Rev C01)	02/11/22
250 house type - contemporary (elevations)	21-250-C-0301 (Rev C04)	02/11/22
254 house type - contemporary (various layouts & elevations)	21-254-C-0001 (Rev C01)	02/11/22
350 house type - contemporary (various layouts & elevations)	21-350-C-0001 (Rev C03)	02/11/22
350 house type - contemporary (elevations)	21-350-C-0301 (Rev C04)	02/11/22
351 house type - contemporary (various layouts & elevations)	21-351-C-0001 (Rev C01)	02/11/22
351 house type - contemporary (elevations)	21-351-C-0301 (Rev C02)	02/11/22
358/9 house type - contemporary (various layouts & elevations)	21-358/9-C-0001 Rev C01	02/11/22
358/9 house type - contemporary (elevations)	21-358/9-C-0301 Rev C02	02/11/22
360 house type - contemporary (various layouts & elevations)	21-360-C-0001 (Rev C01)	02/11/22
360 house type - contemporary (elevations)	21-360-C-0301 (Rev C02)	02/11/22
450 house type - contemporary (various layouts & elevations)	21-450-C-0001 (Rev C01)	02/11/22
450 house type - contemporary (elevations)	21-450-C-0301 (Rev C01)	02/11/22
250 house type - Urban (various layouts & elevations)	21-250-U-0001 (Rev C02)	02/11/22
250 house type - Urban (elevations)	21-250-U-0301 (Rev C03)	02/11/22
254 house type - Urban (various elevations & ground floor plan)	21-254-U-0001 (Rev C02)	02/11/22
254 house type - Urban (elevations)	21-254-U-0301 (Rev C03)	02/11/22
350 house type - Urban (various layouts & elevations)	21-350-U-0001 (Rev C02)	02/11/22
350 house type - Urban (elevations)	21-350-U-0301 (Rev C03)	02/11/22
351 house type - Urban (various layouts & elevations)	21-351-U-0001 (Rev C02)	02/11/22
351 house type - Urban (elevations)	21-351-U-0301 (Rev C02)	02/11/22
353 house type - Urban (various layouts & elevations)	21-353-U-0001 (Rev C02)	02/11/22
353 house type - Urban (elevations)	21-353-U-0301 (Rev C02)	02/11/22
Biodiversity Net Gain Assessment by Biodiverse Consulting	BIOC21-067 V2 C7094A Rev. B	30/01/23
Geoenvironmental Appraisal by Sirius	395	02/11/22
Archaeological Evaluation by AD Archaeology	SES/GN/LNWD/#1	02/11/22
Agricultural Land Classification		02/11/22

Soil Resource Management Strategy	1110_GH_R_CSM_00	02/11/22
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Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies 6, 10, 15, 19, 21, 29, 31, 35, 36, 39, 40, 41 and 44 of the County Durham Plan and Parts 1, 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 Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include as a minimum but not necessarily be restricted to the following:
 1. A Dust Action Plan including measures to control the emission of dust and dirt during construction.
 2. Details of methods and means of noise reduction/suppression.
 3. Where construction involves penetrative piling, details of methods for piling of foundations including measures to suppress any associated noise and vibration.
 4. Details of measures to prevent mud and other such material migrating onto the highway from all vehicles entering and leaving the site.
 5. Designation, layout and design of construction access and egress points.
 6. Details for the provision of directional signage (on and off site).
 7. Details of contractors' compounds, materials storage and other storage arrangements, including cranes and plant, equipment and related temporary infrastructure.
 8. Details of provision for all site operatives for the loading and unloading of plant, machinery and materials.
 9. Details of provision for all site operatives, including visitors and construction vehicles for parking and turning within the site during the construction period.
 10. Routing agreements for construction traffic.
 11. Details of the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.
 12. Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works.
 13. Management measures for the control of pest species as a result of demolition and/or construction works.
 14. Detail of measures for liaison with the local community and procedures to deal with any complaints received.

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

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

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

4. No construction work shall take place, nor any site cabins, materials or machinery be brought on site until all trees and hedges scheduled for retention, have been protected in accordance with the details contained within the Tree Survey and Impact Assessment dated 11/09/2020 by Biodiverse Consulting and BS 5837:2012. Protection measures shall remain in place until the cessation of the development works. The tree protection shall be retained throughout the construction period. No materials, equipment or vehicles shall be stored inside the protective fencing.

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

5. No development, other than site investigation and remediation works, shall commence until a scheme for the provision of foul and 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. The development thereafter shall be completed in accordance with the details and timetable agreed.

Reason: In the interest of the adequate disposal of foul and surface water in accordance with Policies 35 and 36 of the County Durham Plan and Part 14 of the NPPF.

6. No development, other than site investigations and remediation works, shall commence until such time as a scheme detailing the precise means of broadband connection to the site has been submitted to and agreed in writing by the local planning. Thereafter, the development shall be carried out in accordance with the agreed detail.

Reason: To ensure a high quality of development is achieved and to comply with the requirements of Policy 27 of the County Durham Plan and Part 10 of the NPPF.

7. Prior to the construction of the 1st dwelling hereby approved, full details of the proposed site levels, finished floor levels and all means of enclosure to be erected within the development shall be submitted to and approved in writing by the Local Planning Authority. The submitted details must include details of any retaining walls/structures required including their interaction with other means of enclosure such as garden fences within the site. The development shall thereafter be carried out in accordance with the approved details.

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.

8. Prior to the commencement of construction at damp proof course or above, full engineering details including a timetable of implementation and future maintenance of the internal highway network layout, including private shared drives and pedestrian footways shall be submitted to and approved in writing by the Local Planning Authority.

The development shall thereafter be undertaken in accordance with the details and timings.

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

9. No dwellings shall be occupied until a scheme for the ongoing maintenance of the areas of public open space within the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. In the event of proposals to maintain the public open space by means other than through transfer to the Local Authority then the scheme shall provide for details of an agreed maintenance and cutting schedule in perpetuity.

Reason: In the interests of appearance of the area in accordance with Policy 26 and 29 of the County Durham Plan and Parts 12 and 15 of the NPPF.

10. No dwelling shall be occupied until a scheme detailing the new external footpath connections as shown on drg. no. GH100: L: 07 F (planning layout) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be completed in accordance with the approved details prior to the occupation of the 50th dwelling.

Reason: To secure new pedestrian and cycleway routes, reduce reliance on the private motor car and to promote sustainable transport methods and to comply with Policies 21, 26 and 29 of the County Durham Plan and Parts 4, 8 and 9 of the National Planning Policy Framework.

11. The detailed landscaping scheme, as approved by drg. nos. 3854/2 Rev. K and 3854/3 Rev. K shall be implemented and completed in accordance with the approved details in the first planning season following the substantial completion of the development.

Any trees or plants which die, fail to flourish or are removed within 5 years of completion of the development shall be replaced in the next planting season with others of similar size and species.

Replacements will be subject to the same conditions.

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

12. All planting, seeding or turfing and habitat creation in the approved details of the landscaping scheme shall be carried out in the first available planting season following the practical completion of the development.

No tree shall be felled or hedge removed until the removal/felling is shown to comply with legislation protecting nesting birds and roosting bats.

Any approved replacement tree or hedge planting shall be carried out within 12 months of felling and removals of existing trees and hedges.

Any trees or plants which die, fail to flourish or are removed within a period of 5 years from the substantial completion of the development shall be replaced in the next planting season with others of similar size and species.

Replacements will be subject to the same conditions.

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

13. The development shall be carried out in accordance with the recommendations outlined within Section 5 of the Preliminary Ecological Appraisal ref. no. BioC20-016 V1.1 dated 15th September 2020 by Biodiverse Consulting.

Reason: In the interests of ecology and ensuring no protected species are affected by the development in accordance with Policies 41 and 44 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

14. The development hereby approved shall include 53 units which meet the Building Regulations Standard M4(2) Accessible and Adaptable Dwellings. No development shall take place until verification identifying which dwellings will be built to Buildings Regulations M4(2) standard, from a suitably competent and qualified person, has been submitted to and approved in writing by the Local Planning Authority. The development shall then be completed fully in accordance with the approved details.

Reason: To meet the housing needs of older people and people with disabilities in accordance with Policy 15 of the County Durham Plan and Part 5 of the NPPF. Required to be pre-commencement to ensure that an acceptable scheme can be agreed and incorporated into the development before site works commence.

15. All of the dwellings hereby approved shall be provided with electric vehicle charging points and said charging points must be installed and available for use before occupation of each dwelling.

Reason: In the interests of sustainable construction and in accordance with Policy 29 of the County Durham Local Plan and Part 14 of the National Planning Policy Framework.

16. All of the dwellings hereby approved shall be provided with private bike storage and said storage must be installed and available for use before occupation of each dwelling.

Reason: To encourage sustainable transport modes of travel having regard to CDP Policy 21 and Part 9 of the NPPF.

17. 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 1300 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.

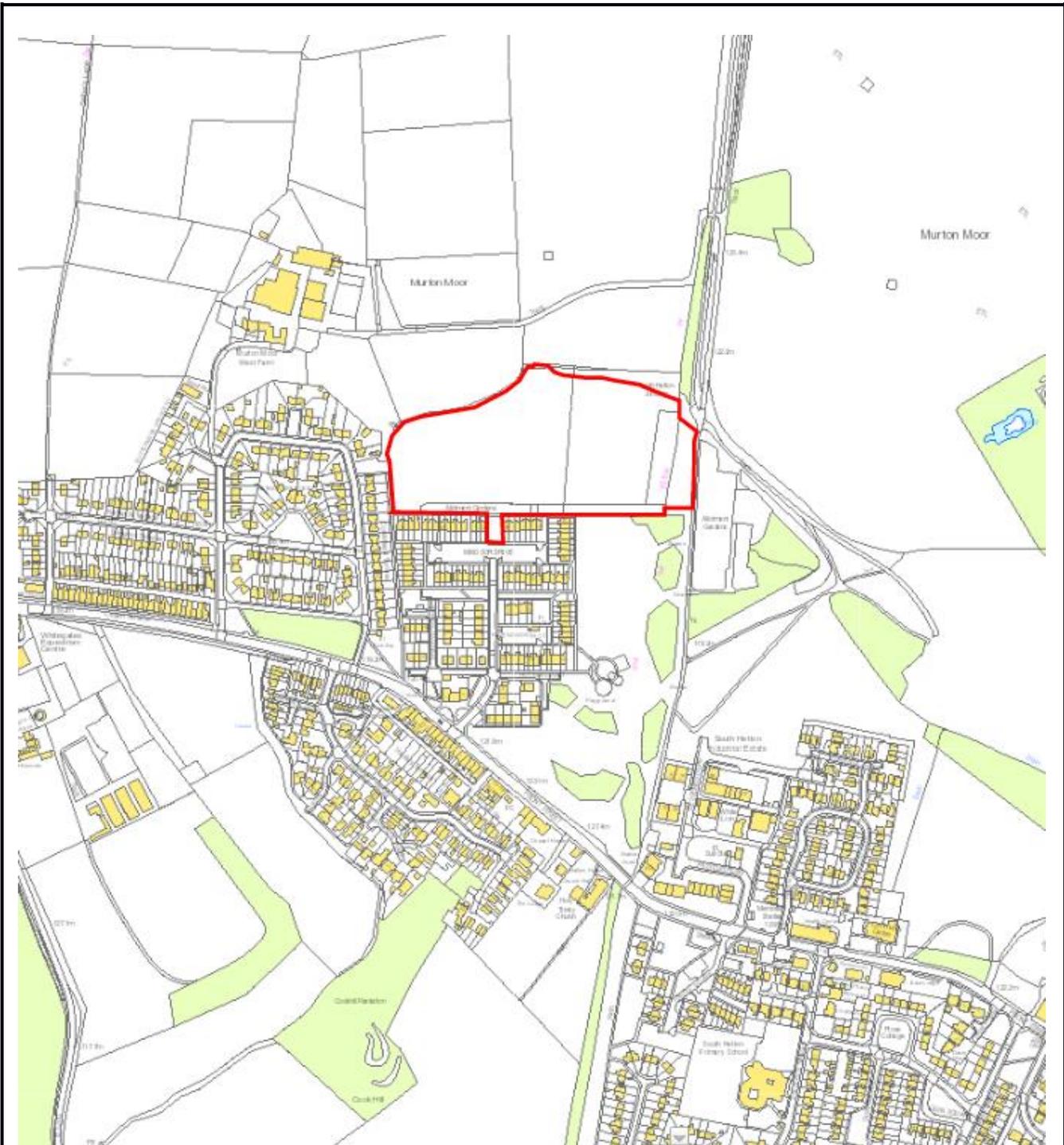
Reason: To protect the residential amenity of existing and future residents from the development in accordance with Policies 29 and 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

STATEMENT OF PROACTIVE ENGAGEMENT

In accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has, without prejudice to a fair and objective assessment of the proposals, issues raised and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF.

BACKGROUND PAPERS

- Submitted application form, plans supporting documents and subsequent information provided by the applicant.
- The National Planning Policy Framework (2021)
- National Planning Practice Guidance notes.
- County Durham Plan
- Statutory, internal and public consultation response



Planning Services

DM/20/02681/FPA

Erection of 80no. dwellings with associated works (revised description 16/11/2021)

Land North of Windsor Drive, South Hetton, DH6 2UU

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Comments

Date 14th February 2023

Scale Not to Scale

Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	DM/22/01768/FPA
FULL APPLICATION DESCRIPTION:	Demolition of existing agricultural buildings and erection of 38no. dwellings (Class C3) with associated access and landscape works.
NAME OF APPLICANT:	DPP
ADDRESS:	Land And Buildings West Of Hallfield Drive Hall Walk Easington Village
ELECTORAL DIVISION:	Easington
CASE OFFICER:	Lisa Morina Senior Planning Officer Telephone: 03000 264877 Lisa.morina@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. This application site is located directly adjacent to the settlement boundary of Easington to the western edge of the village.
2. The application site is primarily open grazing land, with the north frontage to the site containing a modern agricultural storage building, a shed and a polytunnel. The application site is bordered to the north and east by residential dwellings, to the south by Easington Village cemetery and to the west by the A19 dual carriageway.
3. The site which is primarily previously undeveloped is surrounded by hedgerow and slopes considerably upwards from north to south.
4. Easington Village centre is approximately 600 metres to the east of the site. Easington village and wider facilities within Easington Colliery includes a variety of local facilities including schools, shops, public houses and healthcare facilities. The site is adjacent to the Easington Conservation Area with a small proportion of the entrance off the main road to the north located within the Conservation Area.

Proposal:

5. Consent is sought for the erection of 38 dwellings which is proposed in a mix of 2, 3 and 4 bed roomed dwellings. The site is proposed to contain a mix of 6 2 bed roomed bungalows, 4 2 bed dwellings, 23 3 bed dwellings and 5 4 bed dwellings.

6. Two separate accesses are proposed to the site, one being located to the north of the site from Hall Walk which is the main approach into Easington Village from the A19. A total of 26 dwellings are proposed into this part of the site. The other 12 dwellings are proposed to be access from Durham Lane which is located to the south of the site. No vehicular access is proposed between the two areas.
7. The site has previously been considered acceptable for residential development through an outline consent in 2019 which was never implemented. This covered a smaller site area with a larger element to the north and a smaller area to the south. The middle of the site was to be retained as is. A condition of the approval restricted the site to no more than 9 dwellings.
8. A further application for outline consent for 24 dwellings was refused in 2020 due to the impact on the residential amenity of future residents due to the proximity of the proposal to the A19 as well as insufficient information being submitted to allow a full assessment of the implications of the development on the ecology and wildlife within and around the site. This application covered the northern area of the site only.

PLANNING HISTORY

9. DM/15/01261/PNC Prior approval of Proposed Change of Use of Agricultural Building to a Dwellinghouse. Prior Approval is Required 11th June 2015
10. DM/15/03117/PNC Conversion of an agricultural building to residential. Prior Approval is Required 30th November 2015
11. DRC/17/00043 Discharge of conditions Nos 4, 5, 6 and 7 pursuant to planning permission DM/15/03117/PNC Approved 21st March 2017
12. DM/18/01745/OUT Residential development (outline, all matters reserved) Approved subject to S106 25th April 2019
13. DM/19/03904/OUT Outline planning permission for the demolition of the existing agricultural building and the erection of up to 24 no. dwellings including access with some matters reserved (appearance, landscaping, layout and scale). (amended plans received) Refused 18th December 2020

PLANNING POLICY

NATIONAL POLICY

14. 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.
15. *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.

16. *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.
17. *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.
18. *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.
19. *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.
20. *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.
21. *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.
22. *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.
23. *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.
24. *NPPF Part 15 Conserving and Enhancing the Natural Environment* - Conserving and enhancing the natural environment. The Planning System should contribute to and

enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.

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

NATIONAL PLANNING PRACTICE GUIDANCE:

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.

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

LOCAL PLAN POLICY:

County Durham Plan

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 29 Sustainable Design details general design principles for all development stating that new development should contribute positively to an areas' character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities.
33. 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.
34. 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.
35. 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.
36. Policy 36 (Water infrastructure) advocates a hierarchy of drainage options for the disposal of foul water. Applications involving the use of non-mains methods of drainage will not be permitted in areas where public sewerage exists. New sewage and wastewater infrastructure will be approved unless the adverse impacts outweigh the benefits of the infrastructure. Proposals seeking to mitigate flooding in appropriate locations will be permitted though flood defence infrastructure will only be permitted where it is demonstrated as being the most sustainable response to the flood threat.
37. 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

38. 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.
39. Policy 41 (Biodiversity and Geodiversity) states that proposal for new development will not be permitted if significant harm to biodiversity or geodiversity resulting from the development cannot be avoided, or appropriately mitigated, or as a last resort, compensated for.
40. Policy 42 (Internationally Designated Sites) states that development that has the potential to have an effect on internationally designated sites, either individually or in combination with other plans or projects, will need to be screened in the first instance to determine whether significant effects on the site are likely and, if so, will be subject to an Appropriate Assessment.

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

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

41. 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.
42. Residential Amenity Standards SPD– Provides guidance on the space/amenity standards that would normally be expected where new dwellings are proposed.

Neighbourhood Plan

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

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

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

44. Highways – No highway objection raised
45. Northumbrian Water – Condition required
46. Durham Constabulary – Object to access road and provide information on secured by design
47. NHS – Contribution required to healthcare provision
48. Highways England – No objection
49. Easington Parish Council have provided the following comments:
 - Restriction on amount of dwellings under previous consents
 - Previous refusals on the site
 - Concerns with regard to the access and egress onto the site from both Hall Walks B1283 and Durham Lane
 - Grieving people visiting the cemetery would be subjected to an increase in noise and nuisance.
 - Ella Kissi-Debrah case regarding air pollution should be considered.

INTERNAL CONSULTEE RESPONSES:

50. Environmental Health (Contamination) – No objection, no requirement for a land contamination condition.
51. Environmental Health (Noise) – No objection subject to conditions regarding noise implications which can be controlled via pre-commencement conditions.
52. Environmental Health (Air Quality) – No objection
53. Ecology – No objection, contributions required
54. Affordable Housing – Affordable housing required to be provided
55. Landscape – No objection
56. Drainage – No objection.
57. Policy – Advice given in respect of which policies to consider
58. Education – No payment required, appropriate provision is currently provided.

PUBLIC RESPONSES:

59. The application has been advertised by means of site notice and by notifying neighbouring residents by letter. To date, 57 letters of objections/representations have been received with the following comments:

60. Principle of the Development

- Status of the Land
- Previous consents have been refused
- Other Brownfield Sites are available
- Lack of supporting local infrastructure in the village, even with section 106 contributions towards education and health services. These are unlikely to provide the necessary support for so many additional residents.
- Not a sustainable location for new dwellings.
- Concern regarding coalescence with South Hetton
- Easington Village has had substantial development recently and planned development going forward

61. Highway Safety Concerns

- Concern regarding collisions due to proposed access road to the north
- Position of pedestrian link
- Increase in traffic and pollution to whole site
- Increase in traffic along Durham Lane and concern regarding Durham Lane being too narrow
- Concern regarding lack of parking
- Road safety is a serious issue with both the speed and volume of traffic that currently use the lane a concern
- Concern about additional vehicles and pollution caused by construction vehicles, plant and machinery.

62. Visual Amenity/Landscaping Issues

- The rural character of the area is being destroyed
- The development would have a significant adverse impact on the landscape and character of the area
- A greenfield site, that should be left to support wildlife, instead of being overdeveloped.

63. Residential Amenity Issues

- Noise and pollution implications to future occupants of the development
- Noise issues to existing residents
- The acoustic and noise reports submitted with the application should be carefully scrutinised by the Council as these reports are paid for by the applicant and written with the sole purpose of justifying the development.
- No strategy for reducing carbon emissions
- Footpath will be a loss of privacy
- Concern regarding night shift workers and potential sleep disturbance
- Loss of Privacy, Overlooking, Loss of Light, Overshadowing, Lack of Privacy to existing residents

64. Ecology Issues

- Detrimental effect upon the wildlife in the area
- Bat and Bird Boxes provided are not enough
- The trees and hedgerow at the rear of 7 and 8 Rymers close must not be removed as this was not allowed approx. 20 years ago when residents wished to extend gardens.

65. Other Issues

- The proposal is not wanted or needed
- Legal action will be taken if the development is allowed to go ahead
- Council should put residents before profit
- Lack of Consultation
- Covenant on deeds regarding development of site
- The case of Ella Kissi-Debrah should be considered. That coroner in her tragic case stated that traffic pollution was a major factor in triggering an acute asthma attack which sadly led to her death aged just 9 years in 2013.

66. Grahame Morris MP has also commented and whilst he welcomes development and regeneration in Easington he raises the following concerns:

- The development will be built on greenfield space when there is considered ample brownfield sites and there is current housing that is desperate for regeneration in the Easington area.
- Concerns regarding coalescence between Easington, Horden and Peterlee and this development will risk further coalescence with South Hetton.
- Concern regarding there being no capacity in the sewerage system network locally which has been highlighted in recent months with flooding causing damage to existing buildings and roads.
- Increased pressure on transport networks which are currently considered poor and unreliable.

67. Two letters of support have also been received with the following comments:

- The close link to the A19 is ideal for commuting
- Looking to move into the area and the site is in good walking distance to Easington Academy.
- The proposal is a great opportunity for the younger generation to get on the property ladder as there is a good number of affordable housing with many of the younger generation priced out of buying in Durham.

APPLICANT'S STATEMENT:

68. The proposed development is for the demolition of the existing agricultural buildings and the erection of 38no. dwellings with associated access and landscape works at the site. The scheme, to be delivered by Imperator Developments in conjunction with Believe Housing, will provide 38 new, affordable dwellings which will assist the Council in its delivery of 1,308 new dwellings per year. This far surpasses the affordable requirements of a residential development and therefore, strongly contributes to local needs for an increase in affordable housing. Believe Housing are currently developing another affordable housing scheme in Easington Village and the demand for affordable housing has been substantial, with up to 90 bids per property received via Durham Key Options for the affordable rented units and over 500 enquiries received in total for the affordable home ownership (Rent to Buy) homes that are available. This demonstrates the high level of demand for new affordable housing in the village, which this proposed development will help to meet.

69. The reasons for refusal on the previous application (LPA ref: DM/19/03904/OUT) on the site, relating to landscape impact, noise impacts, and biodiversity, have been sufficiently addressed by this application, as confirmed by the Council's consultees. Moreover, this application has demonstrated that the proposed development accords

with Policy 6 of the County Durham Plan. There is also a previous outline planning approval on part of this site, as such it is considered that the principle of a housing development on the site has already previously been established as acceptable.

70. The Applicant team has engaged with the LPA and statutory consultees, prior to the submission of the planning application and throughout the determination period to address consultee feedback and to ensure that proposals are appropriate for the local area.
71. The proposals will result in a number of benefits to the local community, as summarised below:
- The provision of a 100% affordable residential development far surpasses the affordable requirement of 10% set out within the County Durham Plan;
 - The provision of bungalows will also meet local needs;
 - Open space is proposed in the north-west and centre of the site which will encourage social interaction between future residents;
 - The proposed development will improve housing choice within this sustainable and accessible location within Easington, in addition to strengthening the existing residential community;
 - Once occupied, the new homes will also contribute towards Council Tax and a New Homes Bonus. This will provide a boost to the local economy and contribute to the economic development of the area;
 - Furthermore, once occupied, residents of the proposed dwellings are likely to use the local services nearby, again contributing to the local economy;
 - The development of the site will also have direct benefits in the form of construction jobs during the construction period;
 - The on-site biodiversity net gains delivered on the site through the proposed landscaping scheme will be secured for 30 years as part of the Biodiversity Management and Monitoring Plan submitted as part of the application and
 - The proposed development will result in the creation of a high quality sustainable development in terms of energy efficiency and sustainable construction. The development will incorporate high standards of building materials and fabric and will seek to optimise the use of local renewable or low carbon energy.
72. Overall, it is considered that the proposed development will result in substantial public benefits. In addition, and as outlined in the planning submission documents, the proposals are compliant with relevant policies in the adopted Local Plan and the NPPF and therefore we respectfully request that planning permission be granted without delay.

The above is not intended to list every point made and represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <https://publicaccess.durham.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=P8X9C0GDL8J00>

PLANNING CONSIDERATIONS AND ASSESSMENT

73. As identified in Section 38(6) of the Planning and Compulsory Purchase Act 2004 the key consideration in the determination of a planning application is the development plan. Applications should be determined in accordance with the development plan unless material considerations indicate otherwise.

74. 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 in this regard. The County Durham Plan (CDP) is the statutory development plan and the starting point for determining applications as set out at Paragraph 12 of the NPPF. The NPPF advises at Paragraph 219 that the weight to be afforded to existing Local Plans depends upon the degree of consistency with the NPPF.
75. The County Durham Plan is now adopted and is considered to represent the up-to-date Local Plan for the area. Consequently, consideration of the development should be led by the plan if the decision is to be defensible.
76. In this context, it is considered that the main planning issues in this instance are as detailed below:

Principle of the Development

77. The site is considered to be adjoining the built up area of Easington Village however is not allocated for housing within the CDP. Policy 6 of the CDP supports development on sites which are not allocated in the Plan, but which are either within the built-up area or outside the built up area but well related to a settlement, stating that such development will be permitted provided it is compatible with the following:
 - 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. Concern has been raised regarding the status of the land in that it is greenfield land, previous consents have been refused, there are other brownfield sites or regeneration areas available and other developments have been approved within the area. In addition, concern has been raised regarding the proposal not being a sustainable location for dwellings and that there is concern regarding coalescence with South Hetton.
79. The site is greenfield land bound by the B1283 to the north and the A19 to the west. To the east there are existing residential properties with a cemetery to the south. In this regard it is considered that the proposal can draw in principle support from this policy given that it sits adjacent to a built up area, so is well related to the settlement

and that the site is located within close proximity to compatible residential uses and would not be prejudicial to any existing or permitted adjacent uses (criteria a).

80. Whilst the site is considered edge of settlement the proposal is not considered to lead to coalescence with neighbouring settlements (criteria b) this is due to the location of the A19 trunk road which is considered to act as a clear barrier to any potential coalescence between Easington and South Hetton.
81. At the north-western edge of the development site a SUDS area is proposed with tree planting to provide a new defined edge of settlement point, beyond which the land meets the retaining wall which forms the A19 and therefore prevents development beyond this point to the west.
82. Given its location and relationship to the existing built form along with the proposed layout of dwellings on site, the development would not be considered ribbon or backland development.
83. Concerns have been raised that the proposal would be built on greenfield land as opposed to making use of brownfield land which relates to criteria i. Whilst the development would not be located on previously developed land the policy does not provide a moratorium against development upon any greenfield site and as such any refusal based on the fact that the site does not relate to previously development land could not be sustained noting that the development is acceptable in all other respects.
84. Whilst concern has been raised regarding the reliability of transport links, the site is considered to have easy access to sustainable transport and local facilities (criteria f). Consideration of criteria c, d, e and h of policy 6 are considered elsewhere within this report. It is not considered that criteria j is appropriate in relation to this proposal.
85. It is noted that there is a previous refusal on the site as well as an approval which wasn't implemented which restricted the number of dwellings however the principle of the development has been accepted in both previous applications. The reasons for refusal of the other application will be considered in more detail in other sections below.
86. It is therefore considered that the principle of residential use in this location is acceptable subject to the relevant material considerations as set out below.

Affordable Housing / Mix of Dwellings and Developer Contributions

85. Policy 15 of the CDP 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.
86. On sites of 10 or more units, for 25% of units in the highest value areas to 10% in the lowest. On sites of 10 or more units, 10% of the homes provided should be for affordable home ownership (starter homes, discount market sale housing and other affordable routes to home ownership). Any contribution above 10% should be provided as affordable housing for rent.
87. As this site is within a low value area, this development would require 10% affordable housing, which would result in 4 Affordable home ownership properties being provided.

88. It is noted that the affordable housing statement states that the scheme proposes 100% affordable housing on site with a mixture of shared ownership, rent to buy and affordable rent. The Council can only secure the 10% as required by Planning Policy which should be secured through a Section 106 Agreement. Whilst the additionality is noted this is not a requirement of planning policy and therefore not a determinative factor in the consideration of this application.
89. Policy 15 also aims to meet the needs of older people and people with disabilities. On sites of 5 units or more, 66% of dwellings must be built to Building Regulations Requirement M4 (2) (accessible and adaptable dwellings) standard.
90. On sites of 10 units or more, a minimum of 10% of the total number of dwellings on the site are required to be of a design and type that will increase the housing options of older people. These properties should be built to M4(2) standard and would contribute to meeting the 66% requirement set out above. They should be situated in the most appropriate location within the site for older people. Appropriate house types considered to meet this requirement include:
- level access flats;
 - level access bungalows; or
 - housing products that can be shown to meet the specific needs of a multi-generational family.
91. There are 28 units proposed to be M4(2) compliant which is above the 66% requirement, and 5 bungalows proposed which would satisfy the 10% requirement.
92. Policy 19 of the CDP states that on all new housing developments the council will seek to secure an appropriate mix of dwelling types and sizes, taking account of existing imbalances in the housing stock, site characteristics, viability, economic and market considerations. The scheme proposes a mix of 2, 3- and 4-bedroom houses including bungalows, which would achieve a good mix of dwelling types and sizes on the site. Therefore, policy 19 is considered to be met.

Open space / Green Infrastructure

93. 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.
94. In accordance with Policy 26 and having regards to the Councils Open Space Needs Assessment (OSNA) Based on the OSNA and an average occupancy of 2.2 people per dwelling (Co. Durham average household size, 2011 Census). A scheme of 38 dwellings would generate 83.6 people (38 x 2.2) based on 2011 census data of 2.2 persons per household.
95. This scheme would fall into the 2nd category of Table 19 where some typologies of open space should be provided on site, and a contribution sought for the others.
96. The contribution should be: $83.6 \times \text{£}715.50 (\text{£}790.50 - \text{£}75.00) = \text{£}59,815.80$ along with an onsite provision of 1,254 sqm which has been provided.

97. Given this and subject to a Section 106 Agreement being entered into to secure the financial payment the proposal is considered acceptable in respect of Policy 26 of the CDP.

Education Provision

98. Paragraph 95 of the NPPF confirms that the government places great importance to ensure that sufficient choice of school places is available to meet the needs of existing and new communities and requires LPAs to proactively meet the requirement.
99. The Council's Education Team have confirmed that based on the methodology Based on the projected rolls of schools, taking into account the likely implementation of the development, build out rates and other relevant committed development it is anticipated that there will be sufficient space to accommodate the pupils generated by the development in primary and secondary schools and no further mitigation is required in this instance.

Health Contributions

100. Paragraph 34 of the NPPF required Local Authorities to have regard to setting where contributions are necessary within the Local Plan. In this regard Policy 29(f) of the CDP requires that developments should contribute to healthy neighbourhood and consider the health impacts and needs of the existing and future users.
101. In calculating developer contributions, the NHS uses the Premises Maxima guidance which is available publicly. This assumes a population growth rate of 2.3 people per new dwelling and we link this increase to the nearest practice to the development, for ease of calculation.
102. The site falls within the Durham Coast Primary Care Network which are at full capacity with regards to space requirements to deliver services to their patient list size and as such a contribution of £18,354 would be required which should be sought through a S106 Agreement.

Developer contribution conclusion

103. Therefore, whilst objections have been raised that there is already pressure on NHS and Education Services, it is considered that no payment is required with respect to education as it is considered that sufficient spaces are already in existence. The payment which is required in respect of NHS contributions is considered to overcome this. The proposal therefore, is considered to be in accordance with Policy 25 and 26 of the CDP subject to the completion of a s106 agreement to secure the above obligations to mitigate the impact on the development.

Impact on Residential Amenity

104. CDP Policy 6 and 31 seeks to prevent development that would have an unacceptable impact upon the amenity of existing neighbouring residents and only allow development where adequate amenity for future occupiers is provided. Section 11 Paragraph 119 of the NPPF requires planning decisions to ensure healthy living conditions and paragraph 124 emphasises the importance of securing healthy places. Paragraph 174 of section 15 requires decisions to prevent new development from being put at unacceptable risk from, or being adversely affected by, unacceptable levels of pollution such as noise pollution.

105. Paragraph 185 seeks to ensure that new development is appropriate for its location taking into account the likely effects of pollution on health and living conditions. In terms of noise, paragraph 185 advises that planning decisions should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development - and avoid noise giving rise to significant adverse impacts on health and the quality of life.
106. Policy 29 (Sustainable Design) of the CDP requires all development proposals to achieve well designed buildings and places having regard to SPD advice and sets out 18 elements for development to be considered acceptable, including: making positive contribution to areas character, identity etc.; adaptable buildings; minimising greenhouse gas emissions and use of non-renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; and suitable landscape proposals. Provision for all new residential development to comply with Nationally Described Space Standards, subject to transition period. Provision for major developments to appropriately consider the public realm in terms of roads, paths, open spaces, landscaping, access and connectivity, natural surveillance, suitable private and communal amenity space that is well defined, defensible and designed to the needs of its users.
107. Policy 29 also require that new major residential development are 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'. It also states that all new residential development should meet Nationally Described Space Standards (NDSS).
108. Concern have been raised that the proposal will result in a loss of privacy, overlooking, loss of light and overshadowing to existing residents as well as potential for noise implications both during construction as well as for the future occupants due to the closeness of the site to the A19M. Concern has been received regarding the content of the reports that have been received as well as potential for implications for night shift workers.
109. The dwellings are proposed to be located within a primarily residential area with the A19 proposed to the east of the site. Residential properties are located to the north and east with a cemetery located to the south.
110. All dwellings are required to meet with the required separation distance as outlined within the Council's Residential Amenity Standards Document and it is considered these have been met with both existing dwellings and those proposed as part of the development. It is therefore, not considered that the proposals would result in a loss of amenity through overshadowing/loss of light or overlooking issues to existing nearby residents or future residents of the site.
111. The proposed dwellings are all considered to comply with the NDSS Space Standards and have appropriate garden depths with 9m being provided either by width or depth and as such an appropriate level of living accommodation is considered to be provided.
112. In respect of noise, during the construction phase the development could lead to a negative impact upon existing residential receptors, due to their close proximity, however it is considered that this can be easily overcome by the submission of a Construction Management Plan which has been provided and also a condition which controls the hours of construction. Whilst it is noted that the proposal could result in sleep issues for night shift workers, unfortunately development would be carried out

during day-time hours and this cannot be avoided for the temporary duration of the construction phase.

113. In respect of the concern raised regarding the impact on future occupants of the site due to the closeness of the proposed site to the A19M. The Environmental Health Officer (EHO) has confirmed that the development can be acceptable subject to appropriate mitigation and has requested further information in respect of ensuring the impact is acceptable which would be through a detailed acoustic design statement and details of the acoustic fencing being provided. The EHO is however happy for this to be dealt with via conditions and as such conditions will be added in this respect.
114. Concerns have been raised regarding air pollution and objectors consider that the comments of the coroner of the Ella Kissi-Debrah case should be considered. Further advice was sought from the Air Quality team who have raised no objection to the proposal and the following has been provided in respect of the Ella case.
115. The Ella Kissi-Debrah case was a noted watershed moment for air quality health risks. In Inner South London, Ella, aged 9, "...had severe hypersecretory asthma causing episodes of respiratory and cardiac arrest and requiring frequent emergency hospital admissions. On 15 February 2013 she had a further asthmatic episode at home and was taken to hospital where she suffered a cardiac arrest from which she could not be resuscitated." Ella lived within a short distance of the South Circular Road in Lewisham where levels of nitrogen dioxide constantly exceeded the annual mean limit value of 40 µg/m³.
116. Air quality was determined to be a "...significant contributory factor to both induction and exacerbations..." of Ella's asthma. The Action to Prevent Future Deaths document¹ states that during the course of her illness, Ella was exposed to levels of nitrogen dioxide (NO₂) and particulate matter in excess of World Health Organisation (WHO) Guidelines, that the principal source of the exposure to this was due to traffic emissions, and there was a recognised failure to reduce the level of NO₂ to within the limits set by the EU and domestic law which possibly contributed to her death. At that time, EU and UK limit values for NO₂ were 40 µg/m³ as an annual mean and 200 µg/m³ as an hourly average.
117. The coroner expressed concerns about national limits of particulate matter being at a level higher than the WHO guidelines, low public awareness of the sources of information about national and local pollution levels which would encourage the public to reduce their personal exposure, and adverse effects of air pollution on health not being sufficiently communicated to patients by medical professionals.
118. Referring to the air quality assessment report accompanying the planning application, no monitoring data was used to verify the screening tool outputs. Following a query to the Applicant on the assessment method used to ensure that the air quality is of sufficient level for dwellings and to avoid introducing new sensitive receptors to adverse air quality, DCC's most recent response on the predicted air quality concentrations at the dwellings adjacent to the A19 was as follows:
119. "The consultant has stated that there was no verification undertaken due to the absence of existing DCC monitoring and any project specific monitoring. In situations such as this, either project specific monitoring would be undertaken, or conservative method choices such as the use of a nominal adjustment factor to account for this would ordinarily be considered appropriate. The consultant states that "...based on the background concentrations and predicted concentrations of all pollutants

considered, an approach or exceedance of the relevant air quality objective levels is highly unlikely at the proposed receptors adjacent to the A19." This is considered reasonable."

120. The reported predicted annual mean concentrations at a location understood to be 30m from the A19 and has been amended as such in an updated report are 17.15 µg/m³ for annual mean NO₂, 13.49 µg/m³ for annual mean PM₁₀, and 9.44 µg/m³ for annual mean PM_{2.5}. Legal air quality limit values for these pollutants are 40 µg/m³, 40 µg/m³ and 20 µg/m³, respectively.
121. On the basis of the report, it is considered very unlikely that the residential dwelling closest to the A19 will have air quality concentrations above these levels and that the air quality concentrations at 30m distance from the A19 in County Durham will not likely be comparable to 30m from the South Circular Road in London. The report has been updated for clarity and no concern is raised from an air quality viewpoint.
122. The proposal, therefore, is considered acceptable in respect of policy 29 and 31 in respect of residential amenity of both existing and future residents subject to pre-commencement conditions being added.

Highway and Pedestrian Safety

123. Policy 21 of the CDP requires that all development ensures that any vehicular traffic generated by new development can be safely accommodated and have regard to Parking and Accessibility Supplementary Planning Document
124. Concern has been raised with regards to the increase in traffic and pollution to the whole site, the position of the pedestrian link, a lack of parking and concern during construction with regards to construction traffic, plant and machinery.
125. As detailed above concerns have been raised regarding various highway issues. In addition, concern was originally raised from our Highways Officer with regard to various issues with the highway layout and parking arrangements across the site and in particular with regards to an area which provided 7 dwellings off an unadopted roadway which is considered unacceptable in respect of highways policies.
126. The agent has therefore, worked with the Highways Officer to ensure an appropriate layout in respect of highways has been provided which is considered to be a safer and secure layout which includes suitable access to both parts of the site. In addition, the footpath link has been removed from the application as whilst access to other areas is supported, it is not considered that the footpath would be of a significant benefit to future occupiers of the site given the limited nature of its direction and access.
127. A Transport Assessment was submitted as part of the development and the impact of the development on the highway network has been assessed by the Highways Officer. The volume of traffic generated by the development in the peaks is circa 20 trips and 10 trips on the B1283 and Durham Lane respectively, and it is considered that this can be accommodated within the capacity of the existing roads.
128. In respect of concern regarding disruption during construction, it is acknowledged that a degree of disruption would occur during the development stage however, an appropriate management plan has been provided and will be conditioned.

129. Given the closeness to the A19, Highways England were also consulted who maintain and manage the A19 and they have raised no objection subject to a condition requiring the proposal to be carried out in accordance with the submitted Construction Management Plan. A condition will therefore, be added in this respect for the development to be carried out in strict accordance with the submitted construction management plan.
130. Given this, the proposal is considered acceptable in respect of policy 21 of the County Durham Plan and part 9 of the NPPF.

Scale/Design

131. Policy 29 (Sustainable Design) of the County Durham Plan 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.
132. The proposal sits between an existing residential estate and the A19 and therefore, it is considered that the addition of housing in this area would appear as a logical extension to the village.
133. The proposed layout results in an outward looking development which is considered to positively address Hall Walks to the north. The development is considered to provide strong built frontage to all streets and spaces, and true corner turning units have been utilised to ensure a positive relationship with the vehicular gateway into the northern section of the site.
134. In respect of design, the proposal is considered to take reference from the material pallet of the surrounding area which includes two brick samples being proposed and this results in a simple contemporary design which is considered acceptable however it is considered that a plan outlining which dwellings will be constructed from each brick is required and this will be added as a condition on the application.
135. Policy 29 also states that all new development should minimise greenhouse gas emissions, by seeking to achieve zero carbon buildings and providing renewable and low carbon energy generation, and include connections to an existing or approved district energy scheme where viable opportunities exist. Where connection to the gas network is not viable, development should utilise renewable and low carbon technologies as the main heating source. Solar panels have been provided on the dwellings which is considered acceptable in this respect.
136. In addition, broadband should also be provided in accordance with policy 27 of the CDP. A condition will be added in this respect.
137. Subject to the above, the proposal is considered acceptable in respect of policies 29 of the County Durham Plan and part 12 of the NPPF.

Impact on the conservation area

138. Local Authorities have a duty to preserve or enhance the Conservation Area as required by section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Section 66 of the same Act requires a similar duty to have special regard to preserving Listed Buildings or their setting or any features of special architectural or

historic interest which it possesses. This requires Local Planning Authorities in the exercise of their planning function with respect to any buildings or other land in Conservation Areas and Listed Buildings to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

139. Policy 44 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.
140. This display a broad level of accordance with the aims of Part 16 of the NPPF which states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be).
141. The entrance to the site only falls within the conservation area when accessed from Hall Walks and as such the majority of the proposal lies outside but in close proximity to the Conservation Area. As identified within the conservation area appraisal, Hall Walks, is considered to be a key character area, which is considered as a residential area with varied styles and orientation of the built form, containing buildings largely of two storeys.
142. The applicant's heritage statement states that the residential dwellings proposed as part of this planning application are to be a mix of bungalows, semi-detached and detached houses. These are of one, two storey and three storeys although there are only two three storey dwellings proposed in the centre of the Site in order to accommodate the level changes. It is also proposed that the dwellings will comprise red brick which is in-keeping with the character of the surrounding area and the Conservation Area.
143. The heritage statement concludes by stating that considering the Proposed Development will see the erection of a residential development on a currently largely vacant field within the setting of the Easington Conservation Area, it will undoubtedly have an impact on the setting of the Conservation Area from certain viewpoints. However, in light of the above in relation to the layout, massing and appearance of the Proposed Development, it is considered that such an impact would result in less than substantial harm to the setting of the Conservation Area. This approach is agreed by the Councils Design and Conservation Officers.
144. Part 16 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
145. The benefits of the scheme for the purposes of policy 44 of the NPPF and Section 16 of the NPPF are considered to amount to the delivery of a mix of 38 high quality affordable homes within highly sustainable location within close walking distance to shops, services and other public facilities. It should be noted however that as the Council can demonstrate a 5 year housing supply, less weight should be afforded to the benefits of delivering new housing than would otherwise be the case if a shortfall in supply existed.

146. In addition, economic and employment benefits would also arise from the construction and occupation of the dwellings and from resultant inward investment to the area. Again, this would be considered limited.
147. The dwellings have also been set back from the road with a landscape buffer proposed and as such this minimises the overall impact of the proposal on the conservation area with no built development within the conservation area itself and an attractive area of open space retained at the entrance to the site adjacent to the access road.
148. Whilst the benefits of the scheme are recognised as limited, the harm to the heritage asset is identified as being less than substantial, and as such the benefits are considered sufficient to outweigh that harm.
149. In this regard the proposal would accord with Part 16 of the NPPF, policies 44 and of the CDP and section 72 of the Town and Country Planning (Listed Building and Conservation Area) Act 1990.

Landscape/Impact on Trees

150. Policy 6 of the CDP sets out developments should not contribute to coalescence with neighbouring settlement, would not result in ribbon or inappropriate backland development. The Policy also requires that development should be appropriate in scale, location and form and setting of a settlement.
151. 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. Policy 26 outlines developments are expected to provide new green infrastructure and ensure provision for its long-term management and maintenance. Similar requirements are outlined in Policy 29.
152. 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) recognising the intrinsic character and beauty of the countryside and optimise the potential use of the site.
153. Objections have been received that the rural character of the area is being destroyed and that the development would have a significant adverse impact on the landscape and character of the area.
154. Concerns were previously raised as part of the previous outline application and formed part of the refusal reasons with regards to the impact the proposal would have on the landscape of the area however, discussions have taken place prior to the submission of the proposal.
155. A Landscape Value Impact Assessment (LVIA) has been provided as part of this proposal and it is considered that the information provided shows that the proposal would have an acceptable impact on the visual amenity of the area.
156. In this instance the whole of the site is proposed to be developed as opposed to the previous consent which prevents piecemeal development from taking place. In addition, the proposed built development has been set further back from the main

road to the north of the site providing a green/landscaped area which is considered acceptable.

157. Therefore, whilst it is acknowledged that the proposal is for more houses than was previously refused, it is considered that due to the layout of the proposed dwellings and the open space proposed to the front of the site that the proposal would have an acceptable impact in accordance with policy 39 of the CDP. It is also noted that the landscape officer has raised no objection to the proposal.
158. In relation to the trees on site, the submitted Arboricultural Impact Assessment, Tree Protection Plan and Arboricultural Method Statement are considered acceptable and therefore, there are no objections from an Arboricultural perspective.
159. The proposal therefore, is considered acceptable in respect of policy 39 and 40 of the County Durham Plan and part 15 of the NPPF.

Contamination

160. Paragraph 183 of the NPPF advises that planning decisions should ensure a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. In line with this, CDP Policy 32 states that development will not be permitted unless the developer can demonstrate that:
 - a. any existing despoiled, degraded, derelict, contaminated or unstable land issues can be satisfactorily addressed by appropriate mitigation measures prior to the construction or occupation of the proposed development;
 - b. the site is suitable for the proposed use, and does not result in unacceptable risks which would adversely impact on the environment, human health and the amenity of local communities; and
 - c. all investigations and risk assessments have been undertaken by an appropriately qualified person.
161. The application has been assessed by the Land Contamination Officer who has assessed the historical maps and submitted Phase 1 and 2 with respect to land. They confirm that there is no requirement for any further conditions however an informative for unforeseen contamination should be added.
162. The proposal subject to conditions is therefore, considered acceptable in respect of contaminated land issues in respect of policy 32 of the CDP.

Drainage

163. 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.
164. Whilst 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.

165. Concern has been raised that the proposal will put increased pressure on the current drainage capacity causing flooding implications.
166. The Council's Drainage Team and Northumbrian Water have both commented on the proposal and Northumbrian Water suggested a condition to be added which should be agreed in line with the Lead Local Flood Authority (LLFA). The Council is the LLFA and as such additional information was requested and received and subject to the development being carried out in accordance with the submitted details which will form part of the approved documents, then the proposal is considered acceptable. The scheme is therefore, considered acceptable in relation to Policy 35 and 36 of the County Durham Plan.

Ecology

167. Part 15 of the NPPF seeks to ensure that when determining planning applications, Local Planning Authorities seek to conserve and enhance biodiversity. Policy 41 of the CDP seeks to resist proposals for new development which would otherwise result in significant harm to biodiversity or geodiversity, which cannot be avoided, or appropriately mitigated, or, as a last resort, compensated for. Proposals for new development will be expected to minimise impacts on biodiversity by retaining and enhancing existing biodiversity assets and features and providing net gains for biodiversity including by establishing coherent ecological networks.
168. The Ecological impact assessment report is sufficient to inform the application regarding habitats and species present on the site and no further surveys are required. The report confirms a loss of biodiversity in both habitats and hedgerows as a result of the proposal. In order to compensate for this, bat and bird boxes have been identified however, a plan is required to show which properties these will be added to, therefore, a condition is to be added with regards to this.
169. Originally, a payment towards Biodiversity Net Gain (BNG) was also proposed however, an updated BNG was provided which delivers BNG on site therefore no additional payment is required. The BNG calculation confirms a net gain of 49.07% for habitats and a slight gain of 0.03% for hedgerows which is considered acceptable.
170. A Biodiversity Management and Monitoring Plan (30 year) has also been provided to ensure the proposed habitat creation is to be maintained to achieve long term Biodiversity Net Gain. Given this is covered over a 30 year period, as such there is the requirement to enter into a S.39 Agreement to ensure delivery which can be secured as part of the Section 106 agreement.
171. The proposal therefore, is considered acceptable from an ecology viewpoint in accordance with policy 41 and 43 of the County Durham Plan and part 15 of the NPPF.
172. Policy 42 (Internationally Designated Sites) states development proposals that would potentially have an effect on internationally designated site(s), (including all development within 0.4 km of the sites, as shown on Map B of the policies map document), either individually or in combination with other plans or projects, will need to be screened in first instance to determine whether significant effects on the site are likely and, if so, will be subject to an Appropriate Assessment.

173. Development will be refused where after an Appropriate Assessment, it cannot be ascertained that there would be no adverse effects on the integrity of the site, unless "no alternatives" and "imperative reasons for overriding public interest" as set out in Regulation 64 of Conservation of Habitats and Species Regulations 2017. In such circumstances where tests are met, appropriate compensation will be required in accordance with Regulation 68.
174. Where development proposals are likely to lead to an increase in recreational pressure upon internationally designated sites, a Habitats regulations screening assessment, and possible full Appropriate assessment will be required to demonstrate that the proposal will not adversely affect the integrity of the site. In making such determination of whether a plan/project will have adverse impact on the integrity, the implementation of identified strategic measures to counteract effects, can be considered during the Appropriate Assessment.
175. The Council's Ecologist notes that the proposed development is within the 6km Durham Coast HRA buffer therefore a financial contribution to the Coastal Access and Monitoring Measures Programme is required to mitigate impacts as a result of new housing development in lieu of onsite mitigation.
176. Durham County Council has carried out screening in compliance with the Habitats Regulations, this work was done in conjunction with Natural England, and after Appropriate Assessment, concluded that there is likely to be a significant effect on the Northumbria Coast SPA and Durham Coast SAC from new housing development within 6km of the coastal European sites due to increased recreational impacts including dog walking and coastal erosion. It was agreed that mitigation for those identified impacts upon the European protected sites will include the provision of alternative green space suitable for off-lead dog walking and/or a financial contribution to the Coastal Access and Monitoring Measures Programme designed to limit the identified impacts.
177. Subject to a payment of £756.61 per dwelling towards Coastal Access and Monitoring Measures Programme Tier 2 being paid which should be secured through a S106 Legal Agreement, it is considered that the proposed development would accord with saved policy 42 of the CDP and part 15 of the NPPF, both of which seek to protect and enhance the natural environment.

Other Issues

178. Comments have been received that the proposal is not wanted or needed, legal action will be taken if the development is allowed to go ahead and there are covenants in deeds regarding development of site. These are not material planning considerations which can affect the determination of the application.
179. Concern has been raised regarding a lack of consultation. The Council carried out consultation with surrounding neighbours as well displaying site notices around the site both at the southern part of the site and the northern part of the site and advertisement in the Press. It is therefore, felt that satisfactory consultation in accordance with the statutory requirements and local procedures has been undertaken.
180. Concern that the Council should put residents before profit. The application has been assessed against local and national policy which is the correct process for determining planning applications.

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

CONCLUSION

183. In summary it is considered that the principle of the proposed development is acceptable in planning terms as detailed above to meet the needs of the local area, subject to the conditions as set out below.
184. The application is therefore considered to meet the requirements of the National Planning Policy Framework and Policies 29, 31 and 44 of the County Durham Plan as well as satisfying the requirements of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as whilst there is considered to be less than substantial harm to the character and appearance of the Conservation Area, this is limited and it is considered that the benefits of the proposal as described above outweigh the limited harm.
185. The objections and concerns raised have been taken into account and addressed within the report. On balance the concerns raised were not felt to be of sufficient weight to justify refusal of this application.

RECOMMENDATION

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

- 10% Affordable Housing on site comprising of 4 Affordable home ownership properties
- The requirement to enter into a S.39 Agreement to secure the long term management, maintenance and monitoring of the biodiversity land in accordance with a Biodiversity Management and Monitoring Plan (BMMP) and

developer contributions of:

- **£59,815.80** towards provision or improvement of open space and amenity space within the electoral division
- **£18,354** towards health provision in the electoral division
- **£28,751.18** towards the Coastal Access and Monitoring Measures Programme

and subject to the following conditions:

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

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

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

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

3. No development shall commence above damp-proof course of any of the dwellings until such time as a scheme detailing the materials to be used on each plot has been submitted to and agreed in writing by the local planning. Thereafter, the development shall be carried out in accordance with the agreed detail.

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

4. Prior to the first occupation the development hereby approved, details of all means of enclosure of the site and hardstanding materials to be used shall be submitted to and approved in writing by the Local Planning Authority. The proposal shall be constructed in accordance with the approved details thereafter.

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

5. The proposal shall be carried out in strict accordance with the Construction Management / Environment Plan version V4 - 16.11.2022.

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.

6. No development shall commence above damp-proof course of any of the dwellings until such time as a scheme detailing the precise means of broadband connection to the site has been submitted to and agreed in writing by the local planning. Thereafter, the development shall be carried out in accordance with the agreed detail.

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

7. No development shall commence above damp-proof course of any of the dwellings until such time as a scheme detailing the precise location of the bat and bird boxes as detailed within Section 5.1 of the Biodiversity Management Monitoring Plan has been submitted to and agreed in writing by the local planning. Thereafter, the development shall be carried out in accordance with the agreed details and retained for the lifetime of the development.

Reason: To ensure a satisfactory form of development in accordance with Policies 41 and 42 of the County Durham Plan and Section 15 of the National Planning Policy Framework.

8. All planting, seeding or turfing and habitat creation in the approved details of the landscaping scheme shall be carried out in the first available planting season following the practical completion of the development.

No tree shall be felled or hedge removed until the removal/felling is shown to comply with legislation protecting nesting birds and roosting bats.

Any approved replacement tree or hedge planting shall be carried out within 12 months of felling and removals of existing trees and hedges.

Any trees or plants which die, fail to flourish or are removed within a period of 5 years from the substantial completion of the development shall be replaced in the next planting season with others of similar size and species.

Replacements will be subject to the same conditions.

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

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

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

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

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

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

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 0800 to 1800 on Monday to Friday and 0800 to 1300 on Saturday.

No internal works audible outside the site boundary shall take place on the site other than between the hours of 0800 to 1800 on Monday to Friday and 0800 to 1700 on Saturday.

No construction works or works of demolition whatsoever, including deliveries, external running of plant and equipment, internal works whether audible or not outside the site boundary, shall take place on Sundays, Public or Bank Holidays.

For the purposes of this condition, construction works are defined as: The carrying out of any building, civil engineering or engineering construction work involving the use of plant and machinery including hand tools.

Reason: 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. No development except for demolition 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. Required as a pre-commencement condition to ensure that the implications of changes in level are properly considered and accounted for in the development.

12. No development shall commence above damp-proof course of any of the dwellings until a detailed acoustic design statement has been submitted to and approved in writing by the Local Planning Authority and should include:

- An acoustic specification for each individual plot in line with the requirements/recommendations of the submitted noise report titled Preliminary assessment of noise levels and initial noise amelioration measures as prepared by LA Environmental Consultants.
- The specification of the acoustic fencing to be installed.

The noise barrier should have no cracks or gaps, be continuous to the ground and have a density >10kg/m² such as a timber fence, brick wall, earth bund or a combination of these.

The approved scheme shall be implemented prior to any occupation of any dwelling and shall remain in perpetuity for as long as the development is in existence.

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

STATEMENT OF PROACTIVE ENGAGEMENT

In accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has, without prejudice to a fair and objective assessment of the proposals, issues raised and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF.

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/22/0987/FPA
FULL APPLICATION DESCRIPTION:	Residential development for 29 dwellings and associated works (amended title)
NAME OF APPLICANT:	Homes by Carlton and Believe Housing
ADDRESS:	Land adjoining Snook Acres, Front Street, Witton Gilbert, DH7 6SY.
ELECTORAL DIVISION:	Esh and Witton Gilbert
CASE OFFICER:	Jennifer Jennings Senior Planning Officer 03000 261059 jennifer.jennings@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site consists of an area of greenfield land to the southwest of the settlement of Witton Gilbert. The land appears to have formerly been used as a mix of paddock and agriculture. The site is relatively narrow from north to south, approximately 90 metres at widest points, narrowing down to approximately 20 / 35 metres, but from west to east it measures over 300 metres in length.
2. To the north of the site, there is a line of houses and a public house that present a principal elevation to Front Street, one of the main thoroughfares through the village. Residential dwellings and rear garden spaces abut the northeast and eastern boundary, whilst the A691 road frames the southern boundary edge of the site. This southern boundary is heavily planted with well-established trees and hedgerows, that are on Council land that also doubles as adopted highway verge to the main road. The planting along the boundary extends to the west and curves round the land to the northwest of the site, from where an existing field access exists.
3. There are noted level differences across the site. The west of the site falls from north to south by some 5 metres and represents the lowest part of the site. Central within the site there is a significant and sudden rise in levels of some 4-5 metres, with the land then broadly plateauing, but moving eastwards a similar more gradual drop in levels from north to south of some 5 metres exists.
4. The land is not subject to any landscape or conservation designations, although a Grade 2 listed building exists to the north of the site, associated with Snook Acres. Green Belt and Area of Higher Landscape Value designations exist to the south of the site.

The Proposal

5. The application seeks full planning permission for the erection of 29 dwellings, including open space provision to the west and east of the site, as well as small areas interspersed throughout the development. The highways access to the site would be taken from the existing field gate, which would be upgraded to provide the required visibility splays.
6. The development would consist of a mix of 2, 3, 4, 5 and 6 bed two-storey properties, 26 in total, and 3 bungalows. Seven houses are proposed as affordable units. Properties would be finished in a mix of red facing bricks, with others finished in render, and all finished in dark grey roof tile. Parking bays would exist to the front and side of each property with additional visitor parking provided throughout the site. Each property would have a rear garden space with allocated bin storage.
7. The existing PROW no. 29 that runs north south through a narrow section to the east of the site, would be slightly realigned, but would maintain the links from Front Street, through to the A691 road, where a crossing exists to the wider footpath area to the south.
8. The application has been brought to the Planning Committee for consideration in accordance with the Council's Scheme of Delegation due to being major development.

PLANNING HISTORY

9. The following summarises planning history at the site:
10. DM/15/03779/FPA – Erection of 14 residential properties, associated highways and landscaping works. Approved on 10 August 2016. This related to development to the western edge of the site only but the permission has now expired.
11. DM/18/02947/OUT – Outline application for 25 dwellings with some matters excluding access and layout reserved for future consideration. Agreed for approval by Central East Planning Committee on 11 June 2019 subject to a Section 106 agreement, however, the application was withdrawn during the course of compiling the Section 106 agreement and no decision was issued. The outline development related to the eastern part of the site, excluding the previously approved 2015 application referenced above.

PLANNING POLICY

NATIONAL POLICY

12. A revised National Planning Policy Framework (NPPF) was published in July 2021 (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.
13. In accordance with Paragraph 219 of the National Planning Policy Framework, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with the Framework (the closer the policies in

the plan to the policies in the Framework, the greater the weight that may be given). The relevance of this issue is discussed, where appropriate, in the assessment section of the report. The following elements of the NPPF are considered relevant to this proposal.

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 ensuring the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore, significant weight should be placed on the need to support economic growth through the planning system.
18. *NPPF Part 8 – Promoting healthy and safe communities.* The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
19. *NPPF Part 9 – Promoting sustainable transport.* Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
20. *NPPF Part 11 – Making effective use of land.* Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.

21. *NPPF Part 12 – Achieving well-designed places* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
22. *NPPF Part 14 – Meeting the challenge of climate change, flooding and coastal change* - The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.
23. *NPPF Part 15 - Conserving and Enhancing the Natural Environment* - Conserving and enhancing the natural environment. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.

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

24. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to; air quality; design process and tools; determining a planning application; flood risk; healthy and safe communities; land stability; land affected by contamination; housing and economic development needs assessments; housing and economic land availability assessment; natural environment; neighbourhood planning; noise; open space, sports and recreation facilities, public rights of way and local green space; planning obligations; travel plans, transport assessments and statements; use of planning conditions; Tree Preservation Orders and trees in conservation areas and; water supply, wastewater and water quality.

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

LOCAL PLAN POLICY:

The County Durham Plan

25. *Policy 6 – Development on Unallocated Sites.* Supports development on sites not allocated in the Plan or Neighbourhood Plan, but which are either within the built up area or outside the built up area but well related to a settlement will be permitted provided it: is compatible with use on adjacent land; does not result in coalescence with neighbouring settlements; does not result in loss of land of recreational, ecological, or heritage value; is appropriate in scale, design etc to character of the settlement; it is not prejudicial to highway safety; provides access to sustainable modes of transport; retains the settlement's valued facilities; considers climate change implications; makes use of previously developed land and reflects priorities for urban regeneration.
26. *Policy 10 - Development in the Countryside.* States that development will not be permitted unless allowed for by specific policies in the Plan or Neighbourhood Plan or unless it relates to exceptions for development necessary to support economic development, infrastructure development or development of existing buildings. The

policy further sets out 9 General Design Principles for all development in the Countryside.

27. *Policy 15 - Addressing Housing Need.* Establishes the requirements for developments to provide on-site affordable housing, the circumstances when off-site affordable housing would be acceptable, the tenure mix of affordable housing, the requirements of developments to meet the needs of older people and people with disabilities and the circumstances in which the specialist housing will be supported.
28. *Policy 19 - Type and Mix of Housing.* Advises that on new housing developments the council will seek to secure an appropriate mix of dwelling types and sizes, taking account of existing imbalances in the housing stock, site characteristics, viability, economic and market considerations and the opportunity to facilitate self build or custom build schemes.
29. *Policy 21 - Delivering Sustainable Transport.* Requires all development to deliver sustainable transport by: delivering, accommodating and facilitating investment in sustainable modes of transport; providing appropriate, well designed, permeable and direct routes for all modes of transport; ensuring that any vehicular traffic generated by new development can be safely accommodated; creating new or improvements to existing routes and assessing potential increase in risk resulting from new development in vicinity of level crossings. Development should have regard to Parking and Accessibility Supplementary Planning Document.
30. *Policy 25 - Developer Contributions.* Advises that any mitigation necessary to make the development acceptable in planning terms will be secured through appropriate planning conditions or planning obligations. Planning conditions will be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Planning obligations must be directly related to the development and fairly and reasonably related in scale and kind to the development.
31. *Policy 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.
32. *Policy 27 – Utilities, Telecommunications and Other Broadband Infrastructure.* States amongst its advice that new residential and commercial development should be served by a high speed broadband connection or appropriate infrastructure for future installation if direct connection is not appropriate, practical or economically viable.
33. *Policy 29 – Sustainable Design.* Requires all development proposals to achieve well designed buildings and places having regard to SPD advice and sets out detailed criteria which sets out that where relevant development is required to meet including; making a positive contribution to an areas character and identity; provide adaptable buildings; minimise greenhouse gas emissions and use of non renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; providing suitable landscape proposals; provide convenient access for all users; adhere to the Nationally Described Space Standards.
34. *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.

35. *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.
36. *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.
37. *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.
38. *Policy 39 – Landscape.* 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.
39. *Policy 40 - Trees, Woodlands and Hedges.* 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.
40. *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.
41. *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.

42. *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.
43. *Policy 56 Safeguarding Mineral Resources*. Sets out that planning permission will not be granted for non-mineral development that would lead to the sterilisation of mineral resources within a Mineral Safeguarding Area unless certain exception criteria apply.
44. *County Durham Building for Life SPD* Sets down design standards for major new residential development, based on the Building for Life 12 – the industry standard for the design of new housing developments.
45. *Residential Amenity Standards SPD (January 2023)* Sets out guidance on external space / amenity standards for new dwellings.
46. *County Durham Parking and Accessibility Standards (2019)* This document sets out the Council's approach to vehicle and cycle parking provision on new development and extensions to existing development which includes both residential and non-residential.

NEIGHBOURHOOD PLAN:

Witton Gilbert Neighbourhood Plan (adopted 2019)

47. Policy 1 (Settlement Boundary of Witton Gilbert) states that the settlement boundary as shown on the Policies Map defines the extent of the built-up area of Witton Gilbert. Development proposals within the settlement boundary will be supported where they accord with policies elsewhere in the Development Plan. Land outside the settlement boundary will be treated as open countryside and development will not be supported unless allowed for by specific policies in the NPPF and the Local Plan. Development must not give rise to unacceptable harm to local heritage, biodiversity, geodiversity, and the intrinsic character, beauty and tranquillity of the countryside and valued townscape in the Neighbourhood Area and must ensure that there is no significant adverse impact on highway safety, or residential amenity.
48. Policy 2 (Housing development in Witton Gilbert Neighbourhood Plan Area) states that new housing development within the Neighbourhood Plan Area will be supported, where it: a) results in high quality sustainable design that reflects Building for Life principles; respects the scale, density, architecture, rhythm, height and character of existing, established development; accords with characteristic building arrangements, including materials, boundary types, arrangement of front gardens and where appropriate landscaping; b) does not adversely impact upon the amenity of existing and future residents; c) provides a range of housing choices in terms of size and type, taking into account local housing needs; d) includes an element of affordable housing, where viable, using the target percentages and thresholds specified in the most up to

date evidence and/or Local plan and ensures that affordable housing is indistinguishable from other housing on the site; and e) ensures safe access to and from the site by all modes of transport including pedestrian and cycle routes.

49. Policy 3 (Older People's Homes) requires that on sites of 10 or more dwellings, 10% of the dwellings shall be provided as dwellings suitable for older people. Appropriate house types considered to meet this requirement include: • level access flats; • bungalows; • sheltered Housing or Extra Care Schemes; or Specialist Housing. Support will be given to proposals which provide housing for vulnerable people and specialist housing provision, including nursing homes and residential and extra care facilities, in appropriate locations and where there is an identified need.
50. Policy 4 (Development of land to the south of Front Street, Witton Gilbert (site H2)) states that Residential development on land to the south of Front Street will be supported where it: a) takes account of the Design Brief set out in Appendix A; b) conserves and enhances the special character of the Historic Zone; c) where applicable ensure suitable safe access points to allow for connections to be made within the site, including for motorists, pedestrians and cyclists and also ensure the retention and, where possible, enhancement of the public footpaths; d) where applicable incorporate noise attenuation measures including the retention of landscaping along the southern boundary; e) retain both the visual setting of the site and its biodiversity; and f) do not prejudice other parts of the H2 site coming forward for development by way of cutting off access points.
51. Policy 5 (Historic Zone of Witton Gilbert) states that all proposals within or affecting the setting of the Historic Zone of Witton Gilbert should: a) demonstrate how it seeks to reflect the special local historic character of the area in terms of scale, form, massing, architectural design and materials; b) sustain and where possible enhance local character and the distinctiveness of the Historic Zone and its setting; and c) ensure that new development responds positively to the historic pattern of development conserving features of historic interest that contribute to the areas special character.
52. Policy 6 (Sustainable Design) states that design should contribute positively to place-making and sustainable design and should be developed in response to a robust analysis of the character of the built environment and local landscape character which must be shown in a Design and Access Statement where required. It should respond to the character of the local environment, taking advantage of opportunities to reinforce local distinctiveness, achieve high levels of energy efficiency, incorporate small-scale renewable and low carbon energy generation into the design of new development where viable, and make adequate provision to provide green open space in accordance with the most up to date standards in the latest evidence and /or the Local Plan.
53. Policy 7 (Biodiversity in the Parish of Witton Gilbert) states that proposals for new development and conversions of existing buildings should integrate biodiversity into new development where possible. Existing features which support biodiversity, such as watercourses, hedgerows, walls and trees should be retained and where possible enhanced as part of the development. If their loss is unavoidable, then replacements or provision of alternative habitats or refuges for wildlife must be provided within or close to the development site, resulting in a net benefit for biodiversity.
54. Policy 11 (Broadband) states that all new development should incorporate the means of enabling high speed broadband. Unless it can be demonstrated by means of a viability study submitted by the developer that this requirement would undermine the

viability of the scheme. The developer will be required to demonstrate, to the Local Planning Authority's satisfaction that this is the case.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

55. *Witton Gilbert Parish Council* – support the application. Initial comments requested further consideration in terms of improving insulation and heating proposals, with additional details in regards the PV. Upon further re-consultation, the Parish comment that the proposals relate to a key area recommended for residential development within the Neighbourhood Plan. The development of the site is seen as fundamental to encourage further growth and prosperity within the local area. The range and type of dwellings is acceptable, and the development would improve the appearance of the unused unkempt piece of land. The site location is ideal to convey that Witton Gilbert is an attractive and pleasant place to live.
56. *Coal Authority* – Raise no objection but note that further, more detailed consideration of ground conditions and foundation design may be required as part of any subsequent building regulations application.
57. *Highway Authority* – Requested additional information which was received with regards auto-tracking for refuse vehicles. This was considered acceptable although noted as tight. Conditions are requested in relation to the estate roads and construction management plan. No objections raised from highway perspective.
58. *Local Lead Flood Authority* - Updated information requested and received. Hydraulic calculations are approved. Request that the surface water management for the development is approved and infrastructure constructed in accordance with submitted details. No objections raised.

INTERNAL CONSULTEE RESPONSES:

59. *Affordable Housing* – Confirm that information has been received on the housing products which would be delivered on the scheme. This demonstrates that the houses will meet the affordable needs of the area in respect of location and as such there is no objections to the proposals, although there would be a preference for them to be more dispersed on the site. Affordable housing to be secured via Section 106 agreement.
60. *Archaeology* – Following results received in relation to the geophysical survey, trial trenching works were undertaken, with no significant findings, therefore no further archaeological works need to be undertaken.
61. *Design and Conservation* – With regard to detailed design, the applicant has referenced those buildings in the historic core of the village on Front Street, proposing a locally inspired character to built form, with double fronted units, head and cill details, and a mix of red brick and full render units with a muted grey roof tone. This approach is accepted.
62. *Ecology* – No objections raised. The Biodiversity Net Gain (BNG) report confirms a net loss, however off-site contributions have been agreed, with money to be secured as part of a Section 106 agreement. As BNG is to be provided on part of the site a Biodiversity Management and Monitoring Plan (BMMP) will need to be submitted

ensuring delivery and retention of the BNG units over the long term. A condition will need to be applied for the BMMP to be submitted for approval.

63. *Environment, Health and Consumer Protection (Air Quality)* – Sufficient information submitted to support the scheme and detailed within the draft Construction Management Plan. No objections.
64. *Environment, Health and Consumer Protection (Pollution Control)* – The submitted noise assessment was considered appropriate. Conditions should be attached in relation to ensuring development is in accordance with noise mitigation measures within report, as well as submission of a construction management plan and limits to construction hours.
65. *Environment, Health and Consumer Protection (Contaminated Land)* – Advise the submitted reports are acceptable. A pre commencement condition for a phase 3 report is required, followed by a phase 4 verification report. An informative should be included in the event any contaminated land is discovered during works.
66. *Landscape Officer* – Concerns raised throughout the application process in relation to impact of shading from trees along south boundary of site. Assessment of planting and layout within the site has been subject to amendments. The latest submission is deemed to address concerns raised, subject to payments towards Council works to trees along south boundary to help reduce issues of shading, secured through section 106 agreement. A condition for landscape details and implementation should be applied.
67. *Local Education Authority* – 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.
68. *Public Rights of Way* – Note a deviation of the legally recorded route of footpath no. 29 and advise of legal process to undertake these amends.
69. *Spatial Policy* – Advises on relevant policies within the County Durham Plan and the Witton Gilbert Neighbourhood Plan. They further comment that for the proposal to be acceptable the impacts in terms of landscape, townscape and integration with the settlement pattern and form and existing properties surrounding the site would need to be within acceptable parameters. They note requirements in relation to Affordable Housing and Open Space in the form of a financial contribution.
70. *Trees Officer* – Comments made in consultation with landscape section. Accept the loss of a number of trees within the site. Amends sought to plans to ensure retention of perimeter planting and trees where necessary. Concerns with regards pressure from future residents seeking reduction or removal of trees along south boundary. Latest details on landscape plans submitted address main points and issues previously raised.

EXTERNAL CONSULTEE RESPONSES:

71. *Environment Agency* – No comments received.
72. *NHS* – Requires funding to the sum of £14,793 to be secured through a Section 106 agreement to create extra capacity for provision of patient services in the area.

73. *Northumbrian Water Ltd* – No comments received.

PUBLIC RESPONSES:

74. The application has been advertised by way of a site notice, press notice and individual notification letters to neighbouring residents.
75. One letter of objection has been received raising issue over the loss of countryside to the rear of their homes, with impacts of increased noise and loss of view. Concerns over noise and fumes from increased traffic.

The above is not intended to repeat every point made and represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at:

<https://publicaccess.durham.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=QU6BIIGD0BK00>

APPLICANTS STATEMENT:

76. The proposed development will provide much needed housing on a site which is allocated for housing in the Witton Gilbert neighbourhood plan. The site is highly sustainable and in accordance with planning policy will make the most effective use of sustainable land to address housing need in the area. The proposals include for 25% affordable homes which will include 2 bungalows. The affordable units will be a mix of 'affordable rent' and 'first homes' tenures.

The layout of the site provides a visually attractive development which will retain trees where possible and include landscaped areas of public open space and amenity space which will replace any trees and hedges which are proposed to be removed.

The proposal provides sufficient space between existing and proposed properties to ensure good amenity for both existing and proposed residents.

All properties include in curtilage car parking and an enclosed private garden which meets the minimum 9 metre gardens as required by the adopted SPG. There is further visitor car parking spaces which are evenly dispersed across the site to reduce the possibility of indiscriminate on-street car parking. The highway layout has been autotracked and it is demonstrated there is sufficient room for manoeuvrability for emergency and refuse vehicles.

The design of each property has been carefully considered to ensure the proposed development will be visually attractive and of a high quality, in keeping with the existing village. All new homes exceed the Nationally Designed Space Standards, over 66% achieve Part M4(2) Accessible Standards and 10% are bungalows suitable for elderly residents, demonstrating that the development meets the requirements of the County Durham Plan. The layout and proposed landscaping will create a sense of place with a proposed footpath link to integrate the development with the existing village.

The proposals include renewable energy provision through PV panels on ALL plots and include EV charging points and infrastructure.

The applicant has agreed to all requested developer contributions.

There are no technical consultee objections and only one letter from a neighbouring resident raising concerns which predominantly relate to loss of view and impact upon amenity which are addressed in the submission. The Parish Council are in support of the scheme noting that development of the site is fundamental to encourage further

growth and prosperity in the local area and that they're happy with the range and type of dwellings proposed.

The proposals represent sustainable development which will provide much needed homes within the village making the most effective use of land. The proposals accord with local and national planning policy in all regards.

PLANNING CONSIDERATIONS AND ASSESSMENT

77. 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) forms the statutory development plan and the starting point for determining applications as set out in the Planning Act and reinforced at Paragraph 12 of the NPPF. The CDP was adopted in October 2020 and provides the policy framework for the County up until 2035. Alongside this the Witton Gilbert Neighbourhood Plan, adopted in September 2019, also forms part of the development plan for the area, with its policies carrying full weight in the decision-making process.
78. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of the development, impact on the character and appearance of the area and landscape, impact on residential amenity, highway safety and access, ecology, archaeology, developer contributions and other issues.

The Principle of the Development

79. Within the CDP the application site is not referenced or allocated for housing within Policy 4. However, the site is allocated within the Witton Gilbert Neighbourhood Plan (NP) under Policy 4 and referenced as site H2 within the plan. This policy supports residential development on this land to the south of Front Street, subject to a number of criteria relating to design, amenity, landscape, biodiversity and highways safety, each of which will be discussed in turn throughout the report.
80. An additional criterion within the policy references that any proposals take account of the Design Brief set out in Appendix A. This design brief is a 15-page document which clarifies that its purpose is 'intended to facilitate pre-application discussions as a guide to the aspirations of the local community about the type and design of any development proposal. It is not in any way intended to impose or require a specific or rigid form. The intention is to provide a more user-friendly interpretation of the policies and principles set out within the Neighbourhood Plan and convey in more detail the form of development which the community in Witton Gilbert would like to see come forward in this location'.
81. Having reviewed the document it is considered that there is no conflict with what is proposed as part of the current scheme in terms of layout and design and the general principles set out in this document. In its response, the Parish Council confirmed they supported the application as it makes a significant contribution to the aims of the Neighbourhood Plan to provide additional good quality homes within the village of Witton Gilbert.

82. As policy 6 of the CDP relates to 'Development on Unallocated Sites' it is not relevant in this case and there is no requirement for this proposal as an allocated housing site to be assessed against each of the criteria within this policy.
83. The principle of the development is therefore considered acceptable, subject to detailed assessment against other relevant policies in both the County Durham Plan and Witton Gilbert Neighbourhood Plan (NP).

Mix of housing and affordable housing

84. Policy 19 of the CDP states that on all new housing developments the council will seek to secure an appropriate mix of dwelling types and sizes, taking account of existing imbalances in the housing stock, site characteristics, viability, economic and market considerations. Policy 15 states that affordable housing will be sought on sites of 10 or more units.
85. NP policy 2 requires that proposals provide a range of housing choices in terms of size and type and include an element of affordable housing and ensure that it is indistinguishable from other housing on the site.
86. The scheme proposes a mix of 2 - 6 bedroom houses as well as bungalows which would achieve a good mix of dwelling types and sizes on the site in line with policy requirements within the CDP and NP.
87. The Council's Spatial Policy Section has confirmed that the proposal would be required to deliver seven affordable homes within the site. Details have been submitted demonstrating that affordable housing will be provided, in line with policy requirements. This is to include the two 2-bed bungalows and three of the 2-bed houses at affordable rent and two of the 3-bed houses as first home properties. The housing development officer has assessed the details provided and is satisfied that there is a demand for the products to be made available. They further comment that the mix and layout of these properties on site is appropriate. Affordable housing would be secured by means of a Section 106 agreement.
88. The proposals comply with policy 15 of the CDP and Policy 2 of the Neighbourhood Plan.

Impact on the Character and Appearance of the Area

89. CDP Policy 29 (Sustainable Design) requires all development proposals to achieve well designed buildings and places having regard to SPD advice and sets out 18 elements for development to be considered acceptable, including: making positive contribution to areas character, identity etc.
90. Policy 2 of the NP states that new housing should result in high quality sustainable design that reflects Building for Life principles; respects the scale, density, architecture, rhythm, height and character of existing, established development; accords with characteristic building arrangements, including materials, boundary types, arrangement of front gardens and where appropriate landscaping.
91. NP Policy 5 (Historic Zone of Witton Gilbert) states that all proposals within or affecting the setting of the Historic Zone of Witton Gilbert should: a) demonstrate how it seeks to reflect the special local historic character of the area in terms of scale, form, massing, architectural design and materials; b) sustain and where possible enhance local character and the distinctiveness of the Historic Zone and its setting; and c) ensure that new development responds positively to the historic pattern of

development conserving features of historic interest that contribute to the areas special character. Policy 4b) of the NP similarly requires that proposals should conserve and enhance the special character of the Historic Zone.

92. NP Policy 6 (Sustainable Design) states that design should contribute positively to place-making and sustainable design and should be developed in response to a robust analysis of the character of the built environment and local landscape character which must be shown in a Design and Access Statement where required. It should respond to the character of the local environment, taking advantage of opportunities to reinforce local distinctiveness, achieve high levels of energy efficiency, incorporate small-scale renewable and low carbon energy generation into the design of new development where viable, and make adequate provision to provide green open space in accordance with the most up to date standards in the latest evidence and /or the Local Plan.
93. The 'historic zone' as identified in the Neighbourhood Plan relates to Front Street, to the north of the site, and the properties that run along it, including a Grade 2 listed building, which consists of a single storey former blacksmiths that was converted recently into a single dwelling. A heritage and separate design and access statement were submitted in support of the application, making reference to existing character and design along the Front Street. It should be noted that the application site is not within the 'historic zone', but is in close proximity to it and would therefore affect the setting.
94. From assessing the details submitted, including house types, elevations and layout on site, the development is proposed to address Front Street by means of two identical double fronted red brick houses, set behind an established hedgerow. The dwellings at this point would be in keeping with the historic vernacular in the area, particularly in relation to scale, massing, and design, thus sustaining its local character, as required by policy 5 of the Neighbourhood Plan.
95. Within the site, the layout of development follows a single main road, with areas of public open space with new planting interspersed throughout the site, breaking up areas of hardstanding. All properties would provide a strong frontage to this road, and would be designed to a suitable scale, density and design that respects the quality of development within the historic core. The detailed design is noted and deemed appropriate, with materials proposed as a mix of red brick and render, with grey tile and a condition would be applied to any approval for their precise details. A boundary treatment plan has been submitted, indicating a mix of metal railings and brick wall finishes where visible from the street scene, with timber fencing proposed for rear garden spaces. The metal railings would be considered an attractive feature where it is proposed adjacent to public open spaces, particularly at the entrance to the site and adjacent to the PROW to the east of the site. A condition however will still be required for precise final details on materials subject to any approval received.
96. In relation to the listed building, there is no concern that the proposed development will impact on the character or appearance of this building, given the distance of new development from it. In addition, as part of its conversion to a dwelling, amendments were made to the rear elevation, which faces the application site. The main heritage interest relates to its frontage and elements of the internal features which were preserved as part of the conversion. On this basis the proposed development would not impact on its special qualities, which would be preserved. The LPA is considered to have discharged of its duty as required under section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to ensure in the exercise of their planning function with respect to listed buildings special attention has been given to the desirability of preserving or enhancing them.

97. In consideration of the above, the overall design and layout of the development is considered to be appropriate, and suitably accords with requirements set out in policies 29 and 44 of the CDP and policies 2, 4, 5 and 6 of the Neighbourhood Plan.

Landscape and Trees

98. Policy 39 of the County Durham Plan in relation to landscape 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.
99. 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.
100. Neighbourhood Plan policy 4d) seeks to ensure the landscaping along the south boundary of the site is retained as well as the visual setting of the site. NP policy 6 seeks adequate provision of open green space within developments.
101. Significant discussion took place with regards the proposed layout of housing running along the south boundary, adjacent to well established Council owned trees and hedges abutting and within the highway verge. Concerns were raised that these houses would be negatively impacted by excessive shading from the trees, resulting in requests for regular pruning and potential removal of trees, or that works would be undertaken independently of the Council, resulting in damage to the trees and decline in their health and appearance. The planting along this highway verge is deemed to have high visual and functional value, providing an important and attractive delineation of the settlement edge and screening the adjacent busy road. It was noted that the previous proposals for which this committee recommended approval but was subsequently withdrawn before the associated S106 was signed, was designed with the main estate road running along the south boundary adjacent to the planting, which at the time was deemed feasible and would protect the trees along the boundary. In landscape terms, the latter layout was deemed more appropriate, as it would protect the trees in the long term.
102. Upon request, the applicant provided details to demonstrate that changes in land levels at the southern end of the site meant that any road running along here would require retaining walls which would become problematic for long term maintenance. It was further demonstrated that any road in this location, with associated parking bays, would impact on root protection areas and impact on trees. Although a sunlight assessment was submitted with the application, this was deemed ineffectual and did not suitably demonstrate that shading would not be an issue.
103. Having assessed this information, and following further site visits to inspect the planting, it was determined that there was overcrowding along the verge and that there was scope for some thinning out of lesser quality single stemmed trees. The removal of these trees would in turn benefit the better quality tree specimens which were retained, as well as the lower lying shrub layer consisting of hazel, hawthorn, blackthorn, which would better flourish from the thinning works and provide screening required, without excessive shading to adjacent properties. It was subsequently agreed with the developer that the Council would be in a position to undertake these

works subject to section 106 funding to cover the works themselves as well as arranging temporary road closure given the proximity of the major A road.

104. Policy 25 in relation to developer contributions states that 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, in order to secure the mitigation that is necessary for a development to be acceptable in planning terms. Given the importance attributed to the planting along the south boundary and its requirement to be retained in line with CDP policies 39 and 40 and NP policy 4, and the anticipated impact on proposed occupiers of the dwellings along this south boundary, it is considered that the tree works proposed are deemed required in this case. Thinning of the trees would allow a greater level of light to reach the lower lying shrub layer and in turn the proposed rear garden spaces and dwellings. In addition, the trees would have a better chance of growing into well balanced specimens marking the settlement boundary and improving the visual amenity in the longer term.
105. As part of the wider development, a number of trees would be removed centrally within the site, and although not ideal, it is accepted that large areas of planting would nonetheless be retained, particularly at the north-east and western boundary. Additional planting would be included throughout the site and an updated and detailed landscape scheme was submitted in support of the proposals, taking into account comments received from both the Senior Trees and Landscape officer. The plans will be marked as approved plans. A separate condition will be applied to ensure suitable tree protection measures are included to protect any planting for retention as indicated within the Arboricultural Method Statement.
106. In consideration of the above, and subject to conditions and funding secured through a section 106 agreement, the proposals are considered to accord with relevant parts of policy 39 and 40 of the CDP and NP policies 4 and 6.

Impacts on Residential Amenity of Existing and Future Occupiers

107. Policies 29 and 31 of the CDP outline that development should provide high standards of amenity and privacy, minimise the impact of development upon the occupants of existing adjacent and nearby properties and not lead to unacceptable levels of pollution. A Residential Amenity Standards Supplementary Planning Document (SPD) has been adopted by the Council along with the requirements for all new residential development to comply with Nationally Described Space Standards (NDSS).
108. NP policy 2 requires that development does not adversely impact upon the amenity of existing and future residents, whilst policy 4d) states that proposals, where applicable should incorporate noise attenuation measures.
109. The nearest residents to the proposed development are located along Front Street, with rear elevations facing towards the site. These include a total of 9 houses and a pub. Facing distances from each of these existing properties to the nearest proposed dwellings equates to approximately 29 metres which is in excess of the 21 metres required. The line of existing terraces overlooking the north east section of the site would face the proposed gable end of plot 18 but a suitable distance of 13 metres would exist. It is further noted within this plot that a detached garage would be located along the north boundary, adjacent to the rear garden boundary of no. 17 Front Street, at a distance of 6.3 metres at the nearest points. No elevation drawings were provided for this garage, or the other five detached garages across the site, but a condition will be applied seeking these details to ensure that any proposed garage would be of a suitable design and height to protect amenities of occupiers of all nearby properties, but in particular no. 17.

110. The rear curtilage of the Travellers Rest Public House is quite sizeable, and creates a divide between the west and eastern parts of the application site. It measures 40 x 36 metres and is used for car parking for patrons, and also contains a small outdoor seating area. The boundaries appear well planted on their side and would help screen activities within the pub and rear curtilage. Apart from plot 22, the remainder of the dwellings are separated from the grounds of the public house by the main estate road and it is not considered that the public house in this location would create issues of noise and disturbance to future occupants of the development site. Part of the rear boundary of plot 22 shares a boundary with the car parking area of the PH but it is not anticipated that this would be an issue. In any case the pub has operated adjacent to existing houses without issues, and the consultations with the Environmental Health Officer raised no concerns in this regard.
111. Although a single objection is noted from one of the residents along Front Street, the issues raised are not considered sufficient to warrant a refusal or amendment to the scheme. The concerns with regards traffic noise are not considered to be an issue, as the new estate road would be to the front of the proposed dwellings, keeping any traffic noise away from properties along Front Street. Given the size and scale of the development it is not likely that there would be any significant increase in fumes from additional traffic accessing the site. Rear gardens would abut the boundary of existing properties, and such a use would be appropriate and compatible with existing residential use in the area without causing any undue harm or detriment to residential amenity. As already stated, distance standards are more than met in this case. Concern over loss of a particular view is not a material planning consideration.
112. Within the development site, careful assessment has been undertaken to ensure that all properties maintain the 21 metres facing distance between windows of habitable rooms for two storey dwellings and 18 metres for single storey dwellings, as well as suitable distance standards between main elevations and blank gables. These can all be achieved in accordance with the requirements. The majority of rear garden lengths throughout the site can comfortably achieve 9 metres length, although there are some properties that only attain this length for a small section of the garden. Whilst this is not ideal, the shortfall in length is minimal at less than half a metre, and would not infringe on privacy distance standards. All dwellings have been assessed against NDSS and accord with these as required by policy 29 of the CDP.
113. There are also requirements within policy 15 in terms of meeting the needs of older people, where sites of 10 or more units should provide 66% of dwellings to meet Building Regulation M4(2) standards, which can include a minimum of 10% towards housing options for older people, such as level access bungalows. Policy 3 of the NP has similar requirements. A total of 21 of the proposed 29 properties would achieve this standard, which equates to 72% of properties on the site. Two bungalows and a dormer bungalow are also provided on site to meet older persons housing needs. In this regard the proposals would meet the requirement, but a condition would be applied to secure this.
114. The Council's Environmental Health Section has commented on the scheme noting the details contained within the noise impact assessment, which took into account noise from the adjacent road. They were satisfied that the measures provided within the noise impact assessment would suitably mitigate noise impact from road traffic and requested that a planning condition be applied to ensure that sound attenuation complies with the noise assessment, with a further condition requested for details on a construction management plan. A condition would also be applied limiting hours of working to further protect amenities of existing residents.

115. Subject to the conditions noted above, the proposals are considered to appropriately accord with policies relating to protection of amenities for neighbouring and future occupiers in line with policies 29 and 31 of the CDP, 2, 3 and 4d) of the NP and Part 12 of the NPPF.

Sustainable Design

116. Policy 29 requires that proposals minimise greenhouse gas emissions, by seeking to achieve zero carbon buildings and providing renewable and low carbon energy generation, where possible. NP policy 6 similarly requires development to demonstrate a commitment to sustainable design and achieve high levels of energy efficiency and incorporate small -scale and low carbon energy generation in the design of new development where viable.
117. The Parish Council noted the provision of sustainable measures within the site and queried whether further improvements could be made. An Energy and Sustainability report was submitted with the application providing details on u values and carbon reduction calculations, achieved by improved insulation measures and inclusion of solar PV on each dwelling. From assessing the details and discussions with the applicant, the proposals are considered acceptable and in line with what is required of policy 29 and would meet the revised and updated Part L Building Regulation requirements issued in 2022. On this basis the proposals are considered policy compliant.

Green Infrastructure

118. Policy 26 in relation to 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.
119. The policy also 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.
120. In accordance with the policy, it is determined that the development should provide 957sqm of amenity/natural green space on site, alongside a financial contribution towards off site facilities including allotments, parks and sports grounds etc, amounting to £45,648.90. The areas of public open space to be provided within the site, noted on the eastern and western edges, amounts to approximately 3,000 sqm, in excess of requirements set out in the OSNA.
121. PROW 29 which connects the Front Street with PROW's to the south of the A691 would cross the site at the eastern edge. Whilst the PROW would be retained, it would be subject to a minor deviation from its current route, curving around the garden area of plot 17. Amendments to the route are subject to a separate legal process for which the applicant has been notified. As part of the process, consultations will be undertaken, including with the PROW team in terms of appropriateness of the re-routing. For the purposes of this planning application, there is no objection to the minor deviation with continued access maintained for existing residents at Witton Gilbert, as well as providing appropriate connections for future residents at this site. The PROW would be contained within the annotated public open space within the development and the boundary with plot 17 would be 1.2 metres high metal fencing with hedgerow.

It is not considered that the development at the point where the PROW crosses the site would unduly impact on amenities of users of the footpath and the proposals are considered acceptable in line with policy 26.

122. Subject to the section 106 payments, the proposals are considered to accord with the requirements set out in policy 26.

Highways Safety and Access

123. CDP Policy 21 states that development should: c) 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. In relation to parking the policy states that car parking at residential development should ensure that a sufficient level is provided for both occupants and visitors, to minimise potential harm to amenity from footway parking. NPPF sets out at Paragraph 110 that safe and suitable access should be achieved for all people. In addition, Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
124. NP policy 2e) and 4c) require that proposals ensure suitable safe access points to allow for connections to be made within the site, including for motorists, pedestrians and cyclists and also ensure the retention and, where possible, enhancement of the public footpaths.
125. The proposals would take access from the north of the site, through an existing field gate, which is to be widened in line with highway requirements to ensure suitable visibility. A single adopted road would serve the whole development extending from the north west entrance point to the east of the site. Three private drives would be taken from the roadway and would serve between 2 and 4 properties each. Each property would benefit from suitable in curtilage parking and sufficient visitor parking would be provided and spread throughout the site. In addition to this, all plots would have passive electric vehicle charging points available, with four plots having fully installed charging points available for immediate use.
126. The Highway Authority assessed the details and raised no objection to the proposals. Conditions would be applied for final details on the highway to be submitted for approval, along with a construction management plan.
127. Based on the above assessment, the extent of development proposed would not be expected to create significant impacts on the highway network and suitable and safe access to the site can be achieved with appropriate levels of parking provided. The NPPF states that development should only be refused on highways grounds where there would be an unacceptable impact on highway safety, or the residual cumulative impact would be severe. In this case, it is considered that the proposals would not have an unacceptable impact and a refusal on highways grounds would not be warranted. Overall, the highways impacts of the development are considered to be acceptable and in accordance with policy 21 of the CDP, policy 2 and 4 of the NP and Part 9 of the NPPF.

Ecology

128. Part 15 of the NPPF requires that when determining planning applications, Local Planning Authorities seek to conserve and enhance biodiversity. CDP Policy 41 seeks

to ensure new development minimises impacts on biodiversity by retaining and enhancing existing diversity assets and features. Proposals for new development should not be supported where it would result in significant harm to biodiversity or geodiversity. Policies 29 and 40 of the CDP similarly seek to protect and create opportunities for wildlife.

129. NP policy 4 and 7 similarly seek to ensure that new development integrates biodiversity where possible.
130. The application was submitted with ecological reports alongside a Biodiversity Net Gain (BNG) assessment and biodiversity metric. Ecology assessed the details of the scheme and noted that there would be a loss in BNG credits through development of the site. Updated details were provided to demonstrate how the proposals would seek to secure biodiversity net gain on site, however this could only be partly achieved through habitat creation within areas of the POS. In agreement with the Ecology team, a financial contribution will be made, secured as part of the Section 106 agreement to ensure that the development can meet policy requirements in terms of BNG.
131. Where BNG is to be secured on site, a Biodiversity Management and Monitoring Plan (BMMP) is required to demonstrate how it will be achieved, managed and maintained, with a mechanism for reporting to DCC in years 2, 5, 10, 20 and 30 following habitat creation. At the time of writing no BMMP was submitted, but this would need to be secured under Section 39 of the Wildlife and Countryside Act 1981. Overall this would achieve a biodiversity net gain in accordance with CDP policy 26 and 41 and Para. 174 of the NPPF. A pre-commencement condition would also be applied seeking these details for our approval.
132. Subject to this condition and details within the Section 106, Ecology section raise no objections to the proposals in line with relevant policy.

Flooding and Surface Water

133. 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.
134. 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.
135. Durham County Council's Drainage and Coastal Protection Team act as the Local Lead Flood Authority (LLFA) and have assessed the various plans and information submitted in support of the scheme. Throughout the planning process amendments have been sought accompanied by updated calculations to determine appropriate management of surface water across the site. For this particular development it was accepted that a SUDS basin would not be able to suitably address the requirements for management of surface water due to ground conditions, and it was agreed that discharge of surface water would be made to combined water sewers in the area.

136. It is understood that separate to the planning process, the applicant has spoken direct with NWL to secure agreement to this arrangement along with appropriate flow rates. In consultation with the LLFA detailed plans and calculations were provided and these were deemed acceptable and in line with requirements set out in policies 35 and 36 of the CDP. A condition will be applied to ensure works are carried out in accordance with the agreed drainage plan submitted.

Other issues

137. Policy 44 of the CDP sets out development will be expected to sustain the significance of designated and non-designated heritage assets, including any contribution made by their setting. Development proposals should contribute positively to the built and historic environment and should seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets, including those of archaeological interest, whilst improving access where appropriate.

138. A geophysical survey report was submitted with the application. Having assessed this, the Archaeology Section requested that trial trenching works be undertaken prior to any decision being issued. These works are now complete with a report of the findings submitted, indicating that no further survey work would be required. Archaeology section are satisfied with all details provided and the proposals adhere to policy 44 of the CDP.

139. Policy 27 of the CDP and NP policy 11 requires new residential development to be served by a high-speed broadband connection unless it can be demonstrated that this is not appropriate. The development would be located in an edge of settlement location characterised by both residential and commercial development. Similar, requirement in terms of broadband connectivity and broadband connectivity would be delivered in this wider context. As such it does not appear that there any significant constraints to delivering the connectivity in accordance with the requirements of policy 27 although the submission and agreement of precise detail in this regard could be secured through planning condition. Subject to the inclusion of a planning condition in this regard the development is considered to accord with the aims of policy 27 of the CDP.

140. 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.

141. Contaminated land section assessed the details of the proposals and various reports submitted in support of the scheme, along with additional information requested throughout the application process. They were satisfied with information provided but require a condition for a phase 3 and 4 report to be included on any approval granted.

Developer Contributions

142. 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 affordable housing and open space needs, education and health facilities. Policy 15 relating to Addressing Housing Need states that affordable housing will be sought on sites of 10 or more units.

143. **Affordable Housing** –In accordance with policy 15 based on the proposals for the construction of 29 dwellings, it would be expected that the scheme would provide seven affordable homes of an appropriate mix of affordable rent and discounted

market price. The applicant has clarified in agreement with the Housing Development Officer to provide the five houses for affordable rent with two properties available as part of the First Homes affordable housing scheme. Believe Housing have been identified as the Registered Provider in this case. In line with Policy 15 the units identified will be tied as affordable housing via a section 106 agreement and to ensure that they remain so in perpetuity.

144. **Open Space / Green Infrastructure** – Policy 26 states that proposals for new residential development 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 secured through planning obligations towards the provision of new open space, or the improvement of existing open space elsewhere in the locality. To this end, a financial contribution of £45,648.90 is required towards open and amenity space and green infrastructure and would need to be secured through a Section 106 agreement.
145. **NHS North Durham Clinical Commissioning Group** - The NHS have been consulted as part of the planning process and have advised that for a development of this size, a contribution of £14,793 would be required to go towards improvement of GP access and upgrading of existing surgeries.
146. **Contributions towards off site provision Biodiversity Net Gain** – As discussed previously, given the size of the site, it would not be possible to achieve full BNG credits within the site. With agreement from Ecology Section and as calculated by them, a contribution towards off site provision of BNG would be required, amounting to £13,780. The applicant will also be required to enter into a S.39 Agreement to secure the long term management, maintenance and monitoring of the biodiversity land in accordance with a Biodiversity Management and Monitoring Plan (BMMP).
147. **Contributions towards works to Council trees** – As discussed previously, in agreement with the landscape and trees sections, a financial contribution is to be made to the Council to undertake works to trees within the adopted highway verge along the south boundary of the site adjacent to the A691. This contribution amounts to £15,185.56.

CONCLUSION

148. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan in this case relates to the County Durham Plan and the Witton Gilbert Neighbourhood 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).
149. The proposal relates to an allocated housing site within the Neighbourhood Plan and are acceptable in principle. The details of the scheme have been assessed against relevant policies and are considered to accord with appropriate criteria and requirements, and subject to conditions and contributions secured through a Section 106 agreement, would not have any unacceptable impact upon the character and appearance of the surrounding area, landscape, residential amenity, highway safety, ecology, flooding and surface water, archaeology and contaminated land in accordance with policies 15, 21, 29, 31, 32, 35, 36, 39, 40, 41 and 44 of the County

Durham Plan, policies 2, 3, 4, 5, 6, 7 and 11 of the Neighbourhood Plan and Parts 5, 6, 9, 12, 14, 15 and 16 of the NPPF.

150. The proposal has generated some public interest, however whilst the objection and concerns raised have been taken into account, they would not warrant a refusal in this case for the reasons detailed in this report. On balance, it is therefore considered that the proposals are acceptable and the application is recommended for approval.

RECOMMENDATION

That the application be **APPROVED** subject to the completion of a S106 Legal Agreement to secure the following:

- S.39 Agreement to secure the long term management, maintenance and monitoring of the biodiversity land in accordance with a Biodiversity Management and Monitoring Plan (BMMP);
- £13,780 towards off site provision of Biodiversity Net Gain;
- Seven units secured as Affordable Housing (5 affordable rent & 2 first homes)
- £45,648.90 towards open space and green infrastructure;
- £14,793 towards health provision in the local area; and
- £15,185.56 towards tree works along the highway verge.

And subject to the following conditions:

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

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

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

Plan	Drawing No.	Date Received
Site location plan	0005 REV P02	01/04/22
Engineering Layout	001-01 Rev F	20/12/22
Boundary Treatment Plan	0111 - P05	20/12/22
Plot Boundaries	0112 - P05	20/12/22
HT2 - Planning Plans and Elevations	0122 - P02	20/12/22
HT3 - Planning Plans and Elevations	0123 - P07	20/12/22
HT4 - Planning Plans and Elevations	0124 - P03	20/12/22
HT7 - Proposed Plans and Elevations	0127 - P01	20/12/22
HT8 - Proposed Plans and Elevations	0128 - P01	20/12/22
HT6 - Planning Plans and Elevations	0126 - P06	20/12/22
HT6 - Planning Plans and Elevations (Plot 17 only)	0126 - P01	20/12/22
HT6 - Planning Plans and Elevations (Plot 14 & 15 only)	0126 - P06	20/12/22
HT5 - Planning Plans and Elevations	0125 - P04	20/12/22
HT9 - Planning Plans and Elevations	0129 - P03	20/12/22
HT10 - Planning Plans and Elevation	0130 - P04	20/12/22
HT11 - Planning Plans and Elevation	0131 - P05	20/12/22
HT12 - Planning Plans and Elevation	0132 - C03	20/12/22
Proposed Site Plan	0110 P06	27/01/23
Detailed Landscape Proposals (1 of 2)	3860/1 Rev G	23/01/23

Detailed Landscape Proposals (2 of 2) Arboricultural Method Statement inc. impact assessment	3860/2 Rev G	23/01/23 20/12/22
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Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policy(ies) 15, 21, 29, 31, 32, 35, 36, 39, 40, 41 and 44 of the County Durham Plan, policies 2, 3, 4, 5, 6, 7 and 11 of the Neighbourhood Plan and Parts 5, 6, 9, 12, 14, 15 and 16 of the NPPF.

3. No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include as a minimum but not necessarily be restricted to the following:
 - 1.A Dust Action Plan including measures to control the emission of dust and dirt during construction.
 - 2.Details of methods and means of noise reduction/suppression.
 - 3.Where construction involves penetrative piling, details of methods for piling of foundations including measures to suppress any associated noise and vibration.
 - 4.Details of measures to prevent mud and other such material migrating onto the highway from all vehicles entering and leaving the site.
 - 5.Designation, layout and design of construction access and egress points.
 - 6.Details for the provision of directional signage (on and off site).
 - 7.Details of contractors' compounds, materials storage and other storage arrangements, including cranes and plant, equipment and related temporary infrastructure.
 - 8.Details of provision for all site operatives for the loading and unloading of plant, machinery and materials.
 - 9.Details of provision for all site operatives, including visitors and construction vehicles for parking and turning within the site during the construction period.
 - 10.Routing agreements for construction traffic.
 - 11.Details of the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.
 - 12.Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works.
 - 13.Management measures for the control of pest species as a result of demolition and/or construction works.
 - 14.Detail of measures for liaison with the local community and procedures to deal with any complaints received.

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

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

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

4. No development shall commence until a land contamination scheme has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall be compliant with the YALPAG guidance and include a Phase 2 site investigation, which shall 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.

5. 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.

6. Prior to commencement of development on site, a Biodiversity Management and Monitoring Plan (BMMP) shall be submitted to and approved in writing by the Local Planning Authority. The BMMP shall demonstrate how the specific on-site Biodiversity Net Gain units that are to be created on site (as detailed within the Biodiversity Net Gain Assessment report received 20 December 2022) will be achieved, managed and maintained on site, and will include a mechanism for reporting to DCC in years 2, 5, 10, 20 and 30 following habitat creation. The works shall be carried out strictly in accordance with this Plan and shall thereafter be retained and managed as detailed.

Reason: In the interests of ensuring no protected species are adversely affected by the development and habitats are retained and improved in accordance with Policies 41 and 43 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

7. No development shall commence, with the exception of site preparation / clearance and construction up to the damp proof course, until full highway engineering, highway drainage, highway structure details, street lighting and constructional details of the streets (including hardened step off strips to the rear of non-allocated visitor parking) proposed for adoption by the local highway authority have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be constructed in accordance with the approved details,

Reason: To ensure a satisfactory form of development in accordance with Policy 21 of the County Durham Plan and Section 9 of the NPPF.

8. Notwithstanding any details of materials submitted with the application no development shall proceed beyond the installation of the damp proof course of any of the dwellings until details of the make, colour and texture of all walling and roofing materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

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

9. No development shall proceed beyond the installation of the damp proof course of any of the dwellings until such time as a scheme detailing the precise means of broadband connection to the site has been submitted to and agreed in writing by the local planning. Thereafter, the development shall be carried out in accordance with the agreed detail.

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

10. Prior to their construction on site, a proposed site plan and fully scaled elevation drawings of all detached garages throughout the site shall be submitted to and approved in writing by the Local Planning Authority. The garages shall thereafter be constructed in accordance with the approved details prior to the first occupation of the properties hereby approved.

Reason: In the interests of the visual amenity of the area and the residential amenity of nearest properties in accordance with Policy 6, 29 and 31 of the County Durham Plan, Policy 2 of the Witton Gilbert Neighbourhood Plan and Part 12 of the NPPF

11. Notwithstanding details already submitted, no development shall be occupied until details of the surface treatment and construction of all hardsurfaced areas (including unadopted footways, driveways and garden spaces) has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details prior to first occupation.

Reason: In the interests of the visual amenity of the surrounding areas in accordance with Policy 29 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.

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

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

13. No dwelling built to the Building Regulations M4(2) standard (as shown on Drawing 0110 P06 'Proposed Site Plan' received 27 January 2023) shall be occupied until a further verification confirming that the identified dwellings have been built to Buildings Regulations M4(2) standard, from a suitably competent person, has been submitted to and approved in writing by the Local Planning Authority. The verification shall

include sufficient plans and details which demonstrate compliance with the Building Regulations Standard M4(2) requirements.

Reason: In the interests of the residential amenity of future occupiers in accordance of Policies 15, 29 and 31 of the County Durham Plan and Part 12 of the National Planning Policy Framework.

14. Development shall be constructed in accordance with the approved hydraulic calculations and drainage scheme contained within the submitted documents entitled 'Engineering Layout' and SW Simulations dated 20 December 2022.

Reason: To prevent the increased risk of flooding from any sources in accordance with policies 35 and 36 of the CDP and Part 14 of the NPPF.

15. All trees and hedges, indicated on the tree protection plan within Appendix 3 of the approved Arboricultural Method Statement received 20 December 2022 (Tree Protection Plan drawing number ARB/CP/27C2/TPP) as to be retained, shall be protected by the erection of fencing, placed as indicated on the plan and comprising a vertical and horizontal framework of scaffolding, well braced to resist impacts, and supporting temporary welded mesh fencing panels or similar approved in accordance with BS.5837:2010. Any works within the root protection areas shall be the subject of a detailed construction methodology which shall be submitted to and approved in writing before any such works commence and shall be undertaken thereafter entirely in accordance with the approved construction details.

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

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

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

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

16. Prior to the beneficial occupation of the development all sound attenuation measures detailed in the noise assessment produced by Apex Acoustics Ltd, reference 9451.1 Revision B dated 30 March 2022 and published 1 April 2022, shall be fully implemented and permanently retained thereafter.

Reason: In the interest of the amenity of existing and future occupants in accordance with Policy 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

17. In undertaking the development that is hereby approved:

No external construction works, works of demolition, deliveries, external running of plant and equipment shall take place other than between the hours of 0800 to 1800 on Monday to Friday and 0800 to 1400 on Saturday.

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

18. All planting, seeding or turfing and habitat creation in the approved details of the landscaping scheme shall be carried out in the first available planting season following the practical completion of the development.

No tree shall be felled or hedge removed until the removal/felling is shown to comply with legislation protecting nesting birds and roosting bats.

Any approved replacement tree or hedge planting shall be carried out within 12 months of felling and removals of existing trees and hedges.

Any trees or plants which die, fail to flourish or are removed within a period of 5 years from the substantial completion of the development shall be replaced in the next planting season with others of similar size and species.

Replacements will be subject to the same conditions.

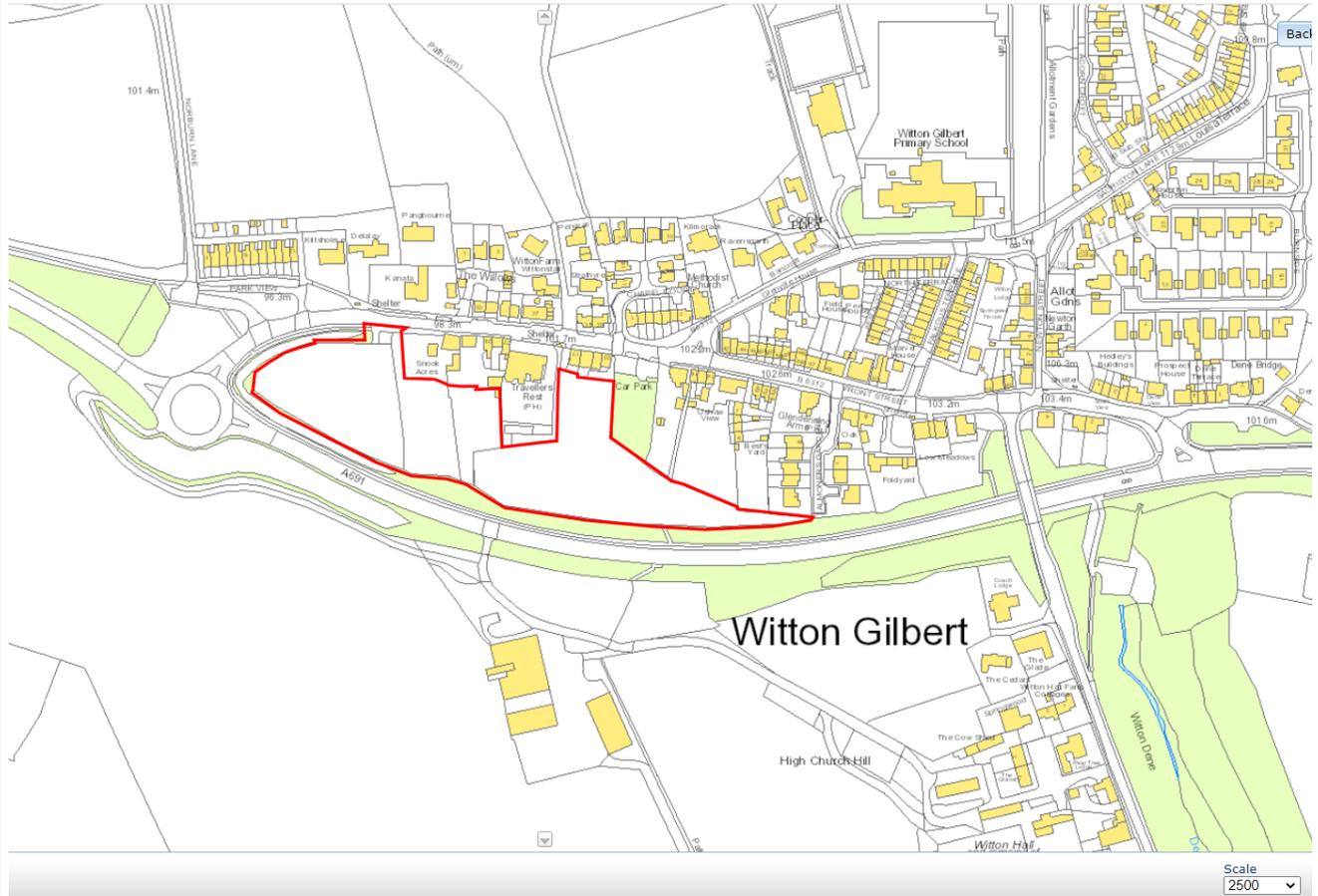
Reason: In the interests of the visual amenity of the area and to comply with Policy 29 of the County Durham Plan and Part 12 of the National Planning Policy Framework.

STATEMENT OF PROACTIVE ENGAGEMENT

In accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has, without prejudice to a fair and objective assessment of the proposals, issues raised and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF.

BACKGROUND PAPERS

- Submitted application form, plans supporting documents and subsequent information provided by the applicant.
- The National Planning Policy Framework (2021)
- National Planning Practice Guidance notes.
- County Durham Plan 2020
- Witton Gilbert Neighbourhood Plan 2019
- Statutory, internal and public consultation responses
- Residential Amenity Standards SPD (2023)
- County Durham Building for Life SPD (2019)
- County Durham Parking and Accessibility Standards 2019



 <p>Durham County Council</p> <p>Planning Services</p>	<p>Residential development for 29 dwellings and associated works (amended title) Land adjoining Snook Acres, Front Street, Witton Gilbert, DH7 6SY Ref: DM/22/00987/FPA</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 14 February 2023</p>	<p>Scale Not to Scale</p>

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COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/22/02364/FPA
FULL APPLICATION DESCRIPTION:	Change from dwellinghouse (C3) to small house in multiple occupation (C4) including conversion of the garage into a habitable room and single storey extension to rear
NAME OF APPLICANT:	Ms Gabrielle Moore
ADDRESS:	1 St Monica Grove Crossgate Moor Durham DH1 4AS
ELECTORAL DIVISION:	Neville's Cross
CASE OFFICER:	Michelle Hurton Planning Officer Michelle.hurton@durham.gov.uk 03000 261398

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site is a two-storey semi-detached property located within St Monica Grove, Crossgate Moor which is a residential housing estate set back towards the east from the A167. The majority of the houses within the estate have been subject to some means of extension previously.
2. The property has a single storey garage to the side and a porch to the front. The front lawn is enclosed with a low brick boundary wall with pillars and the rear garden is enclosed with timber fencing.

The Proposal

3. The application seeks planning permission for the conversion of the property from a C3 residential dwellinghouse to a C4 small house in multiple occupation to include the conversion of the garage into a habitable room and the erection of a single storey extension to the rear.
4. The application is being reported to planning committee at the request of the Durham City Parish Council who consider the application raises issues relating to noise, community imbalance, residential amenity, flood risk and parking access and highway safety issues which require consideration by the committee.

PLANNING HISTORY

5. DM/16/00961/FPA - Erection of part two-storey extension/part single-storey at side/rear of dwelling. – Approved 05th May 2016

PLANNING POLICY

NATIONAL POLICY

National Planning Policy Framework

6. The following elements of the National Planning Policy Framework (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 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.

13. 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.
14. NPPF Part 15 Conserving and Enhancing the Natural Environment - Conserving and enhancing the natural environment. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.
15. 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:

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; air quality; historic environment; design process and tools; determining a planning application; flood risk; healthy and safe communities; land affected by contamination; housing and economic development needs assessments; housing and economic land availability assessment; light pollution; natural environment; neighbourhood planning; noise; open space, sports and recreation facilities, public rights of way and local green space; planning obligations; travel plans, transport assessments and statements; 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. The following policies of the County Durham Plan (CDP) are considered relevant to this proposal:
18. Policy 6 (Development on Unallocated Sites) supports 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.

19. Policy 16 (Durham University Development, Purpose Built Student Accommodation and Houses in Multiple Occupation) seeks to provides a means to consider student accommodation and proposals for houses in multiple occupation in ensure they create inclusive places in line with the objective of creating mixed and balanced communities.
20. 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 the Parking and Accessibility Supplementary Planning Document and Strategic Cycling and Walking Deliver Plan.
21. 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
22. 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.
23. Policy 35 Water Management states that all new development should adopt the hierarchy of preference in relation to surface water disposal.
24. Policy 36 Disposal of Foul Water states that all new development should adopt the hierarchy of preference.
25. The Council's Residential Amenity Design Guide (SPD) which provides detailed guidance in relation to extensions and other works to dwellinghouses to ensure that these do not have an adverse impact upon the host dwelling, the character of the wider area and residential amenity.

<https://www.durham.gov.uk/media/34069/County-Durham-Plan-adopted-2020-/pdf/CountyDurhamPlanAdopted2020vDec2020.pdf?m=637424969331400000>

NEIGHBOURHOOD PLANNING POLICY

Durham City Neighbourhood Plan

26. The following policies of the Durham City Neighbourhood Plan (DCNP) are considered relevant to the determination of this application.
27. Policy S1 (Sustainable Development Requirements of all Development and Re-development Sites Including all New Building, Renovations and Extensions) seeks to sets out the economic, social and environmental criteria that development proposals will be required to meet
28. Policy H3 (Our Neighbourhood Outside the Conservation Areas) requires development outside of Conservation areas to, where appropriate, demonstrate an understanding of the area of the proposed development and its relationship to the Neighbourhood area. Such development should sustain and make a positive contribution to the character and distinctiveness of the area and avoid the loss of open space and public realm that contributes to the area, to be appropriate in terms of scale, density, massing, form, layout, landscaping and open spaces and use appropriate materials and finishes.
29. Policy D4 (Building Housing to the Highest Standards) states all new housing, extensions and other alterations to existing housing should be of high-quality design relating to the character and appearance of the local area, aesthetic qualities, external and internal form and layout, functionality, adaptability, resilience and improvement of energy efficiency and the reduction of carbon dioxide emissions.
30. New residential development should meet the Building for Life 12 standards provided for in County Durham Building for Life Supplementary Planning Document (2019)
31. Policy T1 (Sustainable Transport Accessibility and Design) seeks to ensure that development proposals will be required to demonstrate best practice in respect of sustainable transport accessibility, impact and design
32. Policy T2 (Residential Car Parking) supports developments with or impacting on car parking provided that car parking is designed to reduce vehicle movements on residential streets and is in designated bays or small groups separated by landscaping or features and designed with safety in mind. Consideration should be given to communal off street parking for dwellings without garages. Any EV requirements should not hinder movement by pedestrians or disabled people and should be in keeping with area character. The policy supports the use of car clubs. Should the parking demand require parking controls these will need to be funded through developer contributions.
33. Policy T3 (Residential Storage for Cycles and Mobility Aids) requires residential development including change of use to seek to provide storage facilities for cycles and, where appropriate mobility aids. Cycle parking should meet DCC standards and should be adaptable for other types of storage with access to electricity. Where there is communal storage and a travel plan this should be managed appropriately in terms of removal and capacity needs. Design and location of storage should accord with the style and context of the development

<https://www.durham.gov.uk/media/36020/Durham-City-adopted-neighbourhood-plan/pdf/DurhamCityNeighbourhoodPlan.pdf?m=637630042066500000>

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

34. The Highway Authority raises no objection to the application.
35. Durham City Parish Council objects to the application with regard to parking, increase in traffic, loss of garden to driveway has the possibility to increase local flooding risk in conflict with policy 35, loss of amenity to neighbouring properties, noise, rubbish and that there is already sufficient accommodation to meet 2026/27 target number of students.

INTERNAL CONSULTEE RESPONSES:

36. Environment, Health and Consumer Protection (Nuisance Action Team) raise no objection to the application subject to the inclusion of conditions relating to construction works, the proposed bedrooms being adequately insulated, and a management plan being submitted.
37. HMO Data have confirmed that the percentage of properties within the 100m radius of and including the application site that are exempt from Council Tax is 6.9%.
38. HMO Licensing have confirmed that the property will need to be licensed following completion of the works due to the property forming a 5-bedroom, 2 storey house in multiple occupation.

PUBLIC RESPONSES:

39. The application was advertised by way of site notice and neighbour notification letters were sent to nearby properties. Twenty-seven letters of objection have been received and one letter of representation.
40. Objections received from nearby residents are with regard to:
 - Residential Amenity in that the proposal would adversely impact upon neighbouring properties from increased noise, potential double occupancy in the bedrooms proposed, no sound proofing, overshadowing, loss of light and loss of privacy as a result of the extension, the bedrooms fail to meet NDSS Standards.
 - Highway Safety specifically that the site does not include sufficient parking, would result in the loss of on street parking and increase traffic congestion, that the property is on a stretch of road with poor visibility, increase of accidents in an area with high level of children and young people crossing the road given the presence of local schools.
 - Social Cohesion specifically that the introduction of a HMO would imbalance the community, that the property will be empty for long periods eroding the local community and that house prices are rising, and young families are being pushed out of the area
 - Contrary to Policy 16 in that the 10% threshold has been met, the calculation does not include HMO's just outside the 100m radius which would be within 100m upon completion of the extension, there is no need for additional student housing in the area which already has PBSAs and HMOs, that St Monica Grove is a primary route into the city.
 - The HMO data does not appear to capture properties that are occupied during university term time.

- The bedrooms are suitably sized for 2 occupants which would lead to 12 persons living in the property, would this then be a sui-generis and not C4.
- Adverse impact from increased volume of waste/recycling
- Loss of council tax income
- Some neighbours did not receive the neighbour notification listed on the public access pages of the Council's Website.

The above is not intended to list every point made and represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <https://publicaccess.durham.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

APPLICANT'S STATEMENT:

- 41.1 Monica Grove was granted permission for a large 2 storey extension back in 2016. That planning application lapsed and when asking for the same extension recently this was refused. I have asked for a very small extension each end of the garage and have requested to convert the garage into a bedroom. This would have very little effect on the neighbouring houses.
42. I have asked to be allowed to use the house as an HMO. I am a responsible landlord living locally and rarely have problems from my tenants. Neighbours occasionally contact me, any problem is swiftly dealt with, I have also had neighbours contact me to tell me how helpful their student neighbours have been (offering to shop when the neighbour was unwell during covid for example). I have full time employees who maintain my properties so my houses are at least as well kept as others in the street.

PLANNING CONSIDERATIONS AND ASSESSMENT

43. As identified in Section 38(6) of the Planning and Compulsory Purchase Act 2004 the key consideration in the determination of a planning application is the development plan. Applications should be determined in accordance with the development plan unless material considerations indicate otherwise. In assessing the proposals against the requirements of the relevant planning guidance and development plan policies and having regard to all material planning considerations it is considered that the main planning issues in this instance relate to the principle of development, impact on the character and appearance of the area, impact on residential amenity and community balance/social cohesion, impact on highway safety and other matters.

Principle of the Development

44. The General Permitted Development Order 2015 (GPDO) permits the change of use from C3 (dwellinghouses) to uses within C4 (houses in multiple occupation HMOs). HMO's are small shared houses occupied by between three and six unrelated individuals, as their only or main residence and who share basic amenities such as a kitchen or bathroom. The proposed floor plans submitted with the application indicate that the proposal is such that the extensions would normally benefit from the provisions contained within the GPDO if the overall projection of the single storey extension was reduced by 400mm. With regard to the proposed use, an Article 4 direction came into effect on 17 September 2016 withdrawing permitted development rights for change of use from C3 to C4.
45. Policy 6 (Development on Unallocated Sites) of the County Durham Plan (CDP) supports 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.

46. In turn, Policy 16 Part 3 is relevant which relates to the conversion of houses for multiple occupation. The policy states that in order to promote, create and preserve inclusive, mixed and balanced communities and to protect residential amenity, applications for new build Houses in Multiple Occupation (both Use Class C4 and sui generis), extensions that result in specified or potential additional bedspaces and changes of use from any use to: a Class C4 (House in Multiple Occupation), where planning permission is required; or a House in Multiple Occupation in a sui generis use (more than six people sharing) will not be permitted if:
47. a. including the proposed development, more than 10% of the total number of residential units within 100 metres of the application site are exempt from council tax charges (Class N Student Exemption);
b. there are existing unimplemented permissions for Houses in Multiple Occupation within 100 metres of the application site, which in combination with the existing number of Class N Student exempt units would exceed 10% of the total properties within the 100 metres area; or
c. less than 10% of the total residential units within the 100 metres are exempt from council tax charges (Class N) but, the application site is in a residential area and on a street that is a primary access route between Purpose Built Student Accommodation and the town centre or a university campus.

In addition to the above applications will only be permitted where:

- d. the quantity of cycle and car parking provided has regard to the council's adopted Parking and Accessibility Supplementary Planning Document (SPD);
e. they provide acceptable arrangements for bin storage and other shared facilities and consider other amenity issues;
f. the design of the building or any extension would be appropriate in terms of the property itself and the character of the area; and
g. the applicant has shown that the security of the building and its occupants has been considered, along with that of neighbouring local residents.
48. It is noted that objections have been received from neighbouring residents raising concern that the proposed change of use would result in the over proliferation of HMOs in the area where they feel the 10% has already been met therefore unbalancing the community and that the applicant has not demonstrated any need for accommodation of this type in this location. Concerns regarding how the HMO data is collected have also been raised stating that properties occupied during term time do not appear to be captured in the data. All class N exempt properties are captured within the data collection, itself taken using council tax records twice a year and this method was considered sufficiently accurate and robust during examination of the CDP and upheld in relation to subsequent appeal decisions.
49. The most recent up to date Council Tax information identifies that if planning permission was granted for the change of use of the dwellinghouse into a small HMO that within 100 metre radius of, and including 1 St Monica Grove, 6.9% of properties are class N exempt properties as defined by Council Tax records. There is however

a pending planning application being considered for number 3 St Monica Grove, which if permission was granted for that application, would increase the percentage figure to 8.6% although it should be noted that this is pending application and cannot be afforded weight in the determination of this application but has been noted in objection by residents. As this concentration would be below the 10% threshold stated in the CDP and is not located on a route between a PBSA and university campus or town centre, the development can be considered acceptable in principle, subject to further consideration of the impact of the proposal upon residential amenity and highway safety.

50. It is noted that objections have been received citing that the application fails to demonstrate need for accommodation of the type proposed within this location and that there is a perceived surplus of student accommodation within the city. However, it is noted that demonstration of need is not a requirement of Part 3 of Policy 16 of the CDP. Whilst Part 2 of the policy does require an application to demonstrate need this relates to consideration of new PBSAs and not HMOs and as such is not relevant in the determination of this application. For that reason it is considered that the proposal would accord with the requirements set out in Part 3 of Policy 16 of the CDP.
51. Paragraph 62 of the NPPF states that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes). Given that less than 10% of properties within 100m of the application property are Class N exempt and this would remain the case should permission for the current change of use be granted the aims of Paragraph 62 would be met.
52. Objections have been received citing that the development would have an adverse impact upon social cohesion and unbalance the community. Paragraph 63 of the NPPF considers the need to create mixed and balanced communities and this is reflected in the requirements of Part 3 of policy 16 which includes a threshold of no more than 10% of properties being in HMO use. As already noted above, in light of the low level of Class N exempt properties within 100m radius of the site at present, it is not considered that this proposal would be contrary to the NPPF or CDP in this regard.
53. Concerns have been raised regarding St Monica Grove being a primary route into the city. Whilst St Monica Grove may present a possible route into the city this is not considered a primary route between a PBSA and University building or Town Centre location and therefore criteria c of part 3 of policy 16 is not relevant in this instance.
54. Objections have been raised that a number of HMOs fall just outside the 100m radius, which, once the extension has been built, would bring these into the 100m radius therefore taking the percentage over the 10% threshold. For the purposes of assessing compliance with policy 16 the 100m distance is taken from the properties Basic Land and Property Unit point which is a unique address point given to each property and as such erection of the extension as proposed would not materially alter the 100m radius for the purposes of policy 16.

Impact on residential amenity

55. Paragraph 130 of the NPPF requires that planning decisions create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and

resilience. Policy 31 (Amenity and Pollution) of the CDP displays broad accordance with the aims of paragraph 130 in this regard and 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.

56. In this instance the application site is a semi-detached property located within a residential area and as such the nearest residential properties adjoins the application site to the east with further residential properties to the north, east, west and south. The neighbouring resident has raised concerns regarding additional noise from the property as a result of the proposed change of use and that there would be issues with waste management.
57. The Council's EHO has been consulted and confirmed that the development would fall within the thresholds associated with Council's TANS. They have noted that although the use is not a change of use to a more sensitive receptor, the source of noise could be greater from the HMO use than a single dwelling. This is due to the increase in household numbers and activity to and from the property. The demographic that use this type of accommodation are often associated with greater use of the night time economy and as such an increased level of night time noise may occur. However, it is anecdotal as the potential for impact is associated with the individuals residing there and as such might differ greatly. The EHO also notes that two bedrooms will be on the ground floor with bedroom five being adjacent to a living/dining room in the adjoining house which could lead to a greater impact for the individual residing in bedroom five, as well as leading to complaints against the reasonable use of the neighbouring ground floor.
58. Notwithstanding the above, the EHO noted that should the bedrooms be adequately insulated this would mitigate any adverse impact in terms of the transfer of noise. As such a condition could be attached to planning permission requiring a sound proofing scheme to be submitted to and agreed by the LPA and thereafter implemented prior to first occupation of the development and retained at all times whilst the HMO is in use as such.
59. The EHO has also requested that the applicant provides an effective plan detailing how the property would be managed, the submission, agreement and implementation of this can be secured through planning condition should planning permission be granted.
60. It is noted that the application site is located within a residential area predominantly characterised by small family homes. However, noting that there is no identified over proliferation of HMO properties within 100 metres of the application site, it is not considered that the introduction of a single small HMO in this location would result in a level of cumulative impact that would be unacceptably detrimental to residential amenity. Whilst it is noted that tenants would likely change on a yearly basis this is unlikely to have any adverse impact capable of sustaining refusal of the planning application. Consequently, the development is considered to accord with the requirements of policies 16 and 31 of the CDP.

61. Objections have been received from neighbouring residents regarding the proposed extensions not meeting the required separation distances between habitable room windows and not meeting the design RAS SPD guidance and consider the development would result in overshadowing, loss of light and loss of privacy. The scheme has been amended upon initial submission and it is now considered that there would not be any adverse impacts upon the residential amenity of nearby residents and as such those concerns raised are not sufficient to sustain refusal of the application. Specifically, the separation distances would now be met and the rear extension would meet the 45 degree rule.
62. The property includes adequate space to accommodate bin and cycle storage facilities within the rear garden area which has a bike shed of sufficient size to store 6 No. bikes. Furthermore, there is adequate indoor and outdoor shared amenity space which complies with policy 16 of the CDP.
63. The Nationally Described Space Standards (NDSS) is a government introduced nationally prescribed internal space standard which sets out detailed guidance on the minimum standard for all new homes and was created with the aim of improving space standards within new residential development across all tenures. Evidence compiled during formulation of the County Durham Plan identified that many new homes in the county were being built below NDSS and that this was having an impact on the quality of life of residents. As a result, Council determined that it was necessary to introduce the NDSS in County Durham with the aim of improving the quality of new build development coming forward.
64. It is noted that the current application relates to a change of use to a property already in residential use and as such would not result in any net increase in the number of residential units. In addition, it is also noted that planning permission for that change is only required as a result of the Council removing permitted development rights for changes of use from C3 to C4 small HMOs, with the aim of maintaining balanced community across the city and nearby villages. Consequently, the rigid application of these standards is not considered appropriate to the current application. Nevertheless, it remains that the NDSS is a relevant measurement against which to assess the suitability of internal space provided within all residential development in the context of policy 29(e) of the CDP which requires new development to provide high standards of amenity and privacy.
65. With regard to the above, it is noted that all of the bedrooms would meet the minimum requirements of the NDSS being in excess of the required 7.5sq metres per room. As such these are considered to provide an acceptable amount of internal space in accordance with policy 29(e) of the CDP. With regard to the total overall internal space provided across the dwelling as a whole it is noted that the NDSS does not provide guidance specifically relating to 5 bedspace, 5 person dwellings. However, it does include standards in relation to 4 bedspace 5, 6, 7 or 8 person dwellings or a 5 bedspace 6, 7 or 8 person dwellings. As already noted, whilst the rigid application of NDSS is not considered appropriate in this instance for the reasons outlined above it is noted that the proposed change of use would meet the requirements therefore would comply with policy 29(e) of the CDP in this respect.
66. It is therefore considered that the proposal would accord with the requirements of policy 16 of the CDP and Paragraphs 130 and 174 of the NPPF.

Impact on the character and appearance of the area

67. Paragraph 124 of the NPPF advises that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve,

and that good design is a key aspect of sustainable development, creating better places in which to live and work. Policy 29 of the CDP requires development to contribute positively to an area's character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities.

68. Neighbouring residents have raised objections to the proposed development stating that a HMO's will have a negative impact on the residential housing estate, HMOs are not adequately maintained and that students are short term occupiers with no stake in local community. Further objections have been raised regarding the proposed extension not meeting the Residential Amenity SPD (RAS SPD) given that the two-storey extension would be more than half the width of the original house and that the first floor element is not set back by 1m.
69. The proposed scheme when originally submitted was for the change of use of the property and erection of a two-storey extension to the side which projected past the rear build line with a single storey extension. Due to the proposed extensions not meeting the RAS SPD amendments were sought which sought the first floor element of the two storey side extension being omitted from the scheme.
70. The proposed scheme now seeks to change the use of the existing garage into a habitable room, which would incorporate changing the existing garage door for a window which would fit in with the character and appearance of the host dwelling and a single storey extension to the rear. Given the changes to the scheme, the proposal now accords with the RAS SPD.
71. The character and appearance of the surrounding area incorporates two storey semi-detached properties. There is a variety of boundary treatments within the local vicinity of the site and there is a difference in opening styles.
72. It is therefore considered that the proposed development would fit with the character and appearance of the area and would not have a detrimental impact on the appearance of the wider streetscene.
73. Taking the above into consideration, it is considered that the proposed development would accord with Policy 29 of the CDP and Part 12 of the NPPF.

Highway Safety and Access

74. Policy 16 of the CDP requires new HMO's to provide adequate parking and access and Policy 21 states that new development should ensure that any vehicular traffic generated can be safely accommodated on the local and strategic highway network. This displays broad accord with paragraph 110 of the NPPF which requires new development to provide safe and suitable access to the site. Policy T2 (Residential Car Parking) of the DCNP supports developments with or impacting on car parking provided that car parking is designed to reduce vehicle movements on residential streets and is in designated bays or small groups separated by landscaping or features and designed with safety in mind. In turn, Policy T3 (Residential Storage for Cycles and Mobility Aids) of the DCNP requires residential development including change of use to seek to provide storage facilities for cycles which should meet DCC standards.
75. The Highway Authority has raised no objection to the application and considers the scheme acceptable from a highway safety perspective subject to the applicant entering into a S184 agreement with the local highway authority to provide a widened dropped vehicular crossing to serve the increased parking provision proposed. An informative in this regard could be attached to planning permission if granted.

76. Objections have been raised that the development does not propose any additional parking provision despite resulting in two additional bedrooms at the property, that the property is located in close proximity to the junction with the A167 and on a stretch of road which has poor visibility due to being close to a blind bend and cars parked on the street. Concern is also raised that the widened vehicular crossing would reduce the amount of parking within a street where this is already an issue, and that children and young people walk to school using this route and risk of accidents would increase as a result.
77. The amount of in-curtilage parking proposed is in accordance with the Council's parking and accessibility standards and is therefore acceptable in this regard. Whilst the widened vehicular crossing would sterilise some on-street parking this would be limited and would not have any detrimental impact upon highway safety.
78. Therefore, it is considered that the development is acceptable and would not have a detrimental impact upon highway safety sufficient to sustain refusal of the application. In light of the above, it is considered that the development would accord with the aims of policy 16 and 21 of the CDP and paragraph 110 of the NPPF.

Other Matters

79. Objections have been received regarding the size of the bedrooms being big enough to accommodate two people in each room, therefore resulting in 12 people making the property a sui-generis use rather than a C4. The application submitted is for a small HMO and must be considered on this basis. Any intensification of the use to accommodate more than 6 unrelated individuals would be subject to planning control and itself require planning permission to change from C4 to sui-generis.
80. Objections have been raised regarding the proposed change of use resulting in the loss of council tax from the class N exemption from student occupiers, that house prices are rising and young families are being pushed out of the area. House prices itself is not a material planning consideration and the issue of social cohesion has been discussed elsewhere in this report.
81. Objections have been raised in relation to the impact that the loss of green space from the proposed extension would have upon surface water flooding at the junction with the A167. Whilst these concerns are noted the footprint of the building is limited and unlikely to have any notable impact in surface water flooding within the locality. Notwithstanding the above it is noted that the surface water generated by the proposal would be discharged to soakaway which accords with the hierarchy of preference contained in policies 35 and 36 of the CDP and that the precise means of disposal would be subject to legislative control via building regulations.
82. One resident has raised objection that they did not receive a notification letter despite stated as being included in the neighbour notification list appearing on the public access pages of the Council's website. Whilst that is noted, it would appear that all other neighbour notification letters were received without issue and the application was also advertised by means of the posting of a site notice adjacent to the application property and in this regard the Council exceeded the minimum statutory requirements as contained in the Town and Country Planning (Development Management Procedure) Order. The resident affected was aware of the application and has made representations which have been considered in the formulation of the recommendation detailed below so has not been prejudiced in any way.

CONCLUSION

83. In summary, it is considered that the principle of development is acceptable in planning terms and would accord with the aims of policies 6 and 16 of the CDP subject to appropriate planning conditions described within the report and listed below.
84. When assessed against other policies of the County Durham Plan relevant to the application, it is considered that the introduction of a single small C4 HMO in this location would not unacceptably imbalance the existing community towards one dominated by HMOs, and nor would it result in any unacceptable impact upon the amenity of existing or future residents through cumulative impact from an over proliferation of HMOs or highway safety in accordance with policies 6, 16, 21, 29 and 31 of the County Durham Plan or parts 9, 12 and 15 of the NPPF.
85. In addition it is considered that on balance the development is acceptable in that it provides appropriate levels of amenity space for residents, protects the privacy and amenity of existing and future residents whilst also being acceptable in terms of highway safety and flooding, in accordance with Policies 6, 16, 21, 29, 31, 35 and 36 of the County Durham Plan, Policies S1, H3, D4, T1, T2 and T3 of the Durham City Neighbourhood Plan and Parts 2, 4, 8, 9, 12 and 15 of the National Planning Policy Framework.

Public Sector Equality Duty

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

RECOMMENDATION

That the application be **APPROVED** subject to the following conditions:

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

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
2. The development hereby approved shall be carried out in strict accordance with the approved plans listed in Part 3 - Approved Plans.

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies 6, 16, 21, 29 and 31 of the County Durham Plan and Parts 2, 4, 8, 9, 12 and 15 of the National Planning Policy Framework.
3. No development shall commence until a scheme of sound proofing measures shall be submitted to and approved in writing by the local planning authority. The aim of the scheme shall be to ensure that the noise insulation of walls, floors, windows, roofs

between the adjoining properties shall be sufficient to prevent excessive ingress, egress of noise sufficient to achieve the following noise levels;

- o 30 dB LAeq 8hr in all bedrooms during the night-time (2300 - 0700)
- o 45 dB LAm_{ax} in bedrooms during the night-time.

The approved scheme shall be implemented prior to the beneficial occupation of the development and shall be permanently retained thereafter.

Reason: To protect residential amenity in accordance with Policy 31 of the County Durham Plan and Part 12 of the National Planning Policy Framework.

4. Notwithstanding the details shown on the submitted application, the external building materials to be used shall match the existing building.

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

5. Notwithstanding the details submitted within the application the development shall not be occupied until a detailed strategy of precise management methods, approaches and techniques for the operation of the site has been submitted to and agreed in writing by the Local Planning Authority. The strategy shall include measures of CCTV coverage, 24-hour security or warden presence, student warden schemes or other management operations, a scheme for the storage and removal of waste generated by the development.

Thereafter the development shall be implemented in accordance with the agreed details, with adherence to the agreed management scheme in perpetuity.

Reason: In the interests of reducing the potential for harm to residential amenity, anti-social behaviour or the fear of such behaviour within the community having regards Policies 29 and 31 of the County Durham Plan

6. In undertaking the development that is hereby approved:

No external construction works, works of demolition, deliveries, external running of plant and equipment shall take place other than between the hours of 0730 to 1800 on Monday to Friday and 0730 to 1400 on Saturday.

No internal works audible outside the site boundary shall take place on the site other than between the hours of 0730 to 1800 on Monday to Friday and 0800 to 1700 on Saturday.

No construction works or works of demolition whatsoever, including deliveries, external running of plant and equipment, internal works whether audible or not outside the site boundary, shall take place on Sundays, Public or Bank Holidays.

For the purposes of this condition, construction works are defined as: The carrying out of any building, civil engineering or engineering construction work involving the use of plant and machinery including hand tools.

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

STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at its decision to approve the application has, without prejudice to a fair and objective assessment of the proposals, issues raised, and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF. (Statement in accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.)

BACKGROUND PAPERS

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

Statutory, internal and public consultation responses

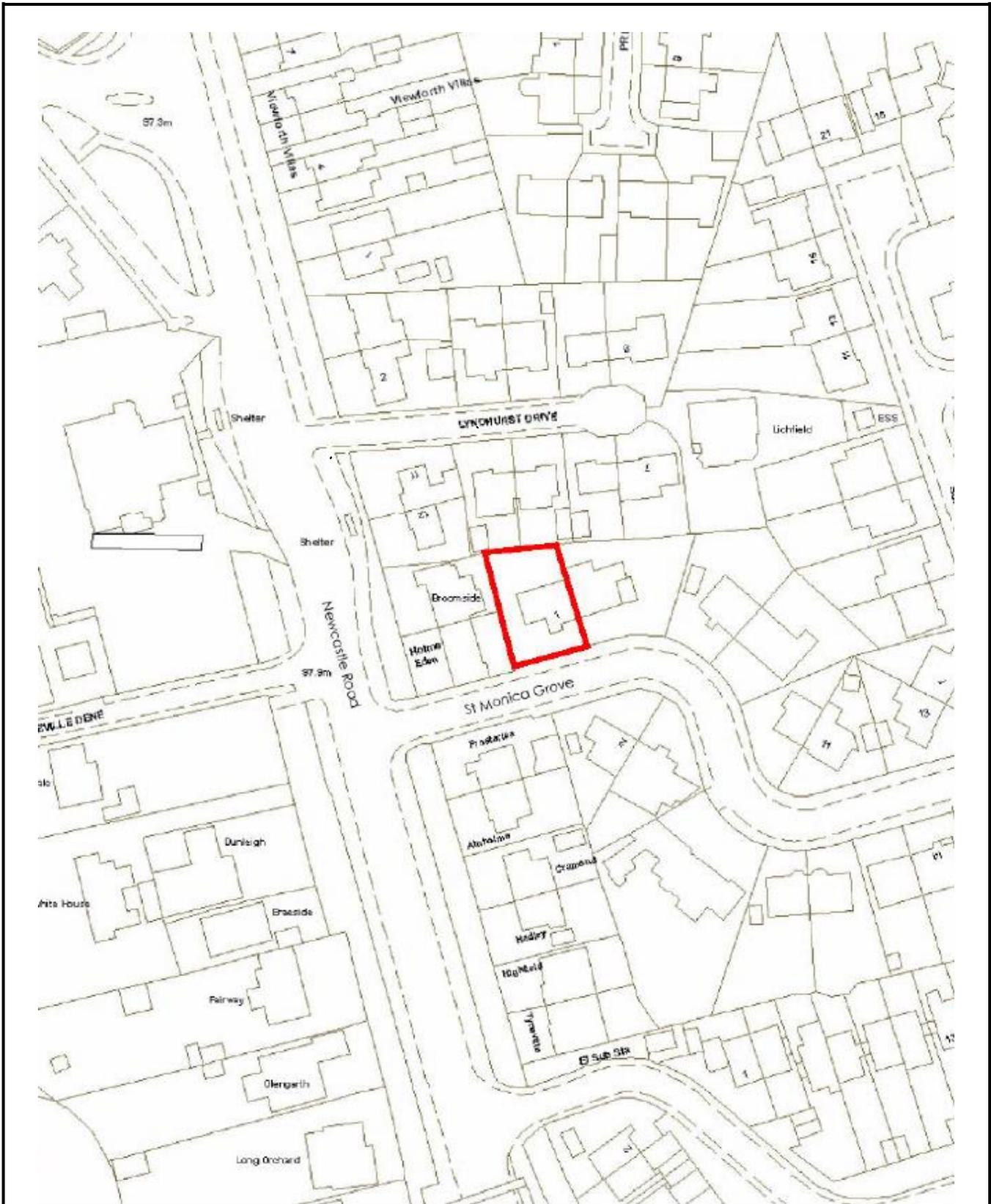
The National Planning Policy Framework (2021)

National Planning Practice Guidance Notes

County Durham Plan (2020)

Durham City Neighbourhood Plan (2021)

Residential Amenity Standards SPD (2023)



Planning Services

DM/22/02364/FPA Change from dwellinghouse (C3) to small house in multiple occupation (C4) including conversion of the garage into a habitable room and single storey extension to rear at 1 St Monica Grove Crossgate Moor Durham DH1 4AS

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Date 14 February 2023

Scale NTS

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