

COMMITTEE REPORT

APPLICATION DETAILS

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

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

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

Proposal

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

PLANNING HISTORY

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

PLANNING POLICY

NATIONAL POLICY

13. A revised National Planning Policy Framework (NPPF) was published in July 2021. The overriding message continues to be that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and

environmental, which are interdependent and need to be pursued in mutually supportive ways.

14. *NPPF Part 2 Achieving Sustainable Development* - The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three overarching objectives - economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.
15. *NPPF Part 4 Decision-making* - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
16. *NPPF Part 5 Delivering a Sufficient Supply of Homes* - To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
17. *NPPF Part 6 Building a Strong, Competitive Economy* - The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.
18. *NPPF Part 8 Promoting Healthy and Safe Communities* - The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
19. *NPPF Part 9 Promoting Sustainable Transport* - Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
20. *NPPF Part 11 Making Effective Use of Land* - Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.
21. *NPPF Part 12 Achieving Well-Designed Places* - The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.

22. *NPPF Part 14 Meeting the Challenge of Climate Change, Flooding and Coastal Change* - The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.
23. *NPPF Part 15 Conserving and Enhancing the Natural Environment* - Conserving and enhancing the natural environment. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from Page 73 pollution and land stability and remediating contaminated or other degraded land where appropriate.
24. *NPPF Part 16 - Conserving and enhancing the historic environment*. Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

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

NATIONAL PLANNING PRACTICE GUIDANCE:

25. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to; air quality; climate change; design process and tools; determining a planning application; effective use of land; enforcement and post permission matters; flood risk; healthy and safe communities; land affected by contamination; land stability; natural environment; noise; rural housing; use of planning conditions; and; water supply, wastewater and water quality.

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

LOCAL PLAN POLICY:

The County Durham Plan (CDP)

26. Policy 1 (Quantity of Development) outlines the levels of employment land and housing delivery considered to be required across the plan period.
27. Policy 6 (Development on unallocated sites) states the development on sites not allocated in the Plan or Neighbourhood Plan, but which are either within the built-up area or outside the built up area but well related to a settlement will be permitted provided it: is compatible with use on adjacent land; does not result in coalescence with neighbouring settlements; does not result in loss of land of recreational, ecological, or heritage value; is appropriate in scale, design etc to character of the settlement; it is not prejudicial to highway safety; provides access to sustainable modes of transport; retains the settlement's valued facilities; considers climate change

implications; makes use of previously developed land and reflects priorities for urban regeneration.

28. Policy 15 (Addressing housing need) establishes the requirements for developments to provide on-site affordable housing, the circumstances when off-site affordable housing would be acceptable, the tenure mix of affordable housing, the requirements of developments to meet the needs of older people and people with disabilities and the circumstances in which the specialist housing will be supported.
29. Policy 19 (Type and mix of housing) advises that on new housing developments the council will seek to secure an appropriate mix of dwelling types and sizes, taking account of existing imbalances in the housing stock, site characteristics, viability, economic and market considerations and the opportunity to facilitate self build or custom build schemes.
30. Policy 21 (Delivering sustainable transport) requires all development to deliver sustainable transport by: delivering, accommodating and facilitating investment in sustainable modes of transport; providing appropriate, well designed, permeable and direct routes for all modes of transport; ensuring that any vehicular traffic generated by new development can be safely accommodated; creating new or improvements to existing routes and assessing potential increase in risk resulting from new development in vicinity of level crossings. Development should have regard to Parking and Accessibility Supplementary Planning Document.
31. Policy 25 (Developer contributions) advises that any mitigation necessary to make the development acceptable in planning terms will be secured through appropriate planning conditions or planning obligations. Planning conditions will be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Planning obligations must be directly related to the development and fairly and reasonably related in scale and kind to the development.
32. Policy 26 (Green Infrastructure) states that development will be expected to maintain and protect, and where appropriate improve, the County's green infrastructure network. Advice is provided on the circumstances in which existing green infrastructure may be lost to development, the requirements of new provision within development proposals and advice in regard to public rights of way.
33. Policy 29 (Sustainable Design) requires all development proposals to achieve well designed buildings and places having regard to SPD advice and sets out 18 elements for development to be considered acceptable, including: making positive contribution to areas character, identity etc.; adaptable buildings; minimising greenhouse gas emissions and use of non-renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; and suitable landscape proposals. Provision for all new residential development to comply with Nationally Described Space Standards, subject to transition period.
34. Policy 29 also required major developments to appropriately consider the public realm in terms of roads, paths, open spaces, landscaping, access and connectivity, natural surveillance, suitable private and communal amenity space that is well defined, defensible and designed to the needs of its users. Also new major residential development is required to be assessed against Building for Life Supplementary Planning Document, to achieve reductions in CO2 emissions, to be built to at least 30 dwellings per hectare subject to exceptions. All new development to achieve BREEAM minimum rating of 'very good'.

35. Policy 31 (Amenity and pollution) sets out that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and that they can be integrated effectively with any existing business and community facilities. Development will not be permitted where inappropriate odours, noise, vibration and other sources of pollution cannot be suitably mitigated against, as well as where light pollution is not suitably minimised. Permission will not be granted for sensitive land uses near to potentially polluting development. Similarly, potentially polluting development will not be permitted near sensitive uses unless the effects can be mitigated.
36. Policy 32 (Despoiled, degraded, derelict, contaminated and unstable land) requires that where development involves such land, any necessary mitigation measures to make the site safe for local communities and the environment are undertaken prior to the construction or occupation of the proposed development and that all necessary assessments are undertaken by a suitably qualified person.
37. Policy 35 (Water management) requires all development proposals to consider the effect of the proposed development on flood risk, both on-site and off-site, commensurate with the scale and impact of the development and taking into account the predicted impacts of climate change for the lifetime of the proposal. All new development must ensure there is no net increase in surface water runoff for the lifetime of the development. Amongst its advice, the policy advocates the use of SuDS and aims to protect the quality of water.
38. Policy 36 (Water infrastructure) advocates a hierarchy of drainage options for the disposal of foul water. Applications involving the use of non-mains methods of drainage will not be permitted in areas where public sewerage exists. New sewage and waste water infrastructure will be approved unless the adverse impacts outweigh the benefits of the infrastructure. Proposals seeking to mitigate flooding in appropriate locations will be permitted though flood defence infrastructure will only be permitted where it is demonstrated as being the most sustainable response to the flood threat.
39. Policy 39 (Landscape) states that proposals for new development will only be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals are expected to incorporate appropriate mitigation measures where adverse impacts occur. Development affecting Areas of Higher landscape Value will only be permitted where it conserves and enhances the special qualities, unless the benefits of the development clearly outweigh its impacts
40. Policy 40 (Trees, woodlands and hedges) states that proposals for new development will not be permitted that would result in the loss of, or damage to, trees, hedges or woodland of high landscape, amenity or biodiversity value unless the benefits of the scheme clearly outweigh the harm. Proposals for new development will be expected to retain existing trees and hedges or provide suitable replacement planting. The loss or deterioration of ancient woodland will require wholly exceptional reasons and appropriate compensation.
41. Policy 41 (Biodiversity and geodiversity) restricts development that would result in significant harm to biodiversity or geodiversity and cannot be mitigated or compensated. The retention and enhancement of existing biodiversity assets and features is required as are biodiversity net gains. Proposals must protect geological features, have regard to Geodiversity Action Plans and the Durham Geodiversity Audit

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

42. Development proposals where the primary objective is to conserve or enhance biodiversity or geodiversity will be permitted if they comply with other local plan policy. Development proposals which are likely to result in the loss of deterioration of irreplaceable habitats will not be permitted unless there are wholly exceptional reasons and a suitable compensation strategy exists.
43. Policy 43 (Protected Species and Nationally and Locally Protected Sites) development proposals that would adversely impact upon nationally protected sites will only be permitted where the benefits clearly outweigh the impacts whilst adverse impacts upon locally designated sites will only be permitted where the benefits outweigh the adverse impacts. Appropriate mitigation or, as a last resort, compensation must be provided where adverse impacts are expected. In relation to protected species and their habitats, all development likely to have an adverse impact on the species' abilities to survive and maintain their distribution will not be permitted unless appropriate mitigation is provided or the proposal meets licensing criteria in relation to European protected species.
44. Policy 44 (Historic Environment) seeks to ensure that developments should contribute positively to the built and historic environment and seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets. The policy advises on when harm or total loss of the significance of heritage assets can be accepted and the circumstances/levels of public benefit which must apply in those instances.
45. Residential Amenity Standards SPD (2020 Adopted version) – Provides guidance on the space/amenity standards that would normally be expected where new dwellings are proposed.

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

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

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

INTERNAL CONSULTEE RESPONSES:

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

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

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

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

PUBLIC RESPONSES:

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

APPLICANTS STATEMENT:

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

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

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

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

<https://publicaccess.durham.gov.uk/online-applications/search.do?action=simple&searchType=Application>

PLANNING CONSIDERATIONS AND ASSESSMENT

75. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues relate to the principle of development, locational sustainability, landscape/visual impact, design, residential amenity, highway safety, ecology, ground conditions, flooding and drainage, affordable and accessible/adapted housing and infrastructure and open space.

Principle of the development

76. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The County Durham Plan (CDP) is the statutory development plan and the starting point for determining applications as set out in the Planning Act. The CDP was adopted in October 2020 and provides the policy framework for the County up until 2035 and is therefore

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

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

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

Locational Sustainability

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

Landscape and Visual Impacts

88. Policy 6 part c of the CDP states that development on unallocated sites should not result in the loss of open land that has recreational, ecological or heritage value, or contributes to the character of the locality which cannot be adequately mitigated or compensated for. Part d of policy 6 requires that development on unallocated sites is

appropriate in terms of scale, design, layout and location to the character, function, form and setting of the settlement.

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

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

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

Design

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

Highway Safety

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

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

Residential Amenity

111. Policy 6 part a of the CDP requires that development on unallocated sites is compatible with, and is not prejudicial to, any existing, allocated or permitted use of land. Policy 29 part e of the CDP requires all development to provide high standards of amenity and privacy and minimize the impact of development upon existing adjacent and nearby properties.
112. Policy 31 of the CDP seeks to support proposals only where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment. The policy sets out that developments will also need to demonstrate that future occupiers of the proposed development will have acceptable living and/or working conditions. Proposals which will have an unacceptable impact such as through overlooking, visual intrusion, visual dominance or loss of light, noise or privacy will not be permitted unless satisfactory mitigation measures can be demonstrated whilst ensuring that any existing business and/or community facilities do not have any unreasonable restrictions placed upon them as a result. Development which has the potential to lead to, or be affected by, unacceptable levels of air quality, inappropriate odours, noise and vibration or other sources of pollution, either individually or cumulatively, will not be permitted including where any identified mitigation cannot reduce the impact on the environment, amenity of people or human health to an acceptable level.

113. A Residential Amenity Standards Supplementary Planning Document (SPD) has been adopted by the Council.
114. Parts 12 and 15 of the NPPF, require that a good standard of amenity for existing and future users be ensured, whilst seeking to prevent both new and existing development from contributing to, or being put at unacceptable risk from unacceptable levels of pollution.
115. The site is located adjacent to Wolsingham Industrial Estate, which contains a number of noise generating industrial uses, additionally the A689 which is a fairly heavily trafficked road lies to the south of the site. A noise assessment has been submitted as part of the application which concludes that subject to provision of an acoustic fence along the boundary to the west of plots 8 – 14 and the use of acoustic glazing and ventilation, new residents would not be subject to any unacceptable levels of noise. The Environmental Health Officer agrees with these conclusions and recommends a condition that the development is implemented in accordance with the recommendations of the noise assessment which is considered appropriate. Given the nature of surrounding businesses on the industrial estate it is considered unlikely that restrictive impacts would be placed on operators under the Environmental Protection Act (Noise Nuisance Complaints)
116. A construction environmental management plan (CEMP) has been submitted as part of the application and includes details of dust management. The Air Quality Team have been consulted on this document and advise that the CEMP is satisfactory. They also note that given the small scale of the development it is unlikely to generate significant vehicle movements both during construction and once occupied that would adversely affect local air quality. A condition requiring the development to be implemented in accordance with the construction environmental management plan is considered appropriate to ensure existing residents and occupiers of commercial premises are not subject to unacceptable levels of noise and disturbance during construction works.
117. A condition to control construction working hours is also considered appropriate given the proximity of adjacent dwellings, to ensure minimal disturbance to existing residents during construction works.
118. Guidance within the SPD advocates separation distances of 21m between facing principal elevations and 18m between bungalows, 13m between principal and two storey gable elevations and 10m to a single storey. These separation distances would be achieved by the proposals.
119. The SPD also advises that private gardens should be of 9m in length unless site specific circumstances allow for a reduction in size. Plots 8 – 20 broadly comply with the requirements of the SPD and are considered to have adequately sized gardens. Plots 1 – 7 comprising the front terrace would only have rear gardens of 3.8m, however would have larger front gardens of 7.8m in depth. Given this arrangement it is considered that garden sizes to these plots are acceptable and would provide adequate private outdoor amenity space for new residents.
120. Given the relatively high density of the development and its sensitive location on the approach into Wolsingham within the AHLV, a condition to remove permitted development rights from the scheme is considered appropriate. This will ensure future alterations and extensions do not compromise residential amenity or the appearance of the site as a whole.

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

Ecology

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

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

Flooding and Drainage

129. Part 14 of the NPPF seeks to resist inappropriate development in areas at risk of flooding, directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.
130. Policies 35 and 36 of the CDP relate to flood water management and infrastructure. Policy 35 requires development proposals to consider the effects of the scheme on flood risk and ensure that it incorporates a Sustainable Drainage System (SuDs) to manage surface water drainage. Development should not have an adverse impact on water quality. Policy 36 seeks to ensure that suitable arrangements are made for the disposal of foul water. National advice within the NPPF and PPG with regard to flood risk advises that a sequential approach to the location of development should be taken with the objective of steering new development to flood zone 1 (areas with the lowest probability of river or sea flooding). When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where a sequential test and some instances exception test are passed, informed by a site-specific flood risk assessment.
131. The site is not within a flood zone. An outline drainage strategy has been submitted as part of the application, which indicates use of sustainable forms of surface water drainage as part of the development including soakaways and permeable paving, which is in accordance with the hierarchy set out in Policy 35. As the drainage strategy has been prepared in outline form, it does not provide a sufficient level of detail for the Council's drainage team to consider the precise nature of the proposed scheme. The Drainage Team are generally satisfied with the principles of the outline drainage strategy and recommend a pre-commencement condition to agree the fully detailed drainage scheme, which is considered appropriate.
132. Northumbrian Water are also satisfied with the outline drainage strategy and request a condition for the development to be carried out in accordance with it, which is considered appropriate.
133. Foul drainage would be disposed of into the public sewer, Northumbrian Water are satisfied with this arrangement. This approach is in accordance with the hierarchy specified in Policy 36 of the CDP.
134. Overall, subject to the above condition, the proposed development is not considered to be at risk of flooding and would not increase flood risk elsewhere, in accordance with Policies 35 and 36 of the CDP and Part 14 of the NPPF.

Ground Conditions

135. Policy 32 of the CDP requires sites to be suitable for use taking into account contamination and unstable land issues. Paragraph 183 of the NPPF requires sites to be suitable for their proposed use taking account of ground conditions and any risks arising from land instability and contamination.
136. A Phase 1 Desk Study and Phase 2 Site Investigation have been submitted as part of the application. The Contaminated Land Officer have been consulted on these reports

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

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

Public Rights of Way

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

Sustainability

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

Affordable and Accessible/Adapted Housing

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

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

Infrastructure and Open Space

150. Policy 26 of the CDP outlines that new residential developments will be required to make provision for open space to meet the needs of future residents having regard to the standards of open space provision set out in the Open Space Needs Assessment (OSNA). Where it is determined that on-site provision is not appropriate, the Council will require financial contributions to be secured through planning obligations towards the provision of new open space, or the improvement of existing open space elsewhere in the locality. Paragraph 96 of the NPPF highlights that access to a network of high-quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities. Paragraph 127 requires amongst its advice that developments function well and optimise the potential of the site to accommodate

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

151. The Council's Open Space Needs Assessment (OSNA) 2018 is considered the most up to date assessment of need. It identifies the five typologies (allotments; amenity/natural greenspace; parks, sports and recreation grounds; play space (children) and play space (youth), sets out requirements for public open space on a population pro rata basis and whether provision should be either within the site, or through a financial contribution towards offsite provision, in lieu taking into consideration factors such as the scale of the development, existing provision within suitable walking distances and the level of contribution sought.
152. The development proposes 2 no. areas of amenity open space within the site, to the south west corner adjacent to the TPO sycamore tree and along the eastern site boundary forming the diverted Northumbrian Water easement. These areas of amenity open space are not especially large enough in their own right or laid out appropriately to be usable areas of public open space for use by future residents. The applicant states these areas of amenity open space would be managed by Believe Housing's Estate Management Team, most likely as part of an adoption agreement with Durham County Council.
153. In addition to the above, a contribution of £34,782 would be required towards off-site provision in lieu of those typologies not provided for on site (useable amenity open space, allotments, parks, sports and recreation grounds, children and youth play space). Having regard to the OSNA, this is considered to be acceptable and in accordance with the Council's standard approach. The contribution could be secured through a planning obligation under Section 106 agreement. This would satisfy the OSNA requirements, Policy 26 of the CDP and Paragraph 96 of the NPPF with regards to the provision of public open space.
154. Policy 25 of the CDP supports securing developer contributions where mitigation is necessary to make the development acceptable in planning terms including for social infrastructure such as education and health facilities. Paragraph 94 of NPPF confirms that the government places great importance to ensure that sufficient choice of school places is available to meet the needs of existing and new communities.
155. The School Places Manager has advised that the proposed development is likely to generate an additional 6 primary age school pupils and 3 secondary age school pupils. There is sufficient capacity within local primary schools to accommodate the identified need, however contributions of £49,662 are required to mitigate the developments impact in this respect of secondary school places. The applicant has agreed to this contribution to be secured by the s106 agreement.

Other issues

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

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

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

Conclusion

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

RECOMMENDATION

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

No construction work shall take place, nor any site cabins, materials or machinery be brought on site until all trees and hedges, indicated on the approved tree protection plan as to be retained, are protected by the erection of fencing, placed as indicated on the plan and comprising a vertical and horizontal framework of scaffolding, well braced to resist impacts, and supporting temporary welded mesh fencing panels or similar approved in accordance with BS.5837:2012. Protective fencing shall remain in place for the duration of all construction works on the site.

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

No removal of limbs of trees or other tree work other than that detailed in the Arboricultural Impact Assessment shall be carried out.

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

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

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

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

10. In undertaking the development that is hereby approved:

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

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

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

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

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

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

Reason: To enhance biodiversity on the site and ensure there are no adverse impacts to protected species, in accordance with Policies 41 and 43 of the County Durham Plan and Part 15 of the NPPF.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order), no development under Part 1 Classes A, AA, B, C, D, E and F and Part 2 Class A of the above order shall take place without the grant of further specific planning permission from the Local Planning Authority.

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

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

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

Trees, hedges and shrubs scheduled for retention.
Details of all means of enclosure
Details of areas of residential curtilage and areas of maintained open space/landscaping
Details of hard and soft landscaping including planting species, sizes, layout, densities, numbers.
Details of planting procedures or specification.
Finished topsoil levels and depths.
Details of public bin storage, including the design and materials to be used in any structure.
Details of temporary topsoil and subsoil storage provision.
Seeded or turf areas, habitat creation areas and details etc. Details of land and surface drainage.
The establishment maintenance regime, including watering, rabbit protection, tree stakes, guards etc.
The detailing of the management of all areas of maintained open space/landscaping and bin storage area/structures for the life time of the development.

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

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

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

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

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

15. No development shall other than site clearance or remediation works shall commence until detailed drawings, including sections, showing the existing and proposed site levels, and the finished floor levels of the proposed development and those of existing neighbouring buildings (if any), has been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details thereafter.

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

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

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

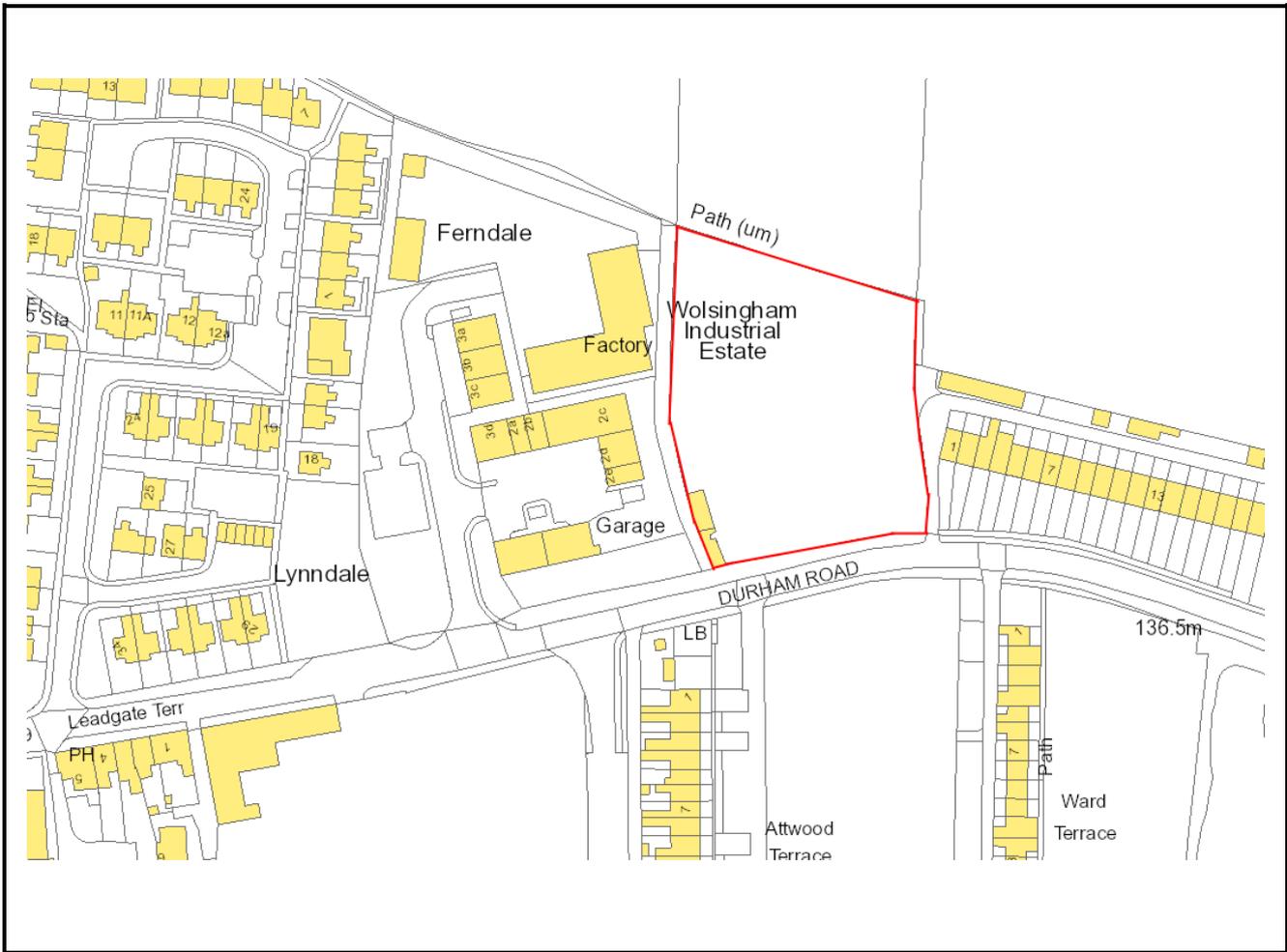
Reason: In order to address housing need requirements in accordance with Policy 15 of the County Durham Plan.

STATEMENT OF PROACTIVE ENGAGEMENT

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

BACKGROUND PAPERS

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



<p>Planning Services</p>	<p>Construction of 20 affordable homes and associated works (amended plans received 1.11.2021)</p>	
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