



COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	DM/21/02034/FPA
FULL APPLICATION DESCRIPTION:	Proposed development of 48 residential dwellings with associated infrastructure, open space and highway improvements.
NAME OF APPLICANT:	Persimmon Homes
ADDRESS:	Land at Former Skid Pan North of Woodward Way, Aykley Heads, DH1 5ZH
ELECTORAL DIVISION:	Neville's Cross
CASE OFFICER:	Louisa Ollivere Senior Planning Officer 03000 264878 louisa.ollivere@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site is the site of the former skid pan of the Old Durham Police Headquarters which is allocated under Policy 4 of the County Durham plan (CDP) (Reference H4) for housing. It lies north and adjacent to the Phase 1 housing site nearing completion at Aykley Heads and lies approximately one mile north of Durham City Centre. It extends to approximately 1.91 ha and comprises of hardstanding surrounded by poor semi-improved grassland and broadleaf woodland plantation. The site slopes gently from south to the north. Surrounding land drops steeply away to the west and north down to woodland and a beck. Current access to the site is from an informal vehicular access from phase 1 of the development.
2. There is a belt of mature protected trees to the north and west of the site (Aykley Heads North PN1-428B). There is also a beck that curves north and west of the site. To the east of the site is a multi-user route that connects Aykley Heads to Newton Hall and Durham City Train Station. 70m further to the east and 20m north is the local wildlife site of Hopper's Wood which also contains Ancient Woodland. Further to the west is a predominantly residential area of Framwellgate approximately 150 distant.
3. The site is surrounded by the Green Belt on all sides and is surrounded by an Area of High Landscape Value (AHLV). Parts of the site fall within the Coal Development High Risk Area.
4. There are no designated or non-designated heritage assets within close proximity of the development site.

The Proposal

5. The application seeks full planning permission for the erection of 48 dwellings, down 9no. units from the 57 originally proposed. The proposal includes a mix of 2, 3, 4 and 5 bedroomed dwellings including houses, townhouses and bungalows in a range of detached, semi-detached and terraced options. The materials palette proposed includes facing brickwork, contrasting brickwork, a tiled roof and UPVC windows, doors and features with black rainwater goods. Boundary treatments are proposed to be a mixture of brick walls and timber fencing. All properties feature off-street parking, some with integral and detached garages and all have enclosed rear gardens.
6. Natural amenity open space in the form of grassland would be provided within the north east corner of the site where the SUDS basin is accommodated. Further open space would be provided to the west of the development site access road. This would involve the creation of new woodland habitat and paths to the west to connect via a new footbridge to paths to Framwellgate Moor. A landscape buffer would be created to the north of the site boundary and a further new pedestrian footpath connection and footbridge are proposed to the north. Two new foot/cycle paths are also proposed to connect the site to the multi user path to the east. The woodland buffer between the two cells would be retained.
7. Access to the scheme is proposed via the formalisation of the current access track from Phase 1 of the development.
8. The application is being reported to the Central and East Planning Committee as it is a major residential development with a site area in excess of 1 hectares.

PLANNING HISTORY

9. There is no relevant site history relating specifically to the application site, however, there is in relation to the Phase 1 land to the south and through which access would be taken.
10. An application (8/CMA/4/71) for the proposed demolition of the existing police headquarters including listed telecommunications mast and for residential development with associated landscaping and roads was approved in 2012.
11. Listed Building consent was approved for the demolition of a grade II listed mast on the neighbouring site in 2012.
12. In 2015 an application for Reserved Matters for the erection of 217 dwellings pursuant to CMA/4/71 was approved (DM/15/03289/RM).
13. In 2018 an application was approved for the substitution of house types for permission 8/CMA/4/71 (DM/18/03758/FPA).
14. There are several other applications relating to the above applications approved involving variations and discharging of conditions.

PLANNING POLICY

NATIONAL POLICY

15. 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.
16. 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.
17. *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.
18. *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.
19. *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.
20. *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.
21. *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.

22. *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.
23. *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.
24. *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.
25. *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.
26. *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.
27. *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.
28. *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>

29. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to; air quality; design process and tools; determining a planning application; flood risk; healthy and safe communities; land stability; land affected by contamination; housing and economic development needs assessments; housing and economic land availability assessment; natural environment; neighbourhood planning; noise; open space, sports and recreation

facilities, public rights of way and local green space; planning obligations; travel plans, transport assessments and statements; use of planning conditions; Tree Preservation Orders and trees in conservation areas and; water supply, wastewater and water quality.

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

LOCAL PLAN POLICY:

The County Durham Plan

30. *Policy 4 – Housing Allocations.* Allocates 27 sites for housing across the County. Providing the development is in accordance with the site specific requirements in the policy and any infrastructure constraints identified in the Infrastructure Delivery Plan, housing development will be approved if the proposed scheme is in accordance with other relevant policies in the Plan.
31. *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.
32. *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.
33. *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.
34. *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 through management and sustainable transport improvements.
35. *Policy 25 - Developer Contributions.* Advises that any mitigation necessary to make the development acceptable in planning terms will be secured through appropriate planning conditions or planning obligations. Planning conditions will be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Planning obligations must be directly related to the development and fairly and reasonably related in scale and kind to the development.
36. *Policy 26 – Green Infrastructure.* States that development will be expected to maintain and protect, and where appropriate improve, the County's green infrastructure network. Advice is provided on the circumstances in which existing green infrastructure may be lost to development, the requirements of new provision within development proposals and advice in regard to public rights of way.

37. *Policy 27 – Utilities, Telecommunications and Other Broadcast Infrastructure.* States amongst its advice that new residential and commercial development should be served by a high speed broadband connection or appropriate infrastructure for future installation if direct connection is not appropriate, practical or economically viable.
38. *Policy 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).
39. *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.
40. *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.
41. *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.
42. *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.
43. *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.

44. *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.
45. *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.
46. *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.
47. *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.
48. *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:

Durham City Neighbourhood Plan 2021

49. *Policy S1 - Sustainable Development Requirements of all Development and Re-development Sites Including all New Building, Renovations and Extensions* seeks to sets out the economic, social and environmental criteria that development proposals will be required to meet.
50. *Policy H3 – Our Neighbourhood Outside the Conservation Areas* This policy requires development outside of Conservation areas to, where appropriate, demonstrate an understanding of the area of the proposed development and its relationship to the Neighbourhood area. Such development should sustain and make a positive contribution to the character and distinctiveness of the area, and avoid the loss of open space and public realm that contributes to the area, to be appropriate in terms of scale, density, massing, form, layout, landscaping and open spaces and use appropriate materials and finishes.

51. *Policy G1 – Protecting and Enhancing Green and Blue Infrastructure* seeks to support developments that retain existing green or blue assets with significant recreational, heritage, cultural, ecological, landscape or townscape value and developments that provide additional green or blue assets, particularly if there is an identified deficiency. Any new or replacement assets must be appropriate to the context and setting. The policy requires developments to protect and enhance public rights of way and footpaths and green corridors. It offers support to proposals that provide net gains for biodiversity. The policy requires features of geological value to be protected. The policy seeks to protect and enhance the banks of the River Wear by supporting proposals with desirable access that do not have significant impacts on current assets. The policy also seeks to protect dark corridors by ensuring developments minimise lighting in such areas.
52. *Policy G3 – Creation of the Emerald Network*. 17 sites of wildlife interest that are linked are identified by this policy which supports the improvement of biodiversity of the sites, improving the amenity of the sites and the accessibility to and between these sites provided there is no significant harm to biodiversity.
53. *Policy D2: Housing for Older People and People with Disabilities* – Requires 10% of housing to be appropriate for older people on sites of 10+ homes or over 0.5ha. Housing schemes that are solely for older people would be supported. Provision should be close to shops and services or public transport with appropriate footpaths and pavements. Extensions to dwellings to facilitate care at home are supported provided that they are in keeping with building and surroundings.
54. *Policy D3: Affordable Housing* - Requires 25% of housing to be affordable on sites of 10+ homes or over 0.5ha unless an off-site contribution is justified or deemed appropriate by the LPA.
55. *Policy D4 (Building Housing to the Highest Standards)* states all new housing, extensions and other alterations to existing housing should be of high-quality design relating to the character and appearance of the local area, aesthetic qualities, external and internal form and layout, functionality, adaptability, resilience and improvement of energy efficiency and the reduction of carbon dioxide emissions. New residential development should meet the Building for Life 12 standards provided for in County Durham Building for Life Supplementary Planning Document (2019)
56. *Policy T1 - Sustainable Transport Accessibility and Design* seeks to ensure that development proposals will be required to demonstrate best practice in respect of sustainable transport accessibility and design.
57. *Policy T2 – Residential Car Parking* – supports developments with or impacting on car parking provided that car parking is designed to reduce vehicle movements on residential streets and is in designated bays or small groups separated by landscaping or features and designed with safety in mind. Consideration should be given to communal off street parking for dwellings without garages. Any EV requirements should not hinder movement by pedestrians or disabled people and should be in keeping with area character. The policy supports the use of car clubs. Should the parking demand require parking controls these will need to be funded through developer contributions.
58. *Policy T3 – Residential Storage for Cycles and Mobility Aids* - Residential development including change of use should provide storage facilities for cycles and, where appropriate mobility aids. Cycle parking should meet DCC standards and should be adaptable for other types of storage with access to electricity. Where there is communal storage and a travel plan this should be managed appropriately in terms of removal and capacity needs. Design and location of storage should accord with the style and context of the development.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

59. *City of Durham Parish Council* – Objects to the application. Whilst the principle is accepted, they raise concerns over traffic and lack of access to public transport, lack of EV charge points for properties and lack of proposals to achieve meaningful reduction in CO2 emissions. They conclude that the proposal is in conflict with the CDP, DCNP the NPPF and the BfL SPD.
60. *Highway Authority* – Advise that the principle of the depicted traffic calming is accepted. The Transport Summary finding that additional vehicle trips are not material to the existing highway network, is also accepted. It is noted that the layout has been amended to address earlier requirements in relation to carriageway widths, parking provision, road surfacing and adoption but requests an autotracking plan in relation to DCC refuse vehicles.
61. *Northumbrian Water* – No objection subject to the development being carried out in accordance with the proposed engineering layout plan.
62. *Drainage and Coastal Protection* – Advise that the surface water management proposed for the development is acceptable but request a construction phase surface water management plan and hydraulic calculations all of which they consider can be required by condition in relation to a surface water drainage strategy document.
63. *Coal Authority* – Have no objection subject to conditions being imposed to ensure the measured outlined in the Coal Mining Legacy & Mitigation Review are undertaken and retained and that a signed statement or declaration prepared by a suitably competent person confirming the completion of the mitigation works is submitted prior to commencement of development or use.

INTERNAL CONSULTEE RESPONSES:

64. *Spatial Policy* – Advise that the site is allocated for housing under policy ref:h4 of the CDP with an estimated yield of 50 dwellings and therefore consider the principle of housing on the site is supported. The Officer points out the need to comply with the design requirements of policy 29 and Residential Amenity standards as well as the 3 requirements of policy 4. It is advised that a total of 12 affordable homes are required (5 for affordable home ownership and 7 for affordable rent. Officers advise that 32 units would be required to be built to M4(2) standard and 5 units would be required to be a house type suitable for older persons. In respect of open space contribution, this would amount to £75,556.80 for off-site play space for children and youths, parks, sports and recreation grounds and towards allotments. It is advised that the need to ensure sufficient choice of school places is a material consideration. The Officer points out that the NPPF contains policy justification to seek mitigation in respect of essential services such as GP provision. It is advised that regard should be had to the Strategic Cycling and Walking Delivery Plan and to the views of Highways in relation to assessment against policy 21 of the CDP. The Officer confirms the need for a CMRA.
65. *Landscape Officer* - The Officer originally had concerns that the higher housing yield was putting too much pressure on landscape elements, available open space and the creation of a quality landscaping scheme and that the application failed to detail improvement to the green belt and land within the AHLV with likely adverse impacts.

In response to amended plans and further landscaping details the Officer now notes that landscape proposals provide both ornamental trees, hedges and shrubs which are considered likely to enhance the street scene and garden frontages. Native structure planting is proposed, which the Officer advises would retain the character of the land surrounding the site, maintain a strong boundary with the Green Belt and replace the loss of mature Ash trees on the site caused by die back disease. It is considered that plant species proposed and planting notes relating to establishment are appropriate. The Officer suggests the use of root barriers for protection and the relocation of two trees within the recent landscape plan to areas with less shading.

66. *Trees Officer* – Requested amendments to the layout to prevent removal of mature trees and pressures for future removal of trees.
67. *Design* - The Officer considers that the current layout is considered to be a positive amendment to the original submission. The proposed material palette reflects that of phase 1 and is considered acceptable from a design and conservation perspective.
68. *Housing Delivery* – Advise that the area has a need for more 2 and 3 bedrooomed affordable properties to rent and 3 bedroomed affordable home ownership and that there is high demand for bungalow accommodation in comparison to neighbouring areas. It is identified that this site is in an area which has a high demand for affordable rented properties in comparison to neighbouring areas and that a third of those actively seeking affordable rented properties are aged over 55, therefore it is advised that provision should be made which meets the demands of older persons.
69. Officers consider the affordable housing mix to be suitable, however, there are concerns that as the size of the units listed as affordable may cause difficulties with disposal to a Registered Provider, therefore, preference would be for some of the larger units to be affordable. There are no concerns with the distribution. It is recommended in the event of units not being sold that all eventualities be explored before cascade to open market housing.
70. *Archaeology* – No objection.
71. *Ecology* – Officers consider the Ecological Mitigation Plan and GCN working methods statement are sufficient to inform the application and advise that both should be conditioned if the application is approved. The Officer considers that residents from this development are likely to utilise Hoppers Wood LWS adjacent the site for recreation and dog walking and support the request for financial contribution from DCC Countryside for the maintenance of footpaths within the woodland.
72. *Environment, Health and Consumer Protection (Air Quality)* – Confirm that an air quality assessment will not be required. Officers request however that the method of dust monitoring needs to be agreed with the Council in the event of complaints.
73. *Environment, Health and Consumer Protection (Pollution Control)* – Consider the CMP and associated documents provide some level of noise control measures and monitoring and request that these be made subject to condition. Further conditions are advised in relation to operating hours and piling operations.
74. *Environment, Health and Consumer Protection (Contaminated Land)* – Advise a conditional approach in relation to land contamination.

75. *Public Rights of Way* – Advise that there are no recorded or claimed public rights of way affected by the proposal. It is advised that the cycle route to the east would be adversely affected if there were a road connection from the north east of the site.
76. *School Places Manager* – It is considered that the development is likely to produce 15 primary pupils and 6 secondary pupils. Based on the projected rolls of the schools, taking into account the likely implementation of the development, build out rates and other relevant committed development there would be sufficient primary places available, but insufficient places at the nearest secondary school. Consequently, a contribution of £99,324 (6 x £16,554) towards education provision is therefore required.
77. *Sustainable Travel Officer*– Request surface, signage and environmental improvements to the adjoining shared path and regrading of key route. It is advised that link paths should be suitable for pedestrian and cyclists and there should be path links between Carterhouse Road to Flambard, additional lighting of footpaths and more facilities for pedestrian and cyclists at Dryburn roundabout. Whilst the Officer acknowledges that the site would not warrant a travel plan it is considered that the site should fall under the umbrella of the overall site travel plan.
78. *Sustainable Development and Energy Officer*– No comments to date.
79. *Parks and Countryside Officers*– Confirm they are happy in principle with the connections, numbers, locations and whin dust material proposed on the scheme. They request a financial contribution for infrastructure improvements to the adjacent nature reserve (Hoppers Wood) for a new path from the site to the multi user path, a new all-weather surface within the reserve, drainage improvements, improvement works to 3 ponds and field drains, installation of a directional ditch and the installation of two additional seats amounting to £21,000.
80. *Corporate Property & Land* – No comments to date.

EXTERNAL CONSULTEE RESPONSES:

81. *NHS* – Advise that the nearest GP practice is at full capacity and that 106 funding would support creating extra capacity to provide appropriate services to patients, this amounts to a contribution of £23,184.
82. *Police Architectural Liaison Officer* – Raise some concerns over the pedestrian links to the north and a lack of surveillance. They also outline a series of recommendations from a Secured By Design perspective.
83. *Campaign for the Protection of Rural England* – Raise concerns over the lack of details of planting for Green Belt and Hopper's wood and lack of detail of maintenance of landscaping and over the pressure to remove further trees in the future. The group also consider that it is inadequate just to say that the proposal will not lead to a loss of biodiversity. To comply with the NPPF (and the future law when the Environment Bill is enacted), there must be some gain that is over and above a planning requirement. They consider that the development falls short of what is required and should be refused.

PUBLIC RESPONSES:

84. The application has been advertised by way of a press and site notice and individual notification letters to neighbouring residents.

85. 13 no. letters of objection have been received from residents, The Durham City Trust and the County Durham Green Party. The main concerns raised by the objectors can be summarised as follows:

Principle of development

- Lack of need to develop this site.

Access/Highways

- Query the capacity of the local network and Aykley Heads roundabout to accommodate the additional traffic arising as a result of the development.
- Traffic will be a risk to children.
- Parking will overspill onto the adjacent housing phase which has narrow roads.
- Residents of phase 1 will have to continue with an unfinished access road and its use by HGV'S and machinery for several more years.
- Lack of detail regards footpath links to current footpaths.
- The garage sizes for three house types fall short of the current 2019 parking standards.
- Houses without garages would not satisfy the requirements for cycle and mobility aid storage, a requirement of policy T3 of the DCNP.

Residential Amenity

- Increase in noise pollution from traffic and other pollution caused by human population.

Other issues

- Loss of wildlife and habitat on site.
- Impacts to nearby nature reserve and Green Belt.
- Loss of trees, impacts upon tree belt
- The application fails to consider the Neighbourhood Plan and views and visibility of the site.
- Loss of view.
- Light pollution from additional street lighting.
- Presence of affordable housing will impact on property prices.
- Lack of community consultation from developer.
- All new buildings should have heat pumps, solar panels, ev charge points/facilities given the climate emergency.
- There should be more bungalows and smaller homes.
- Poor accessibility to public transport and facilities and lack of funding for improvements.
- Lack of bus provision as part of the proposals.
- Lack of community engagement does not equate to there being unanimous support.
- Local Hospital and A&E are already over stretched.
- NHS doctor and dental surgeries and local schools and colleges may not have capacity to take on further numbers.
- This will mean the advert flags and boards at the entrance to the estate will be maintained on site for longer.
- The submitted documentation has not been updated to reflect plans changing.
- Conflict with CDP policies 21 and 29 and DCC's Emergency Response Action Plan.

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

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

APPlicants STATEMENT:

86. This proposed development offers the opportunity to create a new sustainable desirable residential development within the Centre of Durham as well as associated infrastructure works, which includes new footpaths and footbridge crossings. The development of the site has been restricted to the Brownfield part of the site.
87. The proposed application site sits to the North of the Aykley Heads Phase 1 Persimmon Homes Residential Development known as Aykley Woods and is located on the former skid pan and parking area of the former Aykley Heads Police Station.
88. The sites proximity to the Durham City Centre, approximately 1 mile away shows that the site is highly sustainable in relation to local amenity, with a wide variety of services, facilities, open space, recreational facilities, and local schools within all located within walking distance. Furthermore, the proximity to bus routes provides sustainable transport options for future residents.
89. The site is designated for residential development under policy H4 of County Durham Plan.
90. The proposal for 48 dwellings provides an excellent range and choice of dwellings to satisfy current and future housing needs of Central Durham. With a selection of 2-5 bed properties of varying sizes and types proposed the development also seeks provides type and size of dwelling which are currently under provided within the housing market.
91. As a result, the development is based upon the design principles outlined within the NPPF which seek to create a high quality, attractive development which aims to be respectful and complementary of the surrounding area. As such the development will continue to employ the use of building materials to achieve a level of complementary development with the surrounding area.
92. Although positioned on the edge of historic Cathedral City the area surrounding the proposed development site is defined by modern architectural design characterised by the employment buildings at Aykley Heads, the new Police Headquarters and the residential development within the earlier phase of this development site.
93. Taking inspiration from this surrounding context the previous phase 1 residential development at Aykley Woods established a strong contemporary design approach developed in conjunction with the planning and urban design officers which was well received by the public and purchasers. It is logical to continue through this next phase of the development. The key architectural features leading this design style being a carefully selected range of brick colours to give a crisp contemporary appearance to properties, the contrasting bricks to achieve a verticality to the overall elevations in combination with the window frames and doors. Certain dwelling types are further enhanced by the addition of balconies to with stainless steel and glazes screens again maintaining the contemporary theme either utilising the flat roof where there is a low lever projection or being supported by the feature “fin” walls.
94. The variety of short terraced, semi-detached and detached housetypes will form a rich and interesting residential environment whilst the inclusion of 2 and 2.5 storey dwelling will result in a varied roofscape.

95. Persimmon Homes Durham is also providing a significant landscaping and planting regime to meet the Ecological requirements both locally and nationally as well as meeting the requirements set out in the site's allocation in the County Durham Plan. The landscape scheme has been agreed with Durham's Senior Landscape Officer, Senior Tree Officer and Ecologist.
96. Persimmon Homes has worked closely with the planners in Durham Council, as well as council and statutory external consultees. Through adaptation of the proposal and submission of additional reports, plans and information, such that there are no outstanding objections from any of these bodies.
97. Finally, the impacts of the development have been fully mitigated by the development or via a planning gain package which includes an Education Contribution, NHS Contribution, Offsite Public Open Space contribution, Infrastructure Implementation Contribution and a policy compliant onsite Affordable Housing provision such that there are no adverse impacts which would significantly and demonstrably outweigh the benefits.
98. We as the applicant contend that the site is highly sustainable in its location and the proposal will result in a high quality, visually attractive development which will help boost the supply of housing and meet more closely the identified housing needs of the area. Furthermore, there are no technical issues of any kind associated with the development.
99. The scheme has appropriately considered relevant policy and surrounding residents and land uses.
100. As there are no adverse impacts which would significantly and demonstrably outweigh the benefits of developing this site to deliver much needed family housing within the area.

PLANNING CONSIDERATIONS AND ASSESSMENT

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

The Principle of the Development

The Development Plan

102. 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) and the Durham City Neighbourhood Plan together form 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. The DCNP was adopted in June 2021 and provides the framework for the Durham City Neighbourhood up until 2035.

103. 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.

104. 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.

105. The application site is allocated for housing for 50 units in Policy 4 (Reference H4) of the CDP, therefore, the principle of housing on the allocated site is acceptable. This policy sets out the following requirements for this site:

- provide a new Green Belt boundary in the form of a native species hedge to the perimeter of the site;
- retain the existing tree belt within the middle of the site and provide additional tree planting in gaps within the tree belts to the north, east and south-east of the site;
- provide compensatory improvements to remaining Green Belt in the vicinity including providing new native woodland to consolidate Hopper's Wood to the north and west of the site and developing new and improved footpaths in that area linking to the wider network.

106. Whilst originally 57 homes were proposed on this site, in order to address concerns over the impacts to trees and the landscape and design requirements the proposal has been reduced to 48 dwellings which better complies with this policy for 50 homes on the site. The development is now supported by a landscaping plan which details the planting of a native hedge to the north, west and eastern perimeter of the site bordering the Green Belt. The red line boundary of the site has been drawn to exclude the existing tree belt within the middle of the site and the landscaping drawing proposes woodland planting to the north and east of the site. New woodland planting is proposed to the north and west of the site. New footpaths are proposed within the western woodland and a footpath is proposed adjacent to the northern woodland. These footpaths will link via new footbridges to informal mowed paths on the opposite site of the Beck. A further two footpaths are proposed to the multi-user route to the east which links to the wider footpath/cycle network.

107. The native structure planting proposed would retain the character of the land surrounding the site, maintain a strong boundary with the Green Belt and replace the loss of mature Ash trees on the site caused by die back disease. Plant species proposed and planting notes relating to establishment are considered appropriate. Landscape Officers are now satisfied with the proposed landscaping scheme and concerns raised in relation to tree removal have been addressed. In respect of the proposed permissive footpath links, these are considered by Officers suitable to meet this policy requirement, although the final location, design, materials and engineering details are required in relation to the footpaths and bridges and these can be agreed via condition. With such a condition imposed, it is considered that the proposal would accord with Policy 4.
108. One of the principles of Policy S1 of the DCNP a) is that economic well-being will be promoted through uses which meet development needs identified in the Local Plan. The CDP has identified that there is a need for this housing site, therefore, the development of the site also gains neighbourhood plan support in principle.
109. Paragraph 73 of the NPPF maintains the requirement for Local Planning Authorities (LPAs) to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old.
110. It was established under the adoption of the CDP that the Council can demonstrate in excess of 5 years housing land supply (6.3 years). The CDP was adopted in October 2020 and therefore, in accordance with paragraph 74 of the NPPF, a five year supply of deliverable housing sites, with the appropriate buffer can be demonstrated. Local residents consider that there is no need for housing on this site, however, as this allocation has been identified as required to deliver the new homes required to meet our Local Housing Need this should be given significant positive weight.
111. Overall, it is considered that the development is acceptable in principle in accordance with Policy 4 of the CDP and DCNP Policy S1 and the aims of the NPPF. However, it is also the case that proposals must accord with the plan as a whole. The overall acceptability of the scheme or otherwise can only be considered following an examination of all of the issues and consideration of applicable policies as set out below.

Locational Sustainability of the Site

112. 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 22 of the CDP aims to reduce the dominance of car traffic through transport interventions in Durham City through the use of measures such as travel plans and encouraging sustainable transport modes through improvements to infrastructure and walking, cycling and public transport improvements. 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. Policy S1 criteria n) of the DCNP requires the location and layout of developments to maximise public transport, walking and cycling opportunities and provide paving, lighting and signs which meet all needs. 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.

113. The application site has been considered in terms of its sustainability in the SHLAA and, as part of the assessment of the County Durham Plan and has been considered acceptable for residential development in this regard.
114. Although outside of the defined town centre, the site lies on the outskirts of Durham City and within the Neighbourhood Plan area. Despite this central location the application has had to incorporate new links to surrounding areas to improve upon the accessibility for pedestrians to public transport and services.
115. The developers are proposing to create four new footpath links. Two foot/cycle links are proposed to the multi-user footpath to the east of the site which is lit up to Newton Hall. Two further footpaths and new pedestrian footbridges are proposed to gain access to Framwellgate Moor to the west and the play park to the north.
116. In respect of employment, the site is well placed for access on foot or by bike to the hospital, DCC council offices, Police HQ and the Aykley Heads Business Park. The presence of the multi-user path adjacent the site allows for the possibility of cycling to employment in Durham City or to the train station, which has secure bike storage, therefore there are sustainable options to access employment further afield.
117. With the proposed new links to the multi-user path to the east Newton Hall primary school is 800m away, which is considered within a desirable /acceptable walking range as set out in the Chartered Institute of Highways and Transportation (CIHT) documents including 'Guidelines for Providing for Journeys on Foot' 2000 and 'Planning for Walking' 2015. Framwellgate secondary school at 832m away is just over the preferred acceptable range within this guidance were pupils to take the multi-user path route, and within the acceptable range were they to use to footpath and footbridge link. These educational establishments would, therefore, be accessible on foot or bicycle along well-lit routes with no traffic.
118. These new footway/bridge connections would help to reduce the distance to access shops to an acceptable 558m. The play park at 336m distant would be within the desirable range. Public transport would be closer at 629m, although this still exceeds the 400m distance as set out in the Council's Building for Life SPD.
119. There are no plans to introduce new formal footpaths on the opposite side of the Beck or between areas of Framwellgate Road as presently most pathways in this area are mown paths rather than formal footpaths and there is a need to avoid introducing urban elements into the Green Belt. The applicants are not proposing improvements to the multi-user route or facilities at the Aykley Heads roundabout.
120. The new footbridge walking routes to the facilities and services within Framwellgate Moor would not be along adopted well-lit footpaths and there are some topographical restrictions outside the site which may discourage future residents from accessing these facilities on foot. There are also limits to the accessibility of these links due to the topography and pedestrian only footbridges being proposed.
121. 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.

122. In this instance, the proposed development would likely have impacts upon the disabled given the length of the only fully accessible routes to shops and public transport. Given the site constraints this cannot be overcome, although the distances have been shortened with the links to the multi-user route which is suitable for mobility scooters. However, it should be considered that the site, at present, is unoccupied and provides no function or housing. Should, for instance, a disabled person move into the new development, there may be some detriment to them in the absence of quick and easy access to public transport and services. However, equally it is the new development generating that position.
123. Some of the proposed connections to the informal footpaths and multi-user path falls outside the application site, however, on land either within the developer or Council ownership. The application is limited in detail regards these new connections as raised by some objectors. A 106 agreement and conditions would be required to secure the implementation of these routes and new footbridges alongside details of their construction, especially given the significant land level changes in this area.
124. This lack of accessibility to public transport is a central concern of objectors who feel that there should be a financial contribution to improve access to public transport. The Sustainable Transport Officer has instead suggested improvements to walking and cycling rather than to public transport, some of which have been proposed /agreed to such as link paths to the multi-user route and new footpaths linking to the wider area. The Officer advises that the site follow the Travel Plan for the neighbouring site.
125. The size of the site is not substantial enough to require a Travel Plan, however, many of the requirements of the neighbouring phase travel plan including, pedestrian and cycle connections, low vehicle speed measures, storage space and EV charge points, are incorporated into this scheme and can be controlled via condition.
126. Taken in the round, it is recognised that with the proposed new footpath and footbridge links that schools, facilities, services and employment would be located in what are generally considered to be acceptable walking distances and the site benefits from good links to cycle routes to schools and employment. Access to public transport would still exceed accepted walking distances. Furthermore, the nature of walking routes to bus stops and some services from the extremes of the site are still such that, it is unlikely that the development would promote accessibility by a range of methods for all prospective residents, including those with protected characteristics and, would not give all future residents realistic alternative options to the private motor car, contrary to Policies 21, 22 and 29 of the CDP and Policy S1 of the DCNP and Paragraphs 105, 110 and 112 of the NPPF. This is considered to represent a negative impact of the development to be given weight in the planning balance.

Highways Issues

127. Policy 21 of the CDP expects developments to deliver well designed pedestrian routes and sufficient cycle and car parking provision. Similarly, Policy 29 advocates that convenient access is made for all users of the development together with connections to existing cycle and pedestrian routes.

128. Policy T1 of the DCNP seeks to ensure developments are accessible, mitigate any adverse transport impacts and be designed to be permeable, minimise car traffic and vehicle speeds and create a safe family friendly environment. In respect of car parking, DCNP Policy T2 requires off street parking to be carefully designed and that any on street parking is in bays or small groups separated by hard/soft landscaping features and designed with safety in mind. It suggests the use of communal off-street parking areas in place of in-curtilage parking where there is no garage. The policy also requires any EV charging provision to not be obtrusively sited in respect of access or character of the area. The Policy encourages the use of car club spaces for residents. Policy T3 of the DCNP requires development to provide cycle parking in line with DCC Parking and accessibility standards and storage areas for mobility aids with access to power. Any communal storage should accord with the style and context of the development.
129. Specifically, in terms of highway safety 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.
130. Concerns have been raised by residents over the increase in traffic and the capacity of the road network and infrastructure to cope. A Transport Statement has been submitted to consider the potential highway and transport related impacts associated with this proposal and any mitigation required. Overall, the information included within the assessment and methodology used have been considered acceptable. The impact upon the Aykley Heads/B6532 roundabout has been assessed and would continue to work within their design capacity with the traffic from this development added to the local road network. Whilst the additional traffic from the proposed development does add to traffic at the assessed roundabout, it is considered that the impact of this additional traffic would not be classified as 'severe' as set out in the policy test of paragraph 111 of the NPPF, with the impact of the additional traffic from the site resulting in an increase of some 29 two way vehicle movements at peak hours. Overall, the Highway Authority conclude that the additional vehicle trips are not material to the existing highway network and the development should not, therefore, be refused on transport and highway impact grounds.
131. Vehicular access to the development would be provided via Woodward Way, which is a 5.5m spine road running through phase 1 with footways on both sides and dropped kerb crossing points at junctions. The existing priority junction access onto Aykley Heads would be retained. The road through the site would follow the line of the former road into the Skid Pan areas with traffic calming measures installed, this layout is accepted by the Highway Authority.
132. Internally, the scheme has been amended to address the concerns initially raised by the Highway Authority. In the event of an approval, a condition to secure the estate roads being designed and constructed to meet current highway standards and two informatics relating to the creation of a 20mph speed limit controlled by a Traffic Regulation Order and entering into an adoption agreement would be required.
133. Local residents have raised concerns that new resident parking may overspill on street into the first phase of the scheme, however this is unlikely as the parking numbers meet parking standards and the Highways Officer has not raised such concerns.
134. It has been highlighted by objectors that the garage sizes for three house types fall short of the current DCC parking standards, and this is the case, nonetheless the Highway Authority has not raised concerns in this respect.

- 135. Another issue highlighted by objectors is that houses without garages would not satisfy the requirements for cycle storage required by Policy T3 of the DCNP and DCC parking standards nor would the mobility scooter storage and electric charging for mobility scooters required by Policy T3 of the DCNP be met. DCC standards require 2 long stay cycle spaces per 5 bedrooms where no garage is provided which meets the minimum garage size. This is not a concern shared by the Highway Authority and Sustainable Transport Officers. In respect of the mobility scooter storage spaces and charging facilities for mobility scooters etc there is conflict with the DCNP in this respect, however, this is not a requirement of DCC parking standards and the Highway Authority have not objected on this basis.
- 136. There are also concerns that the estate road for phase 1 will not be completed and would be damaged by continued construction traffic. The roads for phase 1 are now complete. It is unlikely that significant levels of construction traffic would need to use this road every day given the location of the compound. Any road damage would be the responsibility of the developer given that the road is not yet adopted.
- 137. Overall, despite the concerns over storage and conflict with the DCNP Policy T3, the highway impacts of the proposed development are considered to be acceptable and in accordance with Policies 6, 21 and 29 of the CDP as well as Part 9 of the NPPF.

Landscape and Visual Impact

- 138. Policy 39 of the County Durham Plan states proposals for new development will be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals would be expected to incorporate appropriate measures to mitigate adverse landscape and visual effects. Policy 26 outlines developments are expected to provide new green infrastructure and ensure provision for its long-term management and maintenance. Similar requirements are outlined in Policy 29. Policy 40 seeks to avoid the loss of existing trees and hedgerows unless suitable replacement planting is provided.
- 139. Criteria c of Policy S1 of the DCNP requires all development proposals to include soft landscaping.
- 140. Parts 12 and 15 of the NPPF promote good design and set out that the planning system should contribute to and enhance the natural and local environment. Paragraph 131 sets out that planning decisions should ensure that new streets are tree-lined.
- 141. The site lies in the Wear Lowlands Character Area which forms part of the larger Tyne & Wear Lowlands National Character Area (NCA 14). It lies in the Urban Road character type which belongs to the Incised Lowland Valley Broad Landscape Type. The site is made up of urban Local Landscape Type. The site does not lie within an area covered by any national or local landscape designations however the site lies adjacent areas designated as Green Belt and Areas of High Landscape Value. The site lies within an area identified in the County Durham Landscape Strategy 2008 as developed.
- 142. Trees within the north western area of the site are covered by a Tree Preservation Order (TPO). The Council's Trees Officer has advised that Trees and groups must be retained within the site as large groups add high amenity value which can be seen from various public viewpoints from within and outside the development. Potential loss of trees and impacts to the Greenbelt is a significant concern raised in representations.

143. The site forms part of the former Durham Constabulary HQ complex with the land being most recently used as a compound area for the Aykley Woods Residential development. The site is visible at close range through small gaps in vegetation when looking west from the cycleway on the south east site boundary. The site is visible from roadside footpaths, from informal paths within the open spaces to the north and north east and from the recreation ground ton Carterhouse Road. The site is visible from residential properties in Lilac Avenue and Frankland Road to the west and north-west, from Ghyllfield Road and Carterhouse Road to the north, from Bek Road, Fordham Road and Farnham Close to the north-east and from Little Court, immediately to the south of the site. Areas of the site are partially screened by the adjacent Hopper's Wood and by trees within and surrounding the site.
144. The site area currently has a wooded character with urban elements confined to former road surfaces. Whilst the development would introduce urban built form and thereby a change in character and result in some tree removal, with permanent landscape effects, the application has positively evolved with a reduction in the number of dwellings to allow for more tree retention and with a full detailed landscaping scheme whereby the impacts are no longer considered to be significant adverse.
145. The proposed development would be experienced by recreational receptors using the cycleway to the east and using open spaces and recreation ground to the north. Receptors would experience views of the proposed housing in the midground and background, surrounded by trees with permanent visual effects, however, new woodland planting and replacement woodland planting to replace Ash trees with die back would, in time, reduce the impacts to an acceptable level.
146. The proposed housing would be partially visible in the background from dwellings in Framwellgate Moor and Newton Hall with receptors experiencing permanent visual effects however this would be mitigated to an acceptable level with the proposed woodland planting landscaping scheme.
147. The proposed dwellings would be visible at close range from existing housing to the south and considering the change in the view, some adverse and permanent effects are anticipated, given the wooded baseline views. However, the landscaping scheme proposed would now help to assimilate the built form better into the current environment by ensuring that existing mature trees of high amenity value are retained and managed and that new and appropriate supplementary tree planting is undertaken to retain existing landscape character and provide visual softening of proposed facades. The landscaping would be secured by way of condition and a section 39 agreement.
148. It is noted that objections refer to DCNP Policy S1 and the need to conserve important views, however, this policy relates to views of designated and non-designated heritage assets, of which there are none in the vicinity that would be affected.
149. The landscape proposals internal to the site provide both ornamental trees, hedges and shrubs to enhance the street scene and garden frontages in line with the NPPF requirements.
150. Development in this location would have a transformative impact on the immediate local landscape. However, the native structure planting proposed and required by Policy H4, would retain the character of the land surrounding the site, maintain a strong boundary with the Green Belt and replace the loss of mature Ash trees on the site caused by die back disease. Plant species proposed and planting notes relating to establishment are considered appropriate. Landscape Officers are now satisfied with the proposals.

151. Natural amenity landscaped open space is located within the site in the north east and to the west. Both of these areas are fronted onto by dwellings.
152. Overall, the proposal would now respond positively to the landscape and wildlife habitats, mitigate and soften views of the new built form and create a robust settlement boundary and ensure the retention of mature trees on the edge of the Green Belt and AHLV. The proposals would therefore accord with Policies 26, 29, 39 and 40 of the CDP, Policy S1 of the DCNP and Parts 12 or 15 of the NPPF.

Layout, Design and Sustainability credentials

153. 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.
154. DCNP policy S1 criteria c requires developments to harmonise with its context. Policy H3 of the DCNP requires developments to make a positive contribution to the character and distinctiveness of an area, to use high quality design and have appropriate scale, density, mass, form, layout, materials, landscaping and open space. Policy D4 of the DCNP requires housing to be built to the highest standards.
155. 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.
156. Policy 29 of the CDP sets out that major new build residential development should achieve CO₂ reductions of 10% below the Dwelling Emission Rate (DER) against the Target Emission Rate (TER) based on current Building Regulations. Criteria g) of DCNP Policy S1 requires the use of local and renewable building materials. Criteria h) of Policy S1 of the DCNP requires wherever possible, on-site renewable energy generation, minimising energy consumption and carbon emissions and securing the local sharing of technologies such as district heating schemes. Part 14 of the NPPF advises that the planning system should support the transition to a low carbon future
157. In recognition of national planning advice and to achieve high quality housing developments DCC has adopted an in-house review process to assess schemes against the Building for Life 12 (BfL 12) Standards. The Building for Life Supplementary Planning Document (2019) (BfL SPD) formalises the review process and establishes the guidelines and standards for its operation and is linked to the Sustainable Design Policy (29) in the County Durham Plan.
158. 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 amendments, the scheme has scored more positively achieving 6 "greens" and 6 "ambers" subject to conditions regarding drainage and footbridge location and provision.

159. The development is, therefore, now considered to represent good design and there are significant areas where both the overall design and layout has been improved. In response to earlier feedback the developer has reduced the number of dwellings on site by 9, repositioned dwellings for better privacy, increased garden depth for some properties, proposed an alternative materials palette to reflect the woodland setting, improved surveillance, proposed connections, bin storage and collection details and, a full landscaping scheme with more mature tree retention.
160. The Council's Urban Design Officer considers that the amended layout is a positive amendment to the original submission and that the proposed material palette reflects that of phase 1 and is considered acceptable from a design and conservation perspective.
161. In respect of climate change, the applicants have submitted a sustainability checklist which details that on average a 10% reduction would be achieved over the whole of the development to include combi boilers, gas heat recovery systems, 36% southern orientation, low energy lighting , double glazing, SuDS, tree retention and landscaping, passive charge points for ev vehicles, waste management plan and the sourcing of local materials. Given the climate change emergency declared by the Council in 2019 and subsequent action plan, objectors feel that additional measures such as heat pumps, solar panels etc should be incorporated into the Design. As the development is in line with 10% policy requirement further measures to minimise energy consumption are not considered necessary in this case however a condition can ensure that the detailed measures are incorporated.
162. With the imposition of such a condition the proposal would generally accord with Policy 29 of the CDP and Policy S1 of the DCNP and Part 12 of the NPPF in this respect.

Making Effective use of land

163. One of the principles (f) of Policy S1 of the DCNP is to maximise opportunities for the redevelopment of brownfield sites. The vast majority of the site is previously developed land, therefore, the proposal gains support in this respect. Paragraph 120 of the NPPF advises that substantial weight should be given to using suitable brownfield land within settlements for homes. The proposal therefore fully accords with these policies.

Heritage and Archaeology

164. 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.
165. 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.

166. There are no designated or non-designated heritage assets within close proximity of the development site and given the previously developed status there is low potential for archaeological remains. Durham City Conservation Area is located approximately 700m to the south of the proposed built development. The nearest listed buildings, the Grade II* Aykley Head House lies approximately 560m to the south west. There would be no intervisibility between the development site and these assets due to existing vegetation, built form and typography.
167. 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 and Archaeology Officers raise no objection to the scheme on these grounds. The proposal would be considered to comply with Policy 44 of the CDP and Part 16 of the NPPF.

Residential Amenity

168. Policies 29 and 31 of the CDP outlines 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.
169. DCNP Policy S1 criteria i) requires developments to avoid air pollution and waste and criteria m) requires developments to incorporate a secure by design layout.
170. 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.
171. 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. Separation distances with properties external to the development are comfortably achieved, and internally they generally exceed the distances of those advocated by the SPD apart from a couple of corner units where there is not a significant shortfall (plots 306 and 318). There are, therefore, no concerns that adverse impacts, such as overlooking, overshadowing or overbearing impact could arise leading to adverse amenity standards for future residents. The proposal is, therefore, in general accordance with the SPD, Policies 29 and 31 of the CDP and Parts 12 and 15 of the NPPF in these respects.
172. There is the potential for disturbance during the construction period, however a construction management plan (CMP) has been submitted and Environmental Health Officer are satisfied that subject to the controls and monitoring detailed within the CMP being controlled by condition and a condition controlling hours of working and separate hours for piling operations that the development would not result in a statutory nuisance. The conditions would also mitigate any significant adverse impacts to residential amenity. Local residents have raised concerns over noise from other sources, however given the nature of the site and the scale it is not considered that noise pollution would be a concern once constructed.

173. Environment, Health and Consumer Protection have confirmed that an air quality assessment is not necessary. The inclusion of dust control measures within the Construction Management Plan is welcomed. Environmental Health Officer consider that the dust control measures are numerous and align well with those recommended in IAQM construction dust guidance. The proposed dust monitoring to be undertaken if there are substantiated complaints associated with the site, or if there is clear evidence of dust generated by site works depositing beyond the site boundary is considered appropriate however the method of monitoring will need to be agreed with the Council in advance. Both the monitoring requirement and methodology can be made subject of a planning condition. Therefore, it is considered that with appropriate conditions that there would not be an adverse impact on the environment.
174. Local residents are concerned about other sources of pollution such as light pollution but the impacts from this or any other types of pollution are not likely to be significant given the nature and scale of this development.
175. With regards to noise, disturbance and air quality, the development would not lead to a significant reduction in residential amenity for existing or future residents subject to appropriate conditions therefore the proposal would comply with Policies 29 and 31 of the CDP, Policy S1 of the DCNP and Parts 12 and 15 of the NPPF.

Ecology

176. 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.
177. Policy S1 criteria e) and Policy G1 of the DCNP are concerned with protecting and enhancing the natural environment. Policy G3 of the DCNP supports proposals that improve the biodiversity of site in the Emerald Network which includes Aykley Heads and Hoppers Wood.
178. Part 15 of the NPPF seeks to ensure that developments protect and mitigate harm to biodiversity interests, and where possible, improve them.
179. Many objections centre on the loss of wildlife, trees, local habitats and impacts to the nearby nature reserve and lack of biodiversity net gain.
180. A Preliminary Ecological Appraisal (PEA) has been submitted in support of the proposal. It notes there would be no direct or indirect impacts on statutory designated sites. It recognises that three local wildlife sites lie within 1km of the development these being in order of proximity, Hopper's Wood LWS (adjoins the boundary to the north and surrounds the site to the east and south east), Framwellgate Moor Carrs LWS (900m to the north) and Frankland Pond (1km to the south-west). A proposed drainage pipeline would extend alongside the boundary of the Hopper's Wood LWS and will discharge via a new outfall structure into a minor watercourse located approximately 2-3 m within the LWS boundary. The PEA concludes that none of the habitats for which the LWS is designated would be impacted by these works and given the very small area affected (approximately 3 m²), and temporary nature of any impacts (which will be related to the construction phase only), advises that no significant impacts to the LWS are anticipated and recommends mitigation measures during construction.

181. The PEA also considers that there is the potential for indirect impacts to Hopper's Wood LWS, as a result of an increase in recreational pressure, but concludes that given the alternative recreational opportunities in close proximity to the site, and the predicted increase in recreational pressure which may arise as a result of the development, that any potential impact is likely to be of negligible significance. The PEA suggests that no direct or indirect impacts on any of the additional LWS's are considered likely.
182. The PEA notes that the habitat on site is semi-improved grassland and hardstanding none of which are of particular ecological importance. Measures are recommended to offset the loss of habitats from within the site and to provide suitable enhancement. The report recognises the presence of ancient and semi-natural woodland present at the location of the proposed surface water outfall but finds no plant species characteristic of Ancient Woodland at the location. Given the findings and small areas that would be impacted the PEA suggests that there would be no loss or deterioration of ancient woodland as a result of the proposals. It recognises that additional woodland and minor watercourses are located outside but adjacent to the site boundary and recommends measures to ensure these habitats are adequately protected during development of the site.
183. It notes that there are no potential bat roosting opportunities on site and that habitats on site are of low suitability to support foraging and commuting bats. Given the proximity of three ponds in the locality with records of Great Crested Newts the report recommends a precautionary working method. Bird activity within the site is likely to be limited to foraging by species nesting within the adjacent woodland habitat (which is to be retained). Potential nesting habitat within the site is generally lacking and no significant impacts on nesting birds within the Site are anticipated. The proposed development would result in the loss of foraging habitat with the potential to be used by hedgehog which is a National and Local priority species. Measures are proposed to ensure that the species will retain access to foraging habitats during the occupational phase of the development.
184. The PEA outlines the potential impacts of the development to the Local Wildlife Sites, habitats and species as well as a series of recommendations to minimise these. The mitigation measures can be secured via condition and a section 39 agreement.
185. No interference with protected species is identified as a result of the development. A European Protected Species Licence is, therefore, not 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.
186. The Council's Ecologist is satisfied with the submitted assessment but requests conditions in relation to mitigation and a financial contribution for the maintenance of footpaths within the woodland as he considers that there would undoubtedly be increased usage of the nearby nature reserve by pedestrians and their dogs. The applicant is willing to accept this contribution requirement and these works would be secured by way of a 106 agreement.
187. In terms of biodiversity net gains, a Biodiversity Net Gain Assessment has been submitted and calculates the change in biodiversity value of the site and the surrounding land 17.21% for habitats and for hedgerow units and increase of 1.20BU. The proposed development, both within the development site and, on land adjacent the site is expected to result in a net gain of over 10% for both area based habitats and hedgerows, therefore, satisfying policy requirements to achieve net gains.

188. Objections detail that the net gain on the actual site, rather than the surrounding land, is minimal, however, the Council's Ecologist has reviewed the submitted report and is satisfied that the net gains meet the requirements but requests the biodiversity net gain calculation to also cover the mitigation measures detailed for species to ensure the development provides ecological enhancement for species. This report has not been updated by the developer nor has a biodiversity management and monitoring management plan been supplied. The management and monitoring information is required in order to ensure that the stated level of net gains can be achieved in accordance with CDP Policy 26 and 41 requirements and Paragraph 174 of the NPPF. Once the approach is agreed, a detailed habitat creation and management document, including a monitoring strategy for a minimum of 30 years will need to be secured under Section 39 of the Wildlife and Countryside Act 1981. A condition can ensure the biodiversity management and monitoring plan is submitted and agreed and a 106 can require the developer to enter into such the section 39 agreement.
189. Subject to the imposition of condition to secure the mitigation strategy, management and monitoring plans and Section 39 agreement the proposal would comply with Policies 26,41 and 43 of the CDP and Part 15 of the NPPF.

Flooding and Drainage

190. Policies 35 and 36 of the emerging 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.
191. Policy S1 criteria k) of the DCNP requires developments to incorporate SuDS. National advice within the NPPF and PPG with regard to flood risk advises that a sequential approach to the location of development should be taken with the objective of steering new development to flood zone 1 (areas with the lowest probability of river or sea flooding). When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where a sequential test and some instances exception test are passed, informed by a site-specific flood risk assessment.
192. The application is accompanied by a Flood Risk Assessment (FRA) and Drainage Strategy which highlights that the application site is within Flood Zone 1 with a low flood risk probability. The drainage strategy includes the incorporation of Sustainable Urban Drainage (SUD's) including permeable paving, a swale on the access road and an end of line SuDS basin to treat and attenuate surface water runoff. Drainage and Coastal Protection Officers consider the revised proposals as an improvement but they would like to see more treatment and further details to be included in a further Surface Water Drainage Strategy which can be required by condition.
193. 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 that the development accord with the proposed engineering layout plan.
194. Subject to condition regarding the drainage strategy there would be no concerns on the grounds of flood risk or drainage in respect of Policies 35 and 36 of the CDP and Part 14 of the NPPF.

Infrastructure and Open Space Provision

195. 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.
196. 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.
197. 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.
198. 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.
199. Policy G1 of the DCNP supports development which will provide additional green assets such public open space, woodland, landscaped areas, footpaths, trees and measures to support species. The policy also requires proposals that impact on green corridors such as cycle paths to avoid significant harm to ecological connectivity. Policy G3 of the DCNP supports proposals that improve the amenity of sites in the Emerald Network including Aykley Heads and Hopper's Wood including that additional footpaths are provided within or between the sites.
200. Paragraph 98 of the NPPF highlights that access to a network of high-quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities. Paragraph 130 requires amongst its advice that developments function well and optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space).
201. 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.
202. The site layout demonstrates that large areas of green space (equating to 1.584ha) would be provided on site and the adjacent land in the applicant's ownership fulfilling the precise open space/natural green space (requirement is for 0.1584ha). Overall, the open space provision would likely to be attractive to future residents of the estate and provide footpaths between Aykley Heads and Hoppers Wood. The provision would be secured by way of a Section 39 Agreement.

203. The development is of a scale whereby non-equipped children's play space would be expected to be provided on-site. The development would not meet the play space for children requirement of 42sqm onsite. Notwithstanding, an equipped play area lies within the reasonable walking and cycling distances on land to the east of Carterhouse Road therefore in this instance a financial contribution to enhance existing facilities would be deemed more appropriate. The developer is willing to contribute money in lieu of on site provision to ensure improvements to current play areas in the facility and this is accepted as a more suitable alternative in this case.
204. In respect of other typologies (allotments, parks and recreation, play space -youth the developer is willing to enter into 106 agreement to contribute money in lieu of on site provision. A contribution of £75,556 would be required for off-site provision in lieu of those typologies not provided for onsite (allotments, Parks and Recreation, children and youth play space). Having regard to the OSNA, the availability and the proximity of existing facilities to the development this is considered to acceptable and in accordance with the Council's standard approach.
205. Details of the management of open space are not known. Conditions can secure the details of the future management and maintenance arrangements.
206. 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.
207. 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. This is a concern raised by local residents. The School Places Manager has advised that the proposed development is likely to generate an additional 15 primary age school pupils and 6 secondary age school pupils. Whilst there is sufficient capacity at the local primary schools to the accommodate this need there is insufficient capacity at the local secondary school. A total contribution of £99,324 (6 x £16,554) towards education provision is therefore required.
208. Residents have raised concerns that local NHS services are at capacity. The Tees Valley Clinical Commissioning Group (TV CCG) advise that local GP practices are at full capacity with regards to space requirements to deliver services to their patient list size. A contribution of £23,184 is requested to support creating extra capacity for them to provide appropriate services to patients and to make the proposed housing expansion supportable from a health infrastructure perspective.

Addressing Housing Need

209. Policy 15 of the CDP and Policy D3 of the DCNP requires affordable housing to be sought on sites of 10 or more units, for up to 25% of units in the highest value areas. On sites of 10 or more units, 10% of the homes provided should be for affordable home ownership (starter homes, discount market sale housing and other affordable routes to home ownership). Any contribution above 10% should be provided as affordable housing for rent in order to meet the requirements of Policy of the CDP. As this site is within a high value area, this development would require 25% affordable housing, in the form of affordable home ownership and rent.
210. Policy 15 of the CDP and Policy D2 of the DCNP also requires that on sites of 10 or more units, a minimum of 10% of the units should be designed so as to increase the housing options for older persons and people with disabilities comprising of level access flats and bungalows or housing products which can be shown to meet the specific needs of a multi-generational family.

211. Policy 15 of the CDP also requires that 66% of dwellings should be built to Building Regulations Requirement M4(2) (accessible and adaptable dwellings) standard unless site specific factors indicate otherwise. All new residential development will be required to comply with the Nationally Described Space Standards (NDSS).
212. Policy 19 requires an appropriate mix of dwellings, types and sizes. Paragraph 61 of the NPPF states that the size, type and tenure of housing needed for different groups in the community should be assessed. Part 5 of the NPPF is also clear that developments should help to address housing needs.
213. The Council's Affordable Housing department advise that the area has a need for 2 and 3 bedoomed properties for affordable home ownership and for bungalow accommodation and confirm there is a high demand for affordable rented properties.
214. Local residents do not consider that the scheme incorporates sufficient bungalows and smaller homes. The scheme would provide a total 12no. affordable units comprising of 7no. 2-bed properties for rent and 5no. three-bed dwellings for intermediate tenure. This would meet the requirements of both Policy 15 of the CDP and Paragraph 65 of the NPPF which directs that, on major schemes, 10% of the homes provided should be for affordable home ownership. Whilst only 3-bed properties rather than 2 bed properties are proposed for affordable ownership Housing Officers are satisfied with the proposed housing mix. The revised layout includes 5no. bungalows which meets the 10% policy requirement of housing options for older persons.
215. In respect to the Policy 15 requirements on M4(2) and NDSS the application is supported by an accessible and adaptable homes statement that confirms that 32 of the dwellings would meet the M4(2) standards which meets the 66% requirement of Policy 15. The application is also supported by a meeting Housing Needs Statement that confirms that NDSS would be met by this development.
216. Whilst concerns have been raised by Housing Officers over the willingness for Registered Providers to take on smaller rented units, the developers have confirmed that they have not found this to be the case on their other sites. In the event that this were to occur, the affordable housing statements suggests a cascade mechanism for other options to be explored and, this can be subject of a 106 legal agreement in relation to affordable housing provision.
217. In terms of housing mix, the development would provide a range of 2, 3, 4 and 5 bedoomed units including, detached and semi-detached houses, terraced properties and bungalows options in compliance with Policy 19 of the CDP and Part 5 of the NPPF.
218. Overall, the scheme does generally meet the identified housing needs of the County in accordance with the requirements of Policy 15 of the CDP and policy D2 of the DCNP and Part 5 of the NPPF.

Developer Contributions

219. Policy 25 of the CDP, Paragraph 57 of the NPPF and Paragraph 122 of The Community Infrastructure Levy Regulations 2010 set out three planning tests which must be met in order for weight to be given to a planning obligation. These being that matters specified are necessary to make the development acceptable in planning terms, are directly related to the development, and are fairly and reasonably related in scale and kind to the development. The following obligations are considered to meet these tests and have been sought from the developer to mitigate the impacts of the development and to meet an identified affordable housing need in the County:

- £99,324 towards secondary education provision;
 - £23,184 to increase GP surgery capacity;
 - £75,556 off-site public open space contribution;
 - £21,000 Infrastructure improvement works (Footpaths and drainage works in Hoppers Wood LWS);
 - The delivery of 25% affordable housing, equating to 5 properties for affordable home ownership and 7 units for affordable rent;
 - The requirement to achieve a minimum of 10% biodiversity net gains and enter into a S.39 Agreement to secure the long-term management and maintenance of the biodiversity land.
220. The applicant has indicated their acceptance to enter into such agreements and therefore it is considered that this scheme of 48 units would sufficiently mitigate its own impacts.

Contamination and Land Stability

221. 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.
222. Given the sensitive end use of the site, a Phase 1 Risk Assessment and Phase 2 Geoenvironmental Appraisal and Ground Gas Risk Assessment were submitted in support of the application. Environmental Health Officers agree with the conclusions within the phase 1 report but require further details in respect of the car park areas. Therefore, further phase 2 site investigations are necessary and a Phase 3 remediation strategy is required to include details of ground gas protection measures and a method of phase 4 verification. Conditions can 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.
223. Paragraph 174 of the NPPF sets out that unstable land should be remediated and mitigated where appropriate. The application site lies within the coal mining high risk area with Coal Authority records indicating that coal seams are conjectured to outcrop across the site and the seams may have been worked in the past and could pose a risk in terms of instability and mine gas emissions.
224. The application is supported by a Coal Mining Legacy and Mitigation Review which aims to provide an assessment of the coal mining affects within the site and appropriate remediation measures. The Coal Authority, having reviewed the reports, advise that the mitigation measures proposed would ensure the safety and stability of the proposed development and recommend that these measures be made subject of condition. With such a condition it is considered that sufficient evidence has been provided to demonstrate that the site will be safe, stable and suitable for its proposed used. The proposal is therefore in accordance with Policy 32 of the CDP and Part 15 of the NPPF.

Other Considerations

225. Soil is a fundamental and finite resource that fulfils many important functions and ecosystem services and some of the most fundamental impacts on this resource can occur as a result of construction activity. Where development proposals are permanent it is important that soil resources are used effectively on undeveloped areas of the site for landscape, habitat or garden creation or used appropriately on other suitable sites. Policy 14 of the CDP requires all development proposals relating to previously undeveloped land must demonstrate that soil resources will be managed and conserved in a viable condition and used sustainably in line with accepted best practice. A soil resource management strategy can be secured by condition.
226. The site lies within a Mineral Safeguarding Area due to it lying within a coal resource area. Policy 56 of the CDP states that planning permission will not be granted for non-mineral development that would lead to the sterilisation of mineral resources within such areas unless specific criteria apply. For criteria a) of the policy to be met, applicants should demonstrate to the satisfaction of the local planning authority that the mineral in the location concerned is no longer of any current or potential value as it does not represent an economically viable and therefore exploitable resource. A Minerals Assessment has accompanied this application, which concludes that given the very limited size of the development area and significant depth of the coal, fireclay, clay and shale present it is not considered economically or geotechnically viable to remove these minerals using opencast methods. Furthermore, removal would likely result in unacceptable impacts to residents and ecology, also access would be difficult. It is considered therefore that the application has sufficiently demonstrated full compliance with the Policy 56 and Part 17 of the NPPF.
227. Policy 27 of the CDP outlines that new residential development should be served by a high-speed broadband connection. Part 10 of the NPPF also has similar aims. A condition can be imposed to secure details of how the applicant intends to address connectivity issues.
228. The proposal has generated some public interest, with letters of objection having been received from local residents and other bodies. The objections, queries and concerns raised have been taken account and addressed within the report, where appropriate. Issues which have not previously been addressed are considered below.
229. Residents are concerned about the negative impact upon property values due to the affordable provision on site however this is not a material planning consideration.
230. Comments made in relation to a road connecting to the multi-user route are inaccurate.
231. Comments have been made by residents in relation to the lack of community consultation by the developer, however it is considered that a proportionate consultation exercise involving a letter drop was adequate given the size of the site. It is noted that there are concerns that the developer has detailed the lack of response as indicating support for the developer and that residents wish to ensure that the LPA know this is not the case.
232. Local residents fear that the proposal will lead to advert signs and flags at the entrance to the estate being kept on site for longer and detracting from the amenity of the estate. Advertisement consent is covered under the Town and Country Planning (Control of Advertisements) Regulations 2007. Any new flags/signs to advertise this further development would need to comply with class 7 of these regulations or require advertisement consent from the Council and would be considered at that stage.

233. It is noted that not all documentation has been updated to reflect the amended plans at stages in the application process, however, it is considered that the most critical documents have now been.

CONCLUSION

234. 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).
235. 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. The development site is a brownfield allocated housing site and the proposal meets the landscape and infrastructure requirements of policy 4 of the CDP.
236. The development would ensure housing land supply including the provision of affordable housing and older persons accommodation.
237. Despite the additional four footway connections there are accessibility issues in terms of providing short and easy walking access for those with mobility issues to public transport and shops and there would undoubtedly be some future residents who would realistically have to use the car to access these services. However, it is recognised that with the proposed new footpath and footbridge links the local facilities, services and employment would be located in what are generally considered to be acceptable walking distances and the site benefits from good links to relatively short cycle routes to schools, public transport (Durham Railway Station) and employment. There would, therefore, be some conflict with CDP Policies 21 and 29 and DCNP Policy S1 and section 9 of the NPPF, which must be weighed in the planning balance. Having carefully assessed the impacts officers consider that the impacts upon individuals with protected characteristics are not such that it would warrant the application being recommended for refusal.
238. Generally, the parking provision is acceptable and meets DCC standards in terms of numbers and size for most plots. There is some conflict with CDP and DCNP policy requirements in terms of garage sizes on some plots and in terms of cycle parking facilities for some dwellings. In terms of the Neighbourhood plan there is also conflict in respect of the use of in curtilage parking over communal parking and in terms of lack of storage/charging areas for mobility aids etc. Nonetheless as neither Highways nor Sustainability Officers have requested amendments in these respects this is accepted.
239. There is unlikely to be adverse transport impacts to the network and the site has been designed to be permeable, minimise car traffic and vehicle speeds and create a safe family friendly environment. The development is therefore acceptable on transport and highway impact grounds.
240. Development in this location would have a transformative impact on the immediate local landscape. However, the native structure planting proposed and required by Policy H4 would retain the character of the land surrounding the site, maintain a strong boundary with the Green Belt and replace the loss of mature Ash trees on the site caused by die back disease. Plant species proposed and planting notes relating to establishment are considered appropriate. With such landscaping there would not be unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views.

241. Section 106 and 39 legal agreements can ensure the development appropriately proposes to provide new green infrastructure and secure its long-term management.
242. A 106 can require a commuted sum in respect of open space provision, education , healthcare and infrastructure requirements needed to make development acceptable and ensure that the development mitigates its impact upon existing infrastructure.
243. The amended scheme would contribute positively to the area's character, identity, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities. The development has scored 6 greens and 6 ambers in relation to the Building for Life 12 (BfL 12) Standards.
244. A condition can secure additional C0₂ reductions required by CDP policy 29 and DCNP policy S1.
245. The proposal would not result in adverse impacts to designated or non-designated heritage assets, residential amenity, wildlife sites or protected species.
246. A section 39 agreement can ensure that the accepted Biodiversity net gain is achieved, managed and monitored appropriately.
247. The proposal meets policy requirements in terms of affordable housing provision, housing for older persons and M4(2) requirements.
248. Conditions can ensure that any drainage, contamination and land stability issues are addressed and there are no concerns over the loss of the mineral's resources.
249. The proposal has generated public interest. The objections and concerns raised have been taken into account and addressed within the report. On balance the concerns raised were not felt to be of sufficient weight to justify refusal of this application in light of the benefits of the scheme and the ability to impose conditions and secure planning obligations under S106 of The Town and Country Planning Act 1990 (as amended) and secure net gains under S39 of the Wildlife and Countryside Act 1981 (as amended).
250. On balance, it is considered that proposals are acceptable and the application is recommended for approval.

RECOMMENDATION

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

- The requirement to enter into a S.39 Agreement to secure the long term management and maintenance, including monitoring strategy of the biodiversity land;
- the delivery of the permissive footpaths;
- The delivery of 25% affordable housing comprising of 7x 2 bedroom houses for rent and 5x 3 bedroom houses for affordable home ownership.
- £99,324 towards securing additional secondary education provision at Framwellgate School.
- £23,184 to increase GP surgery capacity in the area.
- £75,556 towards improving off site play space for children and youths and other space typologies in the Electoral division.
- £21,000 towards infrastructure improvement works (new footpaths and repairs to footpaths, drainage works and facilities in Hopper's Wood LWS) .

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 and documents:

Phase 2 Autotrac		22/04/2022
AH2-001 (REV K) Phase 2 Site Layout		20/04/2022
2572/10 (Rev G) Detailed Landscape Proposals – Phase 2		11/04/2022
2572/11 (Rev G) Detailed Landscape Proposals – Phase 2		11/04/2022
SUDS Maintenance Report		08/04/2022
Road Construction Details	D700(REV3)	08/04/2022
Phase 2 Materials Layout	AH2-002	26/04/2022
Mining Assessment report		14/03/2022
Arboricultural Impact Assessment		08/03/2022
AH2-000 (REV B)	Phase 2 Location Plan	08/03/2022
D900 (REV 5) Suds Identification Plan		03/03/2022
D800 (Rev 20 S38 Agreement Plan		03/03/2022
D600 (REV6) Direct comparison cut & Fill		03/03/2022
D301 (REV6) Proposed Road Longsections sheet 2 of 2		03/03/2022
D201 (REV9) Flood Routing Plan		03/03/2022
D001 (REV12)		27/04/2022
Precautionary Method Statement for Great Crested Newts		02/03/2022
Affordable housing Statement		02/03/2022
Biodiversity Net Gain Assessment Report		02/03/2022
Ecological Appraisal and Mitigation Plan		22/04/2022
Sustainability checklist for developers		02/03/2022
Accessible and adaptable homes statement		02/03/2022
PH Brick Brochure		19/01/2022
PH Tile Brochure		19/01/2022
Meeting Housing Needs Statement		22/04/2022
D200 (REV7) Proposed Adoptable Manhole Schedules		14/12/2021
WW-WD17 (REV D) Plans and elevations		03/12/2021
WL-WDO7+(REVG) Plans and elevations		03/12/2021
SW-WDC07 (REVG) Plans and elevations		03/12/2021
SW-WD17+(REV E) Plans and elevations		03/12/2021
SN-WD17 (REVG) Plans and elevations		03/12/2021
SE-WD07+ (REVG) Plans and elevations		03/12/2021
RV-WD17+(REV G) Plans and elevations		03/12/2021
HL-WD17 (REV C) Plans and elevations		03/12/2021
GM-WD17+ (REV F0 Plans and elevations		03/12/2021
DY-WD17+(REVE) Plans and elevations		03/12/2021
CW-WD17 (REV E) Plans and elevations		03/12/2021
Water Usage Calculations		03/12/2021
Basic Compliance Report (R20 Whiteleaf Cnr)		03/12/2021
Basic Compliance Report (R20 Whiteleaf)		03/12/2021
Basic Compliance Rpoert (R20 Wentwood Semi)		03/12/2021
Basic Compliance Report (R20 Wentwood Mid)		03/12/2021
Basic Compliance Report (R20 Sherwood Cnr)		03/12/2021
Basic Compliance Report (R20 Sherwood)		03/12/2021
Basic Compliance Report (R20 Selwood)		03/12/2021

Basic Compliance Report (R20 Saunton End)	03/12/2021
Basic Compliance Report (R20 Rivington)	03/12/2021
Basic Compliance Report (R20 Haldon Mid)	03/12/2021
Basic Compliance Report (R20 Haldon End)	03/12/2021
Basic Compliance Report (R20 Glenmore)	03/12/2021
Basic Compliance Report (R20 Danbury End)	03/12/2021
Basic Compliance Report (R20 Danbury Cnr)	03/12/2021
Basic Compliance Report (R20 Charnwood)	03/12/2021
Hazardous Ground Gas Assessment Report	02/08/2021
Minerals Safeguarding Assessment Report	29/06/2021
Section 106 draft Heads of Terms	29/06/2021
Persimmon Homes and the Green Guide to Specification	29/06/2021
Construction Management Plan Note	22/04/2022
Construction Management Plan	22/04/2022
Tree Survey Report	01/06/2021
Transport Statement	01/06/2021
Phase 2 Geoenvironmental Appraisal Report	01/06/2021
Phase 1 Geoenvironmental Appraisal & Coal Mining Risk Assessment	01/06/2021
Flood Risk Assessment Report	01/06/2021
Sustainability Statement	01/06/2021
Open Space , Play and Leisure Assessment	01/06/2021

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies 4 and 29 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.

3. The Construction Management Plan and note dated 22/04/2022 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.

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

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

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

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

In addition, piling operations should be restricted to the following hours:

No piling, including vibro-pling, operations shall be undertaken outside of the hours of 0900 and 1600hrs.

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

5. No development, other than demolition, site investigations and site remediation works shall commence before details have been submitted to and approved in writing by the LPA of the methodology for monitoring dust levels. The development shall take place in accordance with the approved details.

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

6.No development, other than demolition, site investigations and site remediation works shall commence before detailed drawings, including sections, showing the existing and proposed site levels, and the finished floor levels of the proposed development, has been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details thereafter.

Reason: In the interests of the amenity of the surrounding areas and neighbouring properties, in accordance with Policy 29 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework. Required as a pre-commencement condition to ensure that the implications of changes in level are properly considered and accounted for in the development.

7.No development, other demolition shall commence until a land contamination scheme has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall be compliant with the YALPAG guidance and include a Phase 2 site investigation, if necessary and a Phase 3 remediation strategy, which shall include details of the ground gas protection measures to be installed and a method of verification.

Reason: To ensure that the presence of contamination is identified, risk assessed and proposed remediation works are agreed in order to ensure the site is suitable for use, in accordance with Policy 32 of the County Durham Plan and Part 15 of the National Planning Policy Framework. Required to be pre-commencement to ensure that the development can be carried out safely.

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

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

9. The development hereby approved shall incorporate the measures set out in the supporting Coal Mining Legacy & Mitigation Review, in order to mitigate land instability arising from coal mining legacy. These measures shall be retained thereafter. All works shall be carried out in accordance with authoritative UK guidance.

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.

10.Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming the completion in full of the mitigation measures (required by condition 9) shall be submitted to the Local Planning Authority for approval in writing.

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.

11. No development, other than demolition and site remediation works, shall commence until full engineering details of the site access road including traffic calming measures have been submitted to and approved in writing by the Local Planning Authority. The works shall be completed in accordance with the agreed details prior to the first occupation of the dwellings.

Reason: In the interests of highway safety in accordance with Policies 6, 21 and 29 of the County Durham Plan and Part 9 of the National Planning Policy Framework. Required to be pre-commencement to ensure that the proposed development is served by a safe access.

12.No development, other than demolition and site remediation works, shall commence until full engineering details of the estate roads have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved scheme.

Reason: In the interests of highway safety in accordance with Policies 6, 21 and 29 of the County Durham Plan and Part 9 of the National Planning Policy Framework. Required to be pre-commencement to ensure that the proposed development is served by a safe access.

13. Prior to the occupation of the first dwelling, details of the footbridges that are to be installed to allow access to the North and West of the Site shall be submitted to and approved in writing by the Local Planning Authority. This shall include details of materials of the structure and surface and engineering details including the width, depth of foundations, span and clearance, beam and handrails and timescales for implementation. All of which will need to comply with the current Design Manual for Roads and Bridges (DMRB). The footbridge(s) shall be installed in accordance with the approved details.

Reason: In the interests of sustainable transport in accordance with Policies 6, 21 and 29 of the County Durham Plan and Part 9 of the National Planning Policy Framework.

14.No construction work shall take place, nor any site cabins, materials or machinery be brought on site until all trees and hedges, scheduled for retention, have been protected in accordance with the details contained within the Arboricultural Impact Assessment dated 08/03/2022 and under the supervision of the Durham County Council's Arboriculture Officer. Protection measures shall remain in place until the cessation of the development works. The tree protection shall be retained throughout the construction period. No materials, equipment or vehicles shall be stored inside the protective fencing.

Reason: In the interests of the visual amenity of the area and to comply with Policy 40 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework. Required as a pre-commencement condition to ensure that the trees are adequately protected prior to the commencement of the development.

15. No development, other than demolition and site remediation works, shall commence until a detailed landscaping scheme, which should follow the parameters set out in drg. no's. 2572/10 (Rev G) and 2572/11 (Rev G) has been submitted to and approved in writing by the Local Planning Authority. Any submitted scheme must be shown to comply with legislation protecting nesting birds and roosting bats. The landscape scheme shall include accurate plan based details of the following:

Trees, hedges and shrubs scheduled for retention (including any gapping up and management works).

Planting of a native species hedge to the perimeter of the site;

Retention of the existing tree belt within the middle of the site and provision of additional tree planting in gaps within the tree belts to the north, east and south-east of the site

New native woodland to the north and west of the site.

Finished topsoil levels and depths.

Details of temporary topsoil and subsoil storage provision.

Details of hard and soft landscaping including planting species, sizes, layout, densities, numbers.

Details of planting specifications and procedures including tree pits, irrigation systems, plant supports and plant protection.

Details of seeded or turfed areas and areas of habitat creation including specifications for ground preparation, seed or planting mixes, and sowing or planting rates and procedures.

Details of land and surface drainage.

The establishment maintenance regime, including watering, rabbit protection, tree stakes, guards etc.

The local planning authority shall be notified in advance of the start on site date and the completion date of all external works.

Reason: In the interests of the visual amenity and character of the area and to comply with Policies 26, 29, 39, 40 and 44 of the County Durham Plan and Part 15 of the National Planning Policy Framework. Required as a pre-commencement condition to ensure that a landscape mitigation takes place at an early stage of development.

16. All planting, seeding or turfing and habitat creation in the approved details of the landscaping scheme shall be carried out in accordance with a timetable to be submitted to and agreed in writing by the Local Planning Authority.

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

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

Reason: In the interests of the visual amenity and character of the area and to comply with Policies 26, 29, 39, 40 and 44 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

17. No development shall commence until a soil resource management strategy has been submitted to and approved in writing by the Local Planning Authority. The strategy shall clearly describe the proposed use of all soils on site and demonstrate that soil resources will be managed and conserved in a viable condition and used sustainably in line with accepted best practice. The strategy should detail soil handling, storage and replacement methods to be used appropriate to the grade of soil and intended after-use. The strategy shall also include details of the proposed soil depths upon replacement and plant and machinery to be used as well as, where appropriate, steps to prevent the spread of any soil-borne plant or animal diseases.

If soils are to be removed from site, then details of quantities and a programme for removal shall be submitted. Thereafter, development shall take place in accordance with the approved details.

Reason: In the interests of the protection of soil resources and to comply with Policy 14 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

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

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

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

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

20.No dwelling shall be occupied until a detailed specification for the new footpaths as shown on drg AH2-001 (Rev K),including engineering details of any steps/ramps as shown, has been submitted to and approved in writing by the Local Planning Authority. The footpaths shall be installed in accordance with the approved details and prior to the occupation of the first dwelling.

Reason: To secure new pedestrian routes and to comply with Policy 26 of the County Durham Plan and Parts 4 and 8 of the National Planning Policy Framework.

21.No development shall be carried out before the submission to and approval by the Local Planning Authority of a Surface Water Drainage Strategy for the site. The development shall take place in accordance with the approved drainage strategy.

Reason: In the interest of the adequate disposal of foul and surface water in accordance with Policies 35 and 36 of the County Durham Plan and Part 14 of the NPPF. Required as a pre-commencement condition to ensure that the suitable drainage is achieved for the site and any off site impacts are appropriately managed.

22.The development shall be carried out in accordance with the recommendations outlined within Section 5 of the Ecological Appraisal Report dated 22/04/2022 and the Precautionary Method Statement for Great Crested Newts dated 2/03/2022.

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

23.No development, other than demolition and site remediation works, shall commence until the submission to and approval of the LPA of a biodiversity management and monitoring management plan. The development shall take place in accordance with the approved details.

Reason: This information is required in order to ensure that the stated level of net gains can be achieved in accordance with CDP Policy 26 and 41 requirements and Paragraph 174 of the NPPF.

24. All of the dwellings hereby approved shall be provided with appropriate cabling and infrastructure to allow future installation of electric vehicle charging points.

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.

25. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order), no development falling within Part 1 (all Classes) and Classes A and C of Part 2 of Schedule 2 of the said Order shall take place without the grant of further specific planning permission from the Local Planning Authority.

Reason: In the interests of the visual amenity of the area and to comply with Policies 29 and 44 of the County Durham Plan and Parts 12, 15 and 16 of the National Planning Policy Framework. Required as a pre-commencement condition to ensure that the development is suitably constructed.

26. The development shall take place in accordance with the approved details to minimise energy consumption detailed in the sustainability checklist dated 2/03/2022.

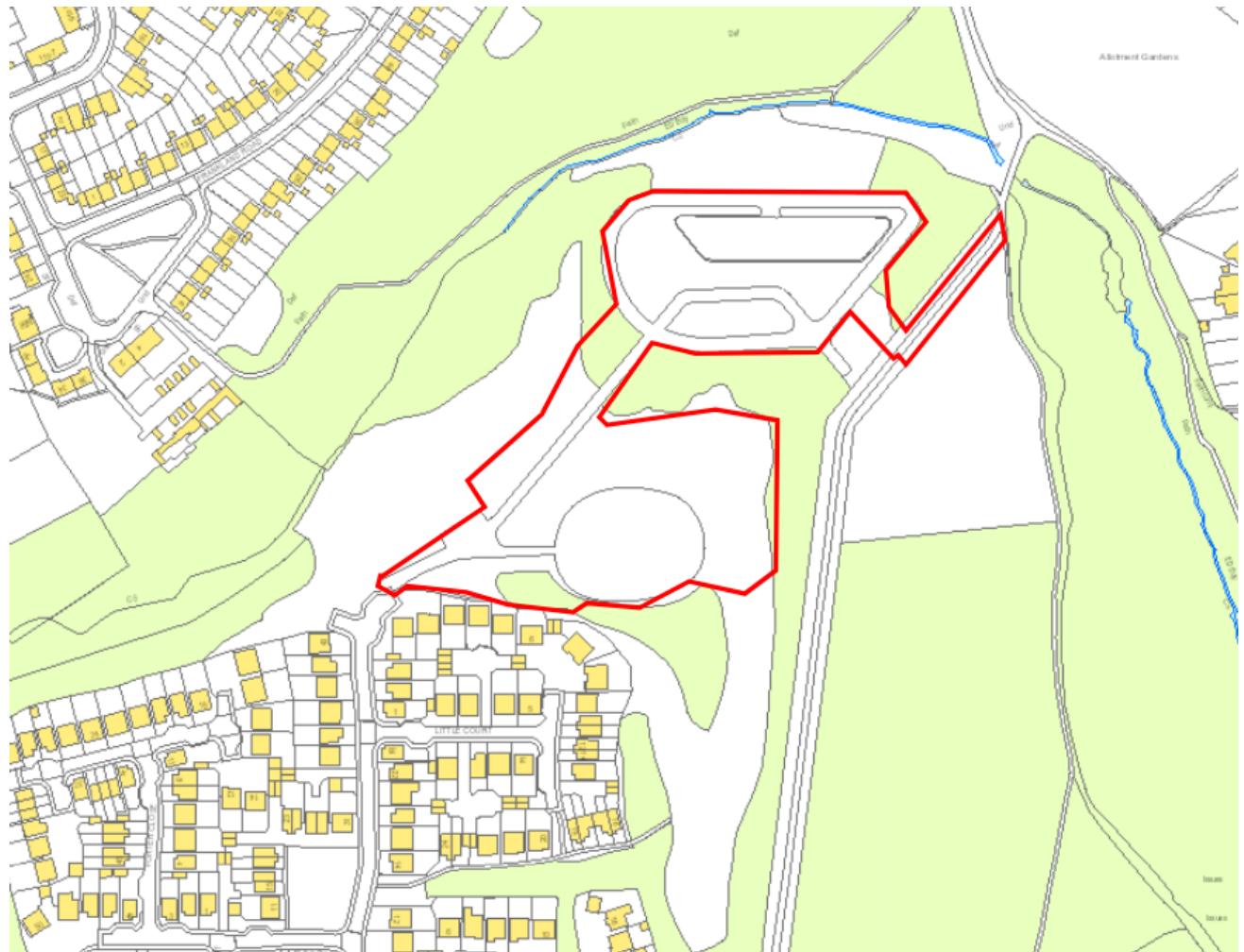
Reason: In the interests of minimising greenhouse gas emissions, by seeking to achieve zero carbon buildings and providing renewable and low carbon energy generation in accordance with Policy 29 of the CDP and policy S1 of the DCNP Policy S1 and part 14 of the NPPF.

STATEMENT OF PROACTIVE ENGAGEMENT

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

BACKGROUND PAPERS

- Submitted application form, plans supporting documents and subsequent information provided by the applicant.
- The National Planning Policy Framework (2021)
- National Planning Practice Guidance notes.
- County Durham Plan 2020
- Durham City Neighbourhood Plan 2021
- Statutory, internal and public consultation response
- 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)
- County Durham Parking and Accessibility Standards 2019
- County Durham Strategic Cycling and Walking Delivery Plan 2019



 Planning Services	Proposed development of 48 residential dwellings with associated infrastructure, open space and highway improvements. Land at Former Skid Plan North of Woodward Way, Aykley Heads. Ref: DM/21/02034/FPA
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	Date 9 th May 2022 Scale Not to Scale