

## COMMITTEE REPORT

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### APPLICATION DETAILS

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<b>APPLICATION No:</b>	<b>DM/21/01520/FPA</b>
<b>FULL APPLICATION DESCRIPTION:</b>	<b>Demolition of existing buildings and erection of 148no. 2, 3 and 4 bedroom two-storey dwellings with associated works</b>
<b>NAME OF APPLICANT:</b>	<b>Gleeson Regeneration Ltd.</b>
<b>ADDRESS:</b>	<b>Land To The Rear Of The Old Chapel Colliery Road Bearpark DH7 7AU</b>
<b>ELECTORAL DIVISION:</b>	<b>Deerness</b>
<b>CASE OFFICER:</b>	<b>Barry Gavillet Senior Planning Officer 03000 261958 <a href="mailto:barry.gavillet@durham.gov.uk">barry.gavillet@durham.gov.uk</a></b>

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### DESCRIPTION OF THE SITE AND PROPOSALS

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#### The Site

1. The site measures 6.38ha and is located to the north of Bearpark and predominantly comprises vacant grassed land. The north-eastern part of the site is Bearpark Industrial Estate, an area of previously developed land comprising manufacturing warehouses which are currently vacant along with the associated vacant land. Outside of the application site red-line boundary also to the north is the residential property named The Old Chapel which has previously been identified as a non-designated heritage asset, this would be surrounded on the east, south and west by the proposed development with Colliery Road beyond. To the east is an un-named lane beyond a Public Right of Way (No. 7) which runs from north to south and connects Colliery Road with Cook Avenue. Further to the east is Bearpark Primary School with playing fields beyond, whilst to the south and west are residential properties.
2. This majority of this site is allocated under Policy 4 of the County Durham Plan (CDP) (Reference H7) for housing. The adjacent industrial site included in this application is not allocated in the County Durham Plan for any particular use, although previously industrial land it is not allocated in Policy 2 as an industrial estate use and is currently made up of small vacant industrial units.

#### Proposal

3. The application seeks full planning permission for the erection of 148 dwellings. The proposal includes a mix of 2, 3, and 4 bedroomed detached and semi-detached two storey dwellings and 14 bungalows. All properties would have front and rear gardens along with off-street parking, the majority of which would be in the form of detached

garaging set back from the highway along with permeable driveways. Each property would also have bin storage areas along with some collection points across the site. Dwellings would be constructed of three varying red brick types, and a plain profile grey roof tile along with anthracite grey windows and doors and black rainwater goods.

4. The layout includes a comprehensive landscaping scheme, a large area of public open space to the northwest of the site including a sustainable drainage (SuDs) basin and a central area of public open space with a footpath running through it from north to south. A substation would be located to the northern area of the site behind The Old Chapel adjacent to the main spine road.
5. The access to the site would be from Colliery Road to the north whilst there would be new footpath links to the west onto Hilltop Road and to the southwest onto Cook Avenue. It is also proposed to introduce traffic calming measures along Colliery Road and to improve the junction onto Auton Stile.
6. The application is being reported to the County Planning Committee as it is a major residential development on a site in excess of 4 hectares.

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## **PLANNING HISTORY**

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7. In January 2018 a full planning application was submitted for the development of 170 residential dwellings, including 34no. affordable dwellings (application reference: DM/18/00129/FPA). This application was withdrawn in May 2019.

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## **PLANNING POLICY**

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### **NATIONAL POLICY**

8. A revised National Planning Policy Framework (NPPF) was published in July 2021 (with updates since). The overriding message continues to be that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways.
9. In accordance with Paragraph 219 of the National Planning Policy Framework, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). The relevance of this issue is discussed, where appropriate, in the assessment section of the report. The following elements of the NPPF are considered relevant to this proposal.
10. *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.
11. *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.

12. *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.
13. *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.
14. *NPPF Part 8 – Promoting healthy and safe communities.* The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. *Developments* should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
15. *NPPF Part 9 – Promoting sustainable transport.* Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
16. *NPPF Part 11 – Making effective use of land.* Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.
17. *NPPF Part 12 – Achieving well-designed places* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
18. *NPPF Part 14 – Meeting the challenge of climate change, flooding and coastal change* - The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.
19. *NPPF Part 15 - Conserving and Enhancing the Natural Environment* - Conserving and enhancing the natural environment. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.

20. *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.
21. *NPPF Part 17 - Facilitating the Sustainable Use of Minerals* - It is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. Since minerals are a finite natural resource, and can only be worked where they are found, best use needs to be made of them to secure their long-term conservation.

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

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

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

## **LOCAL PLAN POLICY:**

### County Durham Plan

23. *Policy 2 – Employment Land, Employment Allocations.* States that Undeveloped land and plots at the following employment sites and at proposed extensions to these existing employment sites, as shown on the policies map, are allocated for B1 (Business), B2 (General Industrial) and B8 (Storage and Distribution) unless specifically stated.
24. *Policy 4 - Housing Allocations* identifies the locations for new housing within the County. Applications for housing on these allocations if in accordance with the site-specific requirements of the policy and infrastructure requirements should be approved if in accordance with other relevant policies in the plan.
25. *Policy 6 - Development of Unallocated Sites.* States the development on sites not allocated in the Plan or Neighbourhood Plan, but which are either within the built-up area or outside the built up area but well related to a settlement will be permitted provided it: is compatible with use on adjacent land; does not result in coalescence with neighbouring settlements; does not result in loss of land of recreational, ecological, or heritage value; is appropriate in scale, design etc to the character of settlement; it is not prejudicial to highway safety; provides access to sustainable modes of transport; retains the settlement's valued facilities; considers climate change implications; encourages the use of previously developed land and reflects priorities for urban regeneration.

26. *Policy 10 – Development in the Countryside.* Development in the countryside will not be permitted unless allowed for by specific policies in the Plan, relevant policies within an adopted neighbourhood plan relating to the application site or where the proposal relates to one or more of the following exceptions; economic development, infrastructure development or the development of existing buildings. New development in the countryside must accord with all other relevant development plan policies and general design principles.
27. *Policy 15 - Addressing Housing Need.* Establishes the requirements for developments to provide on-site affordable housing, the circumstances when off-site affordable housing would be acceptable, the tenure mix of affordable housing, the requirements of developments to meet the needs of older people and people with disabilities and the circumstances in which the specialist housing will be supported.
28. *Policy 19 - Type and Mix of Housing.* Advises that on new housing developments the council will seek to secure an appropriate mix of dwelling types and sizes, taking account of existing imbalances in the housing stock, site characteristics, viability, economic and market considerations and the opportunity to facilitate self build or custom build schemes.
29. *Policy 21 - Delivering Sustainable Transport.* Requires all development to deliver sustainable transport by: delivering, accommodating and facilitating investment in sustainable modes of transport; providing appropriate, well designed, permeable and direct routes for all modes of transport; ensuring that any vehicular traffic generated by new development can be safely accommodated; creating new or improvements to existing routes and assessing potential increase in risk resulting from new development in vicinity of level crossings. Development should have regard to Parking and Accessibility Supplementary Planning Document.
30. *Policy 22 - Durham City Sustainable Transport.* Seeks to reduce the dominance of car traffic, address air quality and improve the historic environment within the Durham City area.
31. *Policy 25 - Developer Contributions.* Advises that any mitigation necessary to make the development acceptable in planning terms will be secured through appropriate planning conditions or planning obligations. Planning conditions will be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Planning obligations must be directly related to the development and fairly and reasonably related in scale and kind to the development.
32. *Policy 26 – Green Infrastructure.* States that development will be expected to maintain and protect, and where appropriate improve, the County's green infrastructure network. Advice is provided on the circumstances in which existing green infrastructure may be lost to development, the requirements of new provision within development proposals and advice in regard to public rights of way.
33. *Policy 27 – Utilities, Telecommunications and Other Broadcast Infrastructure.* States amongst its advice that new residential and commercial development should be served by a high speed broadband connection or appropriate infrastructure for future installation if direct connection is not appropriate, practical or economically viable.
34. *Policy 29 – Sustainable Design.* Requires all development proposals to achieve well designed buildings and places having regard to SPD advice and sets out detailed criteria which sets out that where relevant development is required to meet including; making a positive contribution to an areas character and identity; provide adaptable

buildings; minimise greenhouse gas emissions and use of non renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; providing suitable landscape proposals; provide convenient access for all users; adhere to the Nationally Described Space Standards (subject to transition period).

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

41. *Policy 41 - Biodiversity and Geodiversity.* Restricts development that would result in significant harm to biodiversity or geodiversity and cannot be mitigated or compensated. The retention and enhancement of existing biodiversity assets and features is required as are biodiversity net gains. Proposals must protect geological features, have regard to Geodiversity Action Plans and the Durham Geodiversity Audit and where appropriate promote public access, appreciation and interpretation of geodiversity.
42. *Policy 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.
43. *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.
44. *Policy 56 - Safeguarding Mineral Resources.* Sets out that planning permission will not be granted for non-mineral development that would lead to the sterilisation of mineral resources within a Mineral Safeguarding Area unless certain exception criteria apply.

#### **NEIGHBOURHOOD PLAN:**

45. There is no neighbourhood plan in place for this area.

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## **CONSULTATION AND PUBLICITY RESPONSES**

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#### **STATUTORY RESPONSES:**

46. *Highway Authority* – Officers initially had some concerns regarding the internal layout, traffic calming on Colliery Road, the Auton Stile junction and requested further information regarding trip rates which may impact the onto the main strategic A167 corridor. Amendments and further information have been submitted by the applicant. Highways officers have reviewed the amended internal layout drawing and are now satisfied this meets the highway requirements. A series of raised table features have been added to incorporate suitable traffic calming measures in accordance with 20mph design speed. In regard to the footpath link to the estate of Hilltop this again is considered satisfactory. Officers requested that the roads do not connect up as this would not be suitable in highway terms for the development to link up Colliery Road and Hilltop Estate. The existing highway conditions on Hilltop are as such that this would not be an appropriate loop road for passing traffic as the highway is narrow in part through the cull de sac residential areas which is staggered. Highways officers consider that linking this route up could lead to conflict with residents parked vehicles on street and harm to highway safety due to the convoluted narrow route. The principle of the highway mitigation works is also considered acceptable on Colliery Road with the 20mph zone proposed near the primary school and the chicane give way priority traffic feature with series of road hump traffic calming measures. The access

arrangement onto Auton Stile C17 is adequate in terms of its design and visibility for the traffic generated from the site. In relation to percentage increases in the AM and PM peak flow scenarios onto the main strategic A167 corridor, the information provided concludes that the development would not lead to a significant adverse impact in terms of increased traffic congestion onto the A167.

47. *Drainage and Coastal Protection* – Officers advise that the submitted surface water management information is acceptable. However, it was suggested that a Surface Water Strategy document should be submitted along with engineering layouts, these have now been provided and drainage officers have no objections to the proposals.

#### **INTERNAL CONSULTEE RESPONSES:**

48. *Spatial Policy* – The majority of this site is allocated in Policy 4 (Reference H7) of the CDP, therefore the principle of housing on this part of the site is acceptable subject to the policy requirements set out within policy 4 being satisfied as well as other CDP policies set out above, and ensuring good design required by policy 29. The adjacent land at the vacant industrial estate will need to be determined against policy 6, which deals with development of housing on unallocated sites, it is considered that this site would satisfy the policy 6 criteria in principle, subject to matters of detail.
49. *Archaeology* – There is no archaeological objection to this application.
50. *Design and Conservation* – During the planning process negotiations have taken place with the developer regarding the layout of the site and the character and materials of dwellings. As a result of this, amendments have been submitted and agreed with the applicant. The housing layout now incorporates corner turning units, housing that is set back and faces onto the Public Right of Way to the east and a choice of materials which mainly incorporates a red facing brick and a grey flat roof tile to reflect the characteristics of the village, with a modern distinctive character. The proposals have been to a design review panel with some red scores initially, however after discussions and amendments being made the scheme has scored 10 amber scores and two green scores which would be in accordance with policy 29 of County Durham Plan.
51. *Ecology* – Note that the supplied Ecological impact Assessment confirms that no significant adverse impacts are anticipated on bats and great crested newts. The site is of Parish value for breeding birds however nearly all breeding territories were recorded around the perimeter of the site. Mitigation for the loss of breeding bird habitat is recommended and measures are proposed in the form of integrated bird breeding units installed in 10% of the new properties. Enhancement for bats is proposed in the form of integrated bat roost units installed into 10% of the new properties. Both the breeding bird and bat roost unit locations are detailed and this should be conditioned if planning consent is granted.

The supplied Biodiversity Net Gain Assessment report concludes that the development will provide 14.22 habitat units and lead to a loss of over 45% over the site baseline. If the Council is to undertake biodiversity net gain on the applicant's behalf the current sum is £5300 per biodiversity unit required. Therefore, a financial contribution for this development would be £64,766 and should be secured via S106 Agreement.

52. *Environment, Health and Consumer Protection (Air Quality)* – Mitigation measures are provided in section 7 and welcomed. The measures should be committed to by means of a planning condition or similar. The inclusion of a Travel Plan in the planning application is welcomed and again, any measures that could reduce emissions associated with the proposed development should be committed to by means of planning condition or similar.

53. *Environment, Health and Consumer Protection (Nuisance)* – Officers have reviewed the information provided in relation to construction management techniques in order to control noise and dust during the development phase and in general are in agreement with the Construction Management Plan.
54. *Environment, Health and Consumer Protection (Contaminated Land)* – Officers are satisfied with the information provided and satisfied with the information provided in the remediation strategy. Ground gas protection measures are not required, however contaminants have been identified in the soils and a clean cover system is required. Given the above and due to the fact that this development constitutes a change of use to a more sensitive receptor, conditions should be applied to ensure remediation works are carried out.
55. *Landscape* – The proposed layout provides a logical consolidation of the settlement with connections via footpaths and open space to local amenities. Successful landscape mitigation is key and the development should be able to accommodate trees to visually break up the proposed roofscape and building facades. This would ensure that the development is not contrary to Policy 39 Landscape or to Policy 29 Sustainable Development. It appears from the proposed plans that the southern hedge and existing trees on the site have where possible been retained.
56. *Landscape (Arboriculture)* – Officers note that the arboricultural report is satisfactory and complies with current regulations and no trees within the site boundary warrant individual tree preservation orders.

Officers state that landscape detail must be shown i.e., species and planting methods. Any proposed landscaping with trees must include underground systems where trees are located within or close to hardstanding areas. Species must be listed which will be in front of properties as the areas are likely to be small therefore the correct type of tree must be planted. For trees to grow within urban areas the correct planting systems must be in place; this will ensure longevity of tree cover and will allow correct root growth so that trees will not create future problems in footpaths and drives.

57. *Public Rights of Way* – note the footpath link to Cook Avenue in the south west corner of the site has been reintroduced to the layout, with some degree of natural surveillance.
58. *School Places Manager* – In relation to Primary School places officers have confirmed that based on the projected rolls of the schools, taking into account the likely implementation timeframe of the development, build rates and other committed development there would not be sufficient space to accommodate the pupils generated by the development, whilst maintaining a 5% surplus. Therefore, in order to mitigate the impact of the development a contribution of £441,090 (30 x £14,703) would be required to facilitate the provision of additional teaching accommodation.

In relation to Secondary Schools, officers confirm that there would be sufficient space to accommodate pupils generated by the development, whilst maintaining a 5% surplus. No contribution for additional secondary teaching accommodation is therefore required.

59. *Sustainable Travel* – Officers have stated that if a suitable footway can be constructed at the south west corner of the development providing a good direct walking route to bus services on the main road, then the development would be acceptable.

## EXTERNAL CONSULTEE RESPONSES:

60. *Coal Authority* – The Coal Authority notes the supporting Phase II Geo-Environmental Site Investigation and Risk Assessment (January 2021, prepared by Roberts Environmental Ltd), the content of which confirms the results of an intrusive site investigation undertaken comprising of rotary boreholes. On the basis that the boreholes identified sufficient competent rock cover above the worked recorded shallow coal seam, the Coal Authority is satisfied the site is safe and stable to accommodate the proposed development and has no objections to the planning application.
61. *Northumbrian Water Limited* – Note that a drainage scheme has been submitted with the application. The drainage strategy proposes to discharge unrestricted surface water flows to the combined sewer network which has not been agreed. In addition, the SUDS basin has an outfall to the surface water sewer which does not appear to have any restriction imposed. Therefore, NWL request that a foul and surface water condition is applied to any approval.
62. *NHS* – This practice falls within Durham West Primary Care Network which is at full capacity with regards to space requirements to deliver services to their patient list size. S106 funding would support creating extra capacity for them to provide appropriate services to patients and this would require a contribution of £71,484 toward healthcare provision.

## PUBLIC RESPONSES:

63. The application has been advertised by way of a press and site notice and 207 individual notification letters to neighbouring residents.
64. 11 no. letters of objection have been received along with a petition with 10 signatures, 2 general comments and 2 letters of support. The main concerns and queries raised by the objectors can be summarised as follows:
  - There are concerns regarding an increase in traffic congestion, the proposed access point which may have poor visibility and speeding close to the school and nearby play area. In terms of highways, there is also concern that the access through the existing Hilltop Road estate is not suitable for additional traffic and that the Auton Stile junction is dangerous and not suitable for additional traffic use.
  - There are concerns regarding loss of wildlife on the field and loss of green space.
  - Objectors are concerned that the development would increase pressure on existing facilities, in particular the local surgery and the school.
  - In terms of nuisance, there are concerns raised regarding construction noise and air quality.
  - Objectors also have concerns relating to flooding and water pressure in the area.
  - In terms of amenity, some nearby residents raise concerns relating to a loss of view and privacy issues and also that there may be an increase in crime.
  - There are also concerns raised relating to the decrease in house values and some comment that there are more bungalows needed.
65. Two letters have commented that they are generally in support of the application but would wish to see speed restrictions outside of the school and play area to the east.
66. The two letters of support that have been received which outline that the proposals would be good for the village and for the school, economy, amenities and would enhance the area.

## **APPLICANTS STATEMENT:**

67. The site provides a sustainable development opportunity and would contribute to the provision of a mix of housing size, types and affordability in the area, particularly promoting family housing and appropriate dwellings which allow people to stay in their local community. The proposals aim to deliver quality new homes to local people in addition to providing much needed new housing in this location.
68. This planning application has considered all relevant planning policy matters in respect of the proposal bringing forward residential development. At a national, regional and local planning policy level, there remains a priority for development in urban areas to which this site would accord, as well as addressing the housing shortage faced at all levels. The site is fully compliant with the adopted County Durham Local Plan, as a site that is allocated for residential development. The development will also fully comply with Local Policy and contribute towards meeting the needs of the county's existing and future residents by providing affordable housing, as well as providing 100% space standard dwellings, 66% M4(2) compliant dwellings and meeting the needs of older people and people with disabilities by providing bungalows. Additionally, the site will integrate well into the locality through design proposals and density accords with National Planning Policy. The applicants have undertaken considerable dialogue with architects, local residents, consultants and relevant officers at the Council to ensure that the scheme not only delivers high quality design, but also responds to the aspirations of the local community. Indeed, the proposals have been amended through the formal planning submission process, to take into account of the comments made.
69. The site lies within a residential area in close proximity to services and facilities including access to sustainable travel options such as bus services and footpath links. There is ready access to local amenities, schools and employment sites, making the development socially sustainable.
70. Development of the site will bring a number of social and economic benefits directly to Bearpark and the surrounding area. In terms of economic benefits, the development will deliver around £248,288 additional Council Tax per annum, with a New Homes Bonus payment to the Council of approximately £208,250. Based on the additional construction costs, the site will generate spend in the region of £12.5m directly from building activity. Socially, the development will sustain and create 155 direct jobs and 303 indirect jobs. Through the Community Matters Programme, Gleeson are committed to provide 'Local Jobs for Local People' and offer priority of employment to those living within 2 miles of each site, ensuring that the benefit of jobs and spend go to directly to the local community. Additionally, community engagement is a crucial part of our development process, and we will work closely with the local school to promote strong communities and inspire the future generations.

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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71. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that if regard is to be had to the development plan, decisions should be made in accordance with the development plan unless material considerations indicate otherwise. In accordance with advice within the National Planning Policy Framework (NPPF), the policies contained therein are material considerations that should be taken into account in decision making. Other material considerations include representations received. In this context, it is

considered that the main planning issues in this instance relate to the principle of development, locational sustainability, highway safety and access, landscape and visual impact, layout and design, residential amenity, addressing housing need, heritage and archaeology, ecology, flooding and drainage, open space provision, education, healthcare, developer contributions, contamination, land stability and minerals, concerns raised by residents and public sector equality duty.

## The Principle of the Development

### *The Development Plan*

72. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The County Durham Plan (CDP) is the statutory development plan and the starting point for determining applications as set out in the Planning Act and reinforced at Paragraph 12 of the NPPF. The CDP was adopted in October 2020 and provides the policy framework for the County up until 2035.
73. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means: -
- c) approving development proposals that accord with an up-to-date development plan without delay; or
  - d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
    - i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or,
    - ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
74. Policy 4 (Housing Allocations) of the CDP sets out sites allocated for housing to deliver the new homes required to meet our Local Housing Need (LHN). It states that planning applications for housing on these allocations, that are in accordance with the site-specific requirements in this Policy and any infrastructure constraints identified in the Infrastructure Delivery Plan, will be approved if the proposed scheme is in accordance with other relevant policies in the Plan.
75. The majority of the application site is allocated for housing in Policy 4 (Reference H7) of the CDP, therefore, the principle of housing on the allocated site is acceptable. This policy sets out the following requirements for this site:
- To deliver local highway improvements including the widening of Colliery Road to a minimum of 6.75m, to complete a loop road connection through the site to Hilltop Road.
76. The current proposal has been assessed by the Highway Authority and it has been concluded that the link road through to Hilltop Road would not be acceptable in highways terms and it has been requested that this link is pedestrian only, this has been agreed, amended plans received and will be discussed later in the report.

77. The proposal is for 148 units in total, on a larger land parcel than the Policy 4 allocation incorporating the adjacent and vacant industrial site. The adjacent industrial site included in this application is not allocated in the CDP for any particular use, although previously industrial land, it is now vacant and not allocated in policy 2.
78. The vacant industrial site is vacant and is made up of small industrial units. It has been assessed in the Strategic Housing Land Availability Assessment (SHLAA) Ref: 4/BE/07, as amber unsuitable and the outcome states:
- “This site is an existing employment site which is partially occupied. This site will also require significant highway improvements which are more likely to be delivered as part of a larger scheme. STW upgrade scheduled for 2020 which could impact phasing, however given the existing use on the site it is anticipated that this would not be a significant constraint.”*
79. On face value, this indicates that this part of the application site is unsuitable due to it being currently in use an employment site, which is no longer the case. The highways improvements required would likely need to be delivered as part of a larger scheme. In this case, as it is included in this wider site and is now disused vacant land, the highway considerations can be taken on the site as a whole, so the issue will be whether or not the employment site is currently in use. It can be confirmed that the employment site is no longer in use.
80. This vacant employment site will need to be determined against Policy 6 of the CDP, which deals with development of housing on unallocated sites. This states that the development of sites which are within the built-up area will be permitted provided the proposal accords with all relevant development plan policies and the criteria within the policy.
81. The housing allocation site and the industrial land are proposed to be developed as one site, therefore, it is considered that this site would satisfy the CDP Policy 6 criteria in principle, subject to matters of detail such as ensuring that the design, layout and scale of the houses is appropriate.

#### *Five Year Housing Land Supply*

82. It was established under the adoption of the CDP that the Council can demonstrate in excess of 5 years housing land supply (6.33 years). The CDP was adopted in October 2020 and therefore, in accordance with Paragraph 74 of the NPPF, a five-year supply of deliverable housing sites, with the appropriate buffer can be demonstrated. This majority of this site forms part of the housing land supply as a housing allocation under Policy 4 of the CDP. However, the weight to be afforded to the boost to housing supply as a benefit of the smaller portion of the development on the vacant industrial estate is clearly less than in instances where such a healthy land supply position could not be demonstrated. This proportion of the site would be determined under Policy 6 of the CDP.

#### *Principle of Development - Conclusion*

83. The majority of this site is allocated in Policy 4 (Reference H7) of the CDP, therefore the principle of housing on this part of the site is acceptable subject to the Policy requirements set out within Policy 4 being satisfied as well as other CDP policies set out above, and ensuring good design required by Policy 29. It is noted however, that the vehicular access required by Policy 4 (Reference H7) for a vehicular access through to Hilltop Road has been reassessed and is no longer considered appropriate

by the Highway Authority. The adjacent land needs to be determined against Policy 6, which deals with development of housing on unallocated sites, it is considered that this site would satisfy the Policy 6 criteria, in principle. Policy 10 is not considered relevant in this instance as it accords with policies 4 and 6 of the CDP.

84. Overall, it is considered that the development is acceptable in principle in terms of both Policies 4 and 6 of the CDP and the aims of the NPPF subject to matters of detail as set out below.

#### Locational Sustainability

85. Policy 21 of the CDP requires all developments to deliver sustainable transport by providing appropriate, well designed, permeable and direct routes for walking, cycling and bus access, so that new developments clearly link to existing services and facilities together with existing routes for the convenience of all users. Policy 29 of the CDP requires that major development proposals provide convenient access for all users whilst prioritising the needs of pedestrians, cyclists, public transport users, people with a range of disabilities, and, emergency and service vehicles whilst ensuring that connections are made to existing cycle and pedestrian networks. Specifically, the NPPF sets out at Paragraph 105 that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. At Paragraph 110 the NPPF states that appropriate opportunities to promote sustainable transport modes should be taken whilst Paragraph 112 amongst its advice seeks to facilitate access to high quality public transport.
86. The majority of this application site has been considered in terms of its sustainability in the Settlement Study, the SHLAA and as part of the assessment of the County Durham Plan and has been allocated as a housing site partly because of its good locational sustainability credentials. In relation to the part of the site that is not allocated under Policy 4, criteria f of Policy 6 of the CDP requires that developments on unallocated sites have good access by sustainable modes of transport to relevant services and facilities and reflects the size of the settlement and the level of service provision within that settlement. It is considered that as the housing allocation site and the industrial land are proposed to be developed as one site, the locational sustainability can be assessed as a whole. However, it is noted that the site would satisfy the Policy 6 criteria in principle.
87. Bearpark in general is considered to be served by an appropriate range of services and amenities, consideration is required to be given as to the ability of future occupiers to access these. In this respect, the application is accompanied by a Transport Assessment and Travel Plan, which assess the accessibility of the site to local services and facilities, by foot, bicycle and bus, as well as impacts upon the highway network in terms of vehicular traffic and these are found to be acceptable.
88. The site could have good connection to the Public Right of Way to the east of the site along with a new footpath link to the south west of the site connecting to Cook Avenue where there are bus routes and access to local shops, there would also be a new pedestrian link onto Hilltop Road to the west.
89. In relation to distances to services and amenities, the access to the site is only around 250 metres to Bearpark Primary School, approximately 400 metres to Bearpark Surgery, approximately 250 metres to the nearest local shops and there are bus stops within 100 and 400 metres.

90. Taken in the round, it is recognised that the local facilities and services are located in what are generally considered to be acceptable walking distances and the site benefits from good links to cycle routes. It is also noted that the site intends to provide additional connections onto Cook Avenue and Hilltop Road and has good access to the Public Right of Way. The proposals are considered to be in accordance with Policies 6 f), 21 and 29 of the CDP and Paragraphs 105, 110 and 112 of the NPPF.

#### Highway Safety and Access

91. Policy 21 of the CDP requires transport implications of development to be addressed as part of the planning application. It requires all development to deliver sustainable transport by:
- Delivering, accommodating and facilitating investment in safe sustainable modes of transport in the following order of priority: those with mobility issues or disabilities, walking, cycling, bus and rail transport, car sharing and alternative fuel vehicles;
  - Providing appropriate, well designed routes for walking, cycling and bus access.
  - Ensuring that any vehicular traffic generated by new development can safely be accommodated on the local and strategic highway network; and,
  - ensuring the creation of new or improvements to existing routes and facilities do not cause unacceptable harm to the natural, built or historic environment.
92. Development should also have regard to the policies set out in the County Durham's Strategic Cycling and Walking Delivery Plan and where possible, contribute to the development of a safe strategic cycling and walking network and in particular the routes set out in Local Cycling and Walking Infrastructure Plans. There are also principles set out to determine cycle and parking provision in development.
93. Specifically in relation to the allocated part of the application site, Policy 4 of the CDP sets out a requirement to deliver local highway improvements including the widening of Colliery Road to a minimum of 6.75m, to complete a loop road connection through the site to Hilltop Road, while for the unallocated part of the site, Policy 6 (criteria e) of the CDP outlines that development should not be prejudicial to highway safety or have a severe cumulative impact on network capacity. Policy 21 reiterates the requirement of Policy 6 in addition to expecting developments to deliver well designed pedestrian routes and sufficient cycle and car parking provision.
94. Similarly, Policy 29 of the CDP advocates that convenient access is made for all users of the development together with connections to existing cycle and pedestrian routes. Specifically, the NPPF sets out at Paragraph 110 that safe and suitable access should be achieved for all people. In addition, Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
95. The Highway Authority have been in discussions with the applicant throughout the application process. Initially, some technical highway issues arose with the internal layout which needed to be amended, including raised table features being provided at locations within the site to reduce traffic speeds.
96. Amendments and additional information were received and reviewed during the application process. It is now considered that the amended internal layout meets the highway requirements. A series of raised table features have been added to incorporate suitable traffic calming measures in accordance with 20mph design speed. In regards to the footpath link to the estate of Hilltop this again is now satisfactory.

97. In relation to the Policy 4 requirement to complete a loop road connection through the site to Hilltop Road, the Highway Authority have requested that the roads do not connect up, as this would not be suitable in highway terms for the development to link up Colliery Road and Hilltop Estate. The existing highway conditions on Hilltop are as such that this would not be an appropriate loop road for passing traffic as the highway is narrow in part through the cull de sac residential areas which is staggered. It is the Highway Authority's opinion that linking this route up would lead to conflict with residents parked vehicles on street and harm to highway safety due to the convoluted narrow route. It was noted that a village loop road should be continuous in form and be at least 6 metres wide to safely serve residential through traffic movements which include added daily servicing and house holder deliveries.
98. An updated Transport Assessment (TA) has been submitted to consider the potential highway and transport related impacts associated with this proposal and any mitigation required on the A167. Overall, the information included within the assessment and methodology used have been considered acceptable and no mitigation is required in this respect.
99. The Highway Authority has accepted the principle of highway mitigation works on Colliery Road with a 20mph zone proposed near the primary school and chicane give way priority traffic calming features along with a series of road hump traffic calming measures. These works will be secured through an agreement under Section 278 of the Highways Act 1980.
100. The proposed access arrangement onto Auton Stile (Road C17) is also considered adequate in terms of its design and visibility for the traffic generated from the site.
101. Sustainable Travel Officers consider that if a suitable footway was to be constructed at the southwest corner of the development providing a good direct walking route to bus services on the main road (Auton Stile), then the proposals would be acceptable. This has been addressed in accordance with policy 22 of the CDP.
102. Whilst some concerns were initially raised in relation to the internal layout, including the initially proposed vehicular access through to Hilltop Road, the inclusion of additional pedestrian links, the Auton Stile junction and traffic calming measures on Colliery Road, these have now all been resolved, and overall, the highway impacts of the proposed development are considered to be acceptable and in accordance with Policies 6, 21 and 29 of the CDP as well as Part 9 of the NPPF. In terms of Policy 4 of the CDP which refers to housing allocations, this site is allocated under H7. There was a specific requirement in this housing allocation to deliver local highway improvements including the widening of Colliery Road to a minimum of 6.75m, to complete a loop road connection through the site to Hilltop Road. The Highway Authority has revisited this requirement and it is no longer considered necessary for the reasons set out above.

#### Landscape and Visual Impact

103. Policy 39 of the CDP states proposals for new development will be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals would be expected to incorporate appropriate measures to mitigate adverse landscape and visual effects. These are similar requirements to those outlined at Policy 6 of the CDP. Policy 26 of the CDP outlines developments are expected to provide new green infrastructure and ensure provision for its long-term management and maintenance. Similar requirements are outlined in Policy 29 of the CDP. Criteria I specifically requires that

in the case of edge of settlement development, provide for an appropriate level of structural landscaping to screen or assimilate the development into its surroundings and provide an attractive new settlement boundary. Policy 40 of the CDP seeks to avoid the loss of existing trees and hedgerows unless suitable replacement planting is provided. Parts 12 and 15 of the NPPF promotes good design and sets out that the planning system should contribute to and enhance the natural and local environment by (amongst other things) recognising the intrinsic character and beauty of the countryside. Paragraph 131 of the NPPF sets out that planning decisions should ensure that new streets are tree-lined.

104. Landscape officers initially commented that the detailed landscape design proposals show a commitment to trees in open spaces and on house frontages including shrubs. However, whilst the open spaces which provide connections through the development are able to accommodate larger size trees which would assist with landscape mitigation, the development does not achieve an arrangement of tree lined streets, as trees are proposed close to building foundations. Therefore, it was requested that the layout for trees should be adjusted.
105. Officers have discussed landscaping proposals with the applicant and the revised landscape plans now show an increased number of trees in open spaces which would assist in visually breaking up the development in views across the valley and at close range. Officers also consider that the pedestrian connection to the south-west linking to Beaurepaire and Cook Avenue is an asset to the layout in terms of connectivity and that the proposed layout provides a logical consolidation of the settlement with connections via footpaths and open space to local amenities.
106. Overall, Landscape Officers consider the scheme to provide sufficient planting in a suitable manner would meet the necessary requirements of Policies 26, 29, 39 and 40 of the CDP and Parts 12 and 15 of the NPPF.

#### Layout and Design

107. Policy 29 of the CDP outlines that development proposals should contribute positively to an area's character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities. Parts 12 and 15 of the NPPF also seek to promote good design, while protecting and enhancing local environments. Paragraph 130 of the NPPF also states that planning decisions should aim to ensure developments function well and add to the overall quality of the area and establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit.
108. Policy 29 of the CDP also states that all new residential development will be required to comply with the Building for Life SPD and achieve reductions in CO2 emissions. As set out in policy 29, all new residential development will be required to comply with the Nationally Described Space Standards (NDSS). The applicant has been encouraged to comply with these standards and has done so along with the Residential Amenity Standards Supplementary Planning Document which sets out the privacy/amenity requirements for new build proposals.
109. In recognition of national planning advice and to achieve high quality housing developments DCC has adopted an in-house review process to assess schemes against the Building for Life 12 (BfL 12) Standards. The Building for Life Supplementary Planning Document (2019) (BfL SPD) formalises the review process and establishes the guidelines and standards for its operation and is linked to Policy 29 (Sustainable Design) of the CDP. The scheme was considered against the BfL standard through a series of 12 questions. The scoring is based on a traffic light

system with the aim of the proposed new development to secure as many “greens” as possible, minimise the number of “ambers” and avoid “reds”. The more “greens” achieved the better the development will be, “ambers” are usually concerns that can be raised to “green” with revisions, whereas a “red” gives a warning that a particular aspect needs strong reconsideration. After initial plans were submitted the proposals scored 7 reds, 4 ambers and 1 green score meaning at the design review panel meaning that the proposals needed to be amended in order to comply with Policy 29 of the CDP.

110. Design and Conservation officers have been consulted on a revised scheme after the applicants review of the initial design panel outcome. The amended application now proposes a suitable mix of dwellings. The layout includes a comprehensive landscaping scheme, a large area of public open space to the northwest of the site including a sustainable drainage (SuDs) basin and a central area of public open space with a footpath running through it from north to south. Housing is now set back and faces onto the Public Right of Way to the east. Dwellings would also be outward facing over public open space to the north west of the site and SuDs pond and which would overlook the open space and footpath which runs through the centre of the site contributing to an attractive street scene and natural surveillance of the open spaces.
111. The housing layout also now incorporates corner turning units and garaging that is set back to reduce dominance of car parking. The house types consist of two storey dwellings and bungalows, with casement windows, modern entrance doors with flat roof canopies over and front and rear gardens. Dwellings would have single and dual pitched roofs and a choice of materials which mainly incorporates a red facing brick and a grey flat roof tile to reflect the characteristics of the village, with a modern distinctive character
112. The appearance of the dwellings are considered to be of a generally high standard. The scheme has been developed as a mix of contemporary style and traditional development which would work well in this location. The choice of materials, which is dominated by red brick and grey tile roofing materials would relate well to the surrounding area and would add interest and create a modern feel to the development.
113. The revised scheme scored 10 amber scores and 2 green scores. Policy 29 advises that if any “reds” are scored the application should be refused unless there are significant overriding reasons otherwise. The proposal would therefore accord with criteria in Policy 29 of the CDP and Part 12 of the NPPF in this respect.

#### Residential Amenity

114. Policies 29 and 31 of the CDP outline that developments should provide high standards of amenity and privacy, minimise the impact of development upon the occupants of existing adjacent and nearby properties and not lead to unacceptable levels of pollution. A Residential Amenity Standards Supplementary Planning Document (SPD) has been adopted by the Council. Parts 12 and 15 of the NPPF require that a good standard of amenity for existing and future users be ensured, whilst seeking to prevent both new and existing development from contributing to, or being put at unacceptable risk from, unacceptable levels of pollution.
115. Guidance within the SPD advocates separation distances of 21m between facing principal elevations and 18m between bungalows, 13m between principal and two storey gable elevations and 10m to a single storey. Where there is a significant change in levels, the minimum separation distance will increase by 1 metre for every 1 metre that the floor level of the development would be above the affected floor or ground level of the neighbouring property. The SPD also advises that where storey heights

differ, separation should increase by 3m for every additional storey height and additional separation will be required to take account of the levels. In addition to this the document states that developments should incorporate usable, attractively laid out and private garden space conveniently located in relation to the property or properties it serves. It should be of an appropriate size, having regard to the size of the dwelling and character of the area. The length of gardens will generally be dictated by the minimum distancing standards but should be no less than 9 metres unless site specific circumstances allow for a reduction in size.

116. It is noted that the distancing standards as set out within the Residential Amenity Standards Supplementary Planning Document are met in all instances. Importantly, the distances to existing dwellings are also met or exceeded in all instances.
117. The proposal is therefore in accordance with the SPD, Policies 29 and 31 of the CDP and Parts 12 and 15 of the NPPF.

#### Addressing Housing Need

118. Policy 15 of the CDP states that affordable housing will be sought on sites of 10 or more units, for 25% of units in the highest value areas, 15% in medium value areas to 10% in the lowest. On sites of 10 or more units, 10% of the homes provided should be for affordable home ownership (starter homes, discount market sale housing and other affordable routes to home ownership). Any contribution above 10% should be provided as affordable housing for rent.
119. In instances where a site straddles more than one viability area, the affordable housing requirement should reflect the viability area for the majority of the site. Therefore, in this instance, as the majority of the site lies within the 'medium' area, a requirement of 15% is to be applied to the proposed development.
120. As stated above, the majority of this site is within a medium value area, this development would normally require 22 affordable units. However, paragraph 64 of the NPPF "Vacant Building Credit" states that:

*"To support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount."*

121. The applicant has stated that the Vacant Building Credit can be applied to this planning application, as:
- The buildings located within the application boundary are vacant, not abandoned.
  - The proposed residential scheme as submitted has 12,710 sq m. The existing buildings have a floor area of approx. 1948 sq m. Therefore, the scheme results in an increase of 10,762 sq m. or an 84% increase in floorspace.
  - Based on 15% affordable housing policy and 148 dwellings, the affordable provision should be 22.2 dwellings. 84% of 22.2 dwellings is 18.64 dwellings.
  - As such, any affordable housing provision on this site should comprise 19no. affordable units (rounded up from 18.64) when Vacant Building Credit is applied.
122. It is noted that the Meeting Housing Needs Statement does not specify the exact numbers proposed and states that the applicant would engage with the council during the application process, therefore it has been ensured that negotiations have taken place in order to satisfy the requirements of Policy 15. The applicant has discussed housing need during the application process, and it has been agreed that Vacant

Building Credit applies to the vacant industrial estate part of the site in accordance with the paragraph 64 of the NPPF and that 19 affordable units should be provided.

123. Policy 15 also aims to meet the needs of older people and people with disabilities. On sites of 5 units or more, 66% of dwellings must be built to Building Regulations Requirement M4 (2) (accessible and adaptable dwellings) standard.
124. On sites of 10 units or more, a minimum of 10% of the total number of dwellings on the site are required to be of a design and type that will increase the housing options of older people. These properties should be built to M4(2) standard and would contribute to meeting the 66% requirement set out above. They should be situated in the most appropriate location within the site for older people. Appropriate house types considered to meet this requirement include:
  - level access flats;
  - level access bungalows; or
  - housing products that can be shown to meet the specific needs of a multi-generational family.
125. All dwellings will meet the Department for Communities and Local Government, Technical Housing Standards – Nationally Described Space Standard, and there are 14 bungalows proposed which would satisfy the M4 (2) requirements and they meet the criteria above.
126. Policy 19 of the CDP states that on all new housing developments the council will seek to secure an appropriate mix of dwelling types and sizes, taking account of existing imbalances in the housing stock, site characteristics, viability, economic and market considerations. The scheme proposes a mix of 2, 3- and 4-bedroom houses forming bungalows, semi-detached and detached dwellings, which would achieve a good mix of dwelling types and sizes on the site and would, therefore, accord with Policy 19 of the CDP.

#### Heritage and Archaeology

127. Policy 44 of the CDP sets out development will be expected to sustain the significance of designated and non-designated heritage assets, including any contribution made by their setting. Development proposals should contribute positively to the built and historic environment and should seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets whilst improving access where appropriate. The NPPF advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. The Planning (Listed Buildings and Conservation Areas) Act 1990 also imposes a statutory duty that, when considering whether to grant planning permission for a development which affects a listed building or its setting, the decision maker shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. If harm is found this gives rise to a strong (but rebuttable) statutory presumption against the grant of planning permission. Any such harm must be given considerable importance and weight by the decision-maker.
128. In terms of heritage, The Old Chapel has previously been identified as a non-designated heritage asset. Initially the proposed development sat forward of the existing chapel and previous development in this part of the site was in the form of a terraced street which

sat in line with the chapel. Therefore, it was requested that further interpretation of the form of the chapel should be considered to create interest in the streetscene at Colliery Road. Amended plans have been received which now show an altered building line to follow the frontage of the chapel and house types in this location have been amended to resemble the pitched frontage of the chapel. Design and Conservation consider the amended approach to be acceptable and have no objections to the proposals.

129. It is therefore considered that the proposal would have no adverse impact on heritage assets within the vicinity of the site in accordance with Policy 44 of the CDP and Part 16 of the NPPF. Design and Conservation Officers raise no objection to the scheme on these grounds.
130. An archaeological investigation and geophysical survey have been undertaken pre-determination along with trial trenching of the site and a written scheme of investigation has been submitted. Archaeology officers confirm that there is no archaeological objection to this application and therefore the proposal would be considered to comply with Policy 44 of the CDP and Part 16 of the NPPF.

## Ecology

131. Policies 26, 35, 41 and 43 of the CDP seek to secure net gains for biodiversity and coherent ecological networks. Policy 43 relates to protected species and nationally and locally protected sites. Part 15 of the NPPF seeks to ensure that developments protect and mitigate harm to biodiversity interests, and where possible, improve them. The presence of protected species is a material consideration in planning decisions as they are a protected species under the Wildlife and Countryside Act 1981 and the European Union Habitats Directive and the Conservation of Habitats and Species Regulations 2017 (as amended). The Habitats Directive prohibits the deterioration, destruction or disturbance of breeding sites or resting places of protected species. Natural England has the statutory responsibility under the regulations to deal with any licence applications but there is also a duty on planning authorities when deciding whether to grant planning permission for a development which could harm a European Protected Species to apply three tests contained in the Regulations. These state that the activity must be for imperative reasons of overriding public interest or for public health and safety, there must be no satisfactory alternative, and that the favourable conservation status of the species must be maintained. Brexit does not change the Council's responsibilities under the law.
132. A Preliminary Ecological Appraisal has been submitted in support of the proposal. The report outlines the potential impacts of the development to both habitats and species as well as a series of recommendations to minimise these. The mitigation measures can be secured via condition. No interference with protected species is identified as a result of the development. A European Protected Species Licence is therefore not considered to be required as a result of the development having regards to the requirements of the Habitats Directive brought into effect by the Conservation of Habitats and Species Regulations 2017 and the Council's Ecologist is satisfied with the submitted assessment.
133. The supplied Ecological Appraisal confirms that no significant adverse impacts are anticipated on bats and great crested newts. The site is of Parish value for breeding birds however nearly all breeding territories were recorded around the perimeter of the site.
134. Mitigation for the loss of breeding bird habitat (apart from Lapwing) is recommended and in the appraisal and measures are proposed in the form of integrated bird breeding units installed in 10% of the new properties. Enhancement for bats is proposed in the

form of integrated bat roost units installed into 10% of the new properties. Both the breeding bird and bat roost unit locations are detailed, and this should be conditioned if planning consent is granted.

135. The supplied Biodiversity Net Gain Assessment report concludes that the development itself would provide 14.22 habitat units and lead to a loss of over 45% over the site baseline. In order to deliver biodiversity net gains, the Council would undertake the biodiversity net gain requirement on the applicant's behalf and a current sum of £5300 per biodiversity unit is required, as in order to achieve 1% biodiversity net gain 12.22 units are required. Therefore, in order to mitigate the impact of the development and ensure a net gain is delivered, a financial contribution of £64,766 is required and would be secured via a S106 Legal Agreement.
136. Subject to the imposition of a condition to secure the mitigation strategy and a biodiversity net gains contribution of £64,766, the proposal would comply with Policies 26, 35, 41 and 43 of the CDP and Part 15 of the NPPF.

#### Flooding and Drainage

137. 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 tests are passed, informed by a site-specific flood risk assessment.
138. The application is accompanied by a Flood Risk Assessment (FRA) and Drainage Strategy which highlights that the application site is within Flood Zone 1. The drainage strategy includes the incorporation of Sustainable Urban Drainage (SUD's) including permeable paving, a swale and a detention basin to treat and attenuate surface water runoff. Drainage and Coastal Protection Officers advise that this approach would be in compliance with National Standards and Council Policies in providing sustainable surface water management solutions and ensuring the prevention of flood risk to and from the proposed development. A conditional approach can be applied to secure the development takes place in accordance with the agreed scheme.
139. In relation to foul water, it is proposed to connect to the existing sewerage network, to which Northumbrian Water raise no objections, subject to the imposition of a condition.
140. On this basis no objections to the development on the grounds of flood risk or drainage are raised having regards to Policies 35 and 36 of the CDP and Part 14 of the NPPF.

#### Open Space Provision

141. It is important to ensure that development proposals contribute to improvements in infrastructure capacity to mitigate for the additional demands that new development creates. By securing financial contributions through planning obligations, developers would help fund the physical, social and environmental infrastructure that is needed to make development acceptable and ensure that the development mitigates its impact upon existing infrastructure. Policy 25 of the CDP supports securing developer

contributions where mitigation is necessary to make the development acceptable in planning terms including for social infrastructure such as education and health facilities. Paragraphs 55-58 of the NPPF explain the circumstances when it is appropriate for planning obligations to be used to mitigate the impacts of the development.

142. Policy 26 of the CDP outlines that new residential developments will be required to make provision for open space to meet the needs of future residents having regard to the standards of open space provision set out in the Open Space Needs Assessment (OSNA). Where it is determined that on-site provision is not appropriate, the Council will require financial contributions to be secured through planning obligations towards the provision of new open space, or the improvement of existing open space elsewhere in the locality. Paragraph 98 of the NPPF highlights that access to a network of high-quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities. Paragraph 130 of the NPPF 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).
143. 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.
144. The standards set out in the Open Space Needs Assessment 2018 (OSNA) should be used. A scheme of 148 units would generate 326 people (148 x 2.2) based on 2011 census data of 2.2 persons per household. This scheme would fall into the 4th category of Table 19 of the OSNA where some typologies of open space should be provided on site and have been, and a contribution sought for the others.
145. Table 16 of the OSNA sets out the costings, therefore, the contribution should be:  $326 \times £673.00$  ( $£790.50 - £75.00 - £42.50$ ) = £219,398 provided that the other typologies are provided on-site in accordance with Table 19
146. The site layout demonstrates that large areas of green space would be provided on site fulfilling the open space/natural green space and parks/recreational grounds requirements. It has been advised that a private management company would be used to manage and maintain the areas of open space within the development, funded by future residents paying an annual service charge. Conditions can secure the details of the future management and maintenance arrangements.
147. The development is of a scale whereby non-equipped children's play space would be expected to be provided on-site. Notwithstanding, an equipped play area lies within the recommended walking distances on land to the east therefore in this instance a financial contribution to enhance existing facilities would be deemed more appropriate.
148. Overall, the open space provision would likely to be attractive to future residents of the estate.
149. Having regard to the OSNA, the availability and the proximity of existing facilities to the development this is considered to be acceptable and in accordance with the Council's standard approach. This would satisfy the OSNA requirements, Policy 26 of the CDP and Paragraph 98 of the NPPF with regards to the provision of public open space.

## Education

150. Paragraph 95 of NPPF confirms that the government places great importance to ensure that sufficient choice of school places is available to meet the needs of existing and new communities. The School Places Manager has advised that in relation to Primary School places it is confirmed that based on the projected rolls of the schools, taking into account the likely implementation timeframe of the development, build rates and other committed development there would not be sufficient space to accommodate the pupils generated by the development, whilst maintaining a 5% surplus. Therefore, in order to mitigate the impact of the development a contribution of £441,090 would be required to facilitate the provision of additional teaching accommodation at Bearpark Primary School.
151. In relation to Secondary Schools, the development is located within the Sacriston – Ushaw Moor local school place planning area. The nearest school to the proposed the development is Durham Community Business College that has a capacity for 755 pupils. Based on the projected rolls of the schools, there would be sufficient space to accommodate pupils generated by the development, whilst maintaining a 5% surplus and therefore no contribution for additional secondary teaching accommodation is required.

## Healthcare

152. The NHS advises that local GP practices are at full capacity with regards to space requirements to deliver services to their patient list size at Dunelm Medical Practice. A contribution of £71,484 is requested to support creating extra capacity for them to provide appropriate services to patients and to make the proposed housing expansion supportable from a health infrastructure perspective.

## Developer Contributions

158. Paragraph 92 of NPPF recognises the need for planning decisions to ensure an integrated approach when considering the location of new housing and to plan positively for the provision and use of community facilities and local services. This provides policy justification to seek mitigation in respect to essential services.
159. Policy 25 of the CDP, Paragraph 57 of the NPPF and Paragraph 122 of The Community Infrastructure Levy Regulations 2010 set out three planning tests which must be met in order for weight to be given to a planning obligation. These being that matters specified are necessary to make the development acceptable in planning terms, are directly related to the development, and are fairly and reasonably related in scale and kind to the development. The following obligations are considered to meet these tests and would be required to mitigate the impacts of the development and to meet an identified affordable housing need in the County and they would be secured through a planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended).
- £219,398 towards open space and recreation in the Electoral Division
  - £441,090 towards additional school places at Bearpark Primary School
  - £71,484 toward healthcare provision at the Dunelm Medical Practice
  - £64,766 toward offsite Biodiversity net gains
  - Appropriate on-site affordable housing (19 units – 15 discount market sale units and 4 as an affordable rent product)

## Contamination, Land Stability and Minerals

153. 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.
154. Given the sensitive end use of the site, a Phase Risk Assessment and Ground Investigation Report was submitted in support of the application. Environmental Health Officers comment that they are satisfied with the information provided and satisfied with the information provided in the remediation strategy. Ground gas protection measures are not required. However, contaminants have been identified in the soils and a clean cover system is required. Given the above and due to the fact that this development constitutes a change of use to a more sensitive receptor, conditions should be applied to ensure remediation works are carried out. A condition to secure this and an informative relating to unforeseen contamination would ensure that the site is suitable for its intended use taking account of any risks arising from contamination. The proposal would therefore accord with Policy 32 of the CDP and Paragraph 183 of the NPPF.
155. Paragraph 174 of the NPPF sets out that unstable land should be remediated and mitigated where appropriate. The Coal Authority notes the supporting Phase II Geo-Environmental Site Investigation and Risk Assessment, the content of which confirms the results of an intrusive site investigation undertaken comprising of rotary boreholes. On the basis that the boreholes identified sufficient competent rock cover above the worked recorded shallow coal seam, the Coal Authority is satisfied the site is safe and stable to accommodate the proposed development and has no objections to this planning application. The proposal is therefore considered to be in accordance with Policy 32 of the CDP and Part 15 of the NPPF.
156. This site is within a Mineral Safeguarding Area (MSA), therefore, Policy 56 of the CDP needs to be taken into account. Policy 56 states that planning permission will not be granted for non-mineral development that would lead to the sterilisation of mineral resources within a MSA unless one of the criteria set out applies. In this case, as the site is allocated for housing, which is required to meet the LHN, criteria d would be applicable i.e. "there is an overriding need for the non-minerals development which outweighs the need to safeguard the mineral." However, a mineral assessment should still normally be produced which focuses on whether the mineral is of potential value and economic to extract, and if it is, an assessment of the viability of the potential for prior extraction would normally be required. Paragraph 5.551 of the CDP includes, "Prior extraction could provide the opportunity for mineral resources which would otherwise be sterilised to be extracted for use in the proposed development itself or off site. Depending on the nature of the proposed prior extraction, a standalone planning application for mineral extraction may be required which is not linked to a built development proposal".
157. In terms of minerals, Spatial Policy officers advise that having considered the contents of the Phase II Geo-Environmental Assessment it appears that the main coal seam underlying the site (the Durham Low Main) is at a depth below ground which lies both beyond that which prior extraction would be encouraged, given the constraints surrounding the site or considered to be viable to extract. Officers confirm that given the application site is identified within the County Durham Plan as an allocation for housing that criteria d) of Policy 56 would be applicable i.e. that there is an overriding need for the non-minerals development which outweighs the need to safeguard the mineral.

## Concerns raised by residents

160. As noted above, 11 letters of objection have been received as a result of the consultation process in addition to a petition.
161. The main areas of concern include an increase in traffic congestion, the proposed access point which may have poor visibility and speeding close to the school and nearby play area. In terms of highways, there is also concern that the access through the existing Hilltop Road estate is not suitable for additional traffic and that the Auton Stile junction is dangerous and not suitable for additional traffic use. These issues have been addressed by highways officers as noted in the report through a series of on site and off-site traffic calming measures and amendments to the Auton Stile junction.
162. There are also concerns regarding loss of wildlife on the field and loss of green space which have been addressed and mitigated by biodiversity net gains and financial contributions to ecology improvements offsite.
163. Objectors were also concerned that the development would increase pressure on existing facilities, in particular the local surgery and the school which have been mitigated by developer contributions to both the NHS and education capacities.
164. In terms of nuisance, there are concerns raised regarding construction noise and air quality, these have been addressed in the report and conditions will secure a construction management plan to ensure that any adverse amenity issues brought about by the development is limited.
165. Objectors also have concerns relating to flooding and water pressure in the area, these concerns have been addressed through drainage officer comments and the proposed conditions.
166. In terms of amenity some nearby residents raise concerns relating to privacy issues which have been addressed in the report which concludes that the development will achieve the required standards as set out in the Residential Amenity Standards Supplementary Planning Document and Policy 29 of the CDP.
167. Finally, there are also concerns raised relating to the decrease in house values, loss of view and some comment that there are more bungalows needed. The impact of development on property value and loss of view are not material planning considerations but it is confirmed in the report that 14 bungalows are proposed as part of the scheme.
168. Taking into account the details above, all of the issues raised by residents have been fully assessed either within this report or during the planning application process and their impacts, are not considered to outweigh the benefits of the development and give rise to grounds for refusal of planning permission.

## Public Sector Equality Duty

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

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## CONCLUSION

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170. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. In light of the recent adoption of the CDP, the Council now has an up-to-date development plan. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means approving development proposals that accord with an up-to-date development plan without delay (Paragraph 11 c).
171. Through the course of this report, the overall acceptability of the scheme or otherwise has been considered taking account all of the issues and consideration of applicable policies.
172. For the reasons set out in this report the scheme is considered to be in a sustainable location for residential development and would contribute toward the housing supply as set out in Policy 4 of the County Durham Plan as a housing allocation and would include the provision of affordable housing. In addition, the impacts of the development would be mitigated by way of contributions towards the enhancement of existing recreational facilities in the locality, education, healthcare and ecology enhancements, Off-site highway improvement works would also be funded by the applicant. The proposals are considered to accord with County Durham Plan policies, although strictly not in compliance with the highways requirements of the allocation in Policy 4, there are overriding highways reasons for that as set out earlier in the report. The proposals are otherwise in accordance with the development plan and are considered acceptable.

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## RECOMMENDATION

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

- £219,398 towards open space and recreation in the Electoral Division
- £441,090 towards additional school places at Bearpark Primary School
- £71,484 toward healthcare provision at the Dunelm Medical Practice
- £64,766 toward offsite Biodiversity net gains
- Appropriate on-site affordable housing (19 units – 15 discount market sale units and 4 as an affordable rent product)

And subject to the following conditions:

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

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

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

Location Plan	– Dwg No. 1612.01.01
Planning Layout	– Dwg No. 1612.04.01 Rev H
Boundary Treatment Plan	– Dwg No. 1612.06.01 Rev H

Detailed Landscape Plans

Composite Plan

– Dwg No. 3763/5 Rev C

Sheet 1

– Dwg No. 3763/2 Rev D

Sheet 2

– Dwg No. 3763/3 Rev D

Sheet 3

– Dwg No. 3763/4 Rev D

Garage Drawings

3 x 6m Single Garage drawing

– Dwg No. SD1700 Rev -

3 x 6m Double Garage drawing

– Dwg No. SD1701 Rev -

Sales Garage drawing

– Dwg No. SD704 Rev -

Boundary Treatment Drawings

1800mm Timber Fence drawing

– Dwg No. SD100 Rev F

Post and Wire Fence drawing

– Dwg No. SD103 Rev C

Housetype Elevation Drawings

250 housetype

– Dwg No. 21-250-C-0001 Rev C01

254 housetype

– Dwg No. 21-254-C-0001 Rev C01

350/250 housetype configuration

– Dwg No. 21-350/250-C-0001 Rev -

350 housetype

– Dwg No. 21-350-C-0001 Rev C02

352 housetype

– Dwg No. 21-352-C-0001 Rev C01

354 housetype

– Dwg No. 21-354-C-0001 Rev C01

355 housetype

– Dwg No. 21-355-C-0001 Rev C01

359 housetype

– Dwg No. 21-358/9-C-0001 RevC01

360 housetype

– Dwg No. 21-360-C-0001 Rev C01

450 housetype

– Dwg No. 21-450-C-0001 Rev C01

451 housetype

– Dwg No. 21-451-C-0001 Rev C01

454 housetype

– Dwg No. 21-454-C-0001 Rev C01

Engineering Drawings

Overall Engineering Layout

– Dwg No. D001 Rev 9

Proposed Levels - Sheet 1

– Dwg No. D100 Rev 4

Proposed Levels - Sheet 2

– Dwg No. D101 Rev 4

Proposed Levels - Sheet 3

– Dwg No. D102 Rev 4

Proposed Drainage Plan - Sheet 1

– Dwg No. D200 Rev 8

Proposed Drainage Plan - Sheet 2

– Dwg No. D201 Rev 5

Manhole Schedule

– Dwg No. D202 Rev 7

Flood Routing Plan

– Dwg No. D203 Rev 8

Typical SUDs Details

– Dwg No. D204 Rev 8

Drainage Areas Plan

– Dwg No. D205 Rev 5

Private Drainage Schedule

– Dwg No. D206 Rev 4

Proposed Drainage Plan - Sheet 3

– Dwg No. D207 Rev 4

SUDs Identification Plan

– Dwg No. D501 Rev 6

Road Construction Details

– Dwg No. D700 Rev 3

Proposed Drainage Details

– Dwg No. D701 Rev 3

S38 Plan

– Dwg No. D800 Rev 6

S104 Plan

– Dwg No. D801 Rev 5

S185 Plan

– Dwg No. D802 Rev 5

SUDs Maintenance Plan

– Dwg No. D803 Rev 5

SUDS Maintenance Schedule

– Dwg No. 20165/AE/SMP Version 6

S278 Plan - sheet 1

– Dwg No. D1000 Rev 2

S278 Plan - sheet 2

– Dwg No. D1010 Rev 1

S278 General Arrangement Plan - sheet 1

– Dwg No. D1001 Rev 2

S278 General Arrangement Plan - sheet 2	- Dwg No. D1002 Rev 1
S278 Lining and Signage Plan - sheet 1	- Dwg No. D1003 Rev 2
S278 Lining and Signage Plan - sheet 2	- Dwg No. D1004 Rev 1
S278 Site Clearance Plan - sheet 1	- Dwg No. D1008 Rev 2
S278 Site Clearance Plan - sheet 2	- Dwg No. D1009 Rev 1
Tarmac Drive & Shared Drive Detail	- Dwg No. NSD710 Rev G
Off-Site Highway Improvement plan	- Dwg No. 21-085/001 Rev G
Off-Site Highway Improvement plan	- Dwg No. 21-085/002 Rev C

*Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies 1, 4, 15, 19, 21, 27, 29, 31, 35, 36, 39, 40 and 41 of the County Durham Plan and Parts 2, 4, 5, 8, 9, 11, 12, 14 and 15 of the National Planning Policy Framework.*

- The development hereby approved shall be carried out in accordance with the approved Construction Management Plan dated 09 September 2021. The approved Construction Management Plan shall be adhered to throughout the construction period and the approved measures shall be retained for the duration of the construction works.

*Reason: 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.*

- Remediation works shall be carried out in accordance with the approved Remediation Strategy dated April 2021 (Reference: 201108.R-RS.002 Version 2.0 April 2021). The development shall not be brought into use until such time a Phase 4 Verification report related to that part of the development has been submitted to and approved in writing by the Local Planning Authority.

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

- The development hereby approved shall be carried out in full accordance with the recommendations detailed in Section 5 of the Ecological Impact Assessment (Biodiverse Report BioC20-036 V2 22/10/2021). This includes the provision of integrated bat and bird box units in 10% of new dwellings in accordance with the specification and locations specified in Appendix I of the Ecological Impact Assessment.

*Reason: To conserve protected species and their habitat in accordance with the objectives of part 11 of the NPPF and policy 41 of the CDP.*

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

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

7. The development hereby approved shall be carried out in accordance with the approved Flood Risk Assessment and Drainage Strategy Reference AE/FRADS/20165 Version 6 – 16/03/22 –by RWO.

*Reason: To prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site in accordance with part 14 of the National Planning Policy Framework and Policy 35 of the CDP.*

8. The development hereby approved shall be carried out in accordance with the mitigation measures outlined in Section 7 of the Air Quality Assessment Reference 410.03044.00204 Rev 1 – April 2021 by SLR.

*Reason: In the interests of residential amenity having regards to Policy 31 of the CDP.*

9. No development works (including demolition) shall be undertaken outside the hours of 7:30am and 6pm Monday to Friday and 8am and 1pm on a Saturday with no works to take place on a Sunday or Bank Holiday.

*Reason: In the interests of residential amenity having regards to Policy 31 of the CDP.*

10. The landscaping scheme shall be implemented in accordance with the approved plans listed and implemented within the first available planting season upon completion of the development. All hard and soft landscape works shall be carried out in accordance with the approved details and to a standard in accordance with the relevant recommendations of British Standard 8545:2014. Any trees or plants that, are removed, die or become seriously damaged or defective within three years of planting, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season thereafter.

*Reason: To comply with Policies 39 and 40 of the County Durham Plan and Part 12 of the National Planning Policy Framework.*

11. All works should be carried out in accordance with the approved Tree Survey and Impact Assessment Reference BIOC20-036 | V2 – 22/10/2021 by Biodiverse.

*Reason: To comply with Policy 40 of the County Durham Plan and Part 12 of the National Planning Policy Framework.*

12. The development shall be carried out in accordance with the submitted Travel Plan Reference 21-085-N by Milestone dated April 2021.

*Reason: In the interest of sustainable transport and in accordance with Policy 21 of the CDP and part 9 of the NPPF.*

13. No development shall commence until the off-site highway improvements at the Auton Stile/Colliery Road junction are completed in accordance with S278 Plan - sheet 2– Dwg No. D1010 Rev 1.

*Reason: In the interest of highway safety and in accordance with policy 21 of the CDP and part 9 of the NPPF.*

14. Within 12 months of the occupation of the final dwelling, the off-site highway improvements along Colliery Road and Aldin Grange Terrace junction are completed in accordance with the following plans

- S278 Plan - sheet 1 – Dwg No. D1000 Rev 2

- S278 General Arrangement Plan - sheet 1 – Dwg No. D1001 Rev 2
- S278 General Arrangement Plan - sheet 2– Dwg No. D1002 Rev 1
- S278 Lining and Signage Plan - sheet 1 – Dwg No. D1003 Rev 2
- S278 Lining and Signage Plan - sheet 2 – Dwg No. D1004 Rev 1
- S278 Site Clearance Plan - sheet 1 – Dwg No. D1008 Rev 2
- S278 Site Clearance Plan - sheet 2 – Dwg No. D1009 Rev 1

*Reason: In the interest of highway safety and in accordance with policy 21 of the CDP and part 9 of the NPPF.*

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

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

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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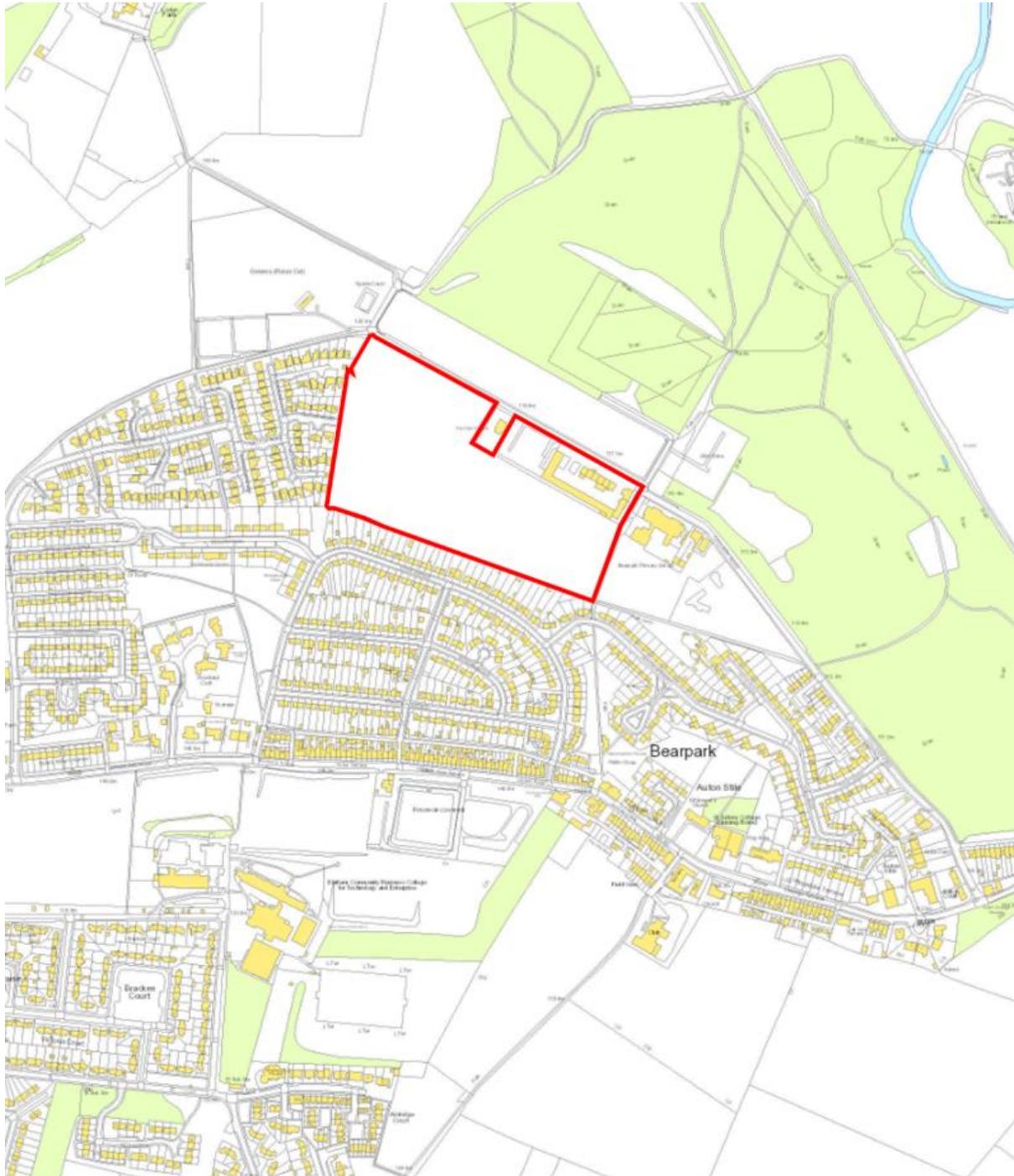
In accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has, without prejudice to a fair and objective assessment of the proposals, issues raised and representations received, sought to work with the applicant 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.

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## **BACKGROUND PAPERS**

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- Submitted application form, plans supporting documents and subsequent information provided by the applicant.
- The National Planning Policy Framework (2021)
- National Planning Practice Guidance notes.
- County Durham Plan
- Statutory, internal and public consultation responses
- County Durham Strategic Housing Land Assessment Report (2019)
- County Durham Strategic Housing Market Assessment (2019)
- Open Space Needs Assessment (2018)
- Residential Amenity Standards SPD (2020)
- County Durham Building for Life SPD (2019)



**Planning Services**

DM/21/01520/FPA

Demolition of existing buildings and erection of 148no. 2, 3 and 4 bedroom two-storey dwellings with associated works - Land To The Rear Of The Old Chapel, Colliery Road, Bearpark, DH7 7AU

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**Comments**

**Date** May 2022

**Scale** Not to Scale