



Area Planning Committee (South and West)

Date Thursday 20 February 2025
Time 10.00 am
Venue Council Chamber, County Hall, Durham

Business

Part A

1. Apologies for Absence
2. Substitute Members
3. Declarations of Interest (if any)
4. Minutes of the Meeting held on 12 December 2024 (Pages 3 - 12)
5. Applications to be determined
 - a) DM/24/03146/FPA - Land to the East of 1 Ladysmock Close, Spennymoor, DL16 6NZ (Pages 13 - 54)
Erection of 7no. 1-bedroom dwellings and 1no 1 bedroom dwelling to be occupied by onsite manager, and provision of access, landscaping and ancillary works.
 - b) DM/23/03169/FPA - Land West of Petrol Filling Station, Bank Top Terrace, Trimdon Village, TS29 6PW (Pages 55 - 98)
Construction of 42 no. bungalows (as amended)
6. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration.

Helen Bradley
Director of Legal and Democratic Services

County Hall
Durham
12 February 2025

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

Councillor A Savory (Vice-Chair)

Councillors E Adam, V Andrews, J Atkinson, D Boyes, D Brown,
L Brown, J Cairns, L Maddison, S Quinn, G Richardson,
G Smith, M Stead, R Yorke and S Zair

Contact: Amanda Stephenson Tel: 03000 269703

DURHAM COUNTY COUNCIL

At a Meeting of **Area Planning Committee (South and West)** held in Council Chamber, County Hall, Durham on **Thursday 12 December 2024 at 10.00 am**

Present:

Councillor J Quinn (Chair)

Members of the Committee:

Councillors A Savory (Vice-Chair), E Adam, V Andrews, J Atkinson, D Brown, L Maddison, S Quinn, G Richardson, G Smith and M Stead

Also Present:

Councillors L Hovvels and C Varty

1 Apologies for Absence

Apologies for absence were received from Councillor Liz Brown and Councillor Sam Zair

2 Substitute Members

There were no substitute members.

3 Declarations of Interest

There were no declarations of interest.

4 Minutes

The minutes of the meeting held on 21 November 2024 were confirmed by the Committee as a correct record and signed by the Chair.

5 Applications to be determined

a **DM/24/02385/FPA - 39B and Part of Garden Area of No. 40 Front Street North, Trimdon, Trimdon Station, TS29 6PG**

The Committee considered a report of the Senior Planning Officer for the change of use from dwelling (use class C3) to children's home (use class C2) (amended red line boundary received) and retention of outbuilding in the rear garden area at 39B and Part of Garden Area of No. 40 Front Street North, Trimdon, Trimdon Station, TS29 6PG (for copy see file of minutes).

L Morina, Senior Planning Officer gave a detailed presentation with included a site location, aerial photos, the proposed floor plans and site photos which showed the front and rear of the property. She explained that photographs showing the front street were taken between 10am and 11am to demonstrate what parking would look like during staff handovers to address concerns raised. The property was to house two children and two staff who worked on a shift pattern along with a registered Manager working 9am until 5pm. A site visit had taken place prior to the Committee meeting to enable Members to assess the impact of the proposed development and the relationship with their surroundings. The property was in a conservation area and had been called to committee at the request of Councillor L Hovvels and Alan Strickland MP as they had concerns over noise, parking and highway safety.

Objections were raised by Trimdon Parish Council around parking, privacy, the installation of CCTV and no street lighting to the rear of the building. Highways had no objections as the application met the Parking and Accessibility SPD (Supplementary Planning Document) criteria. There were no objections from Durham Constabulary, Spatial Policy, Environmental Health or the Children and Young People's service. There were 220 letters of objection from residents due to the impact it would have on highways, design and amenities which had all been considered in the report. She added that there was a legal duty on the council as stated in section 22G of the Children Act 1989 to secure sufficient accommodation for children looked after within their local authority. The application was considered to accord with Policies 18, 21, 29, 31 of the County Durham Plan and it was officer's recommendation to approve the application subject to conditions highlighted in the report.

Councillor L Hovvels, local member addressed the Committee in objection to the application. She had attended a parish council meeting where 220 residents had voiced their strong feelings and concerns about the application. She was not against these facilities but they needed to be in the right location and this was in the wrong place. She voiced concern that the outbuilding did not have the correct permits which should have been identified.

She noted that the former pub had highways issues which had not been resolved and acknowledged there had been investment made in the property. It was a nice place to live but the streets were narrow where two cars could not pass.

These issues would be heightened with potentially 5 cars associated with the property at staff handover. She had experience of care facilities and noise would be generated with collection and drop off's and deliveries. She requested that the Fire Service check the safety of the outbuilding to give her peace of mind.

Councillor C Varty, local member addressed the Committee and advised that she was a member of the Corporate Parenting Panel and had visited children's homes to see how they were run and had spoken to the lovely staff involved with the children. She had seen facilities closed as they had not worked as residents had not been consulted at the start of the process. She believed the house was not set up to be a children's home and understood the concerns from residents. She thought the outbuilding was to be used as accommodation for parents to stay over and not an office.

Ms J Dent, addressed the committee on behalf of 200 residents who had objected to the application. She lived very close to the property within the close-knit village which was made up of families who had built up relationships. As this was proposed to be for short stays there was less likely to be community cohesion as detailed in the management plan to create a family home from the increase in comings and goings of staff arriving either on foot or by vehicle. The residential institute carried a stigma that young people would have criminal backgrounds which would cause tension in the village as residents would feel intimidated walking past which would be detrimental to their own safety. Residents had expressed concern over the noise and speed of vehicles driving through the village on a B class road. The area was dark at the rear of the building as there were no streetlights creating safety issues. There was only space for two cars creating issues with offsite parking and congestion during staff handovers. The outbuilding overshadowed neighbours causing privacy concerns which was not compliant with building regulations. She requested the committee to refuse the application.

Ms H Broadhead, applicant addressed the committee in support of the application as she saw this as an opportunity to provide a positive impact on children, they would be lucky to support. The application was for a proposed new Ofsted registered provision by Willow Bloom. All founders of Willow Bloom apart from one, were born, raised and lived in County Durham who brought a mix of experience and knowledge to create an outstanding residential service to give children and young people an opportunity to thrive.

She advised that they were being guided by an experienced individual who had over 50 years of experience working alongside Children and Families and in particular Children and Young People Looked After and would work closely with their team, providing overall responsibility for the effective operations of the home. The home would be managed by a qualified Registered Manager, who would run the home and be the key point of contact for any concerns relating to the home. The staffing team would consist of experienced and trained staff, who would provide care and support for children and young people 24 hours a day.

They had worked closely with Durham Police to ensure that the best possible care would be provided to young people and ensure that they would be safe within the community. They wanted to provide high quality care for children and young people within the area through their commitment to the Durham First Approach. She understood the need to integrate the home with the local community and to develop positive relationships with neighbours and was willing to share contact details and set up meetings with the community to help with the integration. She asked that the committee approve the application.

The Senior Planning Officer confirmed that during the consideration of the planning application, it was noted that the outbuilding had been constructed without the benefit of planning permission and was therefore unauthorised, due to removal of permitted development rights from the properties. However, full consideration of the outbuilding had been included as part of the current application. All consents were to be carried out to meet the criteria of the building regulations, which was separate to planning regulations. She verified that the outbuilding would not be used for sleeping accommodation as condition 9 stated that it could only be used from 9am until 5pm as an office area. She clarified that the property was to be used as a children's home and if this changed in the future further consent from the planning authority would be needed.

D Battensby, Principal DM Engineer confirmed that there were no highway issues in relation to the application. He advised that when an application was determined highways looked at the risk based on what was constituted in the National Policy Planning Framework, County Durham Plan, Highway Standards and best practice. He was mindful of the unadopted road approach to the property but this had an established right of access to the proposed development. The application had been assessed in terms of parking and the proposal complied with the requirements of the Parking and Accessibility SPD.

He noted that it was a four bedroomed property and if it was occupied by a family with grown up children there would be a possibility that there could be multiple vehicles attached to the house making no difference to the property being used as a children's home with cars attached to members of staff. However staff cars would be parked for shorter periods of time. In relation to congestion he stated that the road currently operate with a traffic flow of less than 20% of the capacity of the road at peak periods. As for deliveries and picking up children at the home this would be no different than a family living at the property relying on food deliveries or if they had a child with special needs relying on a taxi service. The speed of the road was not material as this would be classed as an existing issue and would be rejected by the Inspectorate.

With regard to the issue of a lack of street lighting he advised the committee that Garden Mews at the rear of the property was a private road and was not in the control of the council therefore it would be the responsibility of residents to install streetlights. He advised that there were streetlights to the front of the property associated with the adopted public highway. There would be no difference regarding road safety between the property being used as a children's home or a family home. There were no grounds for refusal on a highway's element.

The Chair opened up the meeting for questions.

Councillor S Quinn asked if the applicant had other similar care homes established in County Durham.

The Senior Planning Officer advised that the organisation was new to the area.

The applicant confirmed that this was their very first care home overall.

Councillor V Andrews was concerned with the staff ratio and shift patterns as there were no guarantees that staff would get any sleep within 24 hours if they had to care for the children through the night.

The Senior Planning Officer explained the shift patterns were essential to mimic a normal family home environment. Therefore there would be no difference between staff being present or a parent in a family home being up through the night with a child and being at work during the day.

Councillor V Andrews believed that if there were two children with significant needs this may be challenging for staff if the children required one to one support.

The Senior Planning Officer stated that the facility would be run in shift patterns according to need but this would be amended accordingly should more support be required.

Councillor E Adam sought clarification on the use of the outbuilding on whether this was for an office space or as overnight accommodation as suggested by Councillor C Varty and objectors.

The Senior Planning Officer confirmed that although the sleeping use had been brought up as an objection, she was satisfied that it would not be used for that purpose. If this was to be a planned use for the future further planning consent would be required. She reiterated that there was a condition attached to the application that only allowed the outbuilding to be used as an office/meeting space between the hours of 9am and 5pm.

Councillor E Adam referred to paragraph 38 of the report stating that the children and young people' service had not objected to the proposal which he felt was strange.

The Senior Planning Officer responded that more information had been supplied at paragraph 68 of the report from the children and young people's service who were happy to work with this new provider. She noted that the development would be subject to Ofsted registration.

Councillor E Adam stated that Willow Bloom was a new organisation which had been based in Belmont since 2023. However it was associated with two further companies on Company's House website who named Mr Frater as a sales director.

The applicant advised that the two companies on Company's House had not been active for a while. As it was an emotional subject it was agreed that shareholders would attend the committee.

L Ackermann, Legal Officer (Planning and Highways) advised Councillor E Adam that it was relevant to ask questions about the company but not about an individual which fell outside the planning remit.

Councillor E Adam responded that he was trying to establish the experience of the individual running sustainable companies and their suitability to run a company looking after vulnerable children.

The applicant reiterated that they were being guided by an individual who had 50 years of experience working with children in care and their families. She herself was involved as a shareholder and had a duty of care to engage with the right people to create a safe and natural place where children could develop and grow and be given the same opportunity as her own kids.

Councillor E Adam believed the applicant had no experience of running a children's home and he could not ignore the concerns of the local councillors and residents. He felt the applicant had not sufficiently answered how they would manage.

The applicant advised that the company should be looked at as being two organisations. The first made up of shareholders who were not always involved in the day-to-day management responsibility of the home and the second made up of a registered level 5 manager and their team who were qualified to either a level 2 or level 3 who would be responsible for the day to day running the home.

The Senior Planning Officer stressed that any children's care home would need to be registered with Ofsted which required rigorous checks to be completed before a certificate was issued. Children and Young People's services would not use the facility until a certificate had been produced.

Councillor J Atkinson had been to the children's home at Tofthill which blended in with its environment and you did not know that it was there.

Councillor J Quinn in his opinion believed the house fitted in with its environment.

Councillor L Maddison referred to the private road to the rear of the property and asked if access had been agreed by the owner.

The Principal DM Engineer replied that access had already been established at Garden Mews which could not be changed.

Councillor L Maddison asked if there were only two parking spaces allocated at property where would other parking sites be based.

The Principal DM Engineer was satisfied that the property adhered to the Parking and Accessibility SPD. Any additional parking required would be like any other residential property in the area which would be down to the responsibility of the motorist to park on the highway which gave ample capacity. He believed that staff handover periods would occur at nonpeak times when many residents in the area had gone to work. Site observations at the proposed hand-over period indicated that there was more than sufficient space in the area to accommodate additional vehicles.

Councillor L Maddison queried what would happen if the outbuilding was used outside the hours stated in the condition as a time out for the children. She asked whether the fire authority had inspected the outbuilding and if it had sound proofing.

The Senior Planning Officer was not aware that the outbuilding had any sound proofing. Environmental Health had prepared a report and had not made any noise implications known. She was not aware that the outbuilding would be used for a time out space for the children and the condition had been placed on its use from 9am until 5pm. If it was used outside these hours a complaint would need to be made and this would be investigated.

The applicant confirmed that the outbuilding would not be used as a time out space for the children.

Councillor Stead believed that potentially another individual should be relied upon for guidance other than the individual with 50 years experience as they potentially would not be working for too much longer.

The Legal Officer (Planning and Highways) advised that staffing fell outside of the planning remit.

Councillor G Richardson explained that he had attended the site visit which could have answered questions from members had they attended.

Councillor J Quinn advised that site visits were necessary but it was sometimes difficult for everyone to attend.

Councillor D Brown asked for clarification on how the CCTV which was to be installed would operate.

The Senior Planning Officer had discussed the installation of CCTV with the applicant for additional security. This would not be intrusive with a camera on the front and rear doors.

The Chair opened up the meeting for debate.

Councillor G Richardson had a firsthand view of where the property was situated including the outbuilding from the site visit. He was able to peek inside the outbuilding which included an office set up with a sofa and gym equipment. It was pristine. He had sympathy with the residents who had come to committee but clarified that although Councillor C Varty was a member of the Corporate Parenting Panel he stressed that every member of the council was a Corporate Parent. He himself had been a member of the Corporate Parenting Panel from 2008 until 2021 and had firsthand knowledge of visits to children's homes to see how they were run. When he was a member there were 400 children in care and now there was 1220 who had to be placed somewhere and cared for. Staff he had met over the years were professional and caring. He had no reasons why the application should be turned down and **moved** to agree with officer recommendation to approve the application.

Councillor A Savory had listened intently to the debate and agreed with Councillor G Richardson that children's homes were in the community and people did not know they were there. She was also a member of the Corporate Parenting panel and could not see any valid reason to refuse which could be overturned on appeal. She **seconded** the proposal to be approved.

Councillor E Adam had been swayed to accept the decision before the debate but he believed that the company was not sustainable to provide a home for vulnerable children. He did not think the property was suitable and he had a duty of care to listen to residents, the Parish Council and local councillors who were embedded in the community. The area would struggle with car parking and the application would impact on the residents' amenities.

Councillor J Atkinson apologised to residents for not attending the site visit. He did have concerns at the number of objections which had been received and that it would be awful for children living there knowing residents did not want them there. He believed if the application was refused and it went to appeal the Inspectorate would overturn the decision.

Councillor S Quinn was a member of the Corporate Parenting Panel and carried out Reg 44 visits on children's homes. She was concerned that the building was on the main road, there would be parking issues and as it was a small community everyone would know it was a children's home.

Councillor M Stead had listened to everything and was concerned over how many residents had objected to the application. He had also looked on Company's House and he thought everything looked alright. He believed that someone had to start off children's homes and this application ticked all the boxes. There were no material planning reasons to refuse the application except potentially on the grounds of access to the rear.

Councillor S Quinn asked if the outbuilding was to be used as an office how would confidential documents be stored.

J Jennings, Principal Planning Officer responded that staff would need to comply with data protection regulations in relation to the storing of confidential information.

Councillor J Quinn thanked all the residents who had attended the committee.

Upon a vote it was:

Resolved:

That the application be **APPROVED** subject to conditions contained in the report.



Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

Application No:	DM/24/03146/FPA
Full Application Description:	Erection of 7no. 1-bedroom dwellings and 1no 1 bedroom dwelling to be occupied by onsite manager, and provision of access, landscaping and ancillary works.
Name of Applicant:	Mr Graeme Smith
Address:	Land To The East Of 1 Ladysmock Close Spennymoor DL16 6NZ
Electoral Division:	Tudhoe
Case Officer:	David Richards (Planning Officer) Tel: 03000 261955 Email: david.richards@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSAL

The Site

1. The application site relates to an area of amenity open space to the south of Merrington View and to the east of a residential cul-de-sac (Ladysmock Close) within the town of Spennymoor. A footpath bounds the site to the south and east, with a public right of way crossing through the middle of the site. The site comprises of amenity grassland with two groups of semi-mature trees to the northern boundary with smaller recently planted trees dotted across the remainder of the site.

The Proposal

2. The application seeks planning permission for the erection of 7no 1-bedroom dwellings and 1no dwelling to be occupied by a site manager with associated access, parking and landscaping. The development would comprise of 2no 2-storey buildings, with each building divided into 4 two-storey dwellings. Each dwelling would have its own private garden and one parking space, with two

visitor parking bays proposed. Vehicle access to the development would be from Merrington View to the north.

3. The scheme would be delivered on behalf of Durham County Council and the Single Homelessness Accommodation Programme (SHAP). The dwellings are intended for vulnerable adults aged over 25, who have been rough sleeping or are at risk of rough sleeping, some of whom are expected to have a range of complex needs. One of the dwellings would be occupied by a site manager, who would provide management and support to the residents 24 hours a day, 7 days a week, 365 days a year. Each tenancy would be up to a maximum of 2 years with the aim of moving the tenants into mainstream housing or other suitable housing with a reduced level of support.
4. The application is being reported to South and West Planning Committee at the request of Councillor Billy McAloon on the grounds of impact on safety of nearby elderly and disabled residents and loss of green space in accordance with the Council's Scheme of Delegation.

RELEVANT PLANNING HISTORY

5. The following planning applications are relevant to the current application:

There is no relevant planning history relating to the application site.

PLANNING POLICY

National Policy

6. The following elements of the National Planning Policy Framework (NPPF) are considered relevant to this proposal:

7. *NPPF Part 2 Achieving Sustainable Development* - The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three overarching objectives - economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.

8. *NPPF Part 4 Decision-making* - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

9. *NPPF Part 5 Delivering a Sufficient Supply of Homes* - To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
10. *NPPF Part 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.
11. *NPPF Part 8 Promoting Healthy and Safe Communities* - The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
12. *NPPF Part 9 Promoting Sustainable Transport* - Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
13. *NPPF Part 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.
14. *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.
15. *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.
16. *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.

17. *NPPF Part 15 Conserving and Enhancing the Natural Environment* - Conserving and enhancing the natural environment. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from Page 73 pollution and land stability and remediating contaminated or other degraded land where appropriate.

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

National Planning Practice Guidance:

18. 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: 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; natural environment; noise; public rights of way and local green space; planning obligations; use of planning conditions; and; water supply, wastewater and water quality.

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

Local Plan Policy:

The County Durham Plan (CDP)

19. *Policy 6 (Development on Unallocated Sites)* states the development on sites not allocated in the Plan or Neighbourhood Plan, but which are either within the built-up area or outside the built up area but well related to a settlement will be permitted provided it: is compatible with use on adjacent land; does not result in coalescence with neighbouring settlements; does not result in loss of land of recreational, ecological, or heritage value; is appropriate in scale, design etc to character of the settlement; it is not prejudicial to highway safety; provides access to sustainable modes of transport; retains the settlement's valued facilities; considers climate change implications; makes use of previously developed land and reflects priorities for urban regeneration.

20. *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.

21. *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.
22. *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.
23. *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.
24. *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.
25. *Policy 27 (Utilities, Telecommunications and Other Broadcast Infrastructure)* requires all residential and commercial development to be served by a high-speed broadband connection, where this is not appropriate, practical or economically viable developers should provide appropriate infrastructure to enable future installation.
26. *Policy 29 (Sustainable Design)* requires all development proposals to achieve well designed buildings and places having regard to SPD advice and sets out 18 elements for development to be considered acceptable, including: making positive contribution to areas character, identity etc.; adaptable buildings; minimising greenhouse gas emissions and use of non-renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; and suitable landscape proposals. Provision for all new residential development to comply with Nationally Described Space Standards.
27. *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.

28. *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.
29. *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.
30. *Policy 36 (Water Infrastructure)* advocates a hierarchy of drainage options for the disposal of foul water. Applications involving the use of non-mains methods of drainage will not be permitted in areas where public sewerage exists. New sewage and wastewater infrastructure will be approved unless the adverse impacts outweigh the benefits of the infrastructure. Proposals seeking to mitigate flooding in appropriate locations will be permitted though flood defence infrastructure will only be permitted where it is demonstrated as being the most sustainable response to the flood threat.
31. *Policy 39 (Landscape)* states that proposals for new development will only be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals are expected to incorporate appropriate mitigation measures where adverse impacts occur. Development affecting Areas of Higher landscape Value will only be permitted where it conserves and enhances the special qualities, unless the benefits of the development clearly outweigh its impacts.
32. *Policy 40 (Trees, Woodlands and Hedges)* states that proposals for new development will not be permitted that would result in the loss of, or damage to, trees, hedges or woodland of high landscape, amenity or biodiversity value unless the benefits of the scheme clearly outweigh the harm. Proposals for new development will be expected to retain existing trees and hedges or provide suitable replacement planting. The loss or deterioration of ancient woodland will require wholly exceptional reasons and appropriate compensation.
33. *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.

34. *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.
35. *Policy 56 (Safeguarding Mineral Resources)* states that planning permission will not be granted for non-mineral development that would lead to the sterilisation of mineral resources within a Mineral Safeguarding Area. This is unless it can be demonstrated that the mineral in the location concerned is no longer of any current or potential value, provision can be made for the mineral to be extracted satisfactorily prior to the non-minerals development taking place without unacceptable adverse impact, the non-minerals development is of a temporary nature that does not inhibit extraction or there is an overriding need for the non-minerals development which outweighs the need to safeguard the mineral or it constitutes exempt development as set out in the Plan. Unless the proposal is exempt development or temporary in nature, all planning applications for non-mineral development within a Mineral Safeguarding Area must be accompanied by a Mineral Assessment of the effect of the proposed development on the mineral resource beneath or adjacent to the site of the proposed development.

Supplementary Planning Documents

36. Development Viability, Affordable Housing and Financial Contributions SPD (2024) – Provides guidance on how CDP Policy 25 and other relevant policies requiring planning obligations for affordable housing or other infrastructure will be interpreted and applied.
37. Trees, Woodlands and Hedges SPD (2024) – Provides guidance on good practice when considering the impacts of development on trees, woodlands, and hedgerows, as well as new planting proposals.
38. Residential Amenity Standards SPD (2023) – Provides guidance on the space/amenity standards that would normally be expected where new dwellings are proposed.
39. Parking and Accessibility SPD (2023) – Provides guidance on parking requirements and standards.

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 Consultee Responses:

40. *Town / Parish Council – No comments*
41. *Highways Authority – Access and site layout arrangement considered acceptable and parking provision would be in accordance with the SPD. Requested that visitor parking bays be clearly signed and demarcated and a refuse bin collection point should be provided adjacent to the adoptable footway to accommodate the bins from the dwellings. No objection subject to a condition requiring that: the proposed estate road must be designed and constructed to meet current highway design standards and full engineering details submitted to the LPA for approval.*
42. *Lead Local Flood Authority (Drainage and Coastal Protection) – Drainage strategy is adequate.*

Internal Consultee Responses:

43. *Spatial Policy – Summarised the main policy considerations*
44. *Landscape Section – Planting details have been provided which are acceptable. While hard landscape details have been provided, they are generic and descriptive. Full details should be provided in due course. These could be controlled by condition.*
45. *Arboricultural Officer (Trees) – The Arboricultural method statement is acceptable and provides an adequate tree protection plan for the existing trees on site.*
46. *Recommends a condition be included with any subsequent consent to ensure strict compliance with the arboricultural method statement. The latest landscape plan and management plan need further amends, but updated details can be provided as part of a condition.*
47. *Ecology – The revised landscape plan now achieves a net gain of 10.49% if the retained grassland is enhanced from Modified grassland in poor condition to Other Neutral grassland in moderate condition and 3 extra trees are required in order to attain over 10% gain. The revised plans are acceptable and likely to be achievable if site monitoring is undertaken to prevent misuse of the areas by tenants. All BNG mitigation is within the red line boundary so can be conditioned. A BNG monitoring fee is required for this development.*

48. The landscape management plan is generally acceptable however the removal of cut material from the wildflower areas should be included as smothering of the sward by dead material may hamper maintaining the moderate condition for the BNG monitoring assessments. The applicant has been advised and the updated management plan can be submitted and approved by means of condition.
49. A Biodiversity Gain Plan is required in due course to discharge the BNG condition.
50. Public Rights of Way Section – Section 257 - Diverting and Stopping Up Public Rights of Way will need to be applied for. Need to have confirmation that footpath if diverted will become adopted highway.
51. Environmental Health and Consumer Protection (Nuisance) – The (noise impact assessment) has been prepared by appropriately qualified and competent consultants who have provided a robust report following suitable methodologies. The report establishes the development should be suitable for residential development with appropriate mitigation measures. The results demonstrate a recommended glazing and ventilation scheme will achieve the internal guidance requirements during the daytime and nighttime periods detailed in Table 1. The assessment found that the upper guidance noise level of 55dB LAeq, 16hr in garden areas can be achieved with a barrier of at least 1.2m height as shown in Figure 1.

Considering, the scale of the development and assuming works are kept within suitable hours (via an appropriate condition) during the construction phase, it is not expected that the impact of this phase likely to lead to a breach of the levels stated in the TANS (Technical Advice Notes).

Concerns regarding impact on nearby residential properties during the construction phase and requested a condition for a Construction Management Plan, based on the information submitted with the application and with the addition of the above condition, that the development is unlikely to cause a statutory nuisance.

52. Environmental Health and Consumer Protection (Contamination) – The Phase 2 has identified the need for remedial works. In addition, further trial pitting is required to fully determine the extent of made ground onsite. This can be done as an addendum to the Phase 2 or as part of the Phase 3. Requested condition for a land contamination scheme including a phase 3 remediation strategy and phase 4 verification report.
53. Archaeology – No requirement for any archaeological works or constraints.

External Consultees

54. Police Architectural Liaison Officer (Durham Constabulary) –
No comment

Public Responses:

55. The application has been advertised by site notice and individual notification letters sent to neighbouring properties.
56. The following representations have been received in relation to the application: 12 letters of objection, 1 letter of support.
57. These are summarised under the relevant headings below:

Objections

- Fear of crime and concerns of safety of existing nearby vulnerable elderly and disabled residents and young children
- Concerns over lack of police presence
- Not a suitable location for this type of development and use of empty buildings would be preferable
- Already have a similar facility within Spennymoor and not appropriate to introduce another in the area
- Concerns that the development will negatively impact on the amenities and general peacefulness of the existing area through introducing individuals with potentially problematic backgrounds
- Concerns that Spennymoor already has its fair share of this type of specialist housing
- Noise from residents and other anti-social behaviour
- Loss of trees and amenity open space
- Impact on property values

Support

- Supports additional supported housing for those in need

Elected Members

58. Councillor Billy McAloon

This application has raised many comments from nearby residents many of whom have contacted me. They worry that they along with elderly and disabled people who live in nearby bungalows will feel vulnerable and unsafe perhaps even become threatened by the introduction of more people who have complex social problems into their adjacent locality, not only that but they bemoan the loss of their last remaining small green space which has only recently had some new trees planted. Because of these concerns and the volume of people who have contacted me with those concerns, I propose that this application should be called in to Planning Committee to decide on its viability.

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

Applicants Statement:

59. The current application proposals relate to the erection of 8no. 1-bedroom dwellings on land at Merrington View, Spennymoor. The proposed housing will be delivered on behalf of Durham County Council. The proposal is part of the council house delivery programme with £1.1m in capital funding and around £0.5m in revenue funding coming from the government's Single Person Homelessness Accommodation Programme (SHAP). The proposal supports the Council's Housing Strategy and the Homelessness Prevention and Rough Sleepers Strategy.
60. The scheme will be developed using Modern Methods of Construction providing high quality energy efficient homes using a local Durham Based Constructor.
61. The scheme will be managed directly by the Council who has engaged a specialist support provider to help support the clients. All potential residents will be assessed by the Council taking account of any views of other professionals who may have been involved with the clients in the past including police, probation, health services and veteran services. Any risks would be assessed with a focus on any risks posed to the staff, the other vulnerable residents in the scheme and the wider community.
62. The development will provide accommodation for 7no. vulnerable adults, aged over 25, who have been rough sleeping, or are at risk of rough sleeping, as part of the UK Government's commitment to end rough sleeping for good. The 8th unit will be occupied by support provider staff who will provide 24/7 support, 365 days a year. This unit will also be used to house the CCTV monitoring equipment for the scheme.
63. The aim of the project is to provide intensive management and support to the residents for a period of up to two years to help them develop life skills with the aim of moving them into mainstream housing or other suitable housing with a reduced level of support. This form of "starter tenancy" will provide accommodation and support to enable the residents to manage and sustain their tenancy successfully.
64. The scheme is situated on a larger area of land within the Council's ownership which is maintained by the Council's Clean and Green Team as part of the annual grounds' maintenance regime.
65. The Homeless Reduction Act (HRA) 2017 extended the statutory duties of local authorities towards people that are homeless or those at risk of becoming homeless. In particular, the duty to prevent homelessness and to assess and provide more meaningful assistance to all people who are eligible and homeless, or threatened with homelessness, irrespective of their priority need status. Locally, the number of people who have approached Durham County Council when they require housing advice, are homeless or at risk of being homeless has remained broadly consistent over the last three years, with 7,846

people presenting in 2021/22 compared to 7,497 in 2019/20. There is a demonstrable need for the type of accommodation proposed within this application.

66. Spennymoor was identified following a data led exercise in conjunction with a Homeless Advisor at MHCLG which established the need for this type of supported accommodation within the South of the County.
67. The availability of a suitable site was also a factor in determining the specific location within Spennymoor.
68. The site forms part of wider amenity green space allocation in the County Durham Open Space Needs Assessment, which includes all of the grassland and woodland between Merrington View and the Spennymoor Bypass. The proposals will result in a small loss of this open space (around 0.2ha), but it is considered that the benefits of the scheme, providing accommodation for those who are homeless, or at risk of homelessness, outweighs this minimal loss. There will be a financial contribution made to improve other areas of open space in the wider area.
69. As part of the proposals, the mature trees along Merrington View will be retained, and the newly planted trees across the site will be retained where possible, or transplanted, either on the site, or within the local area. The proposals will also achieve an on-site biodiversity net gain of 10%, in line with the mandatory requirements.
70. The planning application has demonstrated that the development proposals fully comply with the development plan, national planning guidance and there are no material considerations that indicate planning permission should be restricted. We therefore respectfully request that the Council resolves to grant full planning permission without delay for what is clearly a sustainable form of development, which is in line with NPPF and the Development Plan.

PLANNING CONSIDERATION AND ASSESSMENT

71. 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.
72. 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, along with advice set out in the Planning Practice Guidance notes. Other material considerations include representations received.
73. In this context, it is considered that the main planning issues in this instance relate to the Principle of Development, Locational Sustainability, Landscape and Visual Impact Highway Safety Issues, Design and Layout, Residential Amenity, Ecology and Biodiversity Net Gain, Drainage and Flood Risk, Ground

Conditions and Land Stability, Planning Obligations, Other Matters, and Public Sector Equality Duty.

Principle of Development

74. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The County Durham Plan (CDP) is the statutory development plan and the starting point for determining applications as set out in the Planning Act and reinforced at NPPF Paragraph 12. The CDP was adopted in October 2020 and provides the policy framework for the County up until 2035 and is therefore considered up to date.
75. NPPF Paragraph 11c requires applications for development proposals that accord with an up-to-date development plan to be approved without delay. NPPF Paragraph 12 states that where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.
76. NPPF Paragraph 61 confirms the Government's objective of significantly boosting the supply of homes, and further asserts that 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.
77. Within this context of establishing need, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. These groups should include (but are not limited to) those who require affordable housing (including Social Rent); families with children; looked after children; older people (including those who require retirement housing, housing with-care and care homes); students; people with disabilities; service families; travellers; people who rent their homes and people wishing to commission or build their own homes.
78. Paragraph 73 recognises that small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built out relatively quickly. Furthermore, to promote the development of a good mix of sites local planning authorities should: support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes.
79. The application proposes 7no 1-bedroom dwellings as part of a supported housing scheme providing accommodation for vulnerable adults aged over 25, who have been rough sleeping or are at risk of rough sleeping. In addition 1no 1 bedroom dwelling would provide accommodation for an on-site manager to provide supervision and support.

80. County Durham Plan (CDP) policy 6 (development on unallocated sites) supports 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 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.
81. In respect of criterion a, adjacent land comprises residential and amenity open space, and so in principle, residential development would be compatible and not prejudicial to adjacent land uses. Impact on the residential amenity and character and appearance of the area is considered in detail in the relevant sections below.
82. Regarding criterion b, the proposals would not result in any coalescence, ribbon or inappropriate backland development.

83. Regarding criterion c, the development site forms part of the wider designated amenity green space as allocated in the Open Space Needs Assessment. The proposal would not be considered to result in the loss of any heritage value but the impacts on recreation and ecological value are considered in detail below.
84. Regarding criterion d, Spennymoor is recognised as a large town under Policy 9 of the CDP, and this site is located close to the town centre. 8no. dwellings is considered to be development of an appropriate scale which is consistent to the role and function of Spennymoor.
85. Criteria e and f are considered in relevant sections below. There would be no loss to a neighbourhood facility so no conflict with criterion g. In respect of criterion h, the application site is located in Flood Zone 1 and a drainage strategy is submitted in support of the application, which has been determined to be acceptable by DCC Lead Local Flood Authority. The application also proposes that each dwelling would benefit from solar PV panels and electric vehicle charging points.
86. Criterion i and j are not considered relevant to this application.
87. Policy 15 confirms that the Council will support the provision of specialist housing for older people, vulnerable adults and people with disabilities where:
 - i. the development is in an appropriate location with reference to the needs of the client;
 - j. it is designed to meet the particular requirements of residents;
 - k. appropriate measures will be in place to ensure access for emergency vehicles and safety measures such as fire escapes; and
 - l. satisfactory outside space, highway access, parking and servicing can be achieved
88. Criteria k and l are discussed below in the relevant sections of the report. Regarding criterion i, the development would be in an existing residential area, but in close proximity to services within Spennymoor town centre which is considered appropriate for the needs of the client. The properties are also design for single occupancy, with outdoor amenity space, with accommodation for on site management, which is considered to meet with requirements of criterion j. Regarding criterion k, in particular, fire escapes, the development would be required to comply with Building Regulations.

Loss of open space

89. NPPF Paragraph 103 recognises 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, and can deliver wider benefits for nature and support efforts to address climate change.

90. NPPF Paragraph 104 states that existing open space, sports and recreational buildings and land, including playing fields and formal play spaces, should not be built on unless:
- a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
 - b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
 - c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.
91. CDP Policy 26 requires development to maintain and protect, and where appropriate improve, the county's green infrastructure network. This will in turn help to protect and enhance the county's natural capital and ecosystem services. Development proposals should incorporate appropriate Green Infrastructure (GI) that is integrated into the wider network, which maintains and improves biodiversity, landscape character, increases opportunities for healthy living and contributes to healthy ecosystems and climate change objectives. Furthermore, development proposals will not be permitted that would result in the loss of open space or harm to green infrastructure assets unless the benefits of the development clearly outweigh that loss or harm and an assessment has been undertaken which has clearly shown the open space or land to be surplus to requirements. Where valued open spaces or assets are affected, proposals must incorporate suitable mitigation and make appropriate provision of equivalent or greater value in a suitable location. Where appropriate there will be engagement with the local community.
92. In addition, development proposals should provide for new green infrastructure both within and, where appropriate, off-site, having regard to priorities identified in the Strategic GI Framework. Proposals should take opportunities to contribute to existing green infrastructure projects in the locality including those identified in the Infrastructure Delivery Plan. Proposals for new residential development will be required to make provision for open space to meet the needs of future residents having regard to the standards of open space provision set out in the Open Space Needs Assessment (OSNA). Where it is determined that on-site provision is not appropriate, the council will require financial contributions secured through planning obligations towards the provision of new open space, or the improvement of existing open space elsewhere in the locality.
93. The site is identified in the County Durham Open Space Needs Assessment (OSNA) as amenity green space (ref: OSNAA177). As identified, the proposal would result in the loss of part of a larger area of this open space, and objectors and the County Councillor raised concerns regarding this loss of open space.
94. The area of open space that would be lost would be approximately 0.2 hectares out of a total area of approximately 2.9 hectares that covers the application site

and the area of land south of this and Ladysmock Close. This designated OSNA open space extends to the north east of the site, running to the south of Merrington View and covering a further 1 hectare of open space. The remaining approximate 3.7 hectares of open space would be unaffected by the proposal.

95. The OSNA identifies that there is an under supply of Amenity Green Space within the Mid Durham area, shown on in the table below extracted from the OSNA. The Mid Durham area covers an extensive part of the County (approximately 9000ha), stretching from Cornforth settlement by the A1M, taking in the settlements of Ferryhill, Chilton, Spennymoor, Crook and Willington to the edge of Tow Law by the A68. The OSNA also outlines access standards for County Durham for the various typologies. The access standards for Amenity Green Space sets out that they should be no more than 480 metres away from residents or no more than a 10 minutes walking time.

Table 2 Existing supply of green space across Mid Durham assessment area

Typology	Existing Provision (ha)	Existing Provision (ha/1000)	Required Provision (ha)	Required Provision (ha/1000)	Supply (ha)	Supply (ha/1000)	Overall Supply
Allotments	93.23	1.50	55.87	0.9	+37.36	+0.60	Sufficient Supply
Amenity Green Space	66.79	1.08	93.12	1.5	-26.33	-0.42	Under Supply
Park and Recreation Ground (combined)	75.39	1.21	86.91	1.4	-11.52	-0.19	Under Supply
Play Space (Children)	2.6	0.04	3.10	0.05	-0.50	-0.01	Under Supply
Play Space (Youth)	1.26	0.02	2.48	0.04	-1.22	-0.02	Under Supply

96. It is acknowledged that there would be a loss of amenity green space as a result of the development, however this would be a relatively small section of the overall area of open space this relates to in the immediate area. As noted above, the Mid Durham area covers an extensive area of the county, and the noted undersupply relates to this wider area. By comparison, at this part of Spennymoor it is considered that there exists a good supply of quality open green space in the local area. For instance, Daisy Fields Sport Ground (approximately 6.45 hectares) lies approximately 130 metres to the south of the A688 accessed via public footpath directly from the site (4-minute walk approximately), and Bessemer Park (approximately 2.45 hectares) lies approximately 400 metres to the northeast (8-minute walk approximately). Existing and future residents would therefore still have access to significant amounts of open space nearby in line with the County Durham Access standards outlined above.
97. Furthermore, the scheme would retain or relocate as many of the existing trees as possible including the areas of semi-mature trees along the northern boundary of Merrington Way, which would be retained, whilst a proportion of the younger trees for relocating would be planted on the other side of the road, north of Merrington Way. Overall the extent of retained and replanted trees

would provide some mitigation for the new build in this location. In addition to this, the wider benefits of the scheme should be taken into consideration in respect of providing a specialist form of housing through the Government funded Single Homelessness Accommodation Programme (SHAP).

98. In addition to the above, the OSNA was undertaken to provide a robust assessment of needs and deficiencies of open space in order to establish local provision standards. The OSNA sets out the most up to date position in respect to open space provision across the county and provides a formula for calculating requirements on a site-specific basis. Schemes between 1 to 19 dwellings should provide an off-site contribution towards GI/open space provision instead of seeking on-site provision. Therefore, a contribution is required to be made for off-site provision which is discussed in more detail in the relevant section of the report.
99. Whilst the loss of some of the Amenity Green Space is acknowledged and regrettable, this is mitigated to an extent by the proposed landscaping plans, the large areas of remaining amenity green space both adjacent to the site and located nearby, the replanting of the removed trees, the open space financial contribution payment, and the wider benefits of providing specialist housing for vulnerable adults. This is considered in more detail in the 'planning balance' section of the report below.

Locational Sustainability

100. Policy 6 supports development that 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.
101. There are footpaths connecting the site to the nearby town centre, thereby walking and cycling would be realistic options. Public transport is also available from the town centre with services linking north to Durham City as well as to other settlements (Bishop Auckland and Newton Aycliffe). The development would therefore be considered to be in a sustainable location and in accordance with Policy 6.

Landscape and Visual Impact

102. NPPF Paragraph 135 advises that planning decisions should ensure that developments will function well and add to the overall quality of the area over its lifetime; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; and are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).
103. NPPF Paragraph 136 advises that trees make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees

elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible.

104. CDP Policy 29 outlines that development proposals should contribute positively to an area's character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities.
105. CDP Policy 39 advises that proposals for new development will be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals will be expected to incorporate appropriate measures to mitigate adverse landscape and visual effects.
106. Furthermore, CDP Policy 40 advises that proposals for new development will not be permitted that would result in the loss of, or damage to, trees of high landscape, amenity or biodiversity value unless the benefits of the proposal clearly outweigh the harm. Where development would involve the loss of ancient or veteran trees it will be refused unless there are wholly exceptional reasons, and a suitable compensation strategy exists. Proposals for new development will be expected to retain existing trees where they can make a positive contribution to the locality or to the development, maintain adequate stand-off distances between them and new land-uses, including root protection areas where necessary, to avoid future conflicts, and integrate them fully into the design having regard to their future management requirements and growth potential. Where trees are lost, suitable replacement planting, including appropriate provision for maintenance and management, will be required within the site or the locality.
107. The existing site forms part of a larger area of amenity green space which includes groups of semi-mature trees and other more recently planted trees dotted around the site. The majority of these newly planted trees would have to be removed to accommodate the development. Objectors have raised concern regarding the loss of these newly planted trees.
108. It is proposed to transplant the new trees off-site to other locations within the vicinity. Details have been submitted that clarify that a total of 18 sapling trees would be removed and a detailed plan provided specifying their relocation within close proximity to the site, no further than approximately 300 metres. A programme of works has been indicated for the trees to be replanted within this planting season and should permission be granted, a Grampian condition would be applied for the works to be undertaken in line with the details provided. The groups of mature trees adjacent to Merrington View would be retained. Landscaping details have been submitted and the scheme proposes newly planted trees, hedges and grassland.
109. DCC Tree Officer and DCC Landscape Officer were consulted on the application. The Landscape Officer commented that the planting details would be acceptable but the hard landscaping details are generic and descriptive and

full details would need to be provided in due course. These can be secured by a planning condition. The Tree Officer assessed the latest landscape and management plan and considers that further amendments are required. From comments received this may impact on the number of trees and the species of trees to be provided on site, with a potential that a reduction of 4/5 trees out of 15 on site may be needed to ensure that existing trees and other new trees can suitably flourish. These details can however be secured by a planning condition.

110. The loss of trees is regrettable however, the scheme provides compensation for this with the proposed additional planting, and that removed trees would be planted elsewhere in close proximity, a plan of which has been submitted to clarify this. The development would be set back approximately 9.5 metres from Merrington View with the retained trees also providing some good screening of the site maintaining the pleasant verdant character of Merrington View. Considering the wider benefits of the scheme, and that no objections are raised by DCC Landscape and Tree Officers, subject to inclusion of conditions, the development would be in accordance with the NPPF Section 12 and CDP Policies 6, 29, 39, and 40.

Highway Safety Issues

111. Policy 6 supports development that would not be prejudicial to highway safety or have a severe residual cumulative impact on network capacity. Policy 15 requires that satisfactory highway access, parking and servicing can be achieved CDP Policy 21 requires all new development to provide safe and adequate access. This displays broad accordance with Paragraph 115 of the NPPF which requires new development to provide safe and suitable access to the site. Paragraph 116 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.
112. Vehicle access to the site would be from the adopted road Merrington View. The access would be formed with 6 metre radii and the road would be 5.5 metres in width, and footways would be provided on each side. The access would be further extended in the form of a 6-metre-wide private shared drive. There would be 8 no. allocated spaces and 2 no. non-allocated spaces all formed perpendicular to the road centre line. This quantum would be in accordance with the DCC Parking & Accessibility SPD. Adequate space would be provided between pairs of parking bays to accommodate the opening of doors to assist people with mobility issues. On this basis, DCC Highways Authority raised no objection subject to the visitor bays being clearly signed and demarcated, a refuse bin collection point provided adjacent to the adoptable footway constructed with a hardened surface and of sufficient size, and cycle parking details, which can all be secured by planning conditions. The Highways Authority also requested conditions requiring that: the proposed estate road must be designed and constructed to meet current highway design standards and full engineering details be submitted to and approved by the LPA, and that the road is constructed in accordance with the submitted and approved plans prior to the development being brought into use.

113. The footpath adjacent to the Merrington View carriageway is now proposed to be reduced in width to 1.5 metres to assist in preserving the tree root zone following discussions with the DCC Tree Officer. Whilst this is less than the desired 1.8 metres width it would be acceptable in the specific location.
114. Subject to the above conditions, the development would not cause an unacceptable impact on highway safety and would be in accordance with NPPF part 9 and CDP Policies 6, 15 and 21.

Design and Layout

115. NPPF Paragraph 131 confirms that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
116. NPPF Paragraph 135 advises that planning decisions should ensure that developments will function well and add to the overall quality of the area over its lifetime; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; and are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
117. CDP Policy 6 supports development which is appropriate in terms of scale, design, layout, and location to the character, function, form and setting of the settlement.
118. Policy 29 requires all development to achieve well designed buildings and places having regard to supplementary planning documents and other local guidance documents where relevant, and: create buildings and spaces that are adaptable to changing social, technological, economic and environmental conditions and include appropriate and proportionate measures to reduce vulnerability, increase resilience and ensure public safety and security; minimise greenhouse gas emissions, by seeking to achieve zero carbon buildings and providing renewable and low carbon energy generation, and include connections to an existing or approved district energy scheme where viable opportunities exist. Where connection to the gas network is not viable, development should utilise renewable and low carbon technologies as the main

heating source; minimise the use of non-renewable and unsustainable resources, including energy, water and materials, during both construction and use by encouraging waste reduction and appropriate reuse and recycling of materials, including appropriate storage space and segregation facilities for recyclable and non-recyclable waste and prioritising the use of local materials and contribute towards healthy neighbourhoods and consider the health impacts of development and the needs of existing and future users, including those with dementia and other sensory or mobility impairments.

119. The development would comprise of two separate groups of 4 dwellings with vehicle access from Merrington View. A public footpath which currently crosses the site would be slightly redirected and provide pedestrian access from Merrington View and the public footpath to the south. Off-street parking for both occupiers and visitors would be provided in between the two groups of dwellings. Each dwelling would have its own private garden with communal green space surrounding the dwellings. Boundary treatments would comprise of a 1.5m high close boarded vertical timber fencing with 300mm trellis on top around the edge of the garden with a 1.8m high close boarded vertical timber fence between each plot. Materials proposed include red brick 'Ivanhoe Westminster', buff brick 'Ivanhoe Cream Buff' and 'Calderdale light grey' roof tiles, which are annotated on a plan, which can be secured by condition.
120. The design and layout of the development is considered to be in keeping with the surrounding area, and the proposed planting and landscaped areas would create an attractive frontage to Merrington View and the adjacent footpaths.
121. Regarding measures to reduce greenhouse gas emissions, the development proposes both solar panels to each dwelling and electric vehicle charging points for each dwelling, the details of which can be secured by means of condition.
122. Policy 15 (addressing housing needs) required development of 5 units or more, 66% of dwellings must be built to Building Regulations Requirement M4 (2) (accessible and adaptable dwellings) standard, to meet the needs of older people and people with disabilities. The floor plans indicate that the dwellings would comply with this standard and therefore could be secured by a planning condition.
123. Overall, the development would be considered to be suitably laid out and the design and materials would be in keeping with the surrounding area. Therefore it would be in accordance with the NPPF Part 12 and CDP Policy 6 and 29.

Residential Amenity

124. Paragraph 135 of the NPPF aims to ensure that developments create places that have a high standard of amenity for existing and future users. Furthermore paragraph 187 states that planning policies and decisions should contribute to and enhance the natural and local environment by: preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability.

125. Policy 15 requires development for specialist housing to meet the particular requirements of residents and provide satisfactory outside space. Policy 29 requires development to provide high standards of amenity and privacy and minimise the impact of development on the occupants of existing adjacent and nearby properties.
126. Policy 31 of the CDP outlines that development will be permitted where there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions. Proposals which will have an unacceptable impact such as through overlooking, visual intrusion, visual dominance or loss of light, noise or privacy will not be permitted unless satisfactory mitigation measures can be demonstrated whilst ensuring that any existing business and/or community facilities do not have any unreasonable restrictions placed upon them as a result.
127. The Residential Amenity Standards SPD advises that all new development, including new dwellings, will have some bearing on neighbouring properties and it is important to ensure that the impact does not result in a significant loss of privacy, outlook or light for occupiers of new dwellings and existing dwellings. The design and layout of new development should ensure that reasonable privacy and light is provided for surrounding residents and occupiers, particularly in relation to residential use and enjoyment of dwellings and private gardens. A minimum distance of 21.0m between habitable room windows, where either dwelling exceeds single storey, and a minimum of 18.0m between habitable room windows and both dwellings are single storey, will usually be required to protect the privacy, outlook and residential amenity of habitable room windows. Where a main facing elevation containing a habitable room window is adjacent to a gable wall which does not contain a habitable room window, a minimum distance of 13.0m shall be provided where either dwelling exceeds single storey or 10.0m where both dwellings are single storey. In some circumstances distances may also be relaxed having regard to the character of an area. Shorter distances than those stated above could be considered in those urban areas typified by higher densities.
128. Further to the above, the SPD advises that new residential housing developments should incorporate usable, attractively laid out and private garden space conveniently located in relation to the property, or properties, it serves. It should be of an appropriate size, having regard to the size of the dwelling and character of the area. The length of gardens will generally be dictated by the minimum separation distancing standards, however they should be no less than 9m in length when measured from the rear elevation to the rear boundary, unless site specific circumstances allow for an alternative solution, and it is deemed that privacy and amenity would not be adversely affected.
129. Each dwelling would have its own private garden with a depth of approximately 5 metres from the front elevation and width of 7 metres. Whilst this garden length would be below the above standard, this takes into account the short-term nature of the occupancy and would provide a more manageable area for the tenants taking into account their complex needs. There is also remaining

open space adjacent to the dwellings and other nearby open space as discussed above which occupiers could use.

130. Regarding separation distances, adequate distances would be achieved between proposed dwellings. In respect of properties on Ladysmock Close to the west there would be a separation distance of approximately 13 metres to the rear elevation of 1 and 2 Ladysmock Close. The west elevation of the proposed dwellings closest to Ladysmock Close would have two small kitchen windows facing these properties, however there is an area of existing landscaping separating the site preventing overlooking. Furthermore, whilst the windows would serve a kitchen, this is considered a secondary window, as the main dining/living space would be served by another larger window on the other elevation. Separation distances would be met for other dwellings to the north on Bamburgh Parade. On this basis, the development would not cause a loss of privacy to existing or future residents.
131. Regarding internal space of the dwellings, the bedrooms and overall floorspace would meet the National Described Space Standard (NDSS). Proposed storage space would be below the NDSS, however given the nature of the development and the short-term occupancy it's unlikely that there would be the same demand for storage as a standard dwelling.
132. The applicant has submitted a noise impact assessment prepared by appropriately qualified and competent consultants. The assessment highlighted that the most significant noise source affecting the development during the day and night would be from road traffic on the A688. Other noise sources included more intermittent traffic on the smaller surrounding network roads. The report has established that the development would be suitable for residential development with appropriate mitigation measures. The results demonstrate a recommended glazing and ventilation scheme would achieve the internal guidance requirements during the daytime and nighttime periods detailed in Table 1 of the report. The assessment found that the upper guidance noise level of 55dB LAeq, 16hr in garden areas can be achieved with a barrier of at least 1.2m height as shown in Figure 1. The mitigation measures detailed in the report would be conditioned to ensure compliance with these agreed noise levels.
133. DCC Environmental Health Nuisance Action Team was consulted and subject to the appropriate mitigation measures being installed and a condition for a construction management plan, raised no objection to the development. They also confirm subject to the above, the development would unlikely cause a statutory nuisance. In this instance, officer's consider that a full construction management plan would not be proportionate to the scale of the development proposed. However, construction hours would be controlled by condition.
134. Some objectors have raised concerns that residents of the dwellings could cause noise and disturbance to neighbouring residents. Objectors have also said that the development would cause an increase in crime or a fear of crime, particularly as many nearby residents are elderly, disabled and vulnerable. In

addition, as there is already a similar facility within Spennymoor, it would not be appropriate to introduce another in the area.

135. Planning policies and decisions must reflect relevant international obligations and statutory requirements. Relevant here is Section 17 of the Crime and Disorder Act 1998 which places a duty on the local authority in the exercise of its functions to have due regard to the likely effect of the exercise of those functions on, and the need to do all it reasonably can to prevent crime and disorder in its area and the misuse of drugs, alcohol and other substances. Whilst this is a qualified duty, crime and the fear of crime is capable of being a material planning consideration. A planning balance between the established need for the proposal and these issues, therefore, needs to be considered.
136. In relation to the fear of crime this needs to be objectively justified, have some reasonable basis and must relate to the use of the land, in planning terms, and not be based on assumptions alone. Paragraph 135f) of the NPPF states that planning decisions should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
137. Fear of crime can have a detrimental impact upon residential amenity and an individual's quality of life. Where the fear of crime is considered a material consideration this must be supported by robust evidence, and each application must be considered on its own merits and specific circumstances, avoiding generalisations.
138. Whilst the concerns raised by nearby residents are noted, it is proposed that one of the units would be utilised by the support provider to provide on-site management and support of the residents 24 hours a day, 365 days of the year. The unit utilised by the support provider would be fitted with CCTV monitoring equipment to monitor the scheme and Durham County Council has procured a specialist support provider to provide effective management of the project and to resolve any issues with regard to the conduct of clients. The Council Homelessness Prevention Team would make all referrals into the project to ensure a full assessment of the individual circumstances be determined and a personal housing support plan to be developed. The maximum any one client would be housed in the scheme would be two years. A tenant management plan has been submitted with the application which outlines, amongst other things, that residents would be subject to a licence agreement setting out clear terms and conditions regarding their occupants and conduct during their time with the project. Where any breach of the licence occurs, a warning would be issued to the resident, and where any breach of licence persists, the occupant would be asked to leave the scheme. Compliance with the management plan would be secured by planning condition. It should also be noted that Durham Constabulary was consulted and made no comments on the application. Without robust evidence that the proposal would cause crime or a fear of crime, limited weight can be given to the concerns raised and this alone would not be sufficient to sustain a reason for refusal. In this instance, the applicant proposes

a sound and robust management plan and procedures to deal with any issues should they arise.

139. Regarding the existence of the nearby facility 'The North Eastern', whilst the concerns are noted, there is no policy requirement to limit the number of facilities in one particular area. The LPA assess such proposals against policy 15 in relation to addressing housing needs, including those associated with specialist housing. Primary considerations in this regard include ensuring that the proposed site is suitably located with access to services for future occupiers and that this is suitably designed to meet particular requirements of future residents with access to outdoor space amongst other things. The proposals are assessed against these criteria, along with other relevant planning policies to determine the suitability of the site.
140. Overall, the development would not have a detrimental impact on the residential amenity of neighbouring properties and would provide adequate internal space and external amenity space for future occupiers. It would therefore be in accordance with the NPPF Part 12 and 15 and CDP Policies 6, 15, 29, and 31.

Ecology and Biodiversity Net Gain

Biodiversity Net Gain

141. From the 2nd of April 2024, the requirements of Schedule 14 of the Environment Act 2021, as inserted into Schedule 7A of the Town and Country Planning Act 1990, apply to all planning applications unless falling under one of the listed exemptions. This application was valid from the 21.11.2024 and so is legally required to deliver biodiversity net gains of at least 10%.
142. In addition to the above, CDP Policy 41 seeks to secure net gains for biodiversity and coherent ecological networks, and NPPF Paragraph 187 d) advises that planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity. NPPF Paragraph 193 d) also advises that opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.
143. The application is supported by a Biodiversity Net Gain Assessment (BNGA) and a completed version of DEFRA's Biodiversity Metric updated on the 20 January 2025. The information sets out that the development would result in a 10.49% gain in habitat units with all trading rules satisfied. The submitted information has been reviewed by the Council's Ecologist who has indicated that the details are acceptable and likely to be achievable if site monitoring is undertaken to prevent misuse of the areas by tenants. All of the BNG mitigation is within the red line boundary so can be secured by condition. The BNGA also stipulates provision for acquiring off site credits in the event that a shortfall in units results through minor amends to the landscape scheme. This provision is acceptable and can be dealt with through condition as part of the Biodiversity Net Gain Plan. Therefore, the application fulfils the requirements of Schedule

14 of the Environment Act 2021 (as inserted into Schedule 7A of the Town and Country Planning Act 1990), CDP Policy 41 and NPPF Paragraphs 187 d) and 193 d).

144. The granting of planning permission would be subject to the standard biodiversity gain condition which requires the developer to submit and agree a Biodiversity Gain Plan with the Local Planning Authority. Planning conditions are normally imposed on the grant of planning permission under section 70 (1) and section 72 of the Town and Country Planning Act 1990. However, the biodiversity gain condition has its own separate statutory basis as a planning condition under Paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 and would be included separately to the list of conditions recommended by Officers on the decision notice.
145. In addition to this, monitoring of BNG is also required as part of any approved plan and further conditions will be applied for details of this through a Habitat Management and Monitoring Plan (HMMP). Alongside this, a BNG monitoring fee is also payable which would need to be completed prior to the issuing of any planning permission. Subject to this, the proposals are considered to accord with requirements set out in policy and regulations.

Ground Conditions and Land Stability

146. NPPF Paragraph 180 requires sites to be suitable for their proposed use taking account of ground conditions and any risks arising from land instability and contamination.
147. CDP Policy 32 requires sites to be suitable for use taking into account contamination and unstable land issues.
148. A Phase 1 Desk Study, Phase 2 Site Investigation, and Ground Gas Risk Assessment have been submitted with the application. DCC Land Contamination Officer has reviewed the documents and highlighted that the Phase 2 has identified the need for remedial works. In addition, further trial pitting is required to fully determine the extent of made ground onsite. This can be done as an addendum to the Phase 2 or as part of the Phase 3. Therefore, a land contamination scheme (Phase 3) and verification report (phase 4) are required, and these can be secured by conditions.

Drainage and Flood Risk

149. NPPF Paragraph 181 advises that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere.
150. 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.

In terms of surface water, surface water run-off must be managed in the following order:

1. To an infiltration or soak away system
 2. To a watercourse open or closed
 3. To a surface water sewer
 4. To a combined sewer
151. The application site is not within flood zones 2 or 3 and so a Flood Risk Assessment is not required. A drainage strategy has been submitted which states that surface water flows are proposed to discharge at no greater than the restricted rate of 3.5l/s. Parking areas would also be constructed in permeable paving. The Lead Local Flood Authority has confirmed this is adequate. In terms of foul water, the applicant has stated that this is disposed of using a mains sewer which is in accordance with Policy 36.
152. In consideration of the above, the development would not cause an increase in flood risk or have an adverse impact on water quality in accordance with the NPPF Part 14 and CDP Policies 6, 35 and 36.

Planning Contributions

153. CDP Policy 25 states that new development will be approved where any mitigation necessary to make the development acceptable in planning terms is secured through appropriate planning conditions or planning obligations. Such mitigation will relate to the provision, and/or improvement, of physical, social and environmental infrastructure taking into account the nature of the proposal and identified local or strategic needs.
154. Policy 25 goes on to state that developers will be required to enter into Planning Obligations which are necessary to make the development acceptable, directly related to the development, and fairly and reasonably related in scale and kind to the development, in order to secure the mitigation that is necessary for a development to be acceptable in planning terms. In this regard, CDP Policy 25 reflects NPPF Paragraphs 55 and 57.

Affordable Housing Provision

155. Policy 15 confirms that to contribute towards meeting the needs of the county's existing and future residents all qualifying new housing proposals are required to provide a percentage of Affordable Housing. Affordable housing will be sought on sites of 10 or more units and in line with the set percentages contained within the policy. In designated rural areas, schemes of between 6 and 9 units are to provide a financial contribution towards the delivery of affordable housing. Usually this would be secured by s106 agreement, however as Durham County Council is the applicant, the council is unable to enter into a legal agreement with itself.

156. In this case, however, the scheme comprises entirely of affordable housing, as it proposed as stock for the Single Homelessness Accommodation Programme (SHAP) which aims to deliver homes and support services for people sleeping rough or at risk of this. SHAP intend to provide supported housing, Housing First and housing-led accommodation for those adults experiencing multiple disadvantage with a history of rough sleeping or who are at risk of homelessness. A requirement of SHAP is that rent must be set at Affordable or Social Rent levels and must be compliant with the Regulator of Social Housing's Rent Standard.
157. The NPPF is clear that the Government has an objective of significantly boosting the supply of homes, and stresses the importance of ensuring that a sufficient amount and variety of land can come forward where it is needed, and that the needs of groups with specific housing requirements are addressed. It goes on to state that the different groups in the community who will need housing includes housing with care. In recognition of this, the proposal will be in accordance with Government policy and exceed the requirements of Policy 15 in terms of affordable housing provision.
158. In lieu of a section 106 agreement in this case, a different mechanism is required by means of planning condition to secure the housing to its proposed affordable housing use. In the event that the properties should be lost to SHAP, permission would be required to amend or remove the condition, providing an opportunity at that point in time to secure policy requirements for affordable housing, be it through a contribution or retention of an agreed number of units. On this basis, it is considered that the proposals comply with relevant policies on affordable housing within the CDP and NPPF.

Public Open Space Provision

159. The OSNA sets out the most up to date position in respect to open space provision across the county and provides a formula for calculating requirements on a site-specific basis. Schemes between 1 to 19 dwellings should provide an off-site contribution towards GI/open space provision instead of seeking on-site provision.
160. A scheme of 7 units would generate at least 11.5 people ((7no. units x 1.5) based on 2021 census data of average (2.2 persons per dwelling) household size in Co. Durham, recalibrated to take account of the scheme proposed (1-bed properties) and recognising that some properties will be single occupancy and others may also include couples. The contribution would be $11.5 \times \text{£}790.50 = \text{£}9486$. Usually, this contribution would be secured by either a Unilateral Undertaking or S106 Agreement, however as the applicant is Durham County Council, the Council is unable to enter into a legal agreement with itself. Therefore the contribution would be secured by an internal transfer of funds, and should members be minded to approve the application, this payment would be secured prior to the issuing of any decision granting planning permission.

Planning Obligations Summary

161. NPPF Paragraph 56 states that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.
162. NPPF Paragraph 58 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. In this case for the reasons set out above, the planning obligations would meet these tests.

Other Matters

Broadband Connection

163. Policy 27 states that new residential and commercial development should be served by a high-speed broadband connection. This will need to be directly accessed from the nearest exchange and threaded through resistant tubing to enable easy access to the cable for future repair, replacement and upgrading. Where it can be demonstrated that this is not appropriate, practical or economically viable, developers will be encouraged to provide appropriate infrastructure to enable future installation. This could be secured by a planning condition.

Other Issues Raised

164. Property values are not a material planning consideration.

Planning Balance

165. In this instance, it is concluded that the scheme would bring about the following harm:

Loss of open space

166. The proposed development would lead to the loss of an area of open space designated as amenity green space in the County Durham Plan. Policy 26 states that proposals will not be permitted that would result in the loss of open space or harm to green infrastructure assets unless the benefits of the development clearly outweigh that loss or harm and an assessment has been undertaken which has clearly shown the open space or land to be surplus to requirements.
167. As outlined above there is an under supply of Amenity Green Space within the wider Mid Durham area, therefore there would be conflict with the above policy. Whether the scheme would result in unacceptable harm in the context of CDP

Policy 26 depends in part upon whether the benefits it would deliver are considered capable of outweighing the identified harm.

Benefits

168. The following benefits of the proposal should be weighed against the policy conflict identified above to allow for a detailed assessment of the planning balance:

Sustainability

169. The development would be in a sustainable location close to Spennymoor town centre within walking distance of services within the town and public transport links to Bishop Auckland, Durham, Newcastle etc. The occupiers of the dwellings or staff would therefore not be reliant on private cars. Furthermore, each dwelling would have solar panels and electric vehicle charging points. The overall development is considered sustainable, and this should be afforded significant weight in the planning balance.

Environmental

170. Existing semi-mature trees to the north of the site would be retained. The newly planted trees would be relocated to other landscaped areas within the surrounding housing development. A detailed landscaping plan has been submitted which includes planting details, which proposes newly planted trees, native hedgerows and an area of neutral grassland. The dwellings would be set back from Merrington View, retaining the pleasant green frontage. Trees are also proposed along the southern boundary of the site, softening the impact of the development on the public footpath. The development would also provide on-site biodiversity net gain of 10.49% which can be secured by appropriate planning conditions listed below. This exceeds the policy requirement relating to biodiversity net gain and attracts moderate weight.
171. A further benefit of the scheme would be the creation of a footpath on Merrington View connecting the existing footpath that ends to the north of Ladysmocks Close to the footpath which connects Merrington View with the footpath to the south, therefore avoiding the needs for pedestrians to either walk on the road or cross over to the other side. Whilst the new footpath would provide moderate benefits, this alone would be insufficient to outweigh the harm and policy conflict identified.

Social

172. The proposed housing would be delivered as part of the council house delivery programme with £1.1m in capital funding and around £0.5 m in revenue funding coming from the Government's Single Person Homelessness Accommodation Programme (SHAP). The development would provide accommodation for 7no vulnerable adults who have been rough sleeping or are at risk of rough sleeping as part of the UK Government's commitment to end rough sleeping for good.

173. The Homelessness Reduction Act 2017 places duties on local authorities to intervene earlier to prevent homelessness and to take reasonable steps to relieve homelessness for all eligible applicants, not just those that have priority need under the Act. In Durham, the number of people that approach the Council when they require housing advice, are homeless or at risk of being homeless has remained broadly consistent over the last three years, with 7,846 people presenting in 2021/22 compared to 7,497 in 2019/20. There is therefore a demonstrable need for this type of accommodation and should be afforded significant weight.
174. The assessment of the planning harm of the development against its benefits is a fine balance as the weight attributed to each conflict and benefit will differ given the site-specific material considerations.
175. Whilst mindful of the degree of harm afforded to the concerns regarding loss of open space, on balance, it is considered that the sustainability and ecological benefits of the proposal and the wider benefits of developing the site for specialist housing, particularly in the context of the government funding granted for this type of development and the identified need for this type of housing within County Durham, sufficiently outweighs the harm caused by the development. Therefore, the identified harm to open space is considered justified in this instance.
176. The concerns of objectors in respect of crime, fear of crime and quality of life are acknowledged. However, it is considered that there is no evidential basis of these concerns, and as discussed, the proposed management plan and with the presence of an on-site manager, there would be processes and preventative measures in place to ensure that any issues arising would be robustly dealt with. On that basis there would be no harm identified in the planning balance.

CONCLUSION

177. 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. The NPPF is a material consideration in planning decisions.
178. The development is for the erection of 7no 1-bedroom dwellings and 1no dwelling to be occupied by an onsite manager. The development would be within the existing built-up area of Spennymoor in a sustainable location but would result in the loss of some amenity green space and some recently planted trees. This loss of amenity space and trees would be mitigated to an extent by the proposed replanting of all the recently planted trees, and the planting of additional trees and other landscaping onsite. Further to this the close proximity of other existing public open spaces, and the wider benefits of providing specialist housing through the government funded Single Homelessness Accommodation Programme (SHAP) provides further noted mitigation and benefits. In addition, an off-site contribution to open space would

be required. In this instance, it is concluded that the principle of the development is acceptable in planning terms and would accord with the aims of CDP policies 6 and 15.

179. When assessed against other relevant policies in the development plan, it is not considered that the development would result in significant harm to the character of the area, that could not be mitigated. In addition, there are not considered to be any significant adverse impacts in terms of residential amenity, highway safety, ecology, flood risk, ground contamination, subject to the conditions outlined below.
180. While objections to the application are acknowledged, for the reasons discussed within this report they are not considered sufficient to sustain refusal of the application. Considering the above, the application is reported to the Committee with a recommendation to approve the application, subject to conditions.

Public Sector Equality Duty

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

RECOMMENDATION

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

Payment by Internal Transfer of funds for:
Open Space contributions of £9486
Biodiversity Net Gain Monitoring Fees of £2485

And the following conditions:

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

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

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

Plan	Drawing No.	Date Received
Proposed Site Plan	ZZ-DR-A-0002 Rev. P05	20/01/25
Boundary Treatment & External Hard Landscaping	ZZ-DR-A-0003 Rev. P05	20/01/25
Site Location Plan	ZZ-DR-A-0001 Rev. P01	20/11/24
Proposed Floor Plans and Elevations 1B2P	ZZ-DR-A-0004 Rev. P02	20/11/24
Preliminary Drainage Strategy	24-025-900 Rev. P2	20/11/24

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies 6, 15, 26, 29, 31 and 40 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.

- No development shall commence, other than site clearance and diversion of an NPG cable through the site, until plans showing full engineering details of the estate road have been submitted to and approved in writing by the local planning authority. The estate road shall be designed and constructed to meet current highway design standards.

The development shall not be brought into use until the estate roads have been constructed in accordance with the submitted and approved plans.

Reason: In the interest of highway safety in accordance with NPPF Part 9, and CDP Policy 21.

- Parking spaces serving each dwelling and visitor parking bays as detailed on the approved site plan ZZ-DR-A-0002 Rev. P05, shall be retained and used for parking, and be retained in perpetuity.

Reason: To ensure satisfactory provision is maintained in the interests of highways safety.

- No development shall commence other than site clearance and diversion of an NPG cable through the site, until a land contamination scheme has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall be compliant with the YALPAG guidance and include a Phase 3 remediation strategy and where necessary include gas protection measures and method of verification.

Reason: To ensure that the presence of contamination is identified, risk assessed and proposed remediation works are agreed in order to ensure the site is suitable for use, in accordance with Part 15 of the National Planning Policy Framework.

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

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

7. The Biodiversity Gain Plan shall be prepared in accordance with the Biodiversity Net Gain Assessment prepared by Arbtech, dated 20.01.2025.

Reason: To ensure the Biodiversity Gain Plan submitted for approval accords with the biodiversity information submitted with the planning application and that the development delivers a biodiversity net gain in accordance with Schedule 7A of the Town and Country Planning Act 1990 and Policy 41 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

8. No development shall commence until a Habitat Management and Monitoring Plan (HMMP) has been prepared in accordance with the approved Biodiversity Gain Plan and has been submitted to and approved in writing by the Local Planning Authority. The HMMP shall include:

(a) a non-technical summary;

(b) the roles and responsibilities of the people or organisation(s) delivering the HMMP;

(c) the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;

(d) the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the practical completion of the development or the first occupation of the development, whichever is the sooner; and

(e) the monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the Local Planning Authority.

Reason: To ensure the proposed habitat creation and/or enhancements are suitably managed and monitored to ensure development delivers a biodiversity net gain in accordance with Schedule 7A of the Town and Country Planning Act 1990 and Policy 41 of the County Durham Plan and Part 15 of the National Planning Policy Framework. Required to be pre-commencement to ensure the habitat creation and/or enhancements can be suitably delivered before any existing habitats are affected.

9. Notice in writing shall be given to the Local Planning Authority when:

(a) the approved HMMP has been implemented; and

(b) the habitat creation and enhancement works as set out in the HMMP have been completed.

Reason: To ensure the proposed habitat creation and/or enhancements are carried out so the development delivers a biodiversity net gain in accordance with Schedule 7A of the Town and Country Planning Act 1990 and Policy 41 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

10. The development shall not be occupied or brought into use until such time that:

(a) the habitat creation and enhancement works set out in the approved HMMP have been completed; and

(b) a completion report, evidencing the completed habitat enhancements, has been submitted to, and approved in writing by the Local Planning Authority.

Reason: To ensure the proposed habitat creation and/or enhancements are carried out so the development delivers a biodiversity net gain in accordance with Schedule 7A of the Town and Country Planning Act 1990 and Policy 41 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

11. The created and/or enhanced habitat(s) specified in the approved HMMP shall be managed and maintained in accordance with the approved HMMP.

Reason: To ensure the proposed habitat creation and/or enhancements are appropriately managed and maintained for the required 30 year period so the development delivers a biodiversity net gain in accordance with Schedule 7A of the Town and Country Planning Act 1990 and Policy 41 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

12. Monitoring reports shall be submitted to the Local Planning Authority in writing in accordance with the methodology and frequency specified in the approved HMMP.

Reason: To ensure the proposed habitat creation and/or enhancements are appropriately managed and maintained for the required 30 year period development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990 and Policy 41 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

13. No development above damp-proof course shall commence until such time as a scheme detailing the means of broadband connection to the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of ducting and cabling to be installed, and the entry

point of such ducting and cabling into the site. Thereafter, the means of broadband connection to the site shall be carried out in accordance with the approved details prior to the occupation of the part of the development to which the connection relates.

Reason: To ensure the development is served by an appropriate broadband connection, and to ensure its installation takes place at a suitable time within the construction phase, and to comply with the requirements of Policy 27 of the County Durham Plan.

14. The development hereby approved shall not be occupied until details of all external cycle storage, to be compliant with the Council's most recent parking standards, have been submitted to and approved in writing by the Local Planning Authority. The external cycle storage provision shall be installed and made available for use in accordance with the approved details prior to the first occupation of the development to which it relates and retained thereafter.

Reason: To encourage sustainable transport modes of travel in accordance with Policy 21 of the County Durham Plan and Part 9 of the National Planning Policy Framework.

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

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

16. The development hereby approved shall carried out in accordance with section 6 (tree protection measures) and section 7 (post-construction considerations) of the Arboricultural Method Statement prepared by Elliot Consultancy Ltd received 20th January 2025.

Reason: To ensure the development is carried out in accordance with the appropriate best practice guidance to enable the long term retention of trees on site, in the interests of protecting the character and appearance of the area and to comply with Policies 29 and 40 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.

17. No development shall commence on site until the works for trees to be removed and replanted as detailed within the email sent from Emily Edwards to the LPA dated 10 February 2025, have been undertaken in accordance with these details.

Reason: To ensure the development respects and positively responds to the character and appearance of the area and to comply with Policy 29 and 40 of the County Durham Plan, Part 12 of the National Planning Policy Framework

18. Notwithstanding tree works approved under Condition 16, no development shall proceed above damp proof course until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The landscape scheme shall include accurate plan-based details of the following:

-The location of existing trees and hedges, indicating which are to be retained and any which are to be removed;

-Planting species, sizes, layout, densities, and numbers, including tree, hedge, and shrub planting, and the creation of seeded or turf areas;

-Details of planting procedures and specifications;

-Existing and proposed site levels and contours;

-The establishment maintenance regime, including, as a minimum, details of watering, rabbit protection, and tree stakes.

Reason: To ensure the development respects and positively responds to the character and appearance of the area and to comply with Policy 29 of the County Durham Plan, Part 12 of the National Planning Policy Framework, and British Standard BS 8545 2014 Trees - From Nursery to Independence in the Landscape - Recommendations.

19. The approved landscape works shall be carried out in the first planting season following the occupation of the building(s) or the practical completion of the development, whichever is the sooner. Any approved replacement tree or hedge planting shall be carried out within 12 months of the felling or removal of any existing tree or hedge. All landscape planting shall be maintained for a minimum of five years. Any trees or plants which are removed, die, fail to become established, or become seriously damaged or diseased within a period of five years from the completion of the development shall be replaced in the next planting season with others of a similar size and species to those originally planted. Replacement planting will be subject to the same conditions.

Reason: To ensure the approved landscaping scheme is implemented so that the development respects and positively responds to the character and appearance of the area and to comply with Policy 29 of the County Durham Plan and Part 12 of the National Planning Policy Framework.

20. Prior to the occupation of the dwelling(s), a scheme compliant with the Council's Parking and Accessibility Standards SPD relating to the installation of electric vehicle charging points (EVCP) shall be submitted to and approved in writing by the Local Planning Authority. The EVCP(s) shall be installed prior to the occupation of the development to which it relates and retained thereafter.

Reason: To minimise carbon emissions and in accordance with Policies 21 and 29 of the County Durham Plan.

21. No development above damp-proof course shall commence until such time as details of a scheme to install photovoltaic panels has been submitted and approved in writing by the Local Planning Authority. The scheme shall include the number, location, dimensions, and technical specification of the photovoltaic panels to be installed. Prior to the first occupation of the development, the photovoltaic panels shall be installed in accordance with the approved details and retained thereafter.

Reason: To minimise carbon emissions in accordance with Policy 29 c) of the County Durham Plan.

22. Notwithstanding information provided as part of the application, the development shall not be occupied until details of the surface treatment and construction of all hard surfaced areas has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the hard surfaced areas shall be constructed in accordance with the approved details prior to the development being first occupied or brought into use.

Reason: To ensure the development relates acceptably to the character of the surrounding area in accordance with Policy 29 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.

23. A minimum of 5 dwellings shall be built to a standard which meets the requirements set out in M4(2) of the Building Regulations 2010 Approved Document Part M: Access to and use of building (as amended) or any updated version of replacement document.

A verification report compiled by a suitably competent person demonstrating that the relevant dwellings have been constructed to achieve Buildings Regulations M4(2) standard shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the dwelling(s) to which the report relates.

Reason: To ensure the development complies with the requirements of Policy 15 of the County Durham Plan to meet the needs of older people and people with disabilities.

24. The external materials of the development shall consist entirely of those detailed within the application form and shown on drawing noZZ-DR-A-0003 REV. P05 entitled Boundary Treatment and External Hard landscaping.

Reason: To ensure the development relates acceptably to the character and appearance of the surrounding area and to comply with Policy 29 of the County Durham Plan and Part 12 of the National Planning Policy Framework.

25. The development shall not be occupied until the noise mitigation measures as outlined in the noise impact assessment received by the LPA on 20 November 2024 prepared by Apex have been fully installed. The measures shall thereafter be retained and maintained for the life of the development.

Reason: In the interest of residential amenity in accordance with the Policy 29 and 31 of the County Durham Plan and Part 12 and 15 of the National Planning Policy Framework.

26. The proposal shall be carried out in accordance with the Management Plan submitted 16 January 2025.

Reason: To protect the amenity of neighbouring residents and the future occupants to ensure that a satisfactory form of development is obtained, in accordance with Policy 15 and 29 of the County Durham Plan.

27. Seven of the eight housing units hereby approved shall be used only for the purposes of accommodating adults over 25 years of age who are homeless or at risk of homelessness, in line with the Management Plan approved under condition 26, and for no other purpose falling within Class C3 of the Town and Country Planning (Use Classes) Order 1987. The remaining single unit shall be occupied solely for the purposes of management of the seven units in line with the Management Plan approved under Condition 26 and shall remain so for the lifetime of the development.

Reason: In the interests of securing affordable housing requirements in accordance with policy 15 of the County Durham Plan and Para, 61 and 63 of the NPPF and protection of amenities of the area in line with policy 29 of the CDP.

28. In undertaking the development that is hereby approved:

No external construction works, works of demolition, deliveries, external running of plant and equipment shall take place other than between the hours of 0800 to 1800 on Monday to Friday and 0730 to 1400 on Saturday.

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

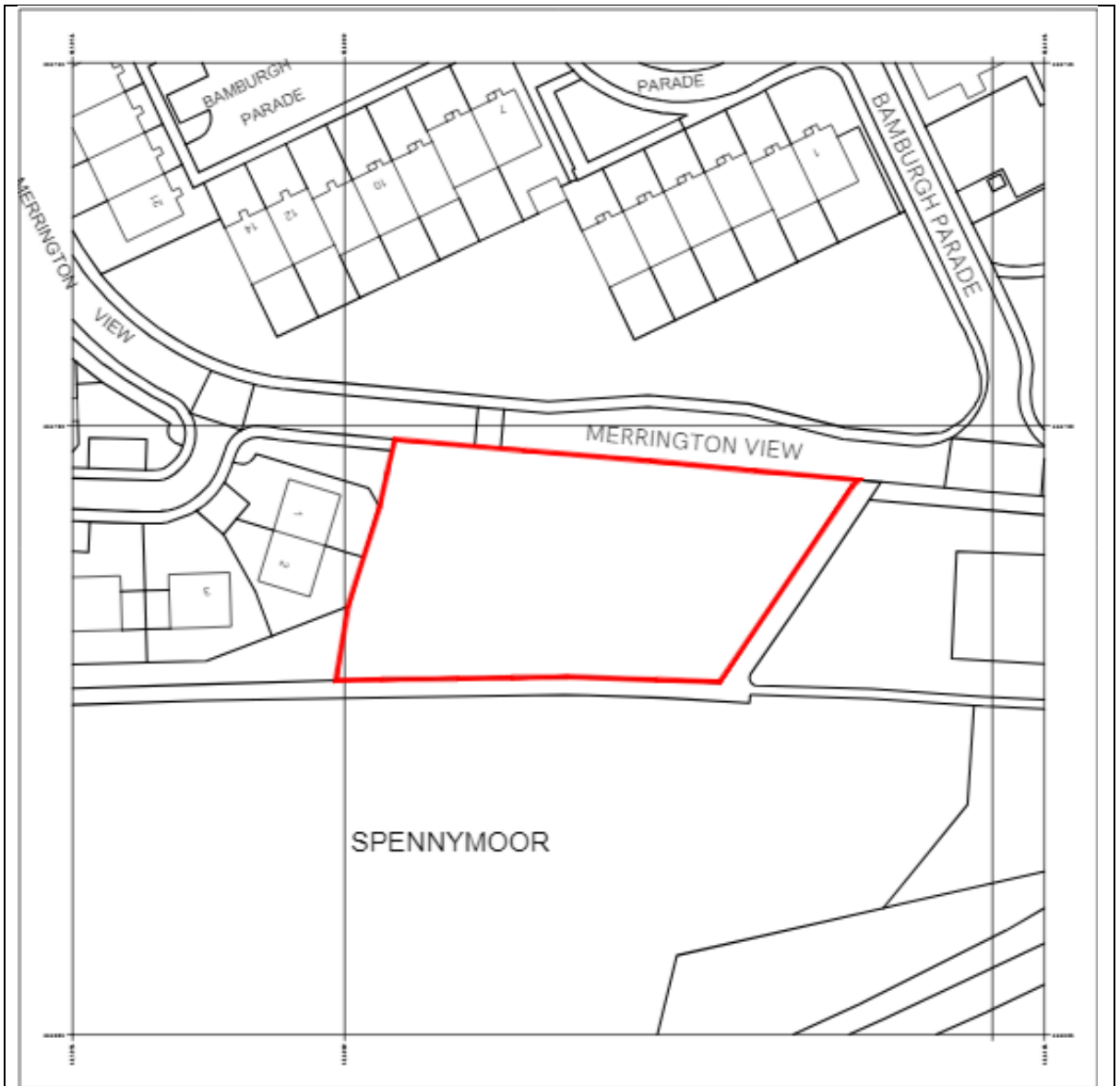
No construction works or works of demolition whatsoever, including deliveries, external running of plant and equipment, internal works whether audible or not outside the site boundary, shall take place on Sundays, Public or Bank Holidays.

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

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

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documents
National Planning Policy Framework
National Planning Practice Guidance Notes
County Durham Plan (2020)
o Trees, Woodlands and Hedges SPD (2024)
o Development Viability, Affordable Housing and Financial Contributions SPD (2024)
o Residential Amenity Standards SPD (2023)
o Parking and Accessibility SPD (2023)
o Durham County Council Open Space Needs Assessment (2018)
Statutory consultation responses
Internal consultation responses
External consultation responses



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<p>Planning Services</p>	<p>Erection of 7no. 1-bedroom dwellings and 1no 1 bedroom dwelling to be occupied by onsite manager, and provision of access, landscaping and ancillary works.</p>	
<p>This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding. Durham County Council Licence No. 100022202 2024</p>	<p>Comments</p>	
	<p>Date: 12.02.2025</p>	



Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

Application No:	DM/23/03169/FPA
Full Application Description:	Construction of 42 no. bungalows (as amended)
Name of Applicant:	Karbon Homes Limited & Durham Aged Mineworkers' Housing Association
Address:	Land West of Petrol Filling Station, Bank Top Terrace, Trimdon Village, TS29 6PW
Electoral Division:	Trimdon and Thornley
Case Officer:	George Spurgeon (Principal Planning Officer) Tel: 03000 261 959 Email: george.spurgeon@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSAL

The Site

1. The application site comprises predominately greenfield land, with an area of brownfield land situated at the site entrance (east). The site measures approximately 2.10ha in total and is located west of Salters Lane (B1278), north of Trimdon Village and existing residential development at Tees View and Skerne Avenue.
2. The site is bound by low-level vegetation to the west and an existing play park, accessible from Skerne Avenue which is itself located to the south. The area of brownfield land to the east consists of two bungalows constructed on a former Petrol Station, with the previous forecourt now functioning as associated parking area. Agricultural land lies beyond the application site to the north, in which direction the land slopes steeply down.
3. The B1278 Salters Lane is a two-way single carriageway road that runs in a north-south direction with a 30mph speed limit within the vicinity of the site, which changes to a derestricted (60mph) to the north.

4. The application site is not covered by any landscape, ecological or heritage designations.

The Proposal

5. The application seeks full planning permission for the erection of 42 no. single-storey, 2-bedroom, affordable bungalows which will be shared between Karbon Homes and Durham Aged Mineworkers' Homes Association (DAMHA). Key provisions as described by the applicant include 100% affordable bungalows on site, all of which are allocated as Affordable Rent. The bungalows would be constructed from a limited palette of materials comprising a mix of brick and render to elevations and tile pitched roofs.
6. The site layout in its revised form proposes a mix of semi-detached dwellings and short terraced rows all arranged in blocks. Shared resident gardens are provided to central dwellings which would be under DAMHA management. The remaining properties would be managed by Karbon Homes.
7. A singular, new, point of access from Salters Lane is proposed to provide vehicle access to all dwellings. In total, 72 parking spaces are provided on-site, including 17 visitor parking bays. Off-site highway improvements are also proposed, with a revised arrangement of the junction of Salters Lane (B1278) and an unclassified road (UNC 36.3).
8. Structural landscaping is proposed along the northern boundary of the site, with a SuDS Basin to be provided on the lower land level further to the north of the main site.
9. The application is being reported to the South West Planning Committee in accordance with the Council's Scheme of Delegation as it constitutes major residential development with a site area under 4ha.

RELEVANT PLANNING HISTORY

The following planning applications are relevant to the current application:

- 7/2005/0431/DM – Change of use of land for storage of building supplies and motor vehicles (retrospective) at Trimdon Service Station Bank Top Bungalows Trimdon, Trimdon Station TS296PW. Withdrawn application
- 7/2004/0768/DM – Residential development consisting of 7 dwellings (outline application) at Bank Top Trimdon Service Station Bank Top Terrace Trimdon Village. Refused on the 7 February 2005.

PLANNING POLICY

National Policy

10. The following elements of the National Planning Policy Framework (NPPF) are considered relevant to this proposal:
11. *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.
12. *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.
13. *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.
14. *NPPF Part 8 Promoting Healthy and Safe Communities* - The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
15. *NPPF Part 9 Promoting Sustainable Transport* - Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
16. *NPPF Part 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.
17. *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.

18. *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.
19. *NPPF Part 15 Conserving and Enhancing the Natural Environment* - Conserving and enhancing the natural environment. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from Page 73 pollution and land stability and remediating contaminated or other degraded land where appropriate.

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

National Planning Practice Guidance:

20. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to: air quality; historic environment; design process and tools; determining a planning application; flood risk; healthy and safe communities; land affected by contamination; housing and economic development needs assessments; housing and economic land availability assessment; light pollution; natural environment; noise; public rights of way and local green space; planning obligations; use of planning conditions; and; water supply, wastewater and water quality.

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

Local Plan Policy:

The County Durham Plan (CDP)

21. *Policy 1 (Quantity of Development)* outlines the levels of employment land and housing delivery considered to be required across the plan period.
22. *Policy 6 (Development on Unallocated Sites)* states the development on sites not allocated in the Plan or Neighbourhood Plan, but which are either within the built-up area or outside the built up area but well related to a settlement will be permitted provided it: is compatible with use on adjacent land; does not result in coalescence with neighbouring settlements; does not result in loss of land of recreational, ecological, or heritage value; is

appropriate in scale, design etc to character of the settlement; it is not prejudicial to highway safety; provides access to sustainable modes of transport; retains the settlement's valued facilities; considers climate change implications; makes use of previously developed land and reflects priorities for urban regeneration.

23. *Policy 10 (Development in the Countryside)* states that development will not be permitted unless allowed for by specific policies in the Plan or Neighbourhood Plan or unless it relates to exceptions for development necessary to support economic development, infrastructure development or development of existing buildings. The policy further sets out 9 General Design Principles for all development in the Countryside.
24. *Policy 14 (Best and Most Versatile Agricultural Land and Soil Resources)* states that 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.
25. *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.
26. *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.
27. *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.
28. *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.
29. *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.

30. *Policy 27 (Utilities, Telecommunications and Other Broadcast Infrastructure)* requires all residential and commercial development to be served by a high-speed broadband connection, where this is not appropriate, practical or economically viable developers should provide appropriate infrastructure to enable future installation.
31. *Policy 29 (Sustainable Design)* requires all development proposals to achieve well designed buildings and places having regard to SPD advice and sets out 18 elements for development to be considered acceptable, including: making positive contribution to areas character, identity etc.; adaptable buildings; minimising greenhouse gas emissions and use of non-renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; and suitable landscape proposals. Provision for all new residential development to comply with Nationally Described Space Standards.
32. *Policy 31 (Amenity and Pollution)* sets out that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and that they can be integrated effectively with any existing business and community facilities. Development will not be permitted where inappropriate odours, noise, vibration and other sources of pollution cannot be suitably mitigated against, as well as where light pollution is not suitably minimised. Permission will not be granted for sensitive land uses near to potentially polluting development.
33. *Policy 32 (Despoiled, Degraded, Derelict, Contaminated and Unstable Land)* requires that where development involves such land, any necessary mitigation measures to make the site safe for local communities and the environment are undertaken prior to the construction or occupation of the proposed development and that all necessary assessments are undertaken by a suitably qualified person.
34. *Policy 35 (Water Management)* requires all development proposals to consider the effect of the proposed development on flood risk, both on-site and off-site, commensurate with the scale and impact of the development and taking into account the predicted impacts of climate change for the lifetime of the proposal. All new development must ensure there is no net increase in surface water runoff for the lifetime of the development. Amongst its advice, the policy advocates the use of SuDS and aims to protect the quality of water.
35. *Policy 36 (Water Infrastructure)* advocates a hierarchy of drainage options for the disposal of foul water. Applications involving the use of non-mains methods of drainage will not be permitted in areas where public sewerage exists. New sewage and wastewater infrastructure will be approved unless the adverse impacts outweigh the benefits of the infrastructure. Proposals seeking to mitigate flooding in appropriate locations will be permitted though flood defence infrastructure will only be permitted where it is demonstrated as being the most sustainable response to the flood threat.

36. *Policy 39 (Landscape)* states that proposals for new development will only be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals are expected to incorporate appropriate mitigation measures where adverse impacts occur. Development affecting Areas of Higher landscape Value will only be permitted where it conserves and enhances the special qualities, unless the benefits of the development clearly outweigh its impacts.
37. *Policy 40 (Trees, Woodlands and Hedges)* states that proposals for new development will not be permitted that would result in the loss of, or damage to, trees, hedges or woodland of high landscape, amenity or biodiversity value unless the benefits of the scheme clearly outweigh the harm. Proposals for new development will be expected to retain existing trees and hedges or provide suitable replacement planting. The loss or deterioration of ancient woodland will require wholly exceptional reasons and appropriate compensation.
38. *Policy 41 (Biodiversity and Geodiversity)* states that proposal for new development will not be permitted if significant harm to biodiversity or geodiversity resulting from the development cannot be avoided, or appropriately mitigated, or as a last resort, compensated for.
39. *Policy 42 (Internationally Designated Sites)* states that development that has the potential to have an effect on internationally designated sites, either individually or in combination with other plans or projects, will need to be screened in the first instance to determine whether significant effects on the site are likely and, if so, will be subject to an Appropriate Assessment.

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

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

40. *Policy 43 (Protected Species and Nationally and Locally Protected Sites)* development proposals that would adversely impact upon nationally protected sites will only be permitted where the benefits clearly outweigh the impacts whilst adverse impacts upon locally designated sites will only be permitted where the benefits outweigh the adverse impacts. Appropriate mitigation or, as a last resort, compensation must be provided where adverse impacts are expected. In relation to protected species and their habitats, all development likely to have an adverse impact on the species' abilities to survive and

maintain their distribution will not be permitted unless appropriate mitigation is provided or the proposal meets licensing criteria in relation to European protected species.

Supplementary Planning Documents:

41. *County Durham Building for Life SPD (2019)* – Provides guidance on the application of the Building for Life standards and the Design Review process referenced in CDP Policy 29 to ensure well-designed major residential development proposals.
42. *Residential Amenity Standards SPD (2023)* – Provides guidance on the space/amenity standards that would normally be expected where new dwellings are proposed or existing dwellings are to be extended.
43. *Parking and Accessibility SPD (2023)* – Provides guidance on minimum parking requirements on development sites to ensure sufficient parking is parking, this also includes requirements for Electric Vehicle Charging Points at places of employment, supermarkets and other retail development. The guidelines have been designed to encourage the use of more sustainable modes of travel including walking, cycling and use of public transport.
44. *Trees, Woodland and Hedges SPD (2024)* – Sets out guidance to ensure that trees, woodlands and hedges are fully considered as part of the planning process, so that the multiple benefits they provide can be experienced by the residents of, and visitors to, the county. It provides background information and guidance on protecting features through the development process so that they can be integrated into new development including new planting. It also provides information on Tree Preservation Orders and trees in Conservation Areas.
45. *Development Viability, Affordable Housing and Financial Contributions SPD (2024)* – Sets out the approach to deciding and ensuring developer contributions for new development (such as housing). It recognises that developments that include an increase in new housing can affect the physical, social and environmental surroundings due to the increased demand for services and increased use of facilities as a result of the additional people. By ensuring developers provide financial contributions, the effects can be reduced and, where possible, bring positive benefits for the local area.

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

Neighbourhood Plan:

46. The application site is not located within an area where there is a Neighbourhood Plan in force.

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 Consultee Responses:

47. *Town / Parish Council* – None received.
48. *Highways Authority* – Advise that the scheme does not accord with the Council's Parking and Accessibility SPD and request that the layout be amended to increase the provision of parking.
49. Also request a traffic management scheme and the extension of the footpath at the site entrance to the south. Advise that the anticipated additional traffic flows arising from the development could be safely accommodated on the existing surrounding highway network.
50. *Lead Local Flood Authority and Drainage and Coastal Protection* – Indicate their satisfaction with the principle of the proposed drainage strategy subject a condition to secure final design details.
51. *Natural England* – At the time of writing, comments on the Council's Habitats Regulation Assessment have not been received. However, these are expected prior to the date of the committee meeting and no issues are anticipated given the submission by the applicant of a Nutrient Neutrality Provisional Credit Certificate which is countersigned by Natural England.

Internal Consultee Responses:

52. *Spatial Policy* – Advise that the proposed scheme could, based on the viability information provided, make the required financial Green Infrastructure contribution of £66,112.20.
53. *Design and Conservation* – Advise that the proposed architectural approach is appropriate but raise concern over the density of the development in this edge of settlement location.
54. *Landscape Section* – Advise that the structural landscaping along the northern site boundary has been increased to an acceptable width.
55. *Arboricultural Officer (Trees)* – Advise that the impact of the proposals upon existing trees would be acceptable but raise concerns over the species and positioning of some of the proposed tree planting.
56. *Ecology* – Raise no objections as net gains in biodiversity would be achieved on-site and have undertaken a Habitats Regulations Assessment confirming that the required amount of credits has been secured, evidenced through the submission of a provisional nutrient neutrality credit certificate from Natural England.
57. *Public Rights of Way Section* – Advise that there are no recorded PRowS within the red line boundary of the site and that the path along the northern site boundary at present has no formal status though may have acquired public rights through long usage.

58. *Environmental Health and Consumer Protection (Nuisance)* – Raise no objections subject to a condition to secure adherence to the submitted Construction Management Plan. Advise that the development is unlikely to cause a statutory nuisance.
59. *Environmental Health and Consumer Protection (Contamination)* – Advise that a Phase 3 Remediation Strategy and Phase 4 Verification Report is required, to be secured via a suitably worded condition.
60. *Archaeology* – Advise that an appropriate archaeological evaluation has been undertaken and recommend a condition to secure a Watching Brief.
61. *Affordable Housing* – Request that further information regarding the need for the number of bungalows proposed in this location is provided.
62. *Education Provision Lead Officer* — Request no financial contributions.

External Consultees

63. *Police Architectural Liaison Officer (Durham Constabulary)* – Provide general advice on principles to design out crime.
64. *Northumbrian Water* – No response received.
65. *Environment Agency* – No response received.
66. *NHS North East and North Cumbria Integrated Care Board* – Request financial contributions of £20,289 to go towards increasing GP surgery capacity.

Public Responses:

67. The application has been advertised in the Northern Echo by site notice and individual notification letters sent to neighbouring properties. It should be noted that this includes a re-consultation exercise and some repeated representations or from the same property. 5 letters of objection have been received raising the following concerns:
 - Residential Amenity: Concerns that the proposed bungalows are too close to existing properties. Concern was also raised regard the effect of the proposed boundary treatments on existing properties, stating they were too high and not secure, and anti-social behaviour.
 - Visual Impact: Concerns were raised over the visual impact of the proposed development given its position on a hill, and that the design, appearance and materials proposed are not characteristic of the village.
 - Highways and Access is a significant area of concern for objectors who are concerned with highways safety, risk of accidents, increased traffic, lack of public transport. Objectors commented the proposed access and highways layout were not sufficient and traffic calming measures proposed by the applicant would not be suitable for larger traffic. Additional comments were made about the development's accessibility for older/disabled people –

commenting bungalows wouldn't be suitable on a slope, as may cause issues for people with limited mobility. They felt the location could be worse in winter.

- Services and facilities: Objectors were concerned about the impact of the proposal on healthcare services, school capacity, emergency services and dentists as well as the lack of suitable nearby shops.
- Drainage, Waste and Water: Concerns were raised about the proposals potential effects on water supply, surface and foul water drainage, water pressure, water stores as well as the potential for flooding.
- Amenities: concerns raised relating to the impacts of construction (including dust and noise) and impacts of the development on the electric grid.

Elected Members

68. No comments from Councillors received.

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

Applicants Statement:

69. The application proposes the construction of 42no. Affordable Rented bungalows on behalf of Karbon Homes and Durham Aged Mineworkers' Home Association (DAMHA). The site comprises a mix of green and brownfield land within the context of existing residential development.
70. It is acknowledged that the proposed layout does not include sufficient car parking spaces to meet the SPD requirements. However, we would highlight that the SPD does not specifically consider 100% affordable bungalow housing development, and based on our own experience, an appropriate balance has been struck on parking provision for the proposed development which takes a pragmatic, evidenced based approach to deviate from the SPD requirements, which is allowed for within guidance.
71. Through extensive discussions with Planning Officers and the Local Planning Authority, the scheme has been amended since its original submission to comprehensively respond to both Consultee and Public comments. Working closely with Officers has resulted in a sustainable scheme which provides much needed affordable bungalows within south east Durham.

PLANNING CONSIDERATION AND ASSESSMENT

72. 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.

73. 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, along with advice set out in the Planning Practice Guidance notes. Other material considerations include representations received.
74. In this context, it is considered that the main planning issues in this instance relate to the Principle of Development, Locational Sustainability, Highway Safety Issues, Landscape and Visual Impact, Design and Layout, Residential Amenity, Drainage and Flood Risk, Ecology and Biodiversity Net Gain, Nutrient Neutrality, Archaeology, Ground Conditions and Land Stability, Planning Obligations and Other Matters.

Principle of Development

75. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The County Durham Plan (CDP) is the statutory development plan and the starting point for determining applications as set out in the Planning Act and reinforced at NPPF Paragraph 12. The CDP was adopted in October 2020 and provides the policy framework for the County up until 2035 and is therefore considered up to date.
76. NPPF Paragraph 11c requires applications for development proposals that accord with an up to date development plan to be approved without delay. NPPF Paragraph 12 states that where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.
77. CDP Policy 1 sets out the quantum of development to meet the needs for housing over the Plan period. A large proportion of the housing need consists of already committed sites, including those sites with planning permission. Notwithstanding that a housing land supply in excess of 5 years can be demonstrated, the CDP does not seek to cap the growth of housing and Paragraph 60 makes it clear that one of the Government's key objectives is to significantly boost the supply of homes.
78. The application site is not allocated for housing by CDP Policy 4, or for any other development, but has been previously assessed under the Strategic Housing Land Availability Assessment (SHLAA) under reference 7/TV/117 where it was given a suitability rating of green but considered not achievable to develop at that time. This indicates that the site is suitable for residential development.
79. The application site comprises a parcel of predominantly agricultural land located on the northern edge of Trimdon Village. The site does not lie within the settlement and so is within the open countryside in planning terms. Therefore, CDP Policy 10 is relevant which seeks to direct development

towards the main built up area in the first instance, but is permissible towards development in the countryside where 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 listed exceptions.

80. In this instance, there is no neighbourhood plan relating to the application site. The exceptions contained within CDP Policy 10 relate to economic development, infrastructure development, and the development of existing buildings. The exceptions do not cover new residential development, as is proposed by this application. However, footnote 54 to CDP Policy 10 identifies that such relevant specific policies includes “development on unallocated sites” which brings into play CDP Policy 6.
81. This policy recognises that in addition to the development of specifically allocated sites, there will be situations where future opportunities arise for additional new development, this includes windfall housing sites. CDP Policy 6 sets out that the development of sites which are not allocated in the Plan which are either (i) in the built up area; or (ii) outside the built up area but well related to a settlement will be permitted provided the proposal accords with all relevant development plan policies and:
- a. is compatible with, and is not prejudicial to, any existing, allocated or permitted use of adjacent land;
 - b. does not contribute to coalescence with neighbouring settlements, would not result in ribbon development, or inappropriate backland development;
 - c. does not result in the loss of open land that has recreational, ecological or heritage value, or contributes to the character of the locality which cannot be adequately mitigated or compensated for;
 - d. is appropriate in terms of scale, design, layout, and location to the character, function, form and setting of, the settlement;
 - e. will not be prejudicial to highway safety or have a severe residual cumulative impact on network capacity;
 - f. has good access by sustainable modes of transport to relevant services and facilities and reflects the size of the settlement and the level of service provision within that settlement;
 - g. does not result in the loss of a settlement's or neighbourhood's valued facilities or services unless it has been demonstrated that they are no longer viable;
 - h. minimises vulnerability and provides resilience to impacts arising from climate change, including but not limited to, flooding;
 - i. where relevant, makes as much use as possible of previously developed (brownfield) land; and
 - j. where appropriate, it reflects priorities for urban regeneration.

82. The County Durham Plan defines 'the built up area' as land contained within the main body of existing built development of a settlement or is within a settlement boundary defined in a Neighbourhood Plan. Areas falling outside this definition will be regarded as countryside. The supporting text to this policy at Paragraph 4.110 advises 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.
83. In this respect, the site comprises a mix of mostly agricultural land with an element of previously developed land formerly used as a petrol station. The site is immediately adjacent to the northern edge of Trimdon and would infill an area between the previously developed part of the site at its eastern end and the existing play facilities to the west. Consequently, the site is considered to meet the initial purpose of CDP Policy 6.
84. The site lies immediately adjacent to existing dwellings and so developing the site for housing is considered to accord with criterion a). There would be no conflict with criterion b).
85. Criterion i) states that where relevant, development should make as much use as possible of previously developed (brownfield) land. Part of the site has previously been developed, and the proposals will bring this part of the site back into use. This element of the Policy seeks to encourage development of previously developed land but does not deter the use of greenfield land.
86. The scheme would result in the loss of any services or facilities and so accords with the aims of criterion g).
87. Criterion j) seeks to reflect priorities for urban regeneration. While the proposed development would primarily see the development of greenfield land on the edge of a rural village, a parcel of previously developed land would also be developed. Therefore, it is considered that the application does not conflict with criterion j).
88. Criteria c), d), e), and h) will be addressed under the relevant headings later in this report.
89. The overarching Policies relevant to consideration of the principle of development must be considered as each of the individual topic areas is assessed in detail, for eventual weighting and conclusion through the 'planning balance' at the end of this report.

Locational Sustainability

90. CDP Policy 21 requires all development to deliver sustainable transport by facilitating investment in safe sustainable modes of transport, 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. The Policy requires all development to have regard to the policies set out in the County Durham's Strategic Cycling and Walking Delivery Plan and, where possible, contribute to the development of a safe strategic cycling and walking network and in particular the routes set out in Local Cycling and Walking

91. Criterion f) of CDP Policy 6 requires the development of unallocated sites to have good access by sustainable modes of transport to relevant services and facilities and to reflect the size of the settlement and the level of service provision within that settlement.
92. Criterion p) of CDP Policy 10 does not permit development in the countryside where it would be solely reliant upon unsustainable modes of transport, with new development in countryside locations not well served by public transport expected to exploit any opportunities to make a location more sustainable including improving the scope for access on foot, by cycle or by public transport.
93. These policies are in line with the following sections of the NPPF. NPPF Paragraph 96 seeks for planning decisions to aim to achieve healthy, inclusive and safe places and beautiful buildings which include street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, that are safe and accessible, and to reduce health inequalities between the most and least deprived communities.
94. NPPF Paragraph 110 advises that the planning system should actively manage patterns of growth and 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. However, it acknowledges that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and advises that this should be taken into account in both plan-making and decision-making.
95. In addition, NPPF Paragraph 115 states that it should be ensured that sustainable transport modes are prioritised taking into account of the vision for the site, the development and its location.
96. NPPF Paragraph 117 a) advises that priority should first be given to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use. Part b) also seeks to ensure that the needs of people with disabilities and reduced mobility are addressed in relation to all modes of transport.
97. 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. Trimdon is a medium sized village rated as having a settlement score of 35.1 (46th out of 230), reflecting that there is a reasonable range of services within it. However, Trimdon's scoring within the Settlement Study does not establish that this particular site on the edge of the settlement is a sustainable location for development and each application must be considered on its own merits.
98. Criteria a) and b) of CDP Policy 21 specifically prioritise pedestrian connectivity ahead of cycling and bus transport. In this regard, attention is drawn to the guidance contained within the CIHT's Planning for Walking (2015) which states under Section 6.4: "*Building Sustainable Transport into New Developments (DfT, 2008) gives the following advice on pedestrian catchment areas:*

Traditional compact town layouts: Walking neighbourhoods are typically characterised as having a range of facilities within 10 minutes' walking distance (around 800 metres). However, 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. Developers should consider the safety of the routes (adequacy of surveillance, sight lines and appropriate lighting) as well as landscaping factors (indigenous planting, habitat creation) in their design. The power of a destination determines how far people will walk to get to it. For bus stops in residential areas, 400 metres has traditionally been regarded as a cut-off point and in town centres, 200 metres (DOENI, 2000). People will walk up to 800 metres to get to a railway station, which reflects the greater perceived quality or importance of rail services."

99. Criterion a) of CDP Policy 21 requires all development to deliver, accommodate and facilitate investment in safe sustainable modes of transporting in the following order of priority:
- those with mobility issues or disabilities,
 - walking,
 - cycling;
 - then bus and rail transport
100. There are numerous facilities and services within the village within reasonable walking distance, including a range of shops on Church Road, a public house, a post office, a pharmacy, and a Co-op, all within an 800m walking distance from the centre of the site. Whilst the topography may present challenges for some of the proposed occupants, the walking route from the site to Church Road is via a continuous lit roadside footpath with dropped kerbs prevalent to aid access by mobility scooter.
101. In terms of public transport options, there are bus stops within 400m of the furthest dwelling within the site where the No.59 connects Durham City to Hartlepool via several local settlements, providing an hourly service from 7am to 7:30pm Monday to Saturday; and the X22 connects Peterlee to Middlesbrough, providing an hourly service from 7:30am to 6pm Monday to Saturday.
102. Taking into account the above, the site is considered to represent a sustainable location for the scale of development proposed, with due regard to the quoted guidance, meeting the requirements of CDP Policies 6 f), 10 p), and 21, as well as Part 9 of the NPPF.

Highway Issues

103. CDP Policy 21 outlines that development should not be prejudicial to highway safety or have a severe cumulative impact on network capacity. It also expects developments to deliver well designed pedestrian routes and sufficient cycle and car parking provision. Similarly, CDP Policy 29 advocates that convenient access is made for all users of the development together with connections to existing cycle and pedestrian routes. Detailed Parking and Accessibility advice is set out in the SPD. NPPF Paragraph 115 sets out that safe and suitable access should be achieved for all people. In addition, NPPF Paragraph 116

states that development should only be refused on transport grounds where the residual cumulative impacts on development are severe.

104. The proposed development takes access from the adopted classified road B1278 Salters Lane via a simple junction with 10 metre radii. The road width of 5.5 metres is in accordance with the design standard.
105. The application is supported by a Transport Assessment which has been analysed by the Highways Officer who concurs that the traffic flows generated by the development can be accommodated within the capacity of the surrounding highway network. This document includes a traffic management scheme to mitigate vehicle speeds on the approach to the village which is considered to be appropriate.
106. In addition, a small section of land which formed part of the frontage to the former petrol filling station which does not form part of the adopted highway falls within the proposed site access and will require improvement and the provision of an adoptable footway extending southwards to connect to the existing highway, for the benefit of residents walking into the local centre of the village. Conditions are recommended to secure these.
107. Whilst several objectors have raised concerns over matters of highways safety, including over increased traffic and the proposed access, the application has been carefully considered by the Highways Officer who has advised that the scheme would not have an unacceptable impact upon highway safety and that a refusal reason on these grounds could not be sustained.
108. Subject to conditions this aspect of the proposed development is considered acceptable when considered against the requirements of CPD Policy 21 and Part 9 of the NPPF.

Car Parking

109. The proposed layout proposes the following parking provision; 53 allocated parking spaces, 2 unallocated parking spaces, and 17 visitor parking spaces. This provides a total of 72 parking spaces across the development. The Council's adopted Parking and Accessibility SPD (PASPD) requires a minimum of 84 allocated parking spaces and 11 visitor spaces, which is a total of 95 spaces. This represents an overall shortfall of 23 car parking spaces, and a conflict with the PASPD.
110. The developer initially contended that given the intended age group of the bungalows (over 55's), that all of the proposed dwellings would be bungalows, and the rural location of the site, that they should not be required to comply with the parking standards. However, this was not accepted as no comparable data for a bungalow estate of a similar size was provided, and over 55's still falling within the working age group who may travel by car to work and receive visitors even if not working. Furthermore, whilst Trimdon benefits from a range of services and sustainable transport options to these, it still represents a relatively rural location with prospective residents considered likely to have at least one car, if not two.

111. Following this, the developer advised that in order to meet the parking standards they would need to reduce the number of units which would make the scheme unviable to deliver. Viability information was subsequently provided and considered by the Council, and it is accepted that in this particular instance it would not be possible to deliver the scheme with the typically required amount of car parking.
112. In this regard it is noted that Paragraph 4.3 of the PASPD advises that, '*In certain circumstances which can be evidenced, for example, for reasons of sustainability, design or viability, a deviation from these guidelines may be considered*'.
113. Ultimately, whether the shortfall of car parking provision can be accepted should be considered in the planning balance, which is undertaken in the conclusion.

Landscape and Visual Impact

114. CDP Policy 10 l) seeks to protect townscape qualities, including important vistas and the intrinsic character and beauty of the wider countryside. Criterion o) seeks to avoid development that would impact adversely upon the setting, townscape qualities, or form of a settlement which cannot be adequately mitigated or compensated for.
115. CDP Policy 6 c) is not permissible towards development that would result in the loss of open land that contributes to the character of the locality which cannot be adequately mitigated or compensated for. It is noted that the informal footpath along the northern site boundary would be retained.
116. CDP Policy 39 states proposals for new development will be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals would be expected to incorporate appropriate measures to mitigate adverse landscape and visual effects.
117. CDP Policy 40 seeks to avoid the loss of existing trees and hedgerows unless suitable replacement planting is provided, stating that proposals for new development that would result in the loss of, or damage to, trees of high landscape, amenity or biodiversity value will not be permitted unless the benefits of the proposal clearly outweigh the harm.
118. Parts 12 and 15 of the NPPF promote good design and sets out that the planning system should contribute to and enhance the natural and local environment by (amongst other things) recognising the intrinsic character and beauty of the countryside and optimise the potential use of the site.
119. The site is not covered by any national or local landscape designations. Landscape features on the site comprise a small number of trees primarily located within boundary hedgerows and are to be retained with the removal of four trees and minor pruning works proposed. The Council's Arborist is satisfied that the proposed development could be undertaken without adversely affecting these landscape features. Accordingly, there is no conflict with CDP Policy 40. It is recommended that a condition be imposed to secure adherence to the submitted Arboricultural report.

120. The proposed development would extend the settlement northwards and so a key issue in the determination of this application is whether the development of the site would be a natural extension to the settlement or whether it would unacceptably affect the landscape character of the countryside.
121. Amendments to the scheme have been made, including strengthening the structural landscaping on the northern boundary. In addition, visualisations showing the impact of the proposed development in longer distance views at both construction and once the structural landscaping were to become established have been submitted to illustrate the impact of the proposed development.
122. Residents have raised concerns over the visual impact of the proposed development given its position on a hill. Whilst the site occupies an elevated position visible when travelling south along the B1278 when leaving Trimdon Grange and UNC 36.3, given the scale of the development which comprises only bungalows and the structural landscaping, the development is not considered to have a significant visual impact.
123. It is noted that the Council's Arborist has raised a number of concerns over the information shown on the Detailed Landscape Plan, including over the suitability of species shown to be planted in small spaces within close proximity to driveways and dwellings, the tree staking design, and the lack of planting specification details. Therefore, a condition is recommended to secure appropriate details in this regard.
124. Overall, whilst the proposals would cause some localised landscape harm through the loss of the agricultural land, the mitigation proposed in the form of the structural landscaping along the northern site boundary is considered to be suitable and appropriate. Therefore, the proposed development is not considered to cause unacceptable landscape harm in the context of CDP Policy 39 and, subject to conditions, accords with CDP Policies 6 d), 10 l) and o), 39, and 40, as well as Parts 12 and 15 of the NPPF.

Design and Layout

125. CDP Policy 29 outlines that development proposals should contribute positively to an area's character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities.
126. Parts 12 and 15 of the NPPF also seek to promote good design, while contributing to and enhancing the natural and local environment by (amongst other things) recognising the intrinsic character and beauty of the countryside and optimise the potential use of the site. Specifically, NPPF Paragraph 135 states that planning decisions should aim to ensure developments function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, are sympathetic to local character and the surrounding built environment and landscape setting, and establish or maintain a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit.

127. A Building for Life Supplementary Planning Document (2019) (BfL SPD) has been adopted by the Council. In recognition of national planning advice and to achieve high quality housing developments the Council has adopted an in-house review process to assess schemes against the Building for Life 12 (BfL 12) Standards. The BfL SPD formalises the review process and establishes the guidelines and standards for its operation and is linked to the Sustainable Design Policy (29) in the County Durham Plan. The 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. CDP Policy 29 states that schemes with one or more red scores will not be acceptable and will be refused planning permission unless there are significant overriding reasons.
128. At the final consideration of the application by the internal Design Review Panel, the scheme received 6 “reds”, 3 “amber” and 3 “green” scores.
129. Red” scores were received in relation to the following:
- Connections – Concerns were raised that part of the informal footpath along the northern site boundary lies outside the control of the applicant. However, the applicant has since confirmed that this lies under the control of the Parish Council and that following discussions with them the footpath is to be retained. Therefore, this concern is considered to have been addressed and should instead score green.
 - Character – Whilst the architectural approach and structural landscaping is considered to be acceptable, concerns were raised over the density of the development. The scheme would have a net density of approximately 30.8 dwellings per hectare (dph). Whilst such a density is usually expected in and around town centres, as well as locations where there is good access to facilities and frequent public transport services, lower densities are typically expected in edge of settlement locations to ensure good design and that the development that is compatible with its surroundings and character. However, compared to two storey dwellings with an approximate density of 31.4 dwellings per hectare at Skerne Avenue/Tees View to the south of the site the proposed density can be considered, on balance, acceptable to the existing site context by creating a new settlement edge that steps down in scale to single-storey bungalows, compared to the predominantly two-storey adjacent dwellings along Skerne Avenue and Tees View. Therefore, an amber score is considered more suitable in relation to this question.
 - Working with the site and its context – Concerns were raised that the development does not take advantage of existing topography. Generally, development is expected to work with contours of the land rather than against them, with the site sloping steeply down towards the north in this instance. However, the scheme has been designed to comprise bungalows and to feature an appropriate structural landscaping buffer along its northern boundary to help assimilate the development from views on the southern approach to the village. Consequently, it is considered that an amber score is more appropriate.

- Car Parking – Concerns were raised that there is an under provision of 23 car parking spaces against the requirements of the PASPD. This remains a red score.
- Public and private spaces – Concerns were raised that there is insufficient treatment of surface water runoff from the carriageway. The Lead Local Flood Authority have since indicated their satisfaction with the proposed Drainage Strategy which will be discussed further under the relevant heading below. Therefore, it is considered that the scheme should score amber in relation to this question.
- External storage and amenity space – Whilst a timber shed has been added within each rear garden concerns were raised that the rear gardens to 15 Plots are below the 9m length required by the Council’s Residential Amenity Standards SPD, restricting the use of the rear garden for external amenity space. This remains a red score.

130. “Amber” scores were received in relation to

- Meeting local housing requirements – The Council’s Affordable Housing Officer requested further information to demonstrate the need for the number of bungalows proposed in this location but no such evidence was provided.
- Creating well defined streets and spaces & Streets for all – Concerns were raised that insufficient car parking provision is made which may lead to increased on-street parking that affects the ability to use streets as social spaces.

131. “Green” scores were received in relation to Facilities and Services; Public Transport; and Wayfinding.

132. It is considered that following amendments to the scheme it should now receive 2 “reds”, 6 “amber” and 4 “green” scores.

133. CDP Policy 29 n) requires all major new residential development to secure as many greens as possible, whilst minimising the number of ambers, and that schemes with one or more red will not be acceptable and will be refused planning permission unless there are significant overriding reasons.

134. The remaining red scores relate to insufficient car parking provision and inadequate rear garden lengths. As considered under the heading above, the applicant has demonstrated to the Council’s satisfaction that in this instance they would be unable to deliver a viable policy compliant scheme. Whether this amounts to a significant reason overriding the red score will be discussed in the planning balance at the end of this report. The rear garden lengths are discussed further under the Residential Amenity heading below.

Residential Amenity

135. 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.

136. CDP Policy 31 seeks to safeguard the amenity of existing and future occupants in terms of overlooking, visual intrusion, visual dominance, loss of light, noise, and privacy. Criterion a) of Policy 6 also seeks to ensure that the development of unallocated sites is compatible with, and is not prejudicial to, any existing, allocated or permitted use of adjacent land, whilst criterion r) of Policy 10 is not permissible towards development that would impact adversely upon residential or general amenity.
137. In addition, CDP Policy 29 states that all new residential development will be required to comply with the Nationally Described Space Standards (NDSS). The applicant has confirmed that all of the proposed dwellings have been designed to comply with the NDSS.
138. A Residential Amenity Standards Supplementary Planning Document (RASSPD) has also been adopted by the Council, which recommends that dwellings benefit from gardens which are at least 9m long. As discussed above, 15 Plots would feature a rear garden below this minimum length. The applicant has advised that the provision of shorter gardens has been designed to suit the intended occupants by providing smaller gardens with lower maintenance requirements, although no corroborating evidence has been provided. This conflict will be considered further in the planning balance at the end of the report.
139. The RASSPD also advocates minimum separation distances of 21m between primary habitable room windows which are adjacent to each other where either building exceeds a single storey, and a minimum of 18m between primary habitable room windows which are adjacent to each other and both buildings are single storey. Where a main facing elevation containing a primary habitable room window is adjacent to a gable wall which does not contain a primary habitable room window, a minimum distance of 13m shall be provided where either building exceeds a single storey or 10m where both buildings are single storey. Generally, these distances would be achieved to both existing and proposed dwellings.
140. Residents have raised concerns over the gap between the fencing and retaining walls to the southern Plots, as well as potential occurrences of anti-social behaviour arising from the development. The properties are to be rented out by Karbon Homes and DAMHA who would ultimately be responsible for maintaining the land and so this is not a material consideration in the determination of this planning application. Furthermore, the Police have not raised any objections to the application regarding potential anti-social behaviour and it is envisaged that this would be effectively managed by the applicant. A condition is recommended to secure final details of the retaining walls.
141. The application is supported by a Noise Assessment which identifies road traffic noise as the main source of noise that could impact upon the living conditions of the future occupiers of the proposed development. Enhanced glazing and ventilation is proposed to be installed to the ground and first floor habitable rooms of 6no. Plots in order to achieve suitable internally audible noise levels. Environmental Health have reviewed the Noise Assessment and concurred with its conclusions. A condition is recommended to secure adherence to the mitigation measures proposed.

142. Residents have raised concern over disruption during the construction phase of the development. A condition is recommended to secure details of a final Construction and Environmental Management Plan (CEMP).
143. Overall, the proposed development is not considered to adversely affect any existing residents whilst providing suitable living conditions for the future occupiers of the new dwellings, in terms of noise, light, outlook, and privacy, according with CDP Policies 6, 10, 29, and 31, and Parts 12 and 15 of the NPPF. The conflict with the minimum rear garden lengths set out by the RASSPD will be considered in the planning balance.

Drainage and Flood Risk

144. Part 14 of the NPPF seeks to resist inappropriate development in areas at risk of flooding, directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.
145. 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.
146. In addition, criterion h) of Policy 6 and s) of Policy 10 both require development to minimise vulnerability and provide resilience to impacts arising from climate change, including flooding.
147. The site is not located within a flood zone or an area identified as being at high risk of surface water flooding. The application is supported by a Flood Risk Assessment and Drainage Strategy.
148. The submitted information identifies that the soils beneath the site consist of clay which would not be suitable for infiltration. The closest watercourse is the River Skerne 400m to the north. Therefore, the application proposes to discharge surface water to this via a culvert via a roadside swale along the northern boundary, permeable paving and an attenuation basin beyond the main site on a lower level to the north. This accords with the hierarchy of preference set out by CDP Policy 35. The Lead Local Flood Authority have indicated their satisfaction with the principle of this approach, subject to a condition to secure further design details and hydraulic calculations.
149. The application proposes to discharge foul water to the existing sewer network, which accords with the hierarchy of preference set out by CDP Policy 36.
150. It is noted that some residents have raised concerns over the impact of the development upon the sewerage system. Ultimately, there is a separate regulatory regime managing water supply systems and it is the responsibility of Northumbrian Water (as the water and sewerage undertaker), to ensure that the network has sufficient capacity, that sewage is not discharged into the sea, and Ofwat (the Water Services Regulation Authority) to ensure that water companies such as Northumbrian Water properly carry out their statutory

functions and to secure the long-term resilience of water companies' water supply and wastewater systems and that they take steps to enable them. With Northumbrian Water not having objected to the application, it is therefore considered to accord with CDP Policy 36 and so does not warrant refusal on these grounds. The homes will also be required to be designed to meet the required water efficiency standards of 110 litres per person per day, which is the maximum set by separate Building Regulations legislation.

151. Overall, the proposed development would not increase flood risk on site or elsewhere according with CDP Policy 35 and 36, and Part 14 of the NPPF.

Ecology and Biodiversity Net Gain

Impact on Protected Species and their Habitats

152. There are no ecological designations within the site, with the closest being Trimdon Grange and Railway Local Wildlife Site (LWS), Captain's Well LWS and Charity Land SSSI located approximately 770m, 810m and 850m away respectively.
153. CDP 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.
154. In addition, criterion c) of CDP Policy 6 is not permissible towards the development of unallocated sites where it would result in the loss of open land that has ecological value which cannot be adequately mitigate or compensated for.
155. The application is supported by an Ecological Impact Assessment and Bat Survey which has been reviewed by the Council's Ecology Officer who have indicated their satisfaction with the information provided. Conditions are recommended to ensure adherence to the recommendations within the report, which is sufficient to ensure there would be no adverse impact on protected species.

Biodiversity Net Gain

156. From the 12th of February 2024 the requirements of Schedule 14 of the Environment Act 2021, as inserted into Schedule 7A of the Town and Country Planning Act 1990, apply to all planning applications for major development unless falling under one of the listed exemptions. This application was valid from the 22nd of September 2023 and so is not legally required to deliver biodiversity net gains of at least 10%.
157. Notwithstanding the above, CDP Policy 41 seeks to secure net gains for biodiversity and coherent ecological networks, and NPPF Paragraph 187 d) advises that planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity. NPPF Paragraph 193 d) also advises that opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate. Therefore, 'a' BNG is still required.

158. The application is supported by a Biodiversity Net Gain Assessment and a completed version of DEFRA's Biodiversity Metric which identifies that the development would achieve a gain in habitat (0.12 or +2.74%) and hedgerow (2.34 or 427.82%) units on site. The submitted information has been reviewed by the Council's Ecologist who has indicated their satisfaction with the details provided. Therefore, the application fulfils the requirements of, CDP Policy 41 and NPPF Paragraphs 187 d) and 186 d). As some of proposed habitats are of medium distinctiveness they are considered to be significant and as such need to be secured via a Section 39 legal agreement.
159. Subject to recommended conditions there would be no adverse impact on protected species, whilst 'a' BNG would be secured. The proposal accords with Policies 6 c), 10 l), 41 and 43 of the CDP, and with Part 15 of the NPPF.

Nutrient Neutrality

160. Under the Conservation of Habitats and Species Regulations 2017 (as amended) (Habitat Regs), the Local Planning Authority must consider the nutrient impacts of any development proposals on habitat sites and whether those impacts may have an adverse effect on the integrity of a habitats site that requires mitigation, including through nutrient neutrality. In this respect Natural England have identified that the designated sites of the Teesmouth & Cleveland Coast Special Protection Area/Ramsar (SPA) is in unfavourable status due to excess Nitrogen levels within the River Tees.
161. In this instance, the application seeks full planning permission for 42 dwellings, which would ultimately give rise to additional loading of nitrogen into the Tees catchment. Given the advice provided by Natural England, it is likely that in combination with other developments, the scheme would have a significant effect on the designated SPA/RAMSAR sites downstream both alone and in-combination. The Habitat regulations therefore require the Authority to make an 'Appropriate Assessment' of the implications of the development on the designated sites in view of the site's conservation objectives. Where an adverse effect on the site's integrity cannot be ruled out, and where there are no alternative solutions, the plan or project can only proceed if there are imperative reasons of over-riding public interest (IROPI) and the necessary compensatory measures can be secured.
162. Nutrient Neutrality advice is provided by Natural England, including the provision of a Neutrality Methodology. This requires a nutrient budget to be calculated for all types of development that would result in a net increase in population served by a wastewater system including residential development that would give rise to new overnight accommodation. In utilising the nutrient budget calculator produced by Natural England, mitigation is identified as being required in order to achieve Nutrient Neutrality. The total annual nitrogen load to mitigate is 52.23kg TN/year. The application has been successful in reserving 52.23 credits from Natural England and has supplied its provisional certificate as part of the planning application.
163. The Nutrient Neutrality Budget Calculator has been reviewed by the Ecology Team who are satisfied that the number of credits that is required have been reserved by the development via Natural England in order to mitigate the proposals impact upon the Teesmouth and Cleveland Coast Special

Protection Area/Ramsar to an acceptable level. The LPA has undertaken its own HRA. Whilst at the time of writing Natural England have not confirmed their agreement to this, as statutory consultee on this matter, their comments are expected by the time of the committee and given the mitigation strategy of purchasing credits from Natural England no issues are anticipated to arise.

164. Subject to a condition to secure the submission of the completed final Nutrient Neutrality Certificate from Natural England prior to the commencement of the development, the proposal would be in accordance with Policies 41 and 42 of the County Durham Plan and Part 15 of the NPPF. The Authority can also satisfy itself under its obligations under the Conservation of Habitats and Species Regulations 2017 (as amended) and ensure that protected sites would not be adversely affected by the development.

Archaeology

165. CDP Policy 44 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.
166. On site archaeological works have been undertaken. Archaeological features of potential prehistoric or Romano-British date were identified in trenches 1, 2, and 5-8 in the western part of the site, and in trenches 13 and 14 in the south-eastern part of the site. Groundworks associated with the development have the potential to remove or truncate significant archaeological deposits in these areas. A programme of archaeological excavation in order to mitigate the impact of the development on the archaeological resource in the vicinity of trenches 1-8 and of trenches 13 and 14 is required to be conditioned.
167. An essential part of these investigations is the archiving of the findings to advance understanding of heritage assets. A condition is required to achieve this depositing, which is a requirement of Paragraph 205 of the NPPF.

Ground Conditions and Land Stability

168. CDP Policy 32 requires sites to be suitable for use taking into account contamination and unstable land issues. Paragraph 196 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.
169. Given the sensitive end use of the site, a series of reports have been submitted in support of the application considering the issue of land contamination. Environmental Health Officers have reviewed Solmek Phase 1 Desk Study (2020), Solmek Phase 2 Site Investigation (2021), and Solmek Ground Gas Risk Assessment (2022).
170. The phase 2 has identified that a clean cover system is required in areas of soft landscaping. This should be detailed as part of a remediation strategy. Given this, they recommend a conditional approach to ensure that remedial works are carried out in accordance with agreed strategy and to secure the submission of a Phase 3 (contaminated land scheme) and Phase 4

(verification) report. An informative relating to unforeseen contamination should also be included. The proposal would therefore accord with Policy 32 of the CDP and Paragraph 196 of the NPPF.

Planning Obligations

171. CDP Policy 25 states that new development will be approved where any mitigation necessary to make the development acceptable in planning terms is secured through appropriate planning conditions or planning obligations. Such mitigation will relate to the provision, and/or improvement, of physical, social and environmental infrastructure taking into account the nature of the proposal and identified local or strategic needs.
172. Policy 25 goes on to state that developers will be required to enter into Planning Obligations which are necessary to make the development acceptable, directly related to the development, and fairly and reasonably related in scale and kind to the development, in order to secure the mitigation that is necessary for a development to be acceptable in planning terms. In this regard, CDP Policy 25 reflects NPPF Paragraph 58.

Affordable Housing Provision

173. CDP Policy 15 states that affordable housing will be sought on sites of 10 or more units, for 25% of units in the highest value areas to 10% in the lowest. On sites of 10 or more units, 10% of the homes provided should be for affordable home ownership (starter homes, discount market sale housing and other affordable routes to home ownership). Any contribution above 10% should be provided as affordable housing for rent. As this site is within a low value area, this development would require a total of 4no. affordable units for home ownership.
174. The applicant proposes to deliver all 42 dwellings as bungalows for affordable rent and has agreed to secure this through a S106 agreement. Whilst the Council's Affordable Housing Team have advised that due to the lack of DCC held data regarding the amount of people actively seeking an affordable bungalow in the area providing a greater mix of dwellings should be explored, it is considered there may be people seeking affordable housing in the area that are not actively seeking a bungalow whose needs could still be met by a bungalow. Therefore, whilst not fully compliant with CDP Policy 15, this is considered to represent a significant benefit weighing in favour of the application.

Public Open Space Provision

175. CDP Policy 26 outlines that new residential developments will be required to make provision for open space to meet the needs of future residents having regard to the standards of open space provision set out in the Open Space Needs Assessment (OSNA). Where it is determined that on-site provision is not appropriate, the Council will require financial contributions to be secured through planning obligations towards the provision of new open space, or the improvement of existing open space elsewhere in the locality. Paragraph 98 of the NPPF highlights that access to a network of high-quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities.

176. 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. The Council's adopted Development Viability, Affordable Housing and Financial Contributions SPD advises that the OSNA sets out the most up to date position in respect to open space provision across the county and provides a formula for calculating requirements on a site-specific basis.
177. Using the OSNA's methodology, it is noted that a scheme of 42 dwellings would lead to 92.4 persons, at 2.2 persons per household.
178. The site layout demonstrates that the policy requirement amount of amenity green space (2000m²) would be provided on site. A condition is recommended to secure details of the maintenance and management of the areas of public open space provided on site.
179. In line with the Council's Developer Contributions SPD, it is considered appropriate and necessary to secure financial contributions of £66,112.20 as part of a Section 106 agreement to provide new and/or to improve existing local public open spaces to mitigate the impacts of use by additional residents.
180. Subject to a Section 106 agreement and a condition, the proposed development would be capable of providing a sufficient quantity and quality of public open space for existing and future residents, according with the requirements of CDP Policy 26 and Part 8 of the NPPF.

Education

181. NPPF Paragraph 98 recognises the need for planning decisions to ensure an integrated approach when considering the location of new housing and to plan positively for the provision and use of community facilities and local services. It is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Paragraph 99 goes on to advise that it is important that a sufficient choice of school places is available to meet the needs of existing and new communities.
182. The Council's Education Provision Lead Officer has advised that the development is located within the Trimdon-Kelloe local school place planning area of which Bluebell Meadow Primary, Fishburn Primary and Deaf Hill Primary could serve the development based on a 2 mile safe walking distance. In relation to secondary schools, the development is located within the Sedgfield local school place planning area, with the nearest school to the proposed the development being Sedgfield Community College.
183. Based on the projected rolls of the schools, taking into account the likely implementation timeframe of the development, build rates and other committed there would be sufficient space to accommodate the pupils of primary school

age generated by the development in existing local primary schools whilst maintaining a 5% surplus. Therefore, no contributions are required for additional primary teaching accommodation.

184. Whilst there would not be sufficient space to accommodate pupils of secondary school age generated by the development in local secondary schools and maintaining a 5% surplus, the Council's Education Provision Lead Officer has advised that the development of 42 dwellings would be expected to create demand for an additional 6 secondary school places. In this regard, the Council's Developer and Contributions SPD sets out the that just under 10 houses typically generate one secondary aged pupil.
185. However in this instance, the application proposes a 100% bungalow scheme aimed at people aged over 55, a restriction which is recommended to be secured via condition. The Council's Developer and Contributions SPD states at Paragraph 9.11 that '*exemptions could be agreed for specialist housing, where it can be demonstrated that the likelihood of mitigation for education being required is not needed.*' Whilst it is accepted that people aged 55 and over may have children of secondary school age, this is likely to be much lower than would be the case if solely open market housing were to be provided with no demographic restriction upon occupation. At the time of writing, no data regarding the over 55 demographic having children is available, but the Council's Education Provision Lead Officer has advised that generally this is considered to be low. Therefore, in this instance, given all of the above no financial contribution towards expanded secondary school accommodation has been sought.

Health Care

186. The closest GP practice to the site is Trimdon Colliery Surgery. The NHS North East and North Cumbria Integrated Care Board have confirmed that this practice falls within the Sedgefield North Primary Care Network which are at full capacity and would require additional space to deliver their services to an increased number of patients. Therefore, they recommend that a financial contribution of £20,289 would be required to provide additional / extended accommodation to mitigate the impact of the development and provide additional capacity for local GP surgeries. This figure is calculated using the NHS Property Service build cost rate of £3,000 per square metre.

Planning Obligations Summary

187. NPPF Paragraph 56 states that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. Under the provisions of Section 106 of the Town and Country Planning Act 1990 (as amended) the applicant has agreed to the following;
- The provision of 100% affordable rented bungalows.
 - Financial contribution of £66,112.20 to go towards the provision the improvement of off-site open space and recreational provision within Trimdon and Thornley Electoral Division,

- Financial contribution of £20,289 to go towards increasing GP surgery capacity in the Sedgefield North Primary Care Network

188. NPPF Paragraph 58 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. The contributions sought are considered to be necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the development. Therefore, the planning obligations sought accord with these three tests.

Other Matters

Meeting the Needs of Older People and People with Disabilities

189. CDP Policy 15 aims to meet the needs of older people and people with disabilities, achieving this in two ways.
190. The first part is that 66% of dwellings should be built to Building Regulations Requirement M4(2) (accessible and adaptable dwellings) standard unless site specific factors indicate otherwise. The developer has indicated 100% of dwellings units would be constructed to M4(2) thereby exceeding the policy requirements (66%). A condition is proposed to ensure that this is achieved.
191. The second part includes the requirement 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. As a 100% bungalow scheme this policy requirement is also exceeded.
192. Subject to the above and the imposition of the suggested condition, it is considered that the proposed mix of housing would significantly contribute to meeting the needs of older people and people with disabilities in accordance with Policy 15 of the CDP and Paragraph 63 of the NPPF.

Measures to Minimise Carbon Emissions

193. Criterion c) of Policy 29 requires all development to minimise greenhouse gas emissions, by seeking to achieve zero carbon buildings and providing renewable and low carbon energy generation. Where connection to the gas network is not viable, development should utilise renewable and low carbon technologies as the main heating source.
194. Criterion d) of Policy 29 requires all development to minimise the use of non-renewable and unsustainable resources, including energy, water and materials, during both construction and use by encouraging waste reduction and appropriate reuse and recycling of materials, including appropriate storage space and segregation facilities for recyclable and non-recyclable waste and prioritising the use of local materials.
195. In addition, NPPF Paragraph 167 advises that in determining planning applications, Local Planning Authorities should give significant weight to the need to support energy efficiency and low carbon heating improvements to

existing buildings, both domestic and non-domestic (including through installation of heat pumps and solar panels where these do not already benefit from permitted development rights).

196. The scheme proposes to install solar panels to each bungalow. This would comply with the aims of CDP Policy 29 and NPPF Paragraph 167 and a condition is recommended to secure further details in this regard. A condition is also recommended to secure details of a final Construction and Environmental Management Plan which would be expected to include details to minimise waste through the construction phase of the development.

Broadband Connection

197. CDP Policy 27 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.

Loss of Agricultural Land

198. CDP Policy 14 states that the 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.
199. The application is supported by an Agricultural Land Classification report which identifies the entire site to comprise grade 3b agricultural land. Accordingly, the site does not comprise best and most versatile (BMV) agricultural land and this matter is not a decisive factor in determining the application.

CONCLUSION

200. 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. The NPPF is a material consideration in planning decisions.

Harm and Policy Conflict

201. In this instance, it is concluded that the scheme would bring about the following harm:

Under Provision of Car Parking

202. Across the scheme there would be an overall shortfall of 23 car parking spaces, which conflicts with the PASPD.
203. It is acknowledged that the applicant has evidenced that the scheme would be unviable should the number of units be reduced to a level allowing compliance with the parking standards. The PASPD states that deviations from the standards will be considered in certain circumstances, including where issues

over viability can be evidenced. However, the extent of the shortfall is significant and is likely to lead to increased on street parking in the area.

Substandard Rear Garden Lengths

204. The rear garden lengths of 15 Plots would be below the 9m required by the RASSPD, restricting the practical value of these gardens as external amenity areas. The applicant contends that the target demographic desire smaller gardens however no supporting evidence has been provided to demonstrate this. However, it is accepted that prospective residents would be able to choose whether the dwelling would provide a sufficiently sized rear garden for their needs before moving in. Overall, it is considered that this harm should be afforded moderate weight.

Benefits

205. The scheme is considered to deliver the following benefits, which should be weighed against the policy conflict identified above to allow for a detailed assessment of the planning balance:
206. The scheme would deliver 42 bungalows for affordable rent to be managed by Karbon Homes and DAMHA as a registered provider, which is to be secured by a legal agreement. Therefore, the provision of 42 bungalows for affordable rent should be afforded significant weight in favour of the application.
207. The applicant also proposes to Implement a traffic calming scheme, including the realignment of the junction between UNC 36.3 and Salters Lane, the installation of a pedestrian crossing to Salters Lane to aid pedestrians crossing the highway to access the informal footpath to its western side and PRow no.2 to its east, and the installation of dragons teeth slow markings on the approach to the village from the north. This would improve highway and pedestrian safety for existing residents as well as the prospective residents of the proposed dwellings and it is considered that this should be afforded significant weight.
208. The scheme would also deliver a 2.78% gain in habitat units and a 427.82% gain in hedgerow units on site. This exceeds the policy requirement relating to biodiversity net gain, particularly in the hedgerow category, and accordingly it is considered that this should attract moderate weight, noting that much of this is required to achieve an appropriate structural landscape buffer to the new settlement edge.

Conclusion

209. The assessment of the planning harm of the development against its benefits is a fine balance as the weigh attributed to each conflict and benefit will differ given the site specific material considerations.
210. Whilst mindful of the degree of harm afforded to the concerns regarding the shortfall of car parking provision and the potential for additional on street parking in the area arising from the development, the scheme would deliver a traffic calming scheme which would help to improve safety for drivers when egressing the junction from the UNC 36.3 onto Salters Lane and for pedestrians accessing PRow no.2 and the informal footpath along the

northern boundary of the site, which is understood to be popular with dog walkers.

211. The prevalence of sub-standard rear garden lengths is also disappointing, however, as with the under provision of car parking, viability concerns regarding the ability to deliver a policy compliant scheme have been evidenced and are accepted in this instance. In addition, the delivery of 42 bungalows for affordable rent, to be secured by a legal agreement, is considered to be significant and to sufficiently outweigh the harm caused by the development.
212. Overall, the identified harm arising from the under provision of car parking provision and substandard rear garden lengths is considered justified in this instance.

Public Sector Equality Duty

213. 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.
214. In this instance, officers have assessed all relevant factors and do not consider that there are any equality impacts identified.

RECOMMENDATION

That the application be **APPROVED** subject to the completion of the following legal agreements

A Section 106 agreement of the Town and County Planning Act 1990 (as amended) to secure the following:

- The provision of 100% affordable rented bungalows.
- Financial contribution of £66,112.20 to go towards the provision and/or the improvement of off-site open space and recreational provision within Trimdon and Thornley Electoral Division.
- Financial contribution of £20,289 to go towards increasing GP surgery capacity in the Sedgefield North Primary Care Network.

A Section 39 agreement of the Wildlife and Countryside Act to secure a Biodiversity Management and Monitoring Plan as well as long-term management, maintenance and monitoring.

And subject to the following conditions:

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

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

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

*005-03 -B- Basin GA and Detail
01-01 -E- Engineering Layout Sheet 1 of 2
01-02 001-02 -E- Engineering Layout Sheet 2 of 2
4050-JDDK-DR-1003 RevF Extended Site Plan
4050-JDDK-DR-1004 RevD Materials and Boundaries Plan
4050-JDDK-DR-1008 RevC Noise and Ecology Plan
4050-JDDK-DR-1006 RevE Parking and Refuse Plan
4050-JDDK-DR-1002 RevZ Proposed Site Plan
4050-JDDK-DR-1007 RevD Proposed Site Plan 250
4050-JDDK-DR-1005 Rev D Roof and PV Plan
4050-10-00 Site Location Plan revP1
4050-JDDK-A-DR-2001 revP3 Bungalow Type A
4050-JDDK-B-DR-2002 revP3 Bungalow Type B
4050-JDDK-C-DR-2003 revP3 Bungalow Type C
007-02 - Section 278 Layout
005-05 - Typical Headwall Details
005-04 - Typical Private Details
005-02 -A- Hydrobrake Manhole
005-01 Drainage Construction Details
004-01 -A- Road Construction Details
002-01 -A- Long Section Sheet 1
002-02 -A- Long Section Sheet 2
002-03 -A- Long Section Sheet 3
002-04 -A- Manhole Schedules
Land North of Trimdon - Arboricultural Method Statement inc Impact Assessment - October 2024
2022032 - Trimdon Housing Flood Risk Assessment Rev B
Trimdon Housing - Foul Water Pump Station Technical Document - Rev A02
JN2434-Rep-0001.1 Transport Statement
JN2434-Rep-0002.1 Transport Statement Addendum*

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies 6, 15, 19, 21, 25, 26, 27, 29, 31, 32, 35, 36, 39, 40, 41, 42 and 43 of the County Durham Plan and Parts 2, 4, 5, 6, 8, 11, 12, 14, and 15 of the National Planning Policy Framework.

3. No development shall commence until a completed Final Nutrient Neutrality Mitigation Credit Certificate has been submitted to and approved in writing by the Local Planning Authority.

Reason: To mitigate the developments' impact in relation to protected species and their habitat in accordance with Policy 42 of the County Durham Plan and Part 16 of the National Planning Policy Framework. Required to be a pre-

commencement condition to ensure the appropriate mitigation has been secured.

4. No development shall commence until a final Construction and Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include as a minimum but not necessarily be restricted to the following:
 1. A Dust Action Plan including measures to control the emission of dust and dirt during construction taking into account relevant guidance such as the Institute of Air Quality Management "Guidance on the assessment of dust from demolition and construction" February 2014.
 2. Details of methods and means of noise reduction/suppression.
 3. Where construction involves penetrative piling, details of methods for piling of foundations including measures to suppress any associated noise and vibration.
 4. Details of measures to prevent mud and other such material migrating onto the highway from all vehicles entering and leaving the site.
 5. Designation, layout and design of construction access and egress points.
 6. Details for the provision of directional signage (on and off site).
 7. Details of contractors' compounds, materials storage and other storage arrangements, including cranes and plant, equipment and related temporary infrastructure.
 8. Details of provision for all site operatives for the loading and unloading of plant, machinery and materials.
 9. Details of provision for all site operatives, including visitors and construction vehicles for parking and turning within the site during the construction period.
 10. Routing agreements for construction traffic.
 11. Details of the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.
 12. Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works.
 13. Management measures for the control of pest species as a result of demolition and/or construction works.
 14. Detail of measures for liaison with the local community and procedures to deal with any complaints received.
 15. A plan detailing how any asbestos found in the buildings to be demolished is to be managed.

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

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

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

commencement to ensure that the whole construction phase is undertaken in an acceptable way.

5. No development other than demolition, ground clearance and remediation works shall commence until plans showing full engineering details of the proposed estate road and private shared driveways, to demonstrate that it has been designed to meet current highway design standards, and a phasing plan for the implementation of these works, have been submitted to and approved in writing by the Local Planning Authority. The phasing plan shall include details of the phases of highway construction to serve relevant dwellings, along with detailed measures of how the highway will be maintained and managed. Thereafter, the estate road and private shared driveways shall be constructed in accordance with the approved details and timescales.

Reason: To ensure the development is served by a safe and suitable estate road in accordance with Policy 21 of the County Durham Plan and Part 9 of the National Planning Policy Framework.

6. Notwithstanding the details shown on drawing 1959-01e – Detailed Landscaping Proposals, no development other than intrusive site investigations or land remediation works shall commence until a final detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. No tree within the site shall be felled, or hedge removed, until the landscape scheme, including any replacement tree and hedge planting, is approved as above. The landscape scheme shall include accurate plan based details of the following:

- The location of existing trees and hedges, indicating which are to be retained and any which are to be removed;
- Planting species, sizes, layout, densities, and numbers, including tree, hedge, and shrub planting, and the creation of seeded or turf areas;
- Details of planting procedures and specifications;
- Existing and proposed site levels and contours, including details of the height, positioning and materials for retaining walls;
- The establishment maintenance regime, including, as a minimum, details of watering, rabbit protection, and tree stakes.

Reason: To ensure the development respects and positively responds to the character and appearance of the area and to comply with Policy 29 of the County Durham Plan, Part 12 of the National Planning Policy Framework, and British Standard BS 8545 2014 Trees - From Nursery to Independence in the Landscape - Recommendations.

7. The approved landscape works shall be carried out in the first planting season following the occupation of the building(s) or the practical completion of the development, whichever is the sooner. Any approved replacement tree or hedge planting shall be carried out within 12 months of the felling or removal of any existing tree or hedge. All landscape planting shall be maintained for a minimum of five years. Any trees or plants which are removed, die, fail to become established, or become seriously damaged or diseased within a period of five years from the completion of the development shall be replaced in the next planting season with others of a similar size and species to those originally planted. Replacement planting will be subject to the same conditions.

Reason: To ensure the approved landscaping scheme is implemented so that the development respects and positively responds to the character and appearance of the area and to comply with Policy 29 of the County Durham Plan and Part 12 of the National Planning Policy Framework.

8. No development shall commence until the measures detailed within the approved Arboricultural Impact Assessment and Method Statement (Dated October 2024) have been implemented in full. Thereafter, the development shall take place in accordance with the approved details.

No construction work shall take place, nor any site cabins, materials or machinery be brought on site until all trees and hedges, indicated on the approved tree protection plan as to be retained, are protected by the approved protection measures.

The protection shall include but not be limited to the erection of fencing, placed as indicated on the plan and comprising a vertical and horizontal framework of scaffolding, well braced to resist impacts, and supporting temporary welded mesh fencing panels or similar approved in accordance with BS.5837:2010.

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

No underground services trenches or service runs shall be laid out in root protection areas, as defined on the Arboricultural Impact Plan contained within Appendix 4 of the submitted Arboricultural Impact Assessment.

Reason: As recommended by the submitted Arboricultural Impact Assessment in the interests of the visual amenity of the area and to comply with Policies 29, 39 and 40 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework. Required to be pre commencement to ensure the retention of trees and hedging that make a positive contribution to the visual amenity of the surrounding area.

9. No development other than demolition, ground clearance and remediation works shall take place until the details of a minimum of 10 bird boxes and 10 bat boxes to be installed on-site has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the bird and bat boxes shall be installed prior to the occupation of any dwelling and retained for the lifetime of the development.

Reason: In the interest of conserving protected species and their habitats in accordance with Policy 43 of the County Durham Plan and Part 15 of the National Planning Policy Framework. Required to be pre-commencement to ensure the conservation of protected species.

10. The development shall be undertaken in accordance with the recommendations contained at Sections E and F within the Ecological Impact Assessment and Bat Survey Report undertaken by E3 Ecology (Version R03).

Reason: In the interest of conserving protected species and their habitats in accordance with Policy 43 of the County Durham Plan and Part 15 of the National Planning Policy Framework. Required to be pre-commencement to ensure the conservation of protected species.

11. No development other than demolition, ground clearance and remediation works shall commence until a scheme for the provision of surface water drainage works in accordance with the principles established in the submitted Flood Risk Assessment and Drainage Strategy (Revision E) have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include, but not be limited to, a Construction Phase Surface Water Management Plan, Construction Details for permeable paved driveways, and hydraulic calculations in digital format together with the engineering layout identifying all cover, invert and floor levels. 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 Policy 35 of the County Durham Plan and Parts 14 and 15 of the National Planning Policy Framework.

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

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

13. No development or ground works shall take place until a programme of archaeological excavation, as recommended within the Archaeological Evaluation undertaken by Durham University Archaeological Services (dated August 2024), have been undertaken and findings submitted to and approved in writing by the Local Planning Authority.

Reason: Reason: To safeguard any Archaeological Interest in the site, and to comply with Policy 44 of the County Durham Plan and Part 16 of the National Planning Policy Framework. Required to be a pre-commencement condition as the archaeological investigation/mitigation must be devised prior to the development being implemented.

14. No development other than remediation works shall commence until a land contamination scheme has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall be compliant with the YALPAG guidance and include a Phase 3 remediation strategy and where necessary include gas protection measures and method of verification.

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

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

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

16. Prior to the first occupation of any of the dwellings, the traffic calming measures detailed at Appendix D of the Transport Statement Addendum J N2434-REP-0002.1 and indicated on drawing 007-02 - Section 278 Layout, including the proposed junction works on Slaters Lane/B1278 north of the site, shall be implemented in full.

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

17. No development above damp-proof course shall commence until such time as details of a scheme to install photovoltaic panels has been submitted and approved in writing by the Local Planning Authority. Thereafter, the photovoltaic panels shall be installed in accordance with the approved details.

Reason: To comply with requirements to minimise greenhouse gas emissions in line with details set out in Policy 29 c) of the County Durham Plan.

18. No development above damp proof course shall commence until such time as a scheme detailing the means of broadband connection to the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of ducting and cabling to be installed, and the entry point of such ducting and cabling into the site. Thereafter, the means of broadband connection to the site shall be carried out prior to the practical completion of the estate road, and prior to the occupation of any dwelling to which the connection relates, and in accordance with the approved details.

Reason: To ensure the development is served by an appropriate broadband connection and to ensure its installation takes place at a suitable time within the construction phase, in accordance with the requirements of Policy 27 of the County Durham Plan.

19. Prior to the first occupation of any of the dwellings, details of all hard-surfaced areas shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the hard-surfaced areas serving each dwelling shall be constructed in accordance with the approved details prior to the first occupation of that dwelling.

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

20. Prior to the first occupation of any of the dwellings, details of all means of enclosure of the site, including retaining walls, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the enclosures serving each dwelling shall be constructed in accordance with the approved details prior to the first occupation of that dwelling.

Reason: In the interests of the visual amenity of the area and highway safety, to comply with Policies 6 e), 10 q), and 29 of the County Durham Plan and Parts 9, 12 and 15 of the National Planning Policy Framework.

21. The land shown as public open space on 4050-JDDK-DR-1002 RevZ Proposed Site Plan shall be laid out in accordance with that plan as public open space. The public open space shall be made available for use in accordance with a phasing strategy to be submitted to and approved by the Local Planning Authority prior to the first occupation of any dwelling. Thereafter, the land shall not be used for any purpose other than as public open space.

Reason: To ensure the development is served by a sufficient amount of public open space for the benefit of nearby residents and in the interests of the character and appearance of the area, and to comply with Policies 26 and 29 of the County Durham Plan and Parts 8 and 12 of the National Planning Policy Framework.

22. No dwellings shall be occupied until a scheme for the ongoing maintenance of the areas of public open space within the development, as shown on 4050-JDDK-DR-1002 RevZ Proposed Site Plan, has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of appearance of the area in accordance with Policies 26 and 29 of the County Durham Plan and Parts 8 and 12 of the National Planning Policy Framework.

23. A minimum of 28no dwellings shall be built to a standard which meets the requirements set out in M4(2) of the Building Regulations 2010 Approved Document Part M: Access to and use of building (as amended) or any updated version of replacement document.

A verification report compiled by a suitably competent person demonstrating that the relevant dwellings have been constructed to achieve Buildings Regulations M4(2) standard shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of that dwelling.

Reason: To ensure the development complies with the requirements of Policy 15 of the County Durham Plan to meet the needs of older people and people with disabilities.

24. No external construction works, works of demolition, deliveries, external running of plant and equipment shall take place other than between the hours of 0800 to 1800 on Monday to Friday and 0800 to 1400 on Saturday. No internal works audible outside the site boundary shall take place on the site other than between the hours of 0800 to 1800 on Monday to Friday and 0800 to 1700 on Saturday. No construction works or works of demolition whatsoever, including deliveries, external running of plant and equipment, internal works whether audible or not outside the site boundary, shall take place on Sundays, Public or Bank Holidays

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

Reason: To protect future occupiers from nearby noise sources in accordance with Policy 31 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.

25. All sound attenuation measures detailed at Section 7 of the submitted Noise Assessment NJD Environmental Associates, reference NJD23-0195-002R dated October 2023 shall be fully implemented prior to the first occupation of the dwellings to which they relate and permanently retained thereafter.

Reason: To protect future occupiers from nearby noise sources in accordance with Policy 31 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.

26. Notwithstanding any details of materials submitted with the application, no development shall commence until details of the make, colour and texture of all walling and roofing materials have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be constructed in accordance with the approved details.

Reason: 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.

27. The car parking spaces, EV charging points, and timber sheds serving each dwelling as detailed on 4050-JDDK-DR-1006 RevE Parking and Refuse Plan shall be constructed and made available for use prior to the first occupation of that dwelling and thereafter retained for the lifetime of the development. The visitor parking bays detailed on 4050-JDDK-DR-1006 RevE Parking and Refuse Plan shall be constructed and made available for use prior to the first occupation of the final dwelling and retained thereafter.

Reason: To ensure the development is served by a sufficient amount of car parking spaces, EV charging points, and external storage in the interests of

highway safety and in accordance with Policy 21 of the County Durham Plan, the Council's Parking and Accessibility Standards SPD, and the Council's Residential Amenity Standards SPD.

28. The existing informal track, indicated on 4050-JDDK-DR-1002 RevZ Proposed Site Plan, shall be retained in situ.

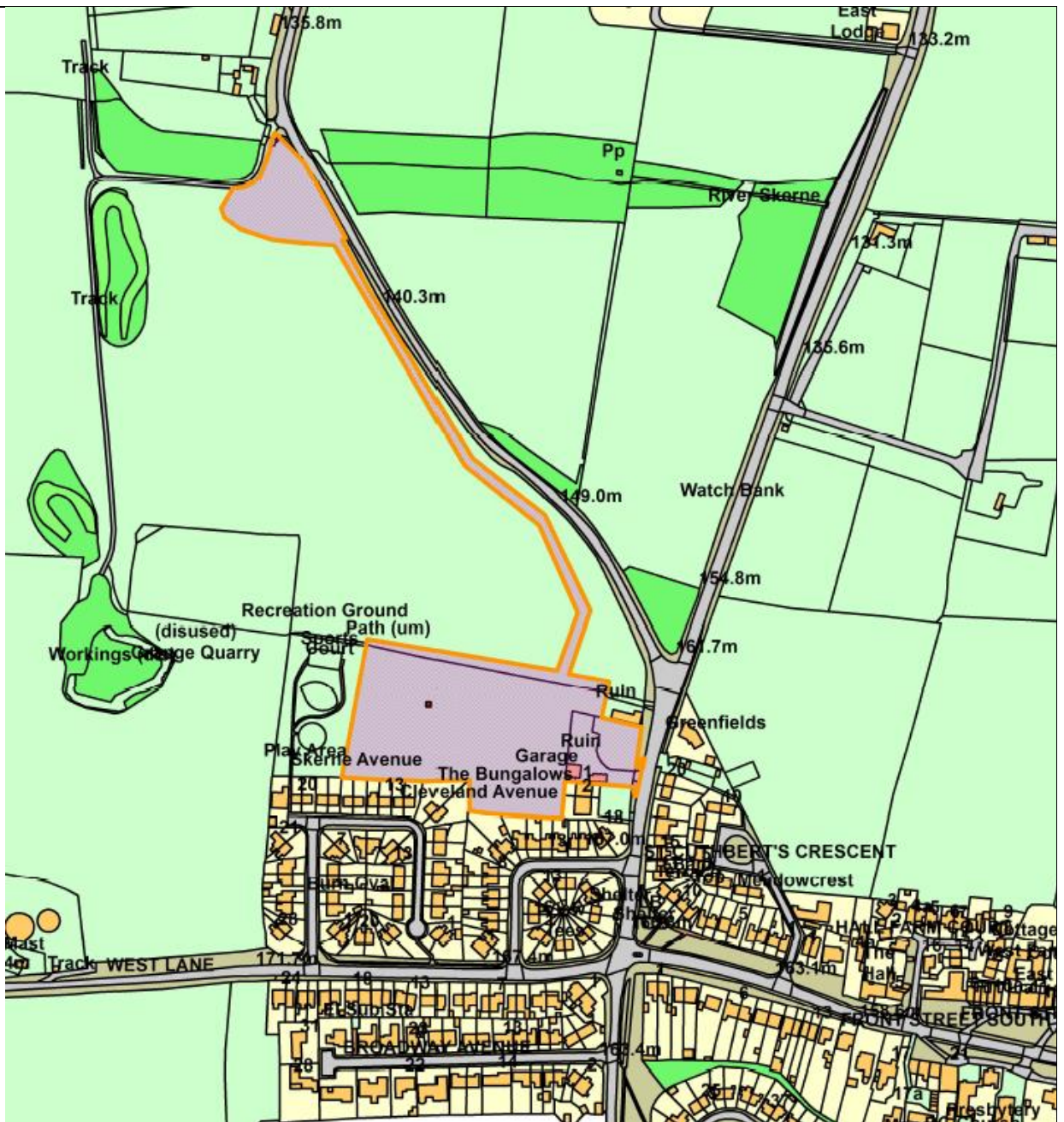
Reason: In the interests of the residential amenity and accessibility of residents to comply with Policy 29 of the County Durham Plan and Part 9 of the National Planning Policy Framework.

29. All of the dwellings hereby permitted shall not be occupied except by a person or persons over the age of 55.

Reason: To accord with the terms of the application and in order to secure affordable housing provision for the over 55s in the area in accordance with Policy 15 of the County Durham Plan.

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documents
National Planning Policy Framework
National Planning Practice Guidance Notes
County Durham Plan (2020)
o Trees, Woodlands and Hedges SPD (2024)
o Development Viability, Affordable Housing and Financial Contributions SPD (2024)
o Residential Amenity Standards SPD (2023)
o Parking and Accessibility SPD (2023)
o County Durham Plan Strategic Housing Land Availability Assessment (2019)
o County Durham Building for Life SPD (2019)
o County Durham Settlement Study (2018)
o Durham County Council Open Space Needs Assessment (2018)
CIHT Better Planning, Better Transport, Better Places (2019)
CIRIA The SuDS Manual (2015)
Statutory consultation responses
Internal consultation responses
External consultation responses



Planning Services

Construction of 42 no. bungalows (as amended)

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Date: 12th of February 2025

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