



County Planning Committee

Date Tuesday 6 June 2023
Time 9.30 am
Venue Council Chamber, County Hall, Durham

Business

Part A

1. Apologies
2. Substitute Members
3. Declarations of Interest
4. Minutes of the meeting held on 2 May 2023 (Pages 3 - 10)
5. Applications to be determined
 - a) DM/22/00584/FPA - Land to the North of George Pit Lane, Great Lumley (Pages 11 - 56)
Erection of 148 dwellings with associated access, infrastructure and landscaping (amended description)
 - b) DM/22/01981/RM - Land To The East Of Regents Court, Sherburn Road, Durham (Pages 57 - 80)
Reserved matters application for 470 dwellings (appearance, landscaping, layout and scale) pursuant to DM/20/03558/OUT
6. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration

Helen Lynch
Head of Legal and Democratic Services

County Hall
Durham
26 May 2023

To: **The Members of the County Planning Committee**

Councillor G Richardson (Chair)

Councillor A Bell (Vice-Chair)

Councillors D Boyes, J Higgins, C Hunt, P Jopling, C Marshall,
C Martin, M McKeon, I Roberts, A Savory, K Shaw, A Simpson,
S Wilson and S Zair

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DURHAM COUNTY COUNCIL

At a Meeting of **County Planning Committee** held in Council Chamber, County Hall, Durham on **Tuesday 2 May 2023 at 9.30 am**

Present:

Councillor A Bell (Chair)

Members of the Committee:

Councillors J Higgins, C Hunt, P Jopling, C Marshall, C Martin, M McGaun (Substitute) (substitute for G Richardson), M McKeon, P Molloy, I Roberts, K Robson (Substitute), K Shaw and A Simpson

Apologies:

Apologies for absence were received from Councillors G Richardson, D Boyes, B Moist, S Wilson and S Zair

1 Apologies

Apologies for absence were received from Councillors G Richardson and S Zair.

2 Substitute Members

Councillor M McGaun as substitute for Councillor G Richardson and Councillor K Roberts as substitute for Councillor S Zair.

3 Declarations of Interest

There were no declarations of interest.

4 Minutes of the meeting held on 4 April 2023

The minutes of the meeting held on 4 April 2023 were agreed as a correct record and signed by the Chair.

5 Applications to be determined

a DM/23/00291/FPA - Land West Of West End Farm, Front Street, Ingleton, DL2 3HS

The Committee considered a report of the Senior Planning Officer regarding an application for the installation of a below ground pipeline and associated works on land west of West End Farm, Front Street, Ingleton (for copy see file of Minutes).

C Shields, Senior Planning Officer gave a detailed presentation of the application which included a site location plan, aerial photograph, site layout and photographs of the site.

The Chair informed the Committee there were no registered speakers for the item.

Councillor C Marshall informed the Committee that he considered this to be a straightforward application and **moved** that it be approved. **Seconded** by Councillor C Hunt.

Upon a vote being taken it was

Resolved:

That the application be approved subject to the Conditions contained in the report.

b DM/23/00341/FPA - A167 - B6443 Central Avenue, Newton Aycliffe, Durham, DL5 6JA

The Committee considered a report of the Planning Officer regarding an application for the creation of a new junction and associated highway improvements on A167-B6433 junction, Central Avenue, Newton Aycliffe (for copy see file of Minutes).

S France, Planning Officer gave a detailed presentation of the application which included a site location plan, site photographs, aerial photograph and site layout.

The Chair informed the Committee that two officers from Highways were in attendance to answer any questions Members may have.

Councillor C Martin was pleased that a scheme for improving the highway infrastructure was being carried out before future possible housing development. Councillor Martin **moved** approval of the application.

Councillor C Hunt agreed with Councillor Martin that it was good to see highway improvement works before possible housing development and **seconded** approval of the application.

Upon a vote being taken it was

Resolved:

That the application be approved subject to the Conditions contained in the report.

c DM/20/03238/OUT - Land to the North of Mount Oswald, South Road, Durham, DH1 3TQ

The Committee considered a report of the Planning Officer regarding an outline application for Purpose Built Student Accommodation comprising up to 850 bedrooms, with all matters reserved on land to the north of Mouny Oswald, South Road, Durham (for copy see file of Minutes).

S France, Planning Officer gave a detailed presentation of the application which included a site location plan, aerial photograph, site photographs and indicative layout.

The Planning Officer informed the Committee that a late objection had been received after the production of the Committee report which contended that Durham City had become the campus of Durham University with local residents increasingly marginalised. In response to this the Planning Officer informed the Committee that Policies of the Neighbourhood Plan were to try and centralise student accommodation in areas such as this to potentially free up housing in the City centre.

In reply to a question from the Chair the Planning Officer confirmed that the reserved matters application could be brought to Committee if requested.

Mr Kalorkoti addressed the Committee to object to the application. Mr Kalorkoti informed the Committee that he was a local resident who lived in Mount Oswald.

Durham was a university city and needed to provide student accommodation but this needed to be done in a way which considered other residents. Appropriate and up to date evidence needed to be provided before new student accommodation was approved. Having reviewed the application and relevant supporting documents it was clear that this was not the case in this application and Mr Kolorkoti raised the following concerns.

Overall, given how long this application had been under consideration, it was clear a lot of the supporting evidence was out of date. Firstly, the lack of evidence for the need for the development. Notably Durham University had not supported the application but merely raised no objection. The University strategy to 2027 predicted a drop in student numbers from the amount currently enrolled. Significant numbers of Purpose Built Student Accommodation were already provided on the Mount Oswald site and there was a fundamental lack of evidence why the proposed expansion was needed.

The Council's Local Plan already addressed the need for Purpose Built Student Accommodation up to 2035 with six other sites already allocated to meet this need. Mr Kolorkoti could understand in principle the Council's desire to support Purpose Built Student Accommodation as a way to protect family housing through change of use to student HMOs but family housing in Mount Oswald and other key areas of Durham City were already protected by Article 4 directions.

While this site had already received approval, this was back in 2018 before the Local Plan was adopted and other sites were allocated.

All applications should be supported by up to date information so that a fully considered decision could be made. Much of the submitted information for this application had not been updated since the original submission. A lot of the evidence was more than 5 years old which pre-dated the adopted Local Plan and

many of the homes closest to the site. This failed to provide a full picture of the area the Committee was being asked to make a decision on.

The ecology evidence to support the application was out of date and produced before the introduction of The Environment Act 2021. The biodiversity and net gain metric had been superseded three times since the version used in this application. Any biodiversity gains should be demonstrated using the up to date tools so the Committee could have confidence that nature and wildlife could be protected. Avoidance, mitigation and on site compensation needed to be addressed first as set out in The Environment Act, the NPPF and Policy 41 of the County Durham Plan. Developers could not simply look off-site first for compensation or financial contribution as the first port of call as was proposed in this application with off-site at Tow Law.

There were gaps in the transport evidence provided. All the transport evidence to support the application dated from 2016. It appeared the applicant had avoided providing significant transport evidence on the basis of proposing car-free development. Despite these claims, residents of Mount Oswald were already experiencing ongoing and significant issues with students parking on narrow estate roads, which was reflected in the objections submitted. This problem caused distress and safety concerns and this application would exacerbate the problem. Claims of car-free development were not a reality and students and their families would bring more cars to the site. This would result in more cars with nowhere provided for them to park safely.

It was clear from prior submitted objections that local residents had deep and valid concerns about the expansion of student accommodation so close to their homes. There were clear issues with the evidence submitted to support this application and this all needed to be addressed before a decision was made. On this basis Mr Kalorkoti asked the Committee to defer the application.

Mr J Hancock, Principal Planner at the Banks Group, addressed the Committee in support of the application.

Mr Hancock informed the Committee that he had been working on planning matters at Mount Oswald for over a decade which was in itself a measure of the Banks Group long term commitment to development with care on a site near to the company's head office.

Mount Oswald had been planned and designed with considerable care to the quality of living conditions for all of its inhabitants, house owners and students. The landscape setting and master planning approach were key to this.

The development as a whole made a very significant contribution to Durham City, economically and socially, as a new opportunity for house purchasers and students alike. At the outset it was agreed that the Mount Oswald site provided a unique opportunity for Purpose Built Student Accommodation to relieve some of the pressure that was building up in the city with student lets and houses of multiple occupation. Durham University supported this concept and developed a first phase of student accommodation with two colleges and 986 students. This had been a

huge success and a benefit to the City because without it the students would have needed to find accommodation elsewhere.

In 2018 planning permission was gained for a second phase of student accommodation which was in line with master plan expectations. This development would have been started but for the impact of the Covid pandemic which created uncertainty in the student accommodation market for a critical period during the life of that permission. The position was now much clearer and the Banks Group was confident that if permission was granted the development could be brought forward.

Durham was a highly constrained environment with green belt, flood risk and World Heritage status all of which impacted on opportunities to site development of this scale. This was why the site represented such a unique and unmissable opportunity for the City. The application was in outline with up to 850 student bed spaces likely to be in cluster flats. If successful, the Banks Group would work with the delivery partner to firm up all of the design issues and the management plan to ensure the impact of students on the residential population was negligible. The two existing colleges had demonstrated how this was possible.

The development would have facilities and would be located near to other University facilities. If approved there would be a financial contribution to local doctor's surgeries and public open spaces to the benefit of all residents. Biodiversity net gain would also be provided in the County in line with the County Policy. This would be on top of all of the open space and biodiversity already committed and delivered at Mount Oswald.

Mr Hancock hoped the Committee would agree that Mount Oswald was an ideal place to provide this kind of managed student accommodation and would support the application.

The Planning Officer in response informed the Committee that the application had been with the Council for a long time and because of this a full tranche of re-consultation had been undertaken in early 2023 to allow statutory consultees and internal consultees the ability to reconsider their comments and to ensure their advice was up to date. Ecology had been considered in terms of the up to date legal requirements and the evolving offer of this site. A recent application for nine units on the site which effectively used the last element of available on site land for Biodiversity Net Gain hence the off site proposal. The report reflected an up to date Policy and legal response to the application.

Councillor Jopling considered that Purpose Built Student Accommodation was needed in Durham which was a small city. Some current student accommodation was not fit for purpose and a lot of houses converted to houses of multiple occupation looked neglected. Purpose Built Student Accommodation would release housing for use by families and Councillor Jopling supported the recommendations in the report. However, referring to ecology, Councillor Jopling asked how the Committee would know that the off-site ecology proposals had been completed. The Planning Officer replied that the Section 39 element of the recommendation was for a monitoring plan to ensure the ecology was implemented properly and this extended over a period of 30 years.

Councillor McKeon referred to the biodiversity issue and asked why a site at Tow Law was being proposed opposed to a site within the Durham City area such as Houghall Woods, Old Durham, the riverbanks or Gilesgate which had green open spaces. Secondly, Councillor McKeon informed the Committee that she was familiar with the area having gone to school here and there were problems with parking in residential areas. Councillor McKeon questioned how many of the cars parked in the area were university students as opposed to students at the High School and asked what work was being done with the University to ensure students did not bring cars onto the site.

Referring to biodiversity the Planning Officer informed the Committee that the preference was always for this to be on site or as near to the site as possible but there needed to be land available for this and there were trading rules to try and get as close a typology of ecology lost on site to that being proposed. The land at Tow Law was available and the County Ecologist had identified this as a site.

This was not a University development and a management plan would be in place to try and control parking as far as possible.

Councillor Martin considered there was a student accommodation problem in Durham with a lack of accommodation and high rental charges due to the expansion of the University and the lack of new student stock being added to the market. Residents did not like HMOs and the only alternative to HMOs was purpose-built accommodation. Referring to ecology Councillor Martin had concerns at the breach of the Neighbourhood Plan which he considered to be an important document created by the local community, however, the Parish Council had raised no objections to the application. Councillor Martin **seconded** approval of the application which was in outline, and he looked forward to the reserved matters application being brought to the Committee for further detailed discussion.

N Carter, Planning and Development Solicitor advised the Committee that any request for the reserved matters application to be brought to Committee would need to be done at the time of the application.

Councillor McKeon **moved** that the recommendations in the report be approved with a condition that the biodiversity net gain money was spent within the Durham City area.

Councillor Molloy informed the Committee he was minded to agree with the views of local residents on this application. Increasingly towns and cities were becoming campuses with the local population moving out because they did not favour living alongside students. While agreeing that Purpose Built Student Accommodation was needed Councillor Molloy did not agree that this would free up housing in the city centre for families, as many city centre properties were not considered to be suitable as family homes. Councillor Molloy did not consider the mixture of student and residential accommodation on this site would work and he was against the application.

The Planning Officer advised the Committee that the master plan for the Mount Oswald site and the County Durham Plan this had always been an area targeted for student concentration to try and pull students towards the main university campus potentially with the aspirations set out in the Neighbourhood Plan to free up family housing in the city.

Councillor McGaun **seconded** Councillor McKeon's proposal that the application be approved subject to the biodiversity net gain money being spent within the Durham City area.

The Planning and Development Solicitor advised the Committee that two motions had been moved, one to approve the application subject to the Conditions contained in the report and one to approve the application subject to the biodiversity net gain money being spent within the Durham City area. As such the Committee should take the first motion first.

Upon a vote being taken it was

Resolved:

That the application be approved subject to the Conditions contained in the report.

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COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/22/00584/FPA
FULL APPLICATION DESCRIPTION:	Erection of 148 dwellings with associated access, infrastructure and landscaping (amended description)
NAME OF APPLICANT:	Bellway Homes Limited (North East)
ADDRESS:	Land to the North of George Pit Lane, Great Lumley.
ELECTORAL DIVISION:	Lumley
CASE OFFICER:	Louisa Ollivere, Senior Planning Officer 03000 264878 louisa.ollivere@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site consists of an inverted L-shaped parcel of land located to the southern and eastern edge of Great Lumley to the north of the County. The site extends to approximately 8.1 hectares (ha) in area and comprises arable fields. The site would wrap around the eastern and southern boundaries of a residential estate constructed in the 1990's. Arable land lies to the east. Front street roadway and the Lumley Water treatment works lie to the north of the site. To the west is Cocken Lane and a playing field. South of the site lies a bridleway (16), a tree belt and private allotments and further arable land
2. The site is not subject to any designations within the Local Plan. Footpath No14. dissects through the middle of the site running North-South connecting to the southern bridleway. The land falls within an area at high risk of coal mining legacy. The site itself is relatively flat and open with no buildings or structures however there are trees and hedgerows on the boundaries.

The Proposal

3. Planning permission was originally sought for permission for 157 dwellings on this site with associated access, infrastructure and landscaping. Following consideration at Design Review, and in response to concern over character, connections, public transport, parking and public spaces the applicants submitted revised plans earlier this year. The planning application now seeks permission for the erection of 148 dwellings on the site and now includes three character areas and an additional planting buffer on the east of the original site boundary. There has also been an increase in the number of 5 bed dwellings, the main road through and access have been relocated further to the south, and the layout of housing adjacent the Footpath (14) has been altered. Other changes include upgrading of the Footpath (14), the relocation of visitor parking, an increase in the visitor parking and the introduction of a swale along the southern side of the main avenue.

4. New Off-site highway works are also now proposed on both Cocken Lane and Front Street. Cocken Lane works would involve the creation of a widened 1.5m footway section on the east side of Cocken Lane which would connect with the current footway to the school. Behind this new footway would be a 0.5m grass seeded strip. A new 1.5m footway is proposed on the north side of the Cambridge Drive junction and a new crossing point is proposed north of this junction to Cocken Lane to better connect with the wider village. The footway connections would be achieved by minor kerb realignment and by removing a 43m stretch of hedgerow to the north of the proposed access and by regularly maintaining hedgerow further to the north. Whilst introducing a school safety zone or a car park for the school were proposed earlier in the application those proposals have now been dropped.
5. At Front Street it is proposed to provide a minimum 1.8m wide footway along the site frontage on the southern side and a further small section of 1.8m wide footway on the northern side up to a proposed new bus stop with a new uncontrolled pedestrian crossing in between. To the west of the site frontage onto Front Street the footway would transition to a new 1.5m footway to the west to connect with the existing 1.8m wide footway at the Stainmore Drive Junction. Behind the footways would be a further 0.5m grass strip which would widen to 2m close to the new junction. In order to achieve these works two stretches of hedgerow amounting to 54m would need to be removed and 260m of hedgerow would need to be maintained on a regular basis.
6. In conjunction with the new access on Front Street, the Developer proposes to fund the delivery of two new bus stops (one in either direction) adjacent to the access itself. The developer is also in consultation with Go North East to divert one of the two services that serve Great Lumley to these stops. This would possibly involve the re-routings of one of the services along Front Street and via Fencehouses. The developer has indicated that they would fund any further costs as a result of re-routing.
7. To reduce vehicle speeds near the site accesses the current gateway features would be upgraded.
8. The development would be accessed from both Cocken Lane and Front Street roadways via two new vehicular accesses with footways. There would be an additional pedestrian access to Front Street via the PROW through the site which is proposed to be upgraded and lit.
9. There would be a mix of 2,3,4 and 5 dwellings which includes 15 bungalows. All dwellings would be built to comply with NDSS, and 66% would be MS42 Compliant. 15% of the dwellings will be secured as Affordable Housing through a mix of rental and ownership.
10. An area of open space is proposed in the south eastern corner of the site which is also the location for the SuDS basin and pumping station. A play area (Trim Trail) originally proposed in this location has been relocated further west.
11. Landscaping is proposed throughout the site in the form of hedgerow and tree planting, structure planting and the creation of wildflower and wetland habitat. The application details that the proposal will necessitate the removal of five trees, three entire groups of trees and three sections of hedgerows to facilitate the new footways, access works, bus stops and for junction visibility.
12. This planning application is being reported to County Planning Committee as it is a residential development with a site area in excess of 4 hectares.

PLANNING HISTORY

13. 2/79/00236/OUT – Outline application for housing at Land to the North of George Pit Lane, Great Lumley (REFUSED).

PLANNING POLICY

NATIONAL POLICY

14. 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.
15. 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.
16. *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.
17. *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.
18. *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.
19. *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.

20. *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.
21. *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.
22. *NPPF Part 10 Supporting High Quality Communications* - The development of high speed broadband technology and other communications networks also plays a vital role in enhancing the provision of local community facilities and services. Local planning authorities should support the expansion of electronic communications networks, including telecommunications and high speed broadband.
23. *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.
24. *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.
25. *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.
26. *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.
27. *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>

28. 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; and; water supply, wastewater and water quality.

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

LOCAL PLAN POLICY:

The County Durham Plan

29. *Policy 6 – Development on unallocated sites* – States that 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 it: 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 services unless it has been demonstrated that they are no longer viable; or 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.
30. *Policy 10 – Development in the Countryside* – States 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: specific types of economic development, specific types of infrastructure development or some specific development of existing buildings. New development in the countryside must accord with all other relevant development plan policies and general design principles.
31. *Policy 14 – Best and Most Versatile Agricultural Land and Soil Resources* – States 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. All development proposals relating 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.
32. *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.

33. *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.
34. *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.
35. *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.
36. *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.
37. *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.
38. *Policy 28 – Safeguarded Areas –* Within safeguarded areas development will be subject to consultation with the relevant authority and will be permitted within the defined consultation zones of the Major Hazard Sites and Major Hazard Pipelines, where it can be demonstrated that it would not prejudice current or future public safety. The Policy also requires that development would not prejudice the safety of air traffic and air traffic services, that there would be no unacceptable adverse impacts upon the operation of High Moorsely Meteorological Officer radar and the operation of Fishburn Airfield, Shotton Airfield and Peterlee Parachute Drop Zone Safeguarding Areas.
39. *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).

40. *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.
41. *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.
42. *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.
43. *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.
44. *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.
45. *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.
46. *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.

47. *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.
48. *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.
49. *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:

50. There is no Neighbourhood Plan for this area.

The above represents a summary of those policies considered relevant. The full text, criteria, and justifications can be accessed at: <http://www.durham.gov.uk/article/3266/Development-Plan-for-County-Durham>

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

51. *Northumbrian Water* – Advises that development should be carried out in accordance with the submitted Flood Risk Assessment and Drainage Strategy.
52. *National Highways* – Have no objection.
53. *Highway Authority* – Advise that the information included within the Transport Assessment and methodology for the trip rates, surveys conducted, the committed development traffic, the future year traffic scenarios and the distribution of traffic used overall have been considered acceptable with the addition of the development traffic likely to have a very small impact on the operation of the A167 roundabout.
54. In respect of Site Access and Offsite Highway Works the amended drawings detailing two highway access arrangements with hedge removal for visibility splays and footway links to the village along with access to new public bus stops, pedestrian crossings and improvements to the 30mph gateway to the village are accepted based on speed survey data.
55. The Officer advises that in highway terms there is nothing to suggest that the application would be detrimental to road safety or have a severe cumulative impact on

the local road network. Furthermore, the Officer advises that there is no evidence to suggest that there are any existing road safety issues on the roads serving the site or that safe access for pedestrians couldn't be achieved due to the new footway Links to be provided to the village with access to new public transport options.

56. The Officer suggests conditions in relation to details of adoptable streets and off site highway works and informatives in respect of Section 38 of the Highways Act 1980 (adoption of the proposed new highways) and Section 278 of the same Act (permission for works within the highway).
57. *Drainage and Coastal Protection* – Have no objection but request a condition that the surface water management for the proposed development is implemented in accordance with the Flood Risk Assessment and Drainage Strategy and associated Drainage Documents and to ensure an application for 'Ordinary Watercourse Land Drainage Consent' for connection is approved prior to commencement. Hydraulic calculations are confirmed as acceptable.
58. *The Coal Authority* – No objection but request conditions to ensure remediation works are undertaken and checked by a suitably competent person.
59. *HSE* – Advise against approval given the site is within the buffer zone of the water treatment works and which have a historic Hazardous Substances Consent and given the increase in population in close proximity the works.

INTERNAL CONSULTEE RESPONSES:

60. *Archaeology* – Advise that no further fieldwork is required, however they have requested a condition to secure archiving works.
61. *Design and Conservation* – Raised concerns via Design Review in relation to distribution of bungalows, lack of landscaping to certain areas, lack of street hierarchy, lack of social space for some areas, lack of visitor parking and positioning away from homes and dominance of parking in some areas of the site.
62. *Environmental Health (Air Quality)* – Advise that the maximum unmitigated risk is determined to be high risk. The Officer notes a selection of mitigation measures have been recommended. However, it is noted that not all of those recommended by the IAQM guidance have been included in the recommendation list for example dust monitoring is not proposed and there needs to be justification for this. It is advised that Dust mitigation measures should be agreed with the Council and set out in a Dust Management Plan, which is also recommended by the air quality assessment, which is a document typically required as a pre-construction planning condition.
63. The Officer notes that a construction management plan (CMP) was submitted in Feb 2022 but has not been updated following the air quality assessment recommendations and therefore the mitigation measures set out in the Plan do not align. It is advised that mitigation measures should be consistent across supporting planning application documents, and where they are not, reasons should be provided.
64. The Officer notes that the operational phase road traffic emissions assessment details vehicle numbers below the screening criteria that would require further assessment and impacts on the Durham City AQMA are considered likely to be insignificant.
65. *Environmental Health (Contaminated Land)* – No objections are raised; it is however advised that a conditional approach is secured to ensure remediation is undertaken.

66. *Environmental Health (Pollution Control)* –No objections. However, in consideration of the potential for noise levels from road traffic on the A1 to proposed dwellings it is noted that the noise report advises acoustic glazing and ventilation will be required in some of the properties and acoustic fencing is also required to some plots to achieve outside amenity values. The Officer considers it appropriate to ensure this is undertaken and maintained on site via condition.
67. *Housing Delivery* – Advise that there is a moderate demand for affordable homes in comparison to the wider area. It is advised that affordable units should be delivered as houses or bungalows and that housing provided should be a mix of 2 and 3 bedroomed units for both rented and affordable home ownership properties. It is advised that affordable units should be distributed across the site in small clusters and not concentrated in a single area to give a more balanced community. The Officer points out that all units should meet NDSS as a minimum but advises larger units would be welcomed. It is advised that these points should be reflected clearly in the layout.
68. *Ecology* – Are satisfied with the submitted ecological information and consider that the mitigation and net gain be addressed by way of a s106 legal agreement and conditions regarding the use of built-in swift boxes and low level lighting.
69. *Landscape and Trees Officer*– Advises that development of the land as proposed would involve the loss of countryside.
70. It is also advised that the establishment of entrances to the site and highways works would result in the removal of mature trees, hedgerows and areas of grass verge and require pruning of trees and would impact upon the Root Protection Areas of other trees. The Officer highlights that the removal of individual trees, groups of trees and sections of existing hedgerow would be contrary to Policy 40 of the CDP unless the benefits clearly outweigh the anticipated harm.
71. The Officer notes that the recent landscape proposals include measures to restore and enhance existing hedgerows, new replacement tree planting and new replacement native hedging which are considered to be suitable replacement planting.
72. The Officer considers that the proposed development would be an incursion into open countryside which would extend the settlement to the south and east. The Officer considers the site is an integral part of the rural landscape to the south. The Officer advises that without mitigation it would be a harmful incursion into the countryside in conflict with policy 10. The Officer recognises that there would be initial harm to the character and appearance of the locality but considers that the proposed landscape and visual mitigation shown on the submitted landscape strategy would be reduced in the longer term and that this needs to be weighed in the planning balance.
73. The Officer points out that whilst the site forms an attractive area of rural countryside it is not a designated landscape. Nonetheless the Officer advises that the site is identified in the County Durham Landscape Strategy (2008) as a Landscape Improvement Priority Area with a strategy of enhance. The Officer considers that the proposed landscape typologies and plant species are appropriate and should enable gain in biodiversity for the site and be in keeping with the character of the area and the guidelines for the Wear Lowlands County Character Area.
74. In respect of the internal design and appearance of the site it is considered that the proposals have evolved in response to previous landscape comments, with issues such as dominance of hard surfaces in the northern area of the site, the close proximity

of proposed gable ends to the existing right of way and the requirement for tree lined streets now all addressed.

75. In relation to local distinctiveness, the Officer notes references have been made to the inclusion of native planting and enhancement of existing native hedges on the submitted Landscape Plan.
76. The Officer considers that it is inevitable that there would be some impacts on the residential and visual amenity of existing residential receptors close to the site and on users of the existing right of way inside the site, which would need to be considered in the planning balance of considerations.
77. The Officer welcomes that the plan for the site allows some gaps in the peripheral tree belts on the proposed southern and eastern boundaries to retain views out across the surrounding countryside from the development site. Elsewhere on the same boundaries it is considered that retained tree belts and hedgerows and additional native tree planting would help to create a robust settlement edge. The Officer considers that this combined with the planting in the SuDS area would soften the appearance of the settlement edge in views looking back towards the village.
78. *Public Rights of Way Officer*– Advise that the new short path to the bridleway will need to be maintained by the developer. The Officer remains concerned that public footpath is immediately adjacent to plot 99 could lead to ongoing security / privacy concerns for the occupiers. It is noted that the proposed adoption plan includes the entire length of footpath 14 up to the junction with bridleway 16. Consequently, it is advised that the developers may wish to consider an application to extinguish this section of footpath 14, confirmation to coincide with the s38 agreement being signed off, as future maintenance of the path will reside with DCC Highways.
79. The Officer advises that it is inevitable that a temporary closure order will be required for footpath 14 during construction works, potentially over an extended period of time. It is therefore advised that a suitable alternative pedestrian route should therefore be provided for the duration of the closure.
80. As there is currently a circular metal kissing gate on the footpath at the junction with front street it is advised that prior notification of its removal would be required if it is to be removed.
81. The Officer advises that development of this scale will place significant pressures on the local public rights of way network, and therefore expects a proportionate s106 contribution of £70,000, specifically to fund surface improvements to bridleway no. 16 and bridleway no. 19 Great Lumley Parish.
82. *School Places Manager* – Advises that the proposed development of 148 dwellings would produce 45 pupils of primary school age and 18 pupils of secondary school age. It is advised that there would not be sufficient space to accommodate all of the primary aged pupils generated by the development, whilst maintaining a 5% surplus. In order to mitigate the impact of the development the Officer advises that a contribution of £470,496 (32 x £14703) would be required to facilitate the provision of additional teaching accommodation.
83. In respect of secondary schools, there would not be sufficient space to accommodate pupils generated by the development, whilst maintaining a 5% surplus therefore in order to mitigate the impact of the development a contribution of £297,792 (18 x £16,554) would be required to facilitate the provision of additional teaching accommodation.

84. *Spatial Policy* – Note that the site has been assessed with the Strategic Housing Land Availability Assessment (SHLAA) and rated as unsuitable for residential use due to its position at the edge of the settlement which would result in a largely uncontained sprawl out into relatively attractive countryside and due to the poor width of footway connections and walking distance to facilities including bus stops.
85. Policy 6 of the County Durham Plan is identified as the main policy for assessment. Given the concerns identified in the SHLAA the Officer advises that the site conflicts with the objectives set down under Policy 6. Furthermore, given the uneasy relationship of this site with the built up area, the Officer considers that it could be deemed to lie within more of a countryside location. It is advised that Policy 10 covers development proposals in the open countryside, being complementary to Policy 6. It is pointed out that the proposal would not draw any support from Policy 10.
86. While the Officer notes that measures are proposed to address connectivity, it is considered that these are unlikely to override the fundamental concerns around the relationship of the site to the settlement.
87. In terms of open space provision, the Officer advises that in purely quantitative terms, provision for a scheme of this size would normally require 4,890 sqm of amenity/natural green space and 163sqm of children's play space, with off-site financial contributions to fund improvements and provision for the other types of open space on a scheme of this size amounting to £219,398 (£673 x 326).
88. In relation to housing composition, in accordance with Policy 15 requirements the Officer advises this would amount to:
 15 bungalows or similar product to address needs of older people
 15 affordable units (medium value 15% area) – rounded to:
 4 no. - First Homes (in accordance with the Government's First Homes policy
 7 no. - NPPF para 65 requirement of homes for affordable home ownership (at 10% of homes on the site)
 4 no. - Policy 15 requirement for any contribution above 10% to be provided as affordable housing for rent.
 66% M4(2) = 99 units.
89. *Sustainable Travel Officer*– Advise that the proposal would require a condition for a residential Travel Plan to be submitted and approved.
90. *Climate Change and Sustainability Officer* – No comments to date.
91. *Monitoring and Compliance Officer* – Accept the submitted CMP and are willing to accept securing the details of site lighting by condition.

EXTERNAL CONSULTEE RESPONSES:

92. *NHS* – Requests a contribution of £71,484 to increase GP capacity.
93. *Police Architectural Liaison Officer* – Outlines a series of recommendations from a Secured by Design perspective.
94. *Rt Hon Kevan Jones MP* – objects on the grounds that the SHLAA deemed the site unsuitable for development, that the site is not well related to Great Lumley and would not provide good access to public transport, poor vehicular access and as many plots do not meet the requirements set out in the Residential Amenity Standards SPD.

95. *Great Lumley Parish Council* – Object on the grounds that footpaths are not well suited to heavy pedestrian use into the settlement, units are outside of accepted walking distances, SHLLA found the site unsuitable for development, that HSE advice is to advise against development and that protected species and important habitats for local wildlife will be adversely affected by the development.
96. *CPRE* – Consider that the development does not meet all the criteria of Policy 6 of the CDP and so should be refused permission as it is an intrusion into the countryside contrary to Policy 10, they also advise that the proposals for Biodiversity Net Gain and Sustainable Development are inadequate and better proposals should be sought.

PUBLIC RESPONSES:

97. The application has been advertised by way of a press and site notices and individual notification letters to neighbouring residents. 253 letters of objection have been received in relation to the proposed development which are summarised below:

Principle

- The site has not been allocated for housing in the CDP.
- This is not a brownfield site.
- The SHLAA advised this was a potentially unsuitable amber site.
- The requirements for housing stock are already met with current and granted /allocated developments.
- The proposal is not well related to the village.

Impacts to landscape/ character of area /ecology

- Encroachment into countryside.
- Development will change the nature of the village.
- Loss of visual amenity to landscape character of the area and village entrance.
- Loss of wildlife and habitat which will be more than that indicated.
- Questionable timing of ecological survey work and lack of detail.
- Loss of enjoyment of PROW with rural feel and views.
- The last housing scheme was supposed to 'round off' the village.
- The addition of the pumping station adds an eyesore on the edge of the countryside.
- Loss of greenfield land used for farming/food production and impacts to food security.
- Queries over commitment to Biodiversity Net gain management.
- Loss of hedgerow and trees, harm to trees outside site boundary and in neighbouring gardens.
- The tree report is inaccurate in respect of tree heights.
- The site is within impact risk zone of Joe's pond at Rainton Meadows.
- This will lead to an unbalanced village footprint.
- Increased recreational pressures on countryside from additional population.
- Money for ecological mitigation at the other housing estate was allocated to projects outside of the village.
- It will take up to 27 years for some of the ecological mitigation measures to have effect.
- DEFRA have declared it an A1 protection or surveillance zone for Avian Influenza which demonstrates its importance for birds.

- The bird breeding survey shows the area is thriving with amber and red listed birds.
- This is a priority habitat network expansion zone and a habitat corridor.

Highways Safety/sustainability

- The amended traffic assessment fails to address congestion.
- The developer should subsidise the bus service and routes for 5 years.
- Speed bumps and chicanes are more suited to towns, not entrances to villages.
- The problem of parking for school staff is not resolved in the amendment.
- A transport Assessment scoping exercise should have been undertaken.
- No design has been provided showing the design of the bus stops or the connections to the existing and proposed highways footway network.
- The proposal involves taking residents and children on a convoluted route crossing a number of roads and adding 160m onto the walk distance and will not be used as an alternative to the unsafe narrow paths.
- The proposal would not meet the current Durham design standards, any new footways and cycle link must be to a suitable and safe standard.
- The current proposal does not comply with LTN 1/20 - cycle infrastructure design and does not take this into consideration in its design approach.
- If Cocken Lane has further traffic regulation introduced the relocation of vehicles would place further pressure on the already restricted footway networks to the only add to the detriment of highway safety.
- Additional parents walking to and from school would put pressure on the already substandard footways.
- The access from Front Street also does not link to the existing footway network.
- The PROW is not suitable for cycle access without a major overhaul.
- The link from the site into the village, still has to travel around the S bend, beside the water works.
- Access onto Cocken Lane has inadequate visibility splays,
- Access onto Front Street – Has issues in terms of vehicle speeds, inadequate visibility, limited and substandard footway width off site linking to the existing village and inadequate junction design. This still applies as there is no evidence provided to show results of surveys.
- Parking associated with the school and church effecting vehicle flows, intervisibility, visibility splays and pedestrian/ cycle safety.
- Non-existence of cycle connections.
- Narrowing the highway through the S bend on Front Street would lead to increased conflict on the bends, especially given the further restricted forward visibility
- The junction designs are too tight. Tight radii result in servicing vehicles having to using the opposite side of the highway to manoeuvre. 10m radii should be provided at both accesses.
- The junction and layout has not been auto- tracked by an 11.6m refuse vehicle, as per the national document, "Manual for Streets".
- There is a large section of the estate without visitor spaces and in unsuitable locations.
- The proposed construction traffic route via Woodstone Village and High Row is very problematic and potentially dangerous due to on street parking and schoolchildren crossing .
- No supporting information has been provided to establish the safe stopping distances.

- The School Safety Zone and traffic regulation orders would decant vehicles further away resulting in even more pedestrians with children using the substandard footway in the area.
- Footpaths are not inclusive to adults with children and wheelchair users.
- Residents would need to cross the existing 60mph road to access the proposed bus stop.
- The proposed changes to the speeds and introduction of bus stops will have no effect of the current speeds.
- The current speeds have been measured but no details have been submitted.
- Current roadways are too narrow and down to single width when parking associated with the school occurs before, during and after school hours.
- Poor public transport links outwith reasonable walking distance of 400m.
- Increase in traffic on minor roads close to a school.
- Impacts to junctions with Cocken Lane which are already poor.
- Traffic calming measures would be required to deal with the increase in traffic.
- There is no transport report just an assessment.
- There is limited parking on the site.
- There is no free public transport to the closest secondary school for children in the village leading to heavy car use.
- The traffic impact assessment is not acceptable as there are no up to date traffic flows.
- The TRICS data is not correct in its approach as it relates to more urban areas, nor are the levels of car ownership detailed.
- The transport assessment is inaccurate in relation to the road width of Cocken lane and does not recognise that this is a route used to travel to Durham and the Arniston Retail centre.
- Lack of street lighting proposed.
- Distances detailed to schools, amenities and bus stops within the application are misleading.
- Distance to school will encourage car use.
- Roads leading out of Great Lumley are poor for cyclists.
- The TA plans are hard to understand as are the proposed access routes.
- Concerns over safe operation of junction with the A690 pressure on Leamside.
- Affordable housing is placed centrally and well away from bus stops
- Were the speed limit to be altered this would impact negatively on traffic flow.
- Conflict of construction traffic with pedestrians and cyclists on rural roads
- Damage to roads for utilities and construction traffic.
- Local roads have blind bends, single road sections and poor visibility.
- A new footpath through Brignall Drive would not be acceptable for privacy purposes
- Will lead to Increase in parking along Cocken Lane.
- Road cleaning vehicles will obstruct traffic and increase hazards to pedestrian and other road users.
- There are fast vehicles speeds and there have been recent RTA's in the vicinity.
- Cocken Lane is heavily used as a rat run to the Arniston Centre.
- Routes to other schools outside the village are not safe and too far for small children to walk or cycle on their own.
- The position of the new crossing at the T junction is unsafe.
- The fact that construction traffic is not to go through the village indicates that the local roads are not suitable for more traffic.
- Traffic assessment taken during covid lockdown
- The travel assessment fails to take into account any issues caused by the parked cars on Cocken Lane.
- Lack of secure bike storage in Great Lumley would deter cycling to amenities.

- lack of detail as to whether Travel Plans at other sites have been successful.
- This creates a rat run through the estate to avoid the congested Cocken Lane
- Construction vehicles will park on unsuitable roads before the site opens.
- northern access joins the road in the national 60mph speed limit area.
- Roads are already used by farm traffic, non-village traffic and for cycle racing and horse riding and by rambling groups.
- Cocken Lane has no white lines , is subject to subsidence and floods regularly and is bad in the winter.
- This will lead to people using shortcuts through other estates.
- There are already disused bus stops along Front Street, if a route was viable then then it would already be being run. If they were used they would end up being disused as unviable to run a service.
- Narrowing the roads to improve the footpaths will worsen road safety, particularly for larger vehicles like buses on a route used by children.
- Narrowing the road and removing the ability for teachers and parents to park merely shifts the problem to another area of the village.
- The benefits of reduction by 10 homes is lost as more 5 bed homes are proposed which will mean higher number of cars.
- Re-routing of bus services from Scorers Lane would leave other residents not within easy access to bus services.
- Routing of bus to High Row increases traffic on a very narrow road in a residential area.
- The buses would have difficulty negotiating the bends.
- Re-routing of services cannot be guaranteed to occur in the future.

Impacts to Infrastructure

- Local amenities and village parking will struggle to cope with additional demand.
- Lack of amenities, particularly for children and youth.
- Lack of employment opportunities in village will mean residents will need to travel for work.
- Local infrastructure such as schools, GP surgery, Water Treatment Works, cemeteries will struggle to cope with additional demand.
- There is no room for the GP surgery to expand.
- How and which schools will have capacity increased and how will this be planned?
- The education contribution model predates the County Durham plan and is out of date.
- There is little capacity for secondary schools to expand further as they have already had to for other developments and following closure of Pelton Roseberry School.
- Monetary compensation is no guarantee to additional teachers and new schools etc.
- This would require mixed age teaching for pupils in the local school due to projections requiring a two form entrance in the future.
- 106 funding would not cover the costs of increasing surgery footprint.
- Health Impact Assessment is misleading in respect of no of GP'S at surgery
- It is not acceptable to replace the school playing field with parking/an extension.
- Additional classrooms would come at a cost of storage space in the school.
- Who will pay for road improvements?

Residential amenity and pollution

- Loss of light, outlook, overshadowing and overlooking into neighbouring property.
- Plans are not accurate to assess privacy distances and neighbouring extensions have not been detailed.
- Anti-social problems in the area would be exacerbated.
- Close proximity of gardens will lead to disturbance.
- Potential for noise disturbance from the A1 to future residents
- Noise assessment was only taken over one day and did not consider impacts of construction traffic on residential areas.
- Lack of detail in relation to air monitoring of vehicles emissions from A1.
- There is a problem with Japanese Knotweed on George Pit Lane.
- Increased noise and pollution on Cocken Road to current residents.
- Noise and dust disruption during build to adjacent estate and along traffic route.
- Extra air pollution would worsen asthma for residents.
- Increase in light pollution from car lights etc.

Design Considerations

- High density of the scheme
- Lack of large house types
- Rear gardens are small.
- Poor layout and scale of design.
- Development has very little green space.
- Properties have very small driveways.
- Parts of the new estate would be car dominated.
- Location of visitor parking would harm views of open space.
- Affordable housing area has limited public space.
- Architectural design not in harmony.

Conflict with policy/strategy

- The proposal is in conflict with CDP policy 6 criteria and policies 10 , 26 ,29 and 40.
- Conflict with the NPPF.
- Proposal contrary to DCP Health Policy HP9.
- Conflict with Green belt policy of CDP.
- This would be against national policy (HMRC 25 Year Environment Plan 2018)
- Chester-le-Street local plan did not identify Great Lumley as suitable for development
- Proposal is contrary to objectives 2,4,7,9,11, 16, 18 of the CDP.
- Contrary to government policy document Gear Change
- Development goes against DCC's Transport Local Plan.
- Conflict with landscape strategy

Other Issues raised

- Depreciation in house values due to social/affordable housing nearby
- There has been difficulties with getting the developers to meet obligations on another site at Great Lumley.

- This would set a precedent for further development opposite the site on the playing field and in other areas.
- Similar developments have been refused elsewhere in the County.
- Community consultation documents are not comprehensive and do not represent views.
- The footpath will lead to ASB.
- The scheme will not provide employment for local contractors.
- Lack of consultation for whole village.
- Loss of view , right to light and impacts to property value.
- PROW will no longer be safe to walk dog off lead.
- Consultees recommend against the scheme.
- There is already plenty of affordable housing in the village.
- Land is outside of settlement boundary.
- Current SuDS on other housing development is full of litter.
- The land is greenbelt
- Design Review was mainly negative.
- The last housing development was of no benefit to the village.
- No record of Parish Council's having been consulted.
- Negative affect on health and wellbeing.
- Pathways should be upgraded in a more sympathetic manner than with tarmac.
- Impacts to budget for Parish Council
- Estimates in increase in population are 2 people per house but there will be more.
- The fields flood regularly and may not be able to cope with run off.
- Further potential for flooding in lower lying areas such as Chester-le-Street and impacts to water quality.
- How will water gas and hydro requirements be met?
- Development will lead to ground contamination from building materials.
- Subsidence/damage could be caused to current properties due to location of mine shafts.
- Trial trenching has yet to be undertaken.
- Impacts to Finchale Priory.
- This will increase the village population by more than 10%.
- Another increase in population will over stretch police and hospitals.
- Would lead to coalescence with other villages in Sunderland.
- Loss of access to the countryside.
- Lack of Eco friendly measures.
- There should be a footpath from Brignall close through to the PROW.
- Development should be located next to or adjoining the last development .
- 70% of the respondents to the community consultation thought that the location for this proposal was unsuitable.
- Planning permission has been refused in the past to develop the site.
- Third parties will not allow sale/access to land for hedge removal to facilitate access.
- Neighbouring residents were told that the land was unsuitable to be built upon.
- The properties will be too expensive for local people to afford.
- Increase in rubbish.
- The finished state of the last Bellway development in the village is less than satisfactory.
- Increase in ASB from social housing .
- There is limited economic benefit to the village or businesses in County Durham, being nearer to Sunderland Shopping Centre's than Durham,

- Residents will have to go further and further outside of the village to exercise /walk dogs etc.
- There are other available brownfield sites within Chester-le-Street.
- Lack of approved surface water management in place.
- Locating a SuDS next to a play area where views are obscured by trees is dangerous.
- Any footpath widening would impact on private properties via loss of hedgerow resulting in security issues as well as loss of habitat.
- Residents may have rights of access claim.
- Lack of review by Council's Low Carbon Team.

Two letters of support have also been received who support based on the following reasons:

- The proposal will bring prosperity which leads to investment.
- Families relocating will likely retain their current school/GP places so this is not a problem.
- Such housing will bring a social uplift to the area
- The amendments have addressed the original issues
- concerns about loss of bus stop not justified as it is barely used.

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at::

<https://publicaccess.durham.gov.uk/online-applications/>

APPLICANTS STATEMENT:

98. The development proposal represents an exciting opportunity to deliver a broad range of high-quality new homes at Great Lumley, which is a sustainable and attractive market location.
99. Over the course of this application, the Applicant has worked proactively with the Council. We have listened to the feedback received from officers, consultees and the community and responded positively by amending the scheme accordingly.
100. The Applicant has also embraced the Council's Enhanced Design Review Service which has been a positive experience and it has genuinely helped to get the proposal to a stage where there are no outstanding issues relating to the design of the layout or the proposed house types. As a result, the proposed scheme before Committee has evolved significantly since the original submission, seeing a reduction in quantum of development, improved relationship with open green space and enhanced offsite highways works to improve footpaths and accessibility to the various services and facilities in the settlement, including new bus stops to the north of the site and a commitment to extend the existing bus service. Whilst this requires the removal of some hedgerow, the Applicant has taken every measure to ensure that the only removal is of low value and the proposals provide a net gain in biodiversity overall.
101. The Applicant has worked with the Council to address comments from consultees and there are no outstanding issues or consultee objections to the proposals. In addition, the Applicant is committed to securing all planning obligations and financial contributions which have been requested.
102. The scheme has been presented before Design Review Panel at various points in the application, with significant improvements between the first and most recent scores.

Whilst there are two red scores that remain on the most recent review, the Applicant has worked to address through a further revised submission, which is the scheme before committee. The more recent comments from Highways Development confirm no outstanding issues and it is therefore the Applicant's view that these scores should be amended to either amber or green as a result.

103. The Applicant has demonstrated that the development proposal accords with the criteria in Policy 6 in the County Durham Plan which relates to development on unallocated sites in so far as:

- a The site is immediately adjacent to the existing settlement and the proposal is compatible with adjacent land uses;
- b It would not result in coalescence with any other settlements, nor would it result in ribbon or backland development;
- c The site is not subject to any formal designations relating to recreational, ecological or heritage value. The development will deliver a net gain to biodiversity and the landscape strategy responds positively to the landscape context, embracing the two public right of way routes;
- d The proposal is an appropriate extension to the settlement and it will enhance the southern and eastern approaches to Great Lumley with outward facing development;
- e There are no objections from DCC Highways or National Highways in relation to highways safety or impact on the network;
- f The proposals enhance walking routes to nearby services in Great Lumley and also improve public transport offering through two new bus stops;
- g The proposals would not lead to a loss of neighbourhood facilities and would in turn further support them;
- h The site falls in Flood Zone 1 and therefore development on this site is suitable in accordance with the NPPF;
- i There are no known previously developed sites that would provide an equivalent opportunity in the locality for the development proposed; and
- j The provision of additional homes will act to support local shops and services to maintain a strong local community.

104. Additionally, the proposed development would provide the following benefits to Great Lumley:

- Provide a wide variety of high-quality new homes, including 15 bungalows;
- 22 affordable homes including affordable rent, discounted market value and first homes;
- Health – a contribution of £71,484 as request by the CCG will be provided through the S106 agreement to increase GP surgery capacity;
- Education – a contribution will total £768,288 (£470,496 towards primary education and £297,792 towards secondary education) will be provided through the S106 agreement;
- Offsite highways works to improve the road and pavement width along Cocken Lane and the junction with Cambridge Drive, as well as along Front Street;
- Public Transport – The re-routing of either bus service 71 or 78 along Front Street with two new bus stops proposed north of the site funded by Bellway Homes;
- PROW – a contribution as requested by the Rights Of Way Officer of £70,000 to fund surface improvements to bridleway no.16 and no.19 through the S106 agreement. The proposals also include upgrading footpath no.14 that runs north-south through the site; and
- Provision of over 25,000sqm of public open green space.

105. The proposal satisfies all other relevant policies in the County Durham Plan and is therefore in accordance with the development plan. We therefore kindly request that members are minded to approve this planning application.

PLANNING CONSIDERATIONS AND ASSESSMENT

106. 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 development, locational sustainability, highways matters, landscape and visual impact, residential amenity, ecology, layout and design, heritage and archaeology, flooding and drainage, infrastructure and open space provision, addressing housing needs, developer contributions, contamination and land stability, other considerations and public sector equality duty.

The Principle of the Development

The Development Plan

107. 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.
108. 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.
109. The CDP is an up to date development plan and therefore paragraph 119d is not engaged. Where a planning application conflicts with an up-to-date development plan paragraph 12 of the NPPF advises that permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date

development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

110. The application site is an unallocated and undeveloped site located outside of the main body of existing development of the village of Great Lumley and is therefore technically classed as in the countryside. Policy 10 of the CDP 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. There is no neighbourhood plan for the area and none of the exceptions apply in this case therefore the proposal would only be permissible should another CDP policy allow it.
111. The main relevant policy would be Policy 6 of the CDP. This policy allows for 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 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.
112. In terms of townscape and landscape implications the key considerations are the physical and visual relationship of the site to the existing built up area of the settlement and whether the development is appropriate to the scale, design, layout, and location to the character, function, form and setting of the settlement. As the development

would extend the settlement both eastwards and southwards into the open countryside, 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.

113. The site is outside of the built up area and despite adjoining the urban form of the settlement on two sides it would not be considered physically or visually to be well related given the scale, location away from central facilities and services, poor interconnectivity with the neighbouring development and as it would alter the regular edge of settlement form and the open rural setting of the settlement, particularly to the south from where it is most visible. It is considered therefore that there would be conflict with the principle of Policy 6 and criteria c and d, and by default also Policy 10. There would also be conflict with the design principles criteria l) and o) of policy 10 as the proposal would give rise to unacceptable harm to the intrinsic character of the countryside which cannot be adequately mitigated or compensated for and as it would impact adversely upon the setting, important vistas of the settlement and form of the settlement which cannot be adequately mitigated or compensated for. 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.

Housing Land Supply

114. Paragraph 73 of the NPPF maintains the requirement for Local Planning Authorities (LPAs) to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old.
115. It was established under the adoption of the CDP that the Council can demonstrate in excess of 5 years housing land supply (6.3 years). The CDP was adopted in October 2020 and therefore, in accordance with paragraph 74 of the NPPF, a five year supply of deliverable housing sites, with the appropriate buffer can be demonstrated. The issue of housing supply there carries little positive weight in the planning balance.

Relationship with settlement and impacts upon character of the area

116. CDP paragraph 4.110 in support of CDP policy 6 explains that 'when assessing whether a site is well-related, the physical and visual relationship of the site to the existing built up area of the settlement will be a key consideration'. Furthermore, criterion d. of CDP policy 6 requires development to be appropriate in terms of scale, design, layout, and location to the character, function, form and setting of, the settlement.
117. Great Lumley is medium sized 'squarish' settlement consisting in the main of housing estates to the east of Back Lane and to either side of Front Street and Cocken Lane with facilities located at Front Street in the centre.
118. The southern edge of Great Lumley is clear with residential development at Stainmore Drive and Cambridge Drive on the opposite side of the road forming a strong linear boundary to the village with an open countryside setting beyond. The boundary is clearly visible from the Cocken Lane roadway and the Bridleway (16) that runs from Cocken Lane to the countryside to the East and the PROW footpath (no 14) that runs from the bridleway to the North and PROW footpath (15) east of the site.

119. The eastern edge Great Lumley is less well defined and regular, on the southern side of Front Street it is defined by the rear of properties of Brignall and Nenthead Close which can be seen fleetingly from the Front Street roadway where the roadside hedging sparse and in close views from Public Rights of Way (Footpaths 14 and 15 and bridleway 16). The boundary on the northern side is considered to end at the edge of the Rivers Estate, beyond which there is a vicarage and another property set back from the roadway and the Lumley Treatments works which are behind significant woodland screening. The eastern village boundary therefore has a mix of open countryside and woodland as its setting.
120. The development site abuts both the southern and eastern boundaries of the village and has the character and appearance of open countryside with open arable fields reflecting the traditional field patterns dating back to 1860s with trees and hedgerows on roadside boundaries. The site has visual qualities of an arable landscape which has been left uncultivated for some time and is pleasant and can be enjoyed in views from buildings, Cocken Lane and Front Street roadways and a bridleway south of the site, a public right of way that runs centrally through the site and other public footpaths both east and west of the site. The predominance of field hedgerow boundaries mean that the site is readily perceptible from these adjacent views.
121. Some limited development has taken place over time in Great Lumley. The proposal would represent an increase of roughly 10% above the number of existing dwellings. Previous developments represented smaller percentage increases in the village size and the most recent development was mostly within the village's eastern boundary identified above in a more discreet location. This proposal would represent a large extension, extending the southern edge of the settlement by some 100m and the eastern edge by some 144m forming a spur protruding into the countryside from the south and east visible from two main roads in and out of the village but in particular from Cocken Lane, and also from the bridleway and footpaths west, south and east of the site.
122. The proposal would result in the loss of a significant stretch of roadside hedgerow on Cocken Lane for highways requirements. Whilst this would be replaced with new native species hedgerow deeper into the site to reduce the scheme's visual impact, the proposed houses would nevertheless be clearly evident from a number of vantage points both when entering and leaving the village for several years whilst the landscaping takes time to mature, even once mature it is likely that the upper levels would be permanently visible from this roadway. This would appear out of keeping with the undeveloped rural character of the surroundings on the opposite side of the roadway.
123. Along Front Street, there is a similar situation, albeit the impacts are not as extensive given that a lesser extent of hedgerow removal is required and proposed tree planting is more extensive to screen the property frontages over time.
124. The proximity of the new built development to the current housing would mean that there would be harm in terms of the visual amenity for current neighbouring residents of properties at Stainmore Drive, Brignall Close and Nenthead Close which would be permanent. However this impact would be expected on any new development on a greenfield site on the edge of settlement.
125. To the south of the site is a bridleway (16) and a PROW (FP14) runs through the site. From these paths it is currently possible to view the existing dwellings, in addition to the undeveloped nature of the site. The proposed development, and resultant increase

in built form would change the nature of these path to one of a more suburban character given that the buildings and roadways would be readily apparent.

126. Uninterrupted views of open fields and countryside beyond the site are afforded currently from the PROW (FP14) within the site and across the site from Cocken Lane with views also possible from the eastern part of the bridleway south of the site. The Landscape strategy and site layout has been designed to still allow for views eastwards to pasture land from Cocken Lane, the bridleway and from the southern part of the PROW which is welcomed, however the development would still be transformative as such views would also include items of infrastructure associated with residential development and even more so in respect of users of the central PROW with housing on either side for much of its route through the site .
127. All of these above factors would mean that the development would significantly erode the open countryside setting of the settlement that currently exists, particularly to the south of Stainmore Drive, and create an extension with little bearing on the current relatively well defined extent of the built up part of the settlement in this part of Great Lumley with there being no such built form visible on the opposite side of either road and given the distances to the centre. It would relate poorly to the existing configuration of the settlement both physically and visually. As such, the development would be in conflict with the principle of policy 6. The proposal would also result in the loss of open land that contributes to the rural character of the area which despite extensive landscaping cannot be adequately mitigated or compensated for contrary to criteria c of policy 6 of the CDP. The proposal would not be appropriate in terms of scale and location to the form and setting of the settlement.
128. The proposal would also conflict with CDP Policy 10 which requires there to be no unacceptable harm to the intrinsic character of the countryside which cannot be adequately mitigated or compensated for (criteria l) and to not impact adversely upon the setting or form of a settlement which cannot be adequately mitigated or compensated for (criteria o).

Impacts upon wider Landscape and Trees and consideration of landscape strategy

129. 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.
130. Similar requirements are outlined in Policy 29. Criteria l specifically requires that in the case of edge of settlement development, it should provide for an appropriate level of structural landscaping to screen or assimilate the development into its surroundings and provide an attractive new settlement boundary.
131. Policy 40 of the CDP seeks to avoid the loss of existing trees and hedgerows and requires suitable replacement planting be provided if they are lost.
132. Policy 26 of the CDP outlines developments are expected to provide new green infrastructure and ensure provision for its long-term management and maintenance.
133. Parts 12 and 15 of the NPPF promote good design and Paragraph 131 of the NPPF sets out that planning decisions should ensure that new streets are tree-lined.
134. The site forms an attractive area of rural countryside whilst it is not designated as an Area of Higher Landscape Value (AHLV). It is a Landscape Improvement priority area with a strategy of enhance.

135. In wider landscape terms than the immediate setting it is accepted that the existing mature tree belt along the southern side of the site would screen the development from wider views from the south. The proposed planting of the shelter belt to the east has the potential in the long term to break up or even screen the development from the east. However, even with planting and acknowledging that landscaping does not need to be as tall as the building it intends to mask depending on the vantage point, the landscaping would still take a considerable time to mature to an extent where it could be effective in mitigating the visual intrusion.
136. The fact that these parts of Great Lumley have a setting which is open character is due to the fact the previous developments did not include landscaping to the edges which has resulted in quite a harsh settlement edge which is more prevalent along Cocken Lane. It is accepted that these proposals would soften the appearance of the settlement edge in views looking towards the village which would be some improvement visually but this would come at a cost of a significant loss of open land which would outweigh this benefit.
137. Roadside hedgerow features and roadside trees would also be lost in addition to the development carving out a segment of open countryside which characterises the area. The loss of the hedgerows and trees would conflict with CDP policy 40 unless the benefits of the proposal outweigh the harm and therefore this needs to be weighed in the planning balance.
138. The Landscaping on the boundaries and within the site , including planting in the SuDs area and the incorporation of tree lined streets is acceptable in terms of landscape design requirements. Conditions can ensure that there would be appropriate long term management.
139. In summary, the proposal would result in a significant adverse change to the character of the site from an open field to a large housing estate. The impact is limited to the immediate setting of the site and rapidly reduces with distance due to existing and proposed screening. The development would have a very limited impact on the wider landscape and the scheme would not be prominent in longer distance views.
140. Clearly the adverse landscape and visual impacts of the proposal are highly localised and account has been taken of the proposed planting and landscaping improvement that would assist to soften the appearance of the development in the longer term.
141. The proposal would therefore conflict with County Durham Plan Policy 40 in respect of the loss of hedges and trees. Whilst the tree planting would take some time to have a meaningful impact on the visual effects of the development this would go some way to addressing CDP policy 39's requirement to incorporate measures to mitigate adverse landscape and visual effects. Nevertheless the development would result in moderate but unacceptable harm to the character and quality of the landscape overall contrary to CDP Policy 39.

Locational Sustainability of the Site

142. 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.
143. 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.

144. 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.
145. 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.
146. 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. Great Lumley is placed 45th in a table of 229 settlements in terms of service provision. Today Great Lumley is recognised as a village with access to a good amount of services including a primary school, GP surgery and pharmacy, community centre, churches, 2 convenience stores, takeaways, independent shops and a play area and a football pitch. The site is also around 2.3 miles from Chester-Le-Street town centre boundary which contains an array of amenities and services including shopping, leisure facilities and a transport hub
147. Even though Great Lumley is considered to be served by an appropriate range of services and amenities, consideration is required to be given as to the ability of future occupiers to access these in a sustainable manner.
148. It is noted that both distances and some services detailed within the Transport Assessment are disputed by local residents. However, Officers have undertaken their own assessment in relation to distances to services and amenities with measurements taken from the most central part of the site along the shortest route (Cocken Lane).
149. The proposed properties within the middle of the site lie within approximately 715m of the Lumley Junior School, 904m of the Doctor's surgery and pharmacy, 972m of Great Lumley Community centre, 787 m to a small local shop and takeaway and 1234m to two larger convenience stores and 1460m to a nursery school.
150. In terms of distances to services and amenities, only the school and small local shop fall within an acceptable range however all other distances are generally considered over acceptable limits 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' and The Department for Transport's 'Manual for Streets'. In general, a walking distance of around 800m or 10 minutes' walk is accepted as being an acceptable range. Most of the services exceed this range as detailed above which conflict with CDP policies 6,21 and 29 and part 9 of the NPPF.
151. It is however not only distance that influences transport choice. The CIHT planning for walking states that "the propensity to walk or cycle is not only influenced by distance but also the quality of the experience; people may be willing to walk or cycle further where their surroundings are more attractive, safe and stimulating".

152. The shorter route via Cocken Lane would be along a new 1.5m wide footway link from the site to the existing footpaths. Highways Officers advise that this footway width is acceptable in highway safety terms despite falling short of the DDC 1.8m wide standard. This is however considered unlikely to be an attractive and stimulating journey for future residents in respect of both the width and in also in respect of the presence of on street parked cars along this route during term times 5 days a week which can also include early evenings. This parking is as a result of the lack of any parking available at the school for staff or parents/carers and visitors.
153. The alternative slightly longer route to the nearest facility (school) via the PROW and the new 1.5-1.8m wide footway onto Front Street would be more pleasant in terms of width and lack of parked cars however this would be some 817m in distance.
154. It is noted that the second closest primary school is some 3km away and it is considered that Walking routes to other schools outside the village are not particularly safe for small children to walk on their own given the lack of streetlighting and the traffic speeds.
155. Given the distance to Chester-le-Street it is unlikely that those services would be accessed on foot rather than by bus.
156. In terms of cycling, the local facilities and services in Great Lumley and employment establishments in the local area would be in reasonable cycling distance for those are able and prefer to cycle. However Great Lumley is lacking in good cycling links and secure storage and the journey to/from Great Lumley via Cocken Lane is problematic in terms of on-street parking associated with the school reducing the width of the Lane to single width for two way traffic during term time. This would not be attractive to cyclists in terms of the visual surroundings and the perceived traffic danger, particularly in terms of the potential for cycling to and from school for instance.
157. Whilst Front Street Roadway would not have similar parking issues the perceived traffic danger from the likely speeds (considered to be above the proposed speed limits) would be unlikely to encourage travel to the local school via bicycle. Routes to other schools outside the village are not particularly safe for small children to cycle given the lack of streetlighting and the traffic speeds.
158. A public right of way (Great Lumley no14 FP) runs north-south through the centre of the site and a PROW (Great Lumley 16 BW) is adjacent to the southern boundary. The proposal involves upgrading the footpath and to link this footpath to a new public footpath to Front Street. This will provide good access to the bridleway to the south and the countryside beyond, albeit a longer route to reach the open countryside for current residents.
159. Whilst Great Lumley has experienced discontinuation of some bus stops there is existing bus stop provision at Windsor Terrace (798m) and Front Street (860m) from which there are regular service throughout the week and into the evenings. These include 2 services covering Consett, Stanley, Chester-le- Street, Seaham and another service to a secondary school. However ,these bus stops fall well outside the maximum convenient walking distance of 400m to bus stops detailed within the Council's adopted County Durham Plan County Durham Building for Life SPD and the advice set out in Planning for Waking by the Institute of Highways and transportation (IHT) in 2015. Furthermore, the problems identified above in terms of quality of the walking journey remain.
160. To address this policy conflict the applicants have proposed the funding of two new bus stops at the northern access point to the site along Front Street and have detailed

that they are negotiating with public transport operators and the Council in relating to diverting 1 of the 2 current services to these proposed bus stops and funding work to enable re-routing. In the event of an approval the re-routing of 1 of the two routes could be secured via 106 funding. If a full service was operating from these two proposed bus stops the site would be within an acceptable 400m walking distance to these stops, and the journey concerns would fall away.

161. Residents have raised concerns over the loss of bus services on Scorers Lane with such a diversion, and the impacts to current residents in terms of sustainability. As there are currently two services on Scorers Lane this is not a significant concern as only one service would require diversion.
162. Residents have raised concerns over accessing the northern bus stop given the current speed limits however it is noted that the proposal involves both a dropped pedestrian crossing point and upgrading of the village gateways and some hedgerow removal to protect pedestrian safety.
163. A Travel Plan has been submitted with which outlines sustainable transport measures to be incorporated such as welcome packs for new residents and a £100 voucher towards a cycle/cycle accessories. A condition would secure the measures outlined within the Travel Plan to reduce reliance on the private car and to promote sustainable transport methods in accordance with Policy 21 of the CDP.
164. Overall, it is considered that the site has inadequate access to the range of services and facilities within Great Lumley as the majority of these are not within easy reach of the site on foot, with the shorter route being problematic in terms of attractiveness to users given the substandard width involved and the on street parking issues along Cocken Lane. Options for cycling are also poor. In terms of public transport, the funding of two new bus stops and the extension of an existing bus route to serve these two new bus stops can be secured were the application to be approved. This is not counted as a benefit however rather that it is required to make the development acceptable in public transport terms and therefore carries neutral weight. Bearing the above in mind it is considered that the proposal is not acceptable in terms of accessibility when taken in the round.
165. In conclusion, the development would not promote accessibility by a range of methods and would result in conflict with Policies 6 criterion f, 21, 26 and 29 of the CDP and Paragraphs 98, 103, 108 and 110 of the NPPF.

Highways

166. 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.
167. 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.
168. Concerns have been raised by local residents that local roads and junctions do not have the capacity to accommodate the additional traffic and point out that Cocken Lane is a particular busy route to Durham and The Arnison Centre with on street

parking issues. There are also concerns over the safety of the narrow rural lanes as there have been recent RTA'S and there are concerns over traffic speeds and potential for conflict with cyclists and ramblers who use the local roads.

169. A Transport Assessment has been submitted to consider the potential highway and transport related impacts associated with this proposal and a number of different mitigation options have been explored.
170. The proposed development was estimated to generate approximately 85 two-way vehicle movements and 116 two way movements in both the AM and PM Peak hours respectively and the assessment concluded that this number of vehicles could be accommodated on the local highway network and the strategic highway network without need for mitigation works. The Highways Officer agrees with these findings.
171. The revised TA also assessed the impacts to the A1(M) junction 63 in terms of capacity and safety and concluded that the development would have insignificant impacts on capacity and that the current highway layout is safe to accommodate the additional traffic. National Highways and the Highways Authority accept these findings. Given the above it can be concluded that there will be no significant impact to the safety or capacity of the local highway network or indeed the National Highway Network.
172. The proposed development proposes two new accesses, the first access would be to the north of the site on Front Street and the second access would be to the west of the site on Cocken Lane. These roads provide links throughout the residential area of Great Lumley towards the B1284 (Lumley New Road) and A167 the northwest , Pit House Lane and Black Boy Road (towards the B1284 and A690) to the south east and Cocken Road to the south. In respect of the two new accesses, in response to comments made by the Highways Officer amendments have been made to the positioning, design and visibility splays for the accesses which includes the removal of a notable amount of hedgerow and vegetation. In pure highways terms these works can only be looked at as to whether they would result in an unacceptable impact on the highway safety or result in severe cumulative impacts to the road network based on data and design standards. Highways Officers consider neither would be the case in this instance.
173. The new footway links at Cocken Lane and Front Street and associated works to achieve the links would ensure that safe access for pedestrians can be achieved . The general principle of providing a minim 1.5 metre wide footway link from the site to the village with footway widening measures and minor kerb re-alignments is a fall back in design standard from the Councils footway widths highway design standard which is 1.8 metres wide. Whilst it is not ideal to reduce and accept footways 300mm short of the required design standard it is recognised in rural areas footways vary in width. Also, a more poignant factor is that 1.5m wide footways can accommodate wheel chair users and an adult walking with a small child or two adults one with pushchair therefore the substandard footway widths are accepted in highway safety terms. Concerns have been raised that there are inaccuracies in terms of the roadway widths indicated however Highways Officers have visited the site and have raised no such concerns.
174. The TA originally put forward proposed measures to reduce speed along Front Street including a new speed limits which residents were concerned may lead to congestion in the village however this is no longer the case with upgrades to the village gateways proposed instead.
175. With regards to highway safety within the site, the design has been amended to widen the main accesses and road to 5.5m in width and to increase the visitor parking bays in line with Council requirements. The visitor parking is now better located and

distributed. Amendments have been made in respect of private shared driveway lengths, turning heads and bin stores to address earlier comments from Highways Officers. The curvature of the main thoroughfare should make the route through the estate less appealing as a shortcut to avoid the on-street parking issues on Cocken Lane as is also the case with the Stainmore Drive through route.

176. Overall, based on the advice of the Highway Authority and the detailed information submitted Officers are satisfied that the development would not have a severe cumulative impact on network capacity and would not be prejudicial to highway safety. The proposal therefore accords with Policy 6 (criteria e) and policy 21 and 29 of the CDP and Paragraph 110 and paragraph 111 of the NPPF.

Residential Amenity and pollution

177. The application has raised a significant number of concerns from neighbouring residents in respect of negative impacts to their residential amenity and health and wellbeing and impacts to views. Members will be aware that the potential impacts of a proposed development on private views is not a planning consideration, however the residents are receptors in terms of the general visual amenity of the area and this has been addressed above.
178. 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.
179. 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. Where there is a significant change in levels, the minimum separation distance will increase by 1 metre for every 1 metre that the floor level of the development would be above the affected floor or ground level of the neighbouring property. 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.
180. The proposed amended layout demonstrates that minimum separation distances between proposed properties and existing including their extensions and taking into account any land levels is achieved.
181. Minimum separation distances between proposed dwellings would be achieved on site. Standards garden lengths are now also achieved on site. Bearing the above in mind the amended proposal is now acceptable in terms of privacy, outlook, light and visual and general amenity.
182. 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.
183. The application is supported by a noise report. The report details that there is the potential for future residents to be impacted by noise from road traffic on the A1 and suggests acoustic glazing and ventilation and acoustic fencing for some properties to achieve appropriate levels. The Environmental Health Officer is satisfied with these mitigation measures and these can be delivered via condition.

184. There is also the potential for disturbance during the construction period however the submitted construction management plan (CMP) submitted alongside the application is satisfactory to deal with construction related impacts (other than dust). Subject to the imposition of a condition requiring compliance with an CMP to address dust the 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. No concerns were raised by Environmental Health in respect of construction traffic noise or general traffic noise.
185. Good quality air is of importance and it is noted that a local resident has concerns as to how residents with Asthma could be impacted, notably air pollution can make asthma symptoms worse as well as causing asthma. An air quality impact assessment has been submitted assessing the impact of the development. Environmental Health have requested that the mitigation measures recommended in relation to dust control also need to also be included within the construction management plan (CMP) and therefore a condition is necessary to ensure an updated CMP is submitted prior to commencement in respect of this matter. No concerns were raised in relation to emissions from traffic on the A1(M) or Cocken Lane. Provided there is appropriate control of dust from the site an acceptable standard of residential amenity shall be achieved at the site with the effect that those with asthma will not be prejudiced by the development.
186. Whilst there are some minor negative impacts both during and post construction the development would not lead to a significant reduction in residential amenity for existing residents or poor amenity for future residents, subject to appropriate conditions. Overall, the scheme would generally comply with Policies 29 and 31 of the CDP and Parts 12 and 15 of the NPPF.

Ecology

187. 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. Part 15 of the NPPF seeks to ensure that developments protect and mitigate harm to biodiversity interests, and where possible, improve them.
188. The presence of protected species is a material consideration in planning decisions in accordance with requirements of the Wildlife and Countryside Act 1981, the European Union Habitats Directive and the Conservation of Habitats and Species Regulations 2017(as amended).
189. 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.
190. A Preliminary Ecological Appraisal has been submitted in support of the proposal. The appraisal notes that there are 5 Local Wildlife Sites within 2km of the site, the closest being Brough's Gill Wood LWS which lies approximately 760m to the north west of the site. The site is within an SSSI impact Risk zone for Joes' Pond SSSI. The site is identified as arable fields with hedgerows, scrub and lines of trees. This habitat is

identified as providing foraging opportunities and commuting routes for bats, foraging and nesting opportunities for birds and it also has the potential for commuting for badgers and occasional use by brown hare, hedgehog and common toad. However the site is considered to be of no more than low value for these species. No other protected species were recorded on site.

191. Concerns have been raised by local residents over the timing of the initial surveys however further Separate ecological reports have been submitted in relation to bats and breeding birds. There are also local concerns over the ecological importance of the site. The site is considered to be of no more that local value for foraging and commuting bats who would be impacted by the loss of foraging and commuting habitats and an increase in disturbance to retained habitats around the periphery of the site though an increase in noise and lights. In respect of birds, the site was found to support approximately 56 territories of 24 species, 15 of which are listed as birds of conservation concern and 11 are listed as 'priority species' .The impacts of the proposal are identified as loss of breeding ground nest species, potential loss of breeding species within the boundary features , loss of open foraging areas, increased predation of species being retained and new habitats as a result of an increased pet population associated with the development.
192. The ecological appraisals make a series of recommendations for the proposals in relation to lighting, species friendly landscape planting and hedge retention and enhancement, provision of bat and bird boxes, timing of works, SuDS creation and maintenance, and species-specific habitat provisions. These can be ensured via condition.
193. The Council's Ecologist is satisfied with the report findings and requests conditions to ensure that that 10% of properties incorporate swift boxes and that other mitigation be secured via condition. As there would not be an interference with protected species for which a license would be required, it is not necessary for the LPA to apply the derogation tests.
194. The Council's Ecologist has also considered the Biodiversity Net Gain Assessment which was undertaken during the course of the application and is satisfied that BNG above 10% can be delivered as part of the development and on the site in accordance with CDP Policies 26 and 41 and Paragraph 174 of the NPPF. The submitted Biodiversity and Management and Monitoring Plan, 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.
195. Overall and subject to the imposition of conditions to secure the mitigation strategy and sec 39 agreement to secure habitat creation, management and monitoring for a minimum of 30 years the proposal would comply with Policies 26, 35, 41 and 43 of the CDP and Part 15 of the NPPF.

Layout, Design and Sustainability credentials

196. 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.
197. Parts 12 and 15 of the NPPF also seek to promote good design, while protecting and enhancing local environments.

198. 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.
199. 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 County Durham Plan.
200. This full scheme has repeatedly been 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. Despite several reviews and amendments, the scheme still scores 2 “reds” and 6 “ambers” and four “greens”. The reds related to connections as the proposal fails to integrate new connections whilst respecting the surrounding rural character and as facilities and services are beyond accepted walking times and along footpaths where hedgerow maintenance may be an issue. The amended proposal would be unlikely to move the proposal from these 2 reds.
201. Policy 29 of the CDP sets out that major new build residential development should achieve CO2 reductions of 10% below the Dwelling Emission Rate (DER) against the Target Emission Rate (TER) based on current Building Regulations. Part 14 of the NPPF advises that the planning system should support the transition to a low carbon future.
202. In respect of climate change, the applicants propose that the development would achieve reductions in Carbon Dioxide (CO2) emissions of 10% below the Dwelling Emission Rate (DER) against the Target Emission Rate (TER) based on current Building Regulations, 6 as required by Policy 29. However, the Building Regulations have changed since the submission of this application and now require all new homes to produce 31% less CO2 emissions than what was previously acceptable in the Part L regulations and there have been change to parts F (ventilation) and new regulations in respect of overheating and electric vehicles charging. The development would now need to comply with these new requirements and as is this covered under separate legislation there is no need for a condition to reflect this.
203. Bearing the above in mind the proposal remains in conflict with Policy 29 of the CDP and Part 12 of the NPPF in respect of BfL requirements.

Heritage and Archaeology

204. 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.
205. 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.

206. There are no designated or non-designated heritage assets within close proximity of the development site. In respect of archaeology, trial trenching has been undertaken which concluded that no further fieldwork is required and a WSI has been submitted. The Council Archaeologist is satisfied with these reports but has requested a condition in respect of securing archiving. With such a condition the proposal would be considered to comply with Policy 44 of the CDP and Part 16 of the NPPF in this respect.

Flooding and Drainage

207. CDP Policies 35 and 36 relate to flood water management and infrastructure. Policy 35 requires development proposals to consider the effects of the scheme on flood risk and ensure that it incorporates a Sustainable Drainage System (SuDs) to manage surface water drainage. Development should not have an adverse impact on water quality. Policy 36 seeks to ensure that suitable arrangements are made for the disposal of foul water.
208. 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.
209. Local residents are concerned by the potential for flooding on site and to other areas. The application is accompanied by a flood risk assessment (FRA), which highlights that the application site is within Flood Zone 1 with a low flood risk probability. The FRA also sets out a drainage strategy including the incorporation of Sustainable Urban Drainage (SuDs) including swales and detention basins to attenuate and treat surface water to allow infiltration ensuring that there would be minimal runoff from the site even in 1 in 30 year storm events.
210. Drainage and Coastal Protection (LLFA) advise that the information submitted is in accordance with Council Policy and National Standards in providing a sustainable solution to surface water management and have approved the digital hydraulic calculations. A condition can ensure that the development adhered to the flood risk and drainage strategy and that no development commences before an ordinary watercourse land drainage consent is in place in line with LLFA and Northumbrian Water advice .
211. In relation to foul water, it is proposed to connect to the existing sewerage network via an onsite pumping station to which Northumbrian Water raise no objections and request a condition to ensure this discharges to a specific manhole.
212. Subject to the above condition the drainage is considered acceptable in accordance with CDP policy 35 and Part 14 of the NPPF

Infrastructure and Open Space Provision

213. 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.
214. 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.
215. 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.
216. 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.
217. 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).
218. 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.
219. Given the scale of the development, it would generally be expected that all amenity space and play space would be provided on-site. A requirement of 4,890 sqm of amenity/natural space and 163 sqm of children's play space would be required for a development of this size which is exceeded on the site.
220. It has been advised that a private management company would be used to manage and maintain the areas of open space within the development. A condition could be imposed proposed to secure the details of the future management and maintenance arrangements.
221. The developer is willing to enter into 106 agreement to contribute money in lieu of on site provision of other typologies. A financial contribution of £219,398 towards the delivery of off-site allotments and parks, recreation ground and youth play equipment is proposed. Having regard to the availability and proximity of existing facilities to the site this proposal is considered to be acceptable and in accordance with OSNA requirements, Policy 26 of the CDP and Paragraph 98 of the NPPF with regards to the

provision of public open space. This would address local residents concerns over the lack of facilities for children and youths.

222. Policy 26 of the County Durham Plan requires development to maintain and protect, and where appropriate improve, the county's green infrastructure network. The policy advises that where green infrastructure assets are affected proposals must incorporate suitable mitigation. In respect of Public Right of Way the policy advises that development will be expected to maintain or improve the permeability of the built environment and access to the countryside for pedestrians, cyclists and horse riders. Where proposals would result in the loss of, or deterioration in the quality of, existing Public Rights of Way (PROWs) the policy advises that these will not be permitted unless equivalent alternative provision of a suitable standard is made.
223. It is a positive that Footpath 14 will be retained for connections and upgraded despite the quality of the experience to the users dropping as a result of the development. This footpath will need to be closed and diverted during construction the development. Given the increased pressure on other local footpaths the applicants have agreed to a s106 contribution of £70,000 to fund improvements to bridleway no.16 and bridleway no.19 Great Lumley Parish.
224. 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 45 pupils of primary age and 18 secondary age school pupils. There is insufficient capacity at the local primary and secondary schools to accommodate this need. A total contribution of £470,496 towards primary education provision and £297,792 towards secondary education provision is therefore required. The applicants have agreed to this, and this can be secured by a section 106 legal agreement.
225. Concerns over whether local schools have the capacity to expand further are noted and to address this the s106 would identify a preferred and 'contingency' school expansion project in the planning obligation.
226. Whilst there are concerns that the proposal would result in mixed age teaching for pupils in the local school due to additional children this is unlikely given the additional children will vary in age range and as several factors will influence future residents choice of school.
227. It is noted that impacts to GP services is a concern of local residents. The County Durham Clinical Commissioning Group (CD CCG) advise that local GP practices are at full capacity with regards to space requirements to deliver services to their patient list size. A contribution of £71,484 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. The applicants have agreed to this, and this can be secured by a section 106 legal agreement.
228. There are concerns that there no room for the GP surgery and that the surgery has fewer GP's than stated. However there appears to be some space to the rear of the property or the roofscape to expand. The NHS requirements are only based on build costs and the number of GP's at the surgery is a contractual matter between the GP surgery and the NHS.
229. As all the above contributions are required to make the development acceptable they cannot be given positive weight, only neutral weight.

Addressing Housing Need

230. Whilst local residents consider there is no need for more affordable homes in the village this is a policy requirement. Policy 15 of the CDP requires affordable housing to be sought on sites of 10 or more units, for up to 25% of units in the highest value areas. 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. As this site is within a medium value area, this development would require 15% affordable housing, in the form of First Homes, affordable home ownership and rent.
231. Policy 15 of the CDP and Policy D2 of the DCNP 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.
232. Policy 15 of the CDP 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. All new residential development will be required to comply with the Nationally Described Space Standards (NDSS).
233. Policy 19 requires an appropriate mix of dwellings, types and sizes. Paragraph 61 of the NPPF states that the size, type and tenure of housing needed for different groups in the community should be assessed. Part 5 of the NPPF is also clear that developments should help to address housing needs.
234. The Council's Affordable Housing team advise that the affordable units should be delivered as 2 or 3 bed houses or bungalows for rent or home ownership. It is advised that housing provided should be a mix of 2 and 3 bedroomed units for both rented and affordable home ownership properties.
235. The developers have submitted an updated affordable housing statement committing to meeting the 15% policy requirements via 7 homes for affordable rental and 15 for affordable home ownership (including 6 first homes). There remain however some minor concerns with the central grouped position of these dwellings. The revised layout includes 15 no. bungalows which now meets the 10% policy requirement of housing options for older persons and these have been better spread throughout the site. These requirements can be secured by s106 legal agreement.
236. In respect to the Policy 15 requirements on M4(2) and NDSS the amended application indicates that 101 of the dwellings would meet the M4(2) standards which meets the 66% requirement of Policy 15.
237. In terms of housing mix, the development would generally provide a range of 2, 3, 4 and 5 bedroomed units including, detached and semi-detached houses, terraced properties and bungalows options in compliance with Policy 19 of the CDP and Part 5 of the NPPF.
238. Overall, the scheme would generally meet the identified housing needs of the County in respect of affordable and accessible homes and is in general compliance with the requirements of Policy 15 of the CDP and Part 5 of the NPPF.

Developer Contributions

239. 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):

- £470,496 towards primary education provision;
- £297,792 towards secondary education provision
- £71,484 to increase GP surgery capacity;
- £219,398 off-site public open space contribution;
- £70,000 – to fund surface improvements to bridleway no.16 and no.19.
- Contribution towards the delivery of two bus stops and service diversion.T.B.C
- The delivery of 15% affordable housing units on site, equating to 15 units for affordable home ownership, 6 of which will be first homes and 7 units for affordable rent;
- The requirement to enter into a S.39 Agreement to secure the long-term management and maintenance, including a monitoring strategy of the biodiversity land.

240. The applicant has indicated their acceptance to enter into such agreements and therefore it is considered that this scheme of 148 units would sufficiently mitigate its own impacts.

Contamination and Safety

241. 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.

242. Given the site lies in an area of high risk in terms of coal mining legacy and as there would be a sensitive end user of the site, a Phase I and II site investigation report and a coal mining risk assessment have been submitted in support of the application considering the issue of land contamination and stability.

243. Environmental Health Officers have considered this report, concluding that conditions to secure Phase 3 works (remediation works) and 4 (verification) reports in addition to an informative relating to unforeseen contamination would be required to ensure that the site is suitable for its intended use taking account of any risks arising from contamination. Similarly, the Coal Authority request conditions to ensure remediation works are undertaken and checked by a suitably competent person. With such conditions the proposal would accord with Policy 32 of the CDP and Paragraph 183 of the NPPF.

Other Considerations

244. There have been concerns raised by local residents in respect of loss of productive agricultural land. 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.
245. 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 8.1ha of Grade 3 (good to moderate) agricultural land. The report identifies that the land falls into Grade 3b (moderate) capable of producing moderate yields of narrow range crops, principally cereals and grass, or a lower range of a wider range of crops or high yields of grass for grazing or harvesting. As 3b land is not classed as best and most versatile land it is considered that the loss is not significant and therefore does not hold much negative weight in the planning balance.
246. 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.
247. 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 preliminary soil resource management strategy has been provided with the application; further detail can be secured by condition.
248. The site lies within a Mineral Safeguarding Area due to it lying within a coal 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. In this instance evidence has been submitted that details the coal resource has already been extracted from this site. On this basis, no objection is raised on the grounds of either Policy 56 of the CDP or Part 17 of the NPPF.
249. 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 will be served by fibre broadband and a condition can be imposed to secure this.
250. Policy 28 of the CDP requires development within safeguarded areas to be subject to consultation with relevant authorities such as the Health and Safety Executive and to only be permitted where it would not prejudice current or future public safety. Much of the site falls within the outer zone of the HSE major hazard sites consultation zone and an area of the north of the site falls within the middle zone. The major hazard site identified is Great Lumley NWL Water Treatment Works. HSE have advised against granting planning permission for the development as the site is within the buffer zone of the water treatment works and as this has historic Hazardous Substances Consent and given the increase in population in close proximity the works.

251. From discussions with NWL it is understood that the hazardous designation is a historic designation in respect of chlorine storage and that the historic use is no longer in place but that records have not been updated or the designation revoked. If the LPA is minded to grant permission Section 9, paragraph 072 of the online Planning Practice Guidance on Hazardous Substances - Handling development proposals around hazardous installations, published by the Ministry of Housing, Communities and Local Government requires the local planning authority to give HSE advance notice when it is minded to grant planning permission against HSE's advice, and allow 21 days from that notice for HSE to consider whether to request that the Secretary of State for Housing, Communities and Local Government, call-in the application for their own determination.
252. Residents have objected on the grounds that this is not a brownfield site however this does not preclude development.
253. Concerns have been raised about the addition of the pumping station being an eyesore on the edge of the countryside however in time it would be appropriately mitigated by native structure planting.
254. Whilst residents have raised concerns over increased recreational pressures on countryside from the additional population these pressures cannot be considered above and beyond access onto PROW's or accrued rights of access as this would involve trespass onto private land.
255. It is noted that the PROW is not upgraded in a way that is appropriate for cyclists however the PROW is proposed to remain a footpath and is therefore not intended for cycle access.
256. Concerns raised in relation to potential construction traffic routes and parking are noted however this detail can be controlled under a Construction Traffic Management Plan which can be required by condition.
257. It is noted that there is no free public transport to the closest secondary school for children in the village however this will not necessarily lead to significant increases in traffic for these journeys particularly as parents/carers often drop off alongside other trips to work etc.
258. Concerns over lack of street lighting proposed however this would form part of any adoption agreement.
259. Concerns raised in respect of potential damage to roads for utilities and by construction traffic are noted however damage to the public highway is not usually a concern where agreements such as 278 and section 38 agreements are in place.
260. Whilst there are privacy concerns over the potential new footpath through Brignall Drive from the new housing a footpath connection to this estate is not part of this proposal.
261. Comments made about the lack of success in relation to Travel Plans however these are a requirement for developments of this size and the merits of the principle of Travel Plans cannot form part of this consideration.
262. Whilst there are concerns over the propensity of Cocken Lane to flood, suitable drainage for the development can ensure that this does not occur. Any other maintenance issues with the road are a matter for the Highways Authority.

263. Concerns raised in respect of anti-social behaviour and addition pressures to police are not an issue usually presented by new housing development,
264. There is a problem with Japanese Knotweed at the public right of way (bridleway no. 16 Great Lumley) which is sprayed by DCC contractors as part of the annual cutting programme. The application has not identified that the site has Japanese Knotweed, nonetheless a condition could ensure that were any to be identified on site that an invasive weed management plan specific to Japanese Knotweed be submitted and implemented in full.
265. Neighbouring residents have raised concerns over light pollution from car lights etc but given the fencing screening and infrequency of such event this is not considered of significant harm to amenity.
266. Whilst some objections refer to Green belt policy this site is not within the Green Belt.
267. Objection letters refer to many strategies and policy documents that predate the CDP and which will have fed into its policy formulation therefore the CDP is considered more relevant.
268. Depreciation in house values, loss of view and right to light and rights of access, ability of utility companies to connect are not material planning considerations.
269. Comments raised in relation to problems at another site and precedent are not relevant as each application is considered on its own merits.
270. Local residents consider that the scheme will not provide employment for local contractors however in the event of an approval a targeted recruitment condition could be used to address this aspect.
271. Whilst comments have been made in relation to the population of the village not being consulted a wide consultation was undertaken, including a public consultation event by both developers and Durham County Council.
272. It is noted that there are concerns that the SuDS feature will suffer litter however there would be a maintenance plan that would include litter picking.
273. Whilst residents are concerned that Parish Council's do not appear to have been consulted the LPA no longer consult directly but a weekly list is sent to all parishes.
274. Concerns over impacts to budget for Parish Council are noted but this is likely to increase with more council tax receipts.
275. Whilst local residents feel the estimates of 2 people per house to be low this is based on the average for the region of 2.24 and therefore not an unreasonable assumption.
276. It is noted that residents consider the development should be sited elsewhere in the village however we can only consider the application at hand.
277. Planning history can be a material planning consideration however in this instance this carried little weight given the change in national and local plan policy since the previous refusal.

278. 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 consider that equality impacts identified can be addressed.

Conclusion

279. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. In light of the recent adoption of the CDP, the Council now 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). Where a planning application conflicts with an up-to-date development plan paragraph 12 of the NPPF advises that permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

280. 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.

281. It is concluded that the development would significantly erode the open countryside setting of the settlement that currently exists, particularly to the south of Stainmore Drive, and create a settlement extension with little bearing on the current relatively well defined extent of the built up part of the settlement in this part of Great Lumley. Due to its scale and location it would relate poorly to the existing configuration of the settlement both physically and visually and therefore conflict with the principle and criteria d) of policy 6 of the CDP and criteria o) of policy 10 of the CDP.

282. The proposal would also result in the loss of open land that contributes to the rural character of the area which despite extensive landscaping cannot be adequately mitigated or compensated for contrary to criteria c of policy 6 of the CDP.

283. The proposal would also conflict with criteria l) of CDP Policy 10 which requires there to be no unacceptable harm to the intrinsic character of the countryside which cannot be adequately mitigated or compensated for.

284. The landscape impact is limited to the immediate setting of the site and rapidly reduces with distance and time due to existing and proposed screening. The development would have a very limited impact on the wider landscape and the scheme would not be prominent in longer distance views. Nonetheless as the site forms part of the wider landscape and landscaping will take time to have meaningful impact the development would result in moderate but unacceptable harm to the character and quality of the landscape overall contrary to CDP Policy 39.

285. In conclusion the proposed development would have a significant adverse effect upon the character and appearance of the surrounding area and due to walking distances and quality of connections fails to provide good access by sustainable mode of transport to local services and facilities. The proposal would also result in significant

hedgerow loss. These matters would outweigh the fact that there would be an appropriate housing mixture and the mitigation offered and neutral impacts. The benefits arising from the development, such as the provision of additional housing, including the provision of affordable homes and the creation of a softer edge to the expanded settlement are significantly and demonstrably outweighed by the adverse effects. The scheme would therefore conflict with the County Durham Plan.

286. Where there is clear policy conflict paragraph 12 of the NPPF advises that permission should not usually be granted. Whilst Local planning authorities may take decisions that depart from an up-to-date development plan, this should only occur if material considerations indicate that the plan should not be followed. Whilst housing supply is a material consideration this carries very little positive weight given the Council can demonstrate a 5 year supply and there are no other material considerations in this particular case to indicate that the County Durham Plan should not be followed.

RECOMMENDATION

287. That the application be **REFUSED** for the following reasons:

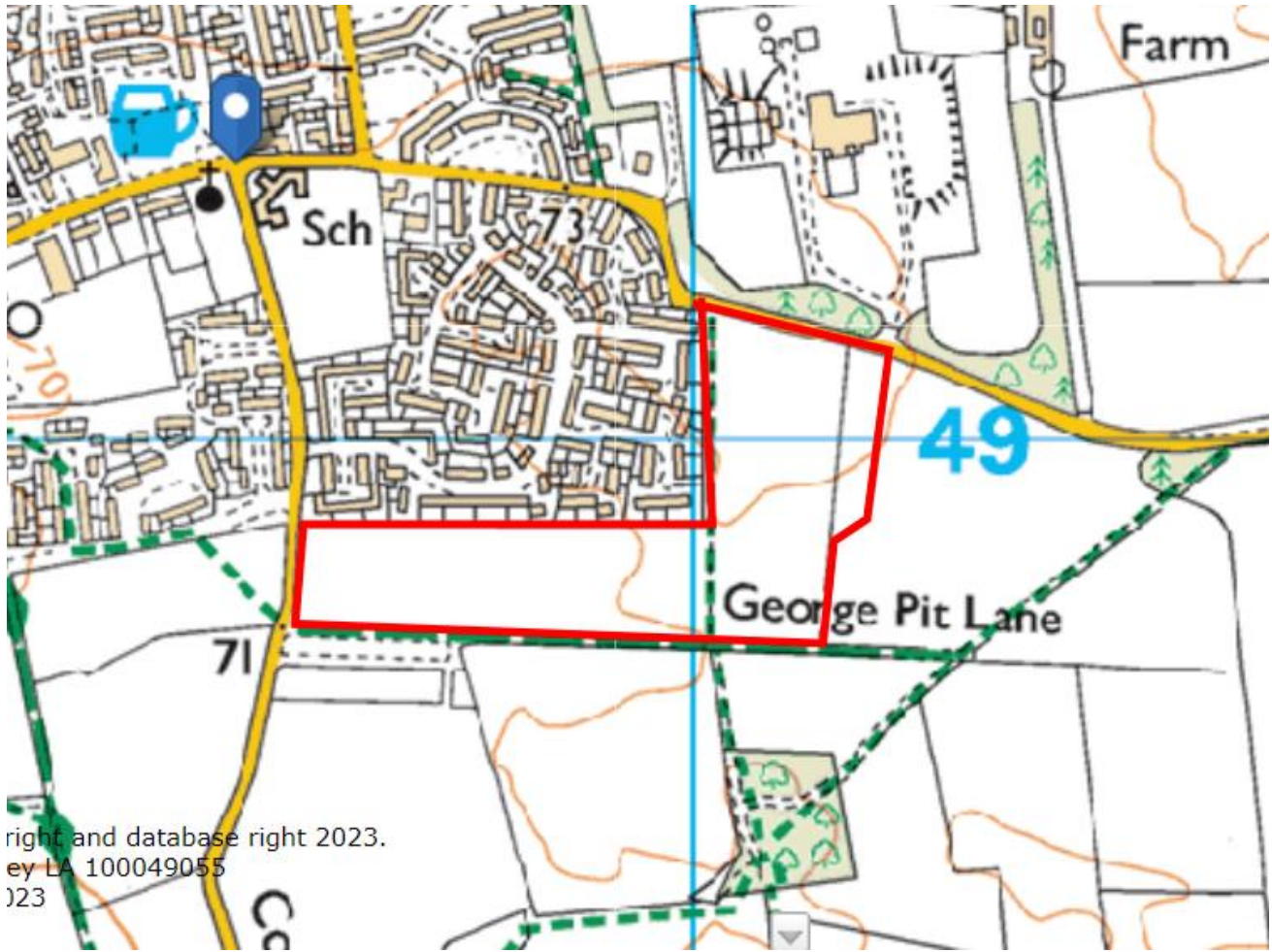
- 1) The development would significantly erode the open countryside setting of the settlement that currently exists and which cannot be adequately mitigated or compensated for in conflict with Policy 6 and 10 of the CDP.
- 2) Due to its scale and location the proposal would create a settlement extension that would relate poorly to the existing configuration of the settlement both physically and visually and therefore conflict with policy 6 of the CDP.
- 3) The proposal would overall result in unacceptable harm to the landscape and the intrinsic character of the countryside which cannot be adequately mitigated or compensated for contrary to policy 10 and 39 of the CDP and part 15 of the NPPF.
- 4) The application fails to demonstrate that it would have good access by sustainable modes of transport to services and facilities in Great Lumley contrary to criteria f of policy 6 of the CDP, policies 21, 26 and 29 of the CDP and Paragraphs 98, 103, 108 and 110 of the NPPF.
- 5) When assessed against the Building for Life SPD the proposal fails to meet an acceptable design standard and is in conflict with CDP policy 29 and part 12 of the NPPF and there are no significant overriding reasons that would justify such a departure from this policy.

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)
- Statutory, internal and public consultation response



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Planning Services

DM/22/00584/FPA - Erection of 148 dwellings with associated access, infrastructure and landscaping (amended description)

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6th June 2023

Scale: NTS

Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/22/01981/RM
FULL APPLICATION DESCRIPTION:	Reserved matters application for 470 dwellings (appearance, landscaping, layout and scale) pursuant to DM/20/03558/OUT.
NAME OF APPLICANT:	Miller Homes and Barratt Homes
ADDRESS:	Land To The East Of Regents Court Sherburn Road Durham
ELECTORAL DIVISION:	Belmont
CASE OFFICER:	Graham Blakey Principal Planning Officer Telephone: 03000 264865 graham.blakey@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The proposed application site is located to the east of Durham on land to the south of the A181, Sherburn Road, of 19.13 hectares in size. It currently comprises a large arable field parcel and a small area of unmanaged grassland. A section of Bent House Lane which runs between the arable field and the existing housing and unmanaged grassland to the west. The northern boundary comprises a fence and some vegetation, existing hedgerows and trees define the south, east and western boundaries. Located beyond existing trees and boundary planting is the A181 to the north, agricultural land to the south and existing residential development to the west. Beyond the eastern boundary is an embankment leading down to the A1(M) motorway.
2. Levels across the proposed development area slope gently from the north to south, falling into a lower depression mid-way along the southern boundary; whilst beyond the land slopes away more steeply towards Old Durham Beck to the south. Bent House Lane runs in a southerly direction providing vehicular access to Bent House Farm, Old Durham Gardens and a small number of residential dwellings. The main body of the site east of the lane lies to a lower level from the road for the most part along the length of Bent House Lane. West of the lane, the land is level or gradually rising towards the Sherburn Road housing estate. Bent House Lane is largely rural in character and features an agricultural hedgerow to the eastern side bounding the application site. An agricultural hedgerow runs along the north eastern boundary of the site and separates two parcels of land on the ground.
3. There are a number of existing dwellings within close proximity to the proposed site boundary. These include single storey bungalows on the western side of Bent House

Lane, converted former farm buildings at Bent House Farm to the south west, a three-storey block of flats in the north west corner and two storey terraced houses beyond the A181 to the north of the site.

4. With the exception of Bent House Lane which is identified as a bridleway (No.113, Durham City), there are no public rights of way located within the boundaries of the site. The nearest protected wildlife site is the Sherburn Hospital Local Wildlife Site to the south east of the application site across the A1(M) Motorway. Directly to the north, behind the residential development of West Sherburn, lies Dragonville Protected Employment Land site, and to the north west beyond the junction of Sherburn Road and Dragon Lane lies the Sherburn Road / Dragon Lane District Centre for retail shops.

The Proposal

5. This application seeks reserved matters planning permission for 470 dwellings to the area of the original planning consent east of Bent House Lane (DM/20/03558/OUT). Matters reserved for this later assessment by the original planning consent are 'appearance', 'landscaping', 'layout' and 'scale', with 'access' to the site having been agreed as part of the original outline planning permission. Full detailed plans have been submitted for assessment and primarily relate to the internal layout of the proposed new housing and associated infrastructure, landscaping and connections.
6. The application is submitted on behalf of two proposed developers, Miller Homes and Barratt Homes, with a split in properties 50/50 (235 each) spread across the development. Overall, the scheme includes a total of 470 dwellings of which 66% are proposed as M4(2) compliant, 25% as affordable homes (in line with the agreed Section 106 agreement) and 10% as homes for older people (24 bungalows and 23 multi-generational homes). The dwellings comprise a mix of 1, 2 and 2.5 storey dwellings, with 2, 3, 4 and 5 bedrooms. All homes and tenure mixes are proposed to be split across both developers on the site and in turn across their individual developer areas.
7. Landscape areas are proposed within and surrounding the built-up area of the site taking in to account existing landform features and with sustainable drainage systems proposed throughout with a chain of basins from the centre of the site to the southern boundary. The proposed vehicular access to the site would remain as a single point access off Sherburn Road via a gateway feature arrangement of dwellings fronting onto this Public Open Space (POS).
8. The proposed layout takes direction from the previously approved Design Code for the allocation and includes 6 out of the agreed 7 character areas linked to an approved masterplan. The proposed site layout retains the main spine road running south towards a central area of POS, with new pedestrian routes following desire lines from the access to Bent House Lane and from the development site outward into the adjacent green belt land south of the site. New homes would face outward onto areas of POS and drainage features which are proposed to be landscaped, tying into the wider landscape design. This comprises a connecting space between the north and south and along the southern landscape buffer where a new footpath within would head east to west linking the site extremes.
9. All dwellings feature off-street parking, bike storage capability and private rear gardens. The development is subject to a number of obligations and conditions secured under the original outline planning permission which are subject to separate agreement or delivery.

10. This application is being considered by committee at the request of Councillor Christine Fletcher (Belmont Division) in relation to design, permeability and sustainability grounds.

PLANNING HISTORY

11. DM/20/03558/OUT - Proposed residential development of up to 500 dwellings (outline including access) (amended 24th August 2021) - Land To The East Of Regents Court Sherburn Road Durham – approved 25th March 2022.

PLANNING POLICY

NATIONAL POLICY

12. The following elements of the National Planning Policy Framework (NPPF) are considered relevant to this proposal:
13. *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.
14. *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.
15. *NPPF Part 5 – Delivering a wide choice of high quality homes.* The Government advises Local Planning Authority's to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.
16. *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.
17. *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.
18. *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.

19. *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.
20. *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.
21. *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.
22. *NPPF Part 15 - Conserving and enhancing the natural environment.* Planning policies and decisions should contribute to and enhance the natural and local environment.
24. *NPPF Part 16 - Conserving and Enhancing the Historic Environment.* Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

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

NATIONAL PLANNING PRACTICE GUIDANCE:

25. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to; air quality; 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

26. *Policy 4 Housing Allocations* identifies the locations for new housing within the County. Applications for housing on these allocations if in accordance with the site-specific

requirements of the policy and infrastructure requirements should be approved if in accordance with other relevant policies in the plan.

27. *Policy 5 Durham City's Sustainable Urban Extensions* identify site specific requirements for proposed housing development to two locations on the edge of Durham City (Sniperley Park and Sherburn Road). Development at Sherburn Road should:
- m. help regeneration efforts in the adjacent estate through greater housing diversity in the area;
 - n. design to Sherburn Road should provide a positive gateway to Durham City from the A1(M) in particular, protect the character of Old Bent House Farm, Old Durham and Old Durham Beck;
 - o. protect and frame the Durham Castle, Cathedral and World Heritage Site; develop a community building on or adjacent the site;
 - p. incorporate a community building or support improvements to nearby community facilities of Sherburn Road Estate;
 - q. pay necessary contributions for additional school places generated by the development;
 - r. deliver a combined Sustainable Drainage attenuation scheme to manage drainage into the Old Durham Beck from the site and the A1(M) with Highways England;
 - s. deliver Green Belt compensatory improvements within remaining Green Belt land to the south and west of the application site;
 - t. enhance the woodland boundary to the A1(M) to ensure appropriate screening and noise and attenuation, with a minimum of 20 metres of structure planting to the southern boundary;
 - u. and integrate the development into existing development north of the A181 and west of Bent House Lane.
28. *Policy 15 Addressing Housing Need* notes the need to increase the range and quality of housing provision within the County and with regard to meeting the needs of older people and people with disabilities.
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* states that all development shall deliver sustainable transport by (in part) ensuring 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 congestions or air pollution and that severe congestion can be overcome by appropriate transport improvements.
31. *Policy 22 Durham City Sustainable Transport*. Seeks to reduce the dominance of car traffic, address air quality and improve the historic environment within the Durham City area.
32. *Policy 26 Green Infrastructure*. States that development will be expected to maintain and protect, and where appropriate improve, the County's green infrastructure network. Advice is provided on the circumstances in which existing green infrastructure may be lost to development, the requirements of new provision within development proposals and advice in regard to public rights of way.

33. *Policy 29 Sustainable Design* Requires all development proposals to achieve well designed buildings and places having regard to SPD advice and sets out 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).
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 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 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.
37. *Policy 39 Landscape* states that proposals for new development will be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views and that development affecting valued landscapes will only be permitted where it conserves, and where appropriate enhances, the special qualities of the landscape, unless the benefits of the development in that location clearly outweigh the harm.
38. *Policy 40 Trees, Woodlands and Hedges* states that proposals will be expected to retain existing trees where they can make a positive contribution to the locality or to the development, maintain adequate standoff distances between them and new land-uses, including root protection areas where necessary, to avoid future conflicts, and integrate them fully into the design having regard to their future management requirements and growth potential.
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 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.
41. *Policy 45 Durham Castle and Cathedral World Heritage Site.* Both are designated heritage assets of the highest significance. New development should sustain and enhance the significance and be based upon Outstanding Universal Value, protecting and enhancing it in the immediate and wider setting and important views across, out of and into the site. Harmful development is only permitted in wholly exceptional circumstances.
42. *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:

43. There is no Neighbourhood Plan for this area.

The above represents a summary of those policies considered relevant. The full text, criteria, and justifications can be accessed at: <http://www.durham.gov.uk/article/3266/Development-Plan-for-County-Durham>

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

44. *Belmont Parish Council* raise a number of concerns relating to environmental issues, housing mix and sustainability, residents of Bent House Lane, and general accessibility and ease of movement for pedestrians, cyclists and bus operations.
45. *City of Durham Parish Council* raise a number of concerns in relation to the red-line boundary (when compared to the outline approval), failure to comply with CDP Policy 5, lack of access to sustainable active travel, no renewable and low carbon energy provision, design, proximity with Bent House Farm, loss of trees, poor network of open space and heritage impacts.
46. *The Highway Authority* considered the layout is considered acceptable, however, the layout would still be subject to Technical Approval through the S38 process.
47. *Drainage and Coastal Protection* officers confirmed that the engineering layout plans identify an acceptable solution to a sustainable surface water drainage system. Details of plot drainage should be conditioned.
48. *Highways England* raise no objections.

INTERNAL CONSULTEE RESPONSES:

49. *Design and Conservation* a detailed assessment of the proposed development has been carried out through the Councils Enhanced Design Service whereby positive feedback has been given following various workshop sessions which focused on resolving any issues identified. Upon final assessment by the Design Review Panel,

the scheme achieved 4 green scores, 7 amber scores and a single red score relating to the provision of older persons housing.

50. *Archaeology* raise no objections.
51. *Ecology* officers have assessed the landscaping plans and conclude that they are acceptable subject to a Biodiversity Management and Monitoring Plan being conditioned.
52. *Environment, Health and Consumer Protection (Nuisance Action Team)* have raised no objections. The Construction Environmental Management Plan (CEMP) dated 08/08/22, demonstrates that the application will comply with the thresholds stated within the Technical Advice Notes of the Council. This would indicate that the development will not lead to an adverse impact in terms of statutory nuisance. The CEMP must be adhered to at all times during the construction phase, as required by Condition 9 of the outline consent reference DM/20/03558/OUT.
53. *Landscape and Arboriculture* officers consider that the housing layout contains the necessary features and street trees, required by the NPPF, and a fully integrated Landscape Scheme. There would be transformative impacts as a result of the development, however the significance of these are considered to be low. Therefore, no objections are raised.
54. *Spatial Policy* requested further details in relation to the affordable housing provision, as well as the provision of 66% M4(2) dwellings, and 10% older person's provision. Spatial Policy also requested that all houses comply with the NDSS and that the Residential Amenity Standards Supplementary Planning Document is to be adhered to. The requested information has since been provided by the Applicant and various discussions have been held to ensure the provision is appropriate.
55. *Public Rights of Way* identified that at the south eastern site boundary site plans show that a path leaves the site was originally short of a proposed new connection within the greenbelt compensatory land. This path is required to meet with a new public footpath, Durham Footpath 131 at Point K. These paths are to be connected and not affected by proposed new hedging or planting.

EXTERNAL CONSULTEE RESPONSES:

56. *Northumbrian Water* have raised no objections.
57. *Durham Constabulary* offer observations and recommendations relating to design, landscaping, burglary and vehicle crime. The comments also set out general Secured by Design Homes Principles and the Construction Site Security Guide (2021) is provided.

PUBLIC RESPONSES:

58. A total of 17 representations have been received in response to the consultation exercise involving individual letters, press and site notices. Of these, 14 of them object to the proposals whilst 1 is in support of the application. Others (2) are representations received.
59. The main reasons for objection are as follows:
 - Concerns raised relate to the type of housing proposed with a need for bungalows and properties for older residents, with bungalows a priority.

- Densities of development proposed are too high.
- Traffic generation from the site would be excessive and lead to impacts upon the highway network.
- Distances to bus stops outside the site would result in lower uptake.
- Amenity of residents of the Bent House Farm complex would be inadequately protected by the proposed woodland planting belt at 7-10 metres in depth.
- Construction of the proposed new housing would be to outdated environmental standards and have limited renewable energy provision
- Routing and impacts from construction traffic to the local area and residents.
- Exit location of the proposed footpath link from the site onto Bent House Lane at its southern most extremity.

60. *Gilesgate Residents Association* – welcomes the proactive engagement from the developers and sets out concerns on the older-persons housing provision, cycling/pedestrian infrastructure, no provision of a bus route through the site, flood risk and drainage, lack of energy efficiency strategy, and the impact on neighbouring properties. Concerns are also raised in relation to the pedestrian access which is located close to the rear boundary of the Bent House Farm complex.
61. *City of Durham Trust* – raise comments in relation to the red-line boundary (when compared to the outline scheme), poor layout and selection of house types, impact on Bent House Farm and Old Durham, views to the World Heritage Site, detailed drainage proposals, Compensatory improvements in the Green Belt. Multi-user paths and connections, sustainable transport, poor network of green infrastructure/open space, lack of a comprehensive landscape approach, failure to comply with policies of the CDP.
62. *County Durham Green Party* – raises a number of concerns relating to masterplanning, heritage views and screening, housing mix and local character, biodiversity/wildlife, climate emergency/carbon reduction, sustainable transport, sustainable design, and failure to comply with national and local planning policy. The Party also agrees with responses from the Parish Councils and City of Durham Trust.
63. *City of Durham Parish Council* – implications from development of 500 dwellings over the Policy required 420 dwellings, master planning of the site to achieve sustainable development, accessibility of the site to the City of Durham, and the impacts upon the World Heritage Site.
64. *Cllr Christine Fletcher (Belmont Division)* - welcomes the community consultation carried out in August 2022 and confirmed that many concerns previously presented have been addressed. Concerns are however still raised in relation to failure to comply with CDP Polices 5, 15, 19, 21, and 29. These include the detail of the proposed SUDs drainage scheme; the woodland buffer to Bent House Farm; housing which meets the needs of older people; sustainable access to bus stops and provision of EV charging; and the sustainability of the proposed new housing.
65. *Cllrs Eric and Lesley Mavin (Belmont Division)* – Acknowledge that the applicants have addressed some concerns previously raised. Comments are raised in relation to the multi-generational housing provision. They are supportive of the improvements to the buffer between Bent House Farm but request further improvements. Other concerns raised relate to not providing a bus route through the site, cycle storage to properties and consideration of environmental factors.

66. A resident of Cuthbert Avenue has written in support of the proposals. A number of responses from residents also acknowledged the willingness of the applicants to engage with residents to listen to concerns.

APPLICANT'S STATEMENT:

67. This scheme is a reserved matters planning application, with the outline planning permission for the site having been granted by Durham County Council on 25th March 2022. The outline consent granted planning permission for the development of up to 500 residential dwellings on the site (with details of access provided). This planning permission, alongside the site being allocated within the adopted County Durham Plan, means the principle of development has already been firmly established.
68. The applicants are seeking approval for 470 new homes pursuant to the above outline planning permission, meaning that the matters which are under considerations in relation to this application are solely those which relate to appearance, landscaping, layout and scale.
69. To this end, the applicants have worked collaboratively and positively with the officers through the Council's own Enhanced Design Review Panel process. The design of the scheme has therefore been carefully considered, with a mix of house types, which offer a real variety of housing for families, ranging from 2 – 5 bedroom homes across two separate house builders. The development has the real benefit of being able to create a fully sustainable community by providing family housing, 25% affordable housing, 66% M4(2) (accessible and adaptable) housing and 10% older person housing (bungalows and multi-generational housing).
70. The latter means that the proposal is fully in accordance with policy 15 of the County Durham Plan and the affordable housing offer is consistent with that contained in the signed S106 agreement attached to the outline consent.
71. The proposals offer an attractive landscape-led scheme for 470 new homes. Utilising the approved Design Code for the site, the scheme incorporates 4 different character areas which are reflective of the nearby Durham vernacular. This means houses in each character area will have a different look and feel; creating interest across the scheme and enhancing the legibility by making it clear which part of the site you are in. These will all be accompanied by large areas of green space. The open space will be attractive to future residents of the estate and indeed those in the wider area. These areas will be multifunctional and publicly accessible.
72. The new homes proposed have been designed to reflect the most recent changes in building regulations and so are more energy efficient. This will result in lower CO2 emissions, with homes which can be run on less energy. This is particularly welcomed given both the ongoing challenge of climate change and the cost of living crisis.
73. If granted reserved matters approval, the development will deliver the S106 legal agreement signed with the outline planning permission. This includes the following benefits for the wider community:
- A financial contribution of £24,789.33 for the maintenance and upgrading of footpaths
 - A financial contribution of £227,010 for the upgrading of healthcare provision

- A financial contribution of £218,691 towards the provision or improvement of open space and recreational facilities
- A financial contribution of £742,899.12 to upgrade primary school capacity and £1,284,350.82 to upgrade secondary school capacity; and
- A financial contribution of £47,000 to improve the Laburnum Avenue Community Centre
- New bus stops at the site entrance (to be delivered through S278 works)

74. It is considered that development of the site for 470 new homes, will create new investment in the area and increased activity. This will have tangible economic benefits as well as assisting in tackling local issues such as anti-social behaviour, given that the new homes will offer natural surveillance through the careful orientation of the houses. More generally this reserved matters scheme will:

- Adding to the County's housing supply and delivery of an allocated housing site.
- Create a sustainable community by including family housing, affordable housing, M4(2) housing and older person housing (bungalows and multi-generational homes).
- Generate 61 direct construction jobs per annum over the site's construction period.
- Result in direct Gross Value Added (GVA) per annum of £3,354,772 (approx.).
- Create £2,582,250 in total first occupation expenditure (approx.).
- Result in gross potential spending power per annum of £9,680,151 (approx.), a portion of which will likely be spent locally, helping to boost local businesses and services.
- Generate Council Tax receipts of £718,335 per annum (approx.) to reinvest in Council services.

75. When these benefits are taken into account, alongside the high quality design and attractiveness of the development proposals (which have resulted from a collaborative approach undertaken with the Council), then it is clear that reserved matters ought to be approved.

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> – reference number: DM/22/01981/RM

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.

Background

77. In March 2022, outline planning permission was granted for the wider housing allocation off Bent House Lane / Sherburn Road for up to 500 dwellings and access, with all other matters reserved for approval at a later date. On this basis the principle of developing the application site for up to 500 homes has been established together with required planning obligations and conditions required to make the scheme acceptable. The application subject of this report relates to the submission of

reserved matters pursuant to the outline planning permission, and deals with matters of layout, landscaping, appearance and scale.

Layout

78. 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. Policy 5 sets aside two sustainable urban extensions to the city, of which one is this site. Criteria (n) seeks a designed positive gateway feature to Sherburn Road, as well as protecting the integrity of Bent House Farm, Old Durham and Old Durham Beck. 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.
79. 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 County Durham Plan.
80. This 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 a re-score of the development, these proposals secured 4 green scores, 7 amber scores and a single red score. The red score relates to the provision of the required older persons housing under Policy 15 of the CDP and which has been discussed in detail later in this report.
81. While being acceptable in principle, as a result of the application site's allocation for housing development in the CDP and the outline planning permission previously granted, the site has good access to public transport and nearby facilities of services scoring green for all related areas. Significant improvements have been made in other areas, specifically relating to the site and its context, the street layout and spaces, wayfinding and the public and private spaces within the development where detailed matters were considered to be the final areas of agreement, achievable outside of the Design Review process.
82. At the outline approval stage, a greater variation in dwelling density was proposed across the site, with higher concentrations of the dwellings envisaged centrally within the site, with lesser to the northern boundary (reflective of the Sherburn Road character) and lesser still towards the transition to countryside along the southern boundary. In translating that masterplan into a reserved matters detailed proposal, the applicants have provided a more uniform density across the development, variation still remains however this is not the level anticipated previously. Through considered design and working through the Council's Design Review process, this departure from the masterplan has been suitably addressed without detriment to the overall scheme.

83. Connectivity both within layouts and to the surrounding area form fundamental criteria of CDP Policy (5, 21, 22, 29) and the NPPF. The site layout proposed differs in small parts from the original masterplan that formed the cornerstone of the outline planning permission, however the core areas remain the same. Central north/south corridor with central public open space (POS), southern landscaped area, gateway entrance and Sherburn Road / Bent House Lane link.
84. The inclusion of more standalone housing versus the vision of the masterplan to include some form of apartments has been the main driver for the main departures from the masterplan. The resultant changes have seen modifications to the road layouts, positions of property frontages and the omission of back-of-property roads. Generally, however, the overall masterplan ideology has been transferred across to the detailed layout and is testament to efforts employed at that stage to ensure the headline number of properties was realistic. Still, the layout as originally submitted was presented with some flaws which were scrutinised by the Council's Design Review Panel and which via the Enhanced Design Review process have been minimised.
85. One area in question is adjacent to the A1(M) where, to meet noise mitigation requirements, development here no longer was proposed to back onto the motorway but now front it. A similar example of such design ethos can be found to the north at Carville around Swinside Drive to the rear of the High Street. As submitted this area featured a linear streetscene with a linear building line close up to the site boundary and acoustic fencing. Following review with the applicants this has now been staggered, moved into the site away from the boundary and a strip of POS introduced between the carriageway and the boundary fence with opportunity for landscaping. This represents an example of where the detail of the scheme has been brought forward though positive discussions between the applicants and the Local Planning Authority through the Design Review process. Another departure from the masterplan include the switch of a cul-de-sac road through the north/south green spine into a through road to create more of an intersection of the two and maintain the ethos of then north/south spine as well as allowing functionality within the layout.
86. Connections outside of the site are also important, both for residents (old and new) and for travellers through the site between nearby facilities. Critically to the latter was the provision of a route from the site entrance to south west to Bent House Lane. Here a natural 'kink' in the road create an opportunity for a direct line of sight connection to the site entrance of the development but also for a hub like layout to the proposed housing in this area. The development has responded by providing a route between the two points, fronting housing on to the route and by providing a gateway feature from Bent House Lane, the details of which can be secured by condition. Other connection points have been addressed, including a pedestrian link north out of the site to align with the signalised junction of Damson Way / Sherburn Road crossing.
87. To the south of the site, rights of way out into the adjacent land have been provided in line with the Greenbelt Compensation package of improvements to connect the site to nearby public rights of way and to allow for access to travel routes as alternatives to the private motor car. These exist to the extreme south east, centre south and south west on to Bent House Lane, acknowledging likely desire lines of future occupiers in providing access to other parts of the public right of way and highway network. Balancing the usage of these links and countryside fringe location in a manner which respects the location, the amenity of existing residents and safety of the users is required. Ensuring necessary vehicular access restrictions are in place together with protecting users' safety in detail which can be secured by way of condition. The position of the connection points in these three locations has been

established via the outline planning application and secured for implementation as public rights of way in the accompanying Section 106 agreement.

88. 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.
89. 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 can be achieved. Minimum separation distances between proposed properties can be achieved for the vast majority of plots, where there is a shortfall for a few plots this is marginal 0.5 to 1m and would not warrant refusal of the application. For example, plot M42 which backs onto a shared parking courtyard. Here the need for the parking arrangements results from properties to the South East having vehicle free frontage onto a key thoroughfare between Sherburn Road and Bent House Lane. Here a key design decision results in a single plot having minor substandard garden space and a compromise is considered reached that fits within the planning balance in the view of officers.
90. Colleagues in the Highway Authority are satisfied that the proposed site layout adheres to the requirements of the Parking and Accessibility Guidelines at the point of determination and provide the required level of parking and slow vehicle speeds around the site, allowing compliance with Policies 21 and 29 of the CDP.
91. Overall, the proposed layout is considered to follow the ethos of the original outline masterplan and the design code secured through that permission to achieve a layout which is considered to meet the levels of high quality design required by Policies 21, 22, 29 and 31 of the County Durham Plan. Colleagues in multiple disciplines are satisfied that the proposals accord with their requirements and the development plan.

Scale

92. Policy 29 confirms that all new residential development needs to comply with Nationally Described Space Standards; however, this development received a resolution to grant planning permission from committee members prior to the first anniversary of the County Durham Plan, the grace period afforded by the policy for implementation. During this time, applications which were determined would be exempt from the need to formally meet this requirement, yet it is noted from this submission that most of the property types specified exceed minimum standards. 72% (168 properties) for Miller Homes and 64% (150 properties) for Barratt Homes either come close to or exceed the overall minimum floor space requirements set out by the national technical guidance.
93. CDP Policy 15 requires properties within new housing developments to meet the required level of accessibility and adaptability standards under Building Regulations Part M4(2) for 66% of the overall total, and a condition is included with the outline planning permission to this effect. Furthermore, housing designed specifically for the needs of older people are required for 10% of the overall total also under Policy 15. These dwellings should be built to M4(2) level of accessibility and adaptability and appropriate house types considered to meet this 10% include: level access flats; level

access bungalows; or housing products that can be shown to meet the specific needs of a multi generational family.

94. The CDP continues to expand upon this requirement within its supporting text outlining that an aging population in County Durham will lead to an increased number of households over the age of 65. Underpinning the Plan, the Strategic Housing Market Assessment (SHMA) outlines that most of those 'new' households would look at buying a property on the open market or renting from a Registered Provider, where the assessment found that the stock of bungalows and flats in the private sector across County Durham is much too small to meet the need identified above with little evidence of those being built leading to a decline of properties of these types. The CDP in allocating the site tested the delivery of all housing allocations as if all developments provided the Policy required 10% older person dwellings as bungalows in order to assess their suitability, with sites only being allocated for future development if they could be considered viable to deliver older person dwellings on this basis.
95. The application at point of submission included the provision of 10% of the overall total as a multi generational housing product, or 47 dwellings. These were assessed against Policy 15 as well as the specific housing type provided by the applicants. In the supporting text of Policy 15, multi generational homes are considered to "have potential for a semi-private living space within the house with an additional bathroom and perhaps kitchen facilities". Following work between officers and the applicants, a revised set of housing types and a revised split of housing types were provided. For determination, the applicants present a total of 24 bungalows and 23 multi generational homes. The introduction of bungalows is welcomed and is in line with the evidence which supports Policy 15 of the CDP. The multi generational home types proposed show standard house types from each applicant which have been adapted with modest single story rear extensions to the ground floor to give around 15 square metres and 17 square metres to the two product types.
96. Supporting text to Policy 15 further develops to promote the requirement that all new housing for older people must meet high standards of accessibility and amenity relevant to their needs. As the only product initially offered by the applicant, officers considered that this was not fully met by the single product types tabled and that across such numbers (47 dwellings) some variation should be proposed, ensuring greater options for meeting the requirements of the policy. As a mix of close to 50/50 bungalows and multi generational homes, these proposals have moved towards providing the variation listed under Policy 15 of the CDP. While concerns remain with regard to the overall level of amenity which could be provided between living spaces within the multi generational products proposed, there remains the flexibility within them to achieve independent living; and despite the CDP viability soundness of each housing allocation deeming bungalows as being able to meet the requirement for older person accommodation on site, in the round the proposals as tabled are considered to marginally qualify as meeting the requirements of CDP Policy 15. A condition remains in place for adherence as part of the outline planning permission requiring that 66% of all dwellings on site should meet M4(2) levels of accessibility and adaptability as well as 10% being for older persons.
97. Within the approved Design Code, the scale parameters of the site were defined to reflect the topography of the site and the transition from the settlement into the countryside fringe. Development fronting Sherburn Road has been designed to mirror the character of that street scene in scale terms but leaving the existing apartment building to the corner with Bent House Lane as a higher focal point. Within the site, 2.5 storey dwellings were considered appropriate, with some 3 storey possible centrally, however the applicants have not taken this approach. And, to the

southern portion of the site 2 storey maximum properties have been proposed which would fall with the land in views from the A1(M) northbound.

98. Properties that front westward onto Bent House Lane would face existing bungalow development opposite. While privacy distances are comfortably met, those properties are 2 stories in height, however taking into account current level differences where the field subject to the application site is lower in the areas closest to the existing bungalows, the new development would be around three quarters of storey lower or 1.8-2 metres generally and there the closest distances are proposed. This decreases the further north up Bent House Lane you travel, where closest to the apartment block in the North West corner of the site levels are equalised. Combined with the retention of the hedgerow to the boundary of the application site with Bent House Lane, the proposed scale of properties along this stretch are considered acceptable with regard to Policy 31 of the CDP.

Appearance

99. As previously stated, CDP Policies 29 and 5 look at positive and high quality design to bring forward the proposed sustainable urban extensions to the City of Durham, in line with the relevant SPDs and Design Review process. The proposed development is required under the approved design code to breakdown the development into six different character areas with detailed design features and material palettes across each.
100. A review of the initial proposals found the development was lacking in some of the detailed features of the Design Code and had parallels with the applicant's standard house type products. Progress through the Council's Enhanced Design Review process saw a greater understanding by the applicant's of the vision of the masterplan and the Design Code in achieving the requirements of Policies 5 and 29. A greater diversity to the individual properties within each character area has been achieved, allowing variation both within an individual street but also some consistency across the character area and some themes across the development. Those have been achieved through variations in material palette, with use of render, brick and stone, as well as architectural variations to key properties in prominent location. The development as proposed does bring together a suite of different designs and themes which allows a transition from the current development nearby into the site and through to the newer character areas to the south of the development site.
101. Design features from the positive elements of Gilesgate and Sherburn Road / Sunderland Road are interwoven with site specific design along the frontage of the A181 / Sherburn Road, that together with retained existing landscaping, help give a transitional arrival in to Durham following travel across the A1(M) from the open countryside east of the City and contributing to the requirements of CDP Policy 5 (n). The Council's Design Review Panel has acknowledged the work done to improve the scheme from first submission in the aforementioned areas and in scoring no reds for relevant areas here consider that the scheme would be bring suitable development to edge of Durham in accordance with Policies 29 and 5 of the CDP.

Landscaping

102. 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. Policy 5 (r) requires development of this site to maintain and enhance the rural

character of the valley side as well as provide public access, employ robust structural planting both on site and in off-site improvements with the aim of ensuring that the perception of this extension to Durham City is minimised from the A1(M).

103. 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, it should 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 29 requires development to include landscape proposals to respond to the area and its views and features, to use locally native species and make appropriate provision for maintenance and long-term management. 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.
104. The application reflects the approved masterplan associated with the outline planning permission in securing robust structure planting to the primary southern boundary with the agricultural field, as per the requirements of Policy 5 (t). This features directional gaps, or slots, within the woodland belt for access purposes but also for view out from the development south over the valley and wider landscape. They have been angled in a certain fashion as to provide those outlooks for users of this development while also giving as solid as possible green edge to the development in this area.
105. To the South West boundary and the Bent House Farm complex of buildings, the development has responded to the requirements of Policy 5 (n) and (s) to maintain the character of the Bent House Farm by introducing further structure planting along that boundary. Visually, from the World Heritage Site to the west, the Bent House Farm complex and a line of now established Poplar Trees dominate the ridge in this location; however, the nature of the Poplar Trees is such that the under canopy area allows for some visual exposure under neath. It is therefore a positive step to include structure planting in this location to firstly bring a green focus to this boundary of the development from the World Heritage Site but also to bring a stop to the development and protect the Bent House Farm character and amenity.
106. The proposals in this location have waxed and waned through various amendments and engagement with the residents of Bent House Farm. The proximity of the proposed built development to Bent House Farm has caused concern with residents there who fear the loss of their residential amenity from these proposals. While a tree belt would bring stand off and visual break between the two developments, noise impacts would not be physically prevented by the tree planting. The proposed structure planting varies in depth while interplaying with drainage features and wildflower planting in this area together with a green coniferous tall hedge on the site boundary. The scheme is considered close, and while the principles of the landscaping scheme to this area are considered acceptable, officers feel that a condition be proposed to conclude the planting specification for this area to ensure concerns of residents of Bent House Farm are protected.
107. Along Bent House Lane, the existing hedge to the east of the lane would be retained. Breaks in the hedge are proposed for pedestrian based connections, however these are at current breaks within the hedge line so as to minimise the impacts upon the hedge. Where the hedge becomes more sporadic to the north of the Lane, the

proposed landscaping scheme looks at improving the situation in these locations to continue the character of the site to Bent House Lane.

108. To Sherburn Road, the landscaping scheme redefines the boundary west of the site access, with open space introduced standing development off from the roadside. Appropriate low-level landscaping is proposed which would allow visual permeability into the development and contribute towards the creation of the gateway entrance to the City required under Policy 5 (n). East of the site access, a step in the site boundary leaves an area of vegetation which runs alongside the A181 / Sherburn Road, which is punctuated once for a pedestrian connection. Here, the application proposes to strengthen the existing vegetation with additional tree planting and other vegetation to bring a considered boundary edge and transition from countryside to urban along the A181.
109. In the round, officers from Landscaping consider the structure of the landscaping scheme to be fully considered and responsive to policy. Full detailed planting specifications are required by condition alongside the final conclusion to the south western boundary area of the site to ensure a suitable scheme is secured into perpetuity, with the scheme complying with Policies 5, 26, 29, 39 and 40 of the CDP, and parts 12 and 15 of the NPPF.

Other Issues

110. As part of introducing a detailed layout, the finer detail of the proposed site drainage scheme could also be detailed and provided for determination by the Local Planning Authority. Policies 35 and 36 of the CDP relate to drainage matters and seek full compliance with Sustainable Drainage principles from source to discharge. The scheme proposed follows the overall principles of the masterplan approved at the outline stage, and following discussion includes detail over the dual purpose drainage feature located centrally within the site. The drainage basin would be designed to allow for dual use as both a drainage feature and public open space for the development. The public open space use is essential to the alignment with the masterplan and is secured through the proposals tabled.
111. The scheme includes some overland transportation of surface water drainage between the series of drainage basins across the site. The southern most two basins are designed to retain a level of water throughout the year and have been landscaped accordingly. Full drainage specifications are required as part of a condition attached to the outline planning permission and would need to be agreed alongside this application to allow development to proceed on site. In principle the scheme proposed provides for sustainable drainage hierarchy on site and so complies with Policies 35 and 36 of the CDP.

Other objections raised.

112. Several matters required by Policy 5 and other Policies within the CDP have been addressed as part of the outline planning permission, such as wider ecology, community building improvements and greenbelt compensatory improvements, and have been secured by way of condition or planning obligation.
113. The construction of new dwellings with limited sustainability credentials has been queried by several representations made upon this application. Policy 29 (o) refers specifically to reducing CO2 emissions for new buildings based upon building regulations requirements at the time the CDP was adopted (2020), however Part L of the building regulations has since been revised and the levels required exceed that of Policy 29 of the CDP.

114. The proposal has generated some public interest, with 17 representations of objection having been received from local residents. The objections, queries and concerns raised have been taken account and addressed within the report, where appropriate.

Public Sector Equality Duty

115. 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.

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

CONCLUSION

117. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise.

118. In summary, the application site is allocated in the CDP for new housing with formal planning permission granted in outline in 2022. CDP Policy 5 sets out a suite of criteria for this specific site that if met would allow development to be considered acceptable for this site. Detail relating to layout, scale, appearance and landscaping have been provided which translates, in the main, the requirements of the approved masterplan of the outline permission and CDP Policy. Areas of finer detail and management remain to be conditioned to ensure progress to delivery on site and in the interests of local residents.

119. In this instance, and for the reasons set out in this report, it is considered that the proposed development complies with the requirements of Policy 5 and the wider development plan. Paragraph 11 of the NPPF states that development proposals that accord with an up to date development plan, should be approved without delay.

RECOMMENDATION

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

1. 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 and in accordance with Policies 4, 5, 10, 14, 15, 19, 21, 22, 25, 26, 29, 31, 32, 35, 36, 39, 40, 41, 43, 44, 45 and 56 of the County Durham Plan.

2. No development above 'DPC' level to any dwelling shall take place until details of the make, colour and texture of all walling and roofing materials of each dwelling 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.

3. Prior to the commencement of development (excluding demolition, archaeological investigation, services diversions and any land remediation/ground improvement works) 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.

4. No development above 'DPC' level of the first dwelling hereby approved, full details of 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 visual amenity of the area and to comply with Policy 29 of the County Durham Plan and Part 12 of the National Planning Policy Framework.

5. Prior to the construction of the first dwelling hereby approved, final walling, roofing and other external building materials for all dwellings shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

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.

6. No development above 'DPC' level to any dwelling shall take place until full details of the surface treatment and construction of all hard-surfaced areas shall be 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 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.

7. Prior to the occupation of the first dwelling full engineering details of the proposed pedestrian links to Bent House Lane and the A181 Sherburn Road together with a timetable for their installation shall be submitted to and agreed by the Local Planning Authority. Once agreed, the connections shall be installed and made available in accordance with the approved timetable.

Reason: In the interests of securing access to recreational pathways in accordance with Policies 21, 22, 26 and 29 of the County Durham Plan and Parts 9, 12 and 15 of the National Planning Policy Framework.

8. Notwithstanding the submitted information, prior to the first occupation of the development hereby approved, a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The landscape scheme shall include the following:
- Any trees, hedges and shrubs scheduled for retention, including method of protection.
 - Details soft landscaping including planting species, sizes, layout, densities, numbers.
 - Details of planting procedures and/or specification.
 - Finished topsoil levels and depths.
 - Details of temporary topsoil and subsoil storage provision.
 - The timeframe for implementation of the landscaping scheme.
 - The establishment maintenance regime, including the replacement of vegetation which die, fail to flourish within a period of 5 years from planting.
 - A plan showing the public/structural landscaping and private/in-curtilage landscaping.
 - Full details of the management, maintenance and accessibility of all areas of open space in perpetuity.

The approved landscaping scheme shall thereafter be undertaken in accordance with the approved details and timeframes.

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.

9. The approved detailed landscaping scheme shall be implemented and completed in accordance with the approved details in the first planting season following the substantial completion of each relevant area 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 and character of the area and to comply with Policies 26, 29, 39 and 40 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

10. Prior to the first occupation of the development hereby approved a scheme for the ongoing maintenance of the areas of public open space and structural landscaping within the development shall be 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 schedule in perpetuity.

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

11. No development other than ground clearance or 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: To ensure that surface and foul water are adequately disposed of, in accordance with Policies 35 and 36 of the County Durham Plan and Parts 14 and 15 of the National Planning Policy Framework.

12. No works adjacent to trees and hedges shall take place, nor any site cabins, materials or machinery be positioned adjacent trees and hedges until all trees and hedges, have been protected in accordance with the details contained within the Arboricultural Impact Assessment and Tree Protection Plan titled 'Arboricultural Method Statement Inc. Impact Assessment' Reference ARB/CP/2740' 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 Policies 26 and 29 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.

13. Prior to the construction of the substations hereby approved, full details of their design, appearance and scale shall be submitted to and agreed in writing by the Local Planning Authority. Once agreed, the substations shall be constructed in accordance with the details approved.

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

14. House types Belford ('502N – 5B / 10P / 1840 – Belford') and Wren ('WREN – MGH Apr 23') shall have installed all kitchen, bathroom and storage facilities within the self-contained accommodation elements at ground floor level prior to first sale. All amendments to the proposed house types prior to construction shall be subject to the same requirements.

Reason: In the interests of meeting the needs of older people and people with disabilities and to comply with Policy 15 of the County Durham Plan and Part 5 of the National Planning Policy Framework.

15. Prior to first occupation of the development hereby approved, a Biodiversity Management and Monitoring Plan shall be submitted to and approved in writing by the Local Planning Authority. Once agreed, the management and monitoring of ecological improvements shall be carried out in accordance with the agreed plan.

Reason: To ensure that biodiversity improvements are managed to ensure their benefits are delivered in accordance with Policy 41 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

The Local Planning Authority in arriving at its recommendation 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

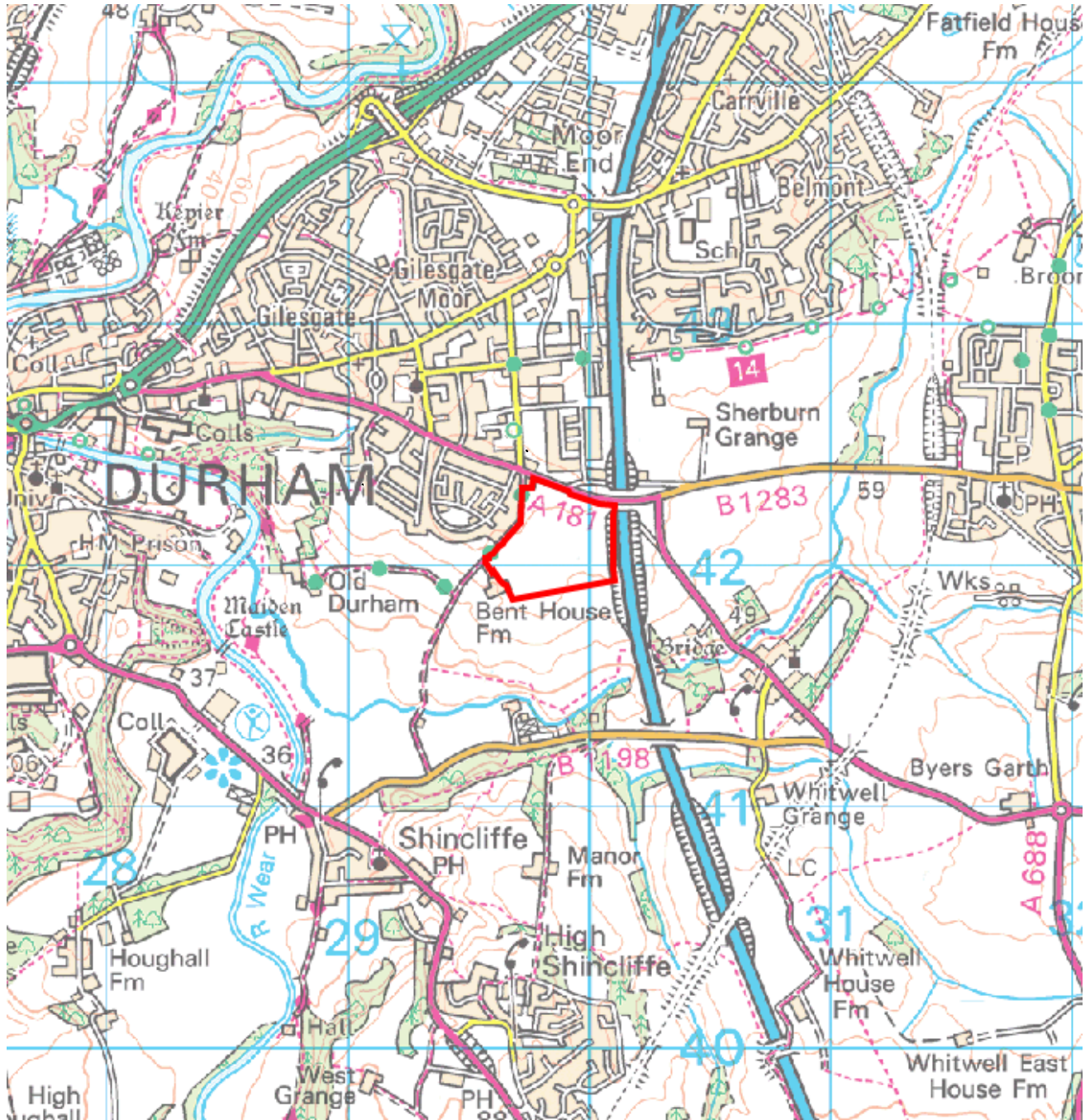
Submitted application form, plans, supporting documents and subsequent information provided by the applicant

Statutory, internal and public consultation responses

The National Planning Policy Framework

National Planning Practice Guidance Notes

County Durham Plan (2020)



<p>Planning Services</p>	<p>DM/22/01981/RM Reserved matters application for 470 dwellings (appearance, landscaping, layout and scale) pursuant to DM/20/03558/OUT.</p>	
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