

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	DM/20/00479/FPA
FULL APPLICATION DESCRIPTION:	Construction of 16no. dwellings and associated works
NAME OF APPLICANT:	Mr Chris Hogan, Dere Street Homes Ltd
ADDRESS:	Land West Of 20 Durham Road, Wolsingham, DL13 3JB
ELECTORAL DIVISION:	Weardale
CASE OFFICER:	Steven Pilkington, Principal Planning Officer, 03000 263964, steven.pilkington@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site is located to the eastern edge of the village of Wolsingham in the west of the County. The rectangular shaped site is currently in agricultural use and measures approximately 0.98ha in area. To the west of the site lies the residential terrace of Nos 1-20 Durham Road, to the south beyond the A689 highway, lies a Shell garage and Spar convenience store. Open agricultural land is located to the east and north of the site.
2. A Public Right of Way (footpath No. 28, Wear Valley) passes centrally through the site in an east/west direction. Mature trees are present along the western boundary of the site, while a small pocket of vegetation is located in the south western corner adjacent to the residential terrace. A stone wall fronting the A689 with a field access gate forms the southern boundary to the site. There is a level change of approximately 2.5m across the site, with the land rising in a northerly direction.
3. The site lies outside of the boundary of the Wolsingham Conservation Area but is located within an area of Higher Landscape Value.

Proposal

4. Planning permission is sought for the erection of 16 no. dwellings, comprising 2 no. 3 bed detached dwellings, 9 no. 4 bed detached dwellings, 2 no. 5 bed detached dwellings and 3no. 2 bed terraced bungalows. All of the dwellings would be offered on an open market basis, with the exception of the bungalows which would be offered on an affordable basis.

5. The design of the dwellings would be a contemporary, inspired by an interpretation of traditional farm steadings and barn conversions, utilising two storey glazing and timber cladding features with 45 degree pitched roofs. The majority of the dwellings, particularly to the front of the site are proposed to be faced in coursed stonework, with the remainder constructed with red brick. Slate effect roof tiles would be used through the development.
6. A new vehicle access is proposed centrally on the southern boundary of the site to serve the development. An existing stone wall fronting the highway is proposed to be largely retained, with modifications to facilitate the access. An internal access road would run northwards within the site, with the remaining dwellings and bungalows positioned to either side of a turning head. It is proposed to re-route the existing public right of way around the boundaries of the site in a northerly direction.
7. There would be a SUDS area to the south eastern boundary of if the site, which would incorporate a retention basin and additional planting. Additional hedge and tree planting is proposed around the development to help mitigate any visual impacts.
8. This application is being reported to planning committee as it constitutes major residential development.

PLANNING HISTORY

9. Construction of 13 dwellings with live/work space and associated development (DM/17/00106/FPA) withdrawn

PLANNING POLICY

NATIONAL POLICY

10. A revised National Planning Policy Framework (NPPF) was published in July 2021. The overriding message continues to be that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways.
11. *NPPF Part 2 Achieving Sustainable Development* - The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three overarching objectives - economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.
12. *NPPF Part 4 Decision-making* - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

13. *NPPF Part 5 Delivering a Sufficient Supply of Homes* - To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
14. *NPPF Part 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.
15. *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.
16. *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.
17. *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.
18. *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.
19. *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.
20. *NPPF Part 15 Conserving and Enhancing the Natural Environment* - Conserving and enhancing the natural environment. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from Page 73 pollution and land stability and remediating contaminated or other degraded land where appropriate.
21. *NPPF Part 16 - Conserving and enhancing the historic environment.* Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource, and

should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

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

NATIONAL PLANNING PRACTICE GUIDANCE:

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

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

LOCAL PLAN POLICY:

The County Durham Plan (CDP)

23. *Policy 1 (Quantity of Development)* outlines the levels of employment land and housing delivery considered to be required across the plan period.
24. *Policy 6 (Development on unallocated sites)* states the development on sites not allocated in the Plan or Neighbourhood Plan, but which are either within the built-up area or outside the built up area but well related to a settlement will be permitted provided it: is compatible with use on adjacent land; does not result in coalescence with neighbouring settlements; does not result in loss of land of recreational, ecological, or heritage value; is appropriate in scale, design etc to character of the settlement; it is not prejudicial to highway safety; provides access to sustainable modes of transport; retains the settlement's valued facilities; considers climate change implications; makes use of previously developed land and reflects priorities for urban regeneration.
25. *Policy 10 (Development in the Countryside)* states that development will not be permitted unless allowed for by specific policies in the Plan or Neighbourhood Plan or unless it relates to exceptions for development necessary to support economic development, infrastructure development or development of existing buildings. The policy further sets out 9 General Design Principles for all development in the Countryside.
26. *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.
27. *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.

28. *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.
29. *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.
30. *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.
31. *Policy 29 (Sustainable Design)* requires all development proposals to achieve well designed buildings and places having regard to SPD advice and sets out 18 elements for development to be considered acceptable, including: making positive contribution to areas character, identity etc.; adaptable buildings; minimising greenhouse gas emissions and use of non-renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; and suitable landscape proposals. Provision for all new residential development to comply with Nationally Described Space Standards, subject to transition period.
32. Policy 29 also required major developments to appropriately consider the public realm in terms of roads, paths, open spaces, landscaping, access and connectivity, natural surveillance, suitable private and communal amenity space that is well defined, defensible and designed to the needs of its users. Also new major residential development is required to be assessed against Building for Life Supplementary Planning Document, to achieve reductions in CO2 emissions, to be built to at least 30 dwellings per hectare subject to exceptions. All new development to achieve BREEAM minimum rating of 'very good'.
33. *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.
34. *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.

35. *Policy 35 (Water management)* requires all development proposals to consider the effect of the proposed development on flood risk, both on-site and off-site, commensurate with the scale and impact of the development and taking into account the predicted impacts of climate change for the lifetime of the proposal. All new development must ensure there is no net increase in surface water runoff for the lifetime of the development. Amongst its advice, the policy advocates the use of SuDS and aims to protect the quality of water.
36. *Policy 36 (Water infrastructure)* advocates a hierarchy of drainage options for the disposal of foul water. Applications involving the use of non-mains methods of drainage will not be permitted in areas where public sewerage exists. New sewage and waste water infrastructure will be approved unless the adverse impacts outweigh the benefits of the infrastructure. Proposals seeking to mitigate flooding in appropriate locations will be permitted though flood defence infrastructure will only be permitted where it is demonstrated as being the most sustainable response to the flood threat.
37. *Policy 39 (Landscape)* states that proposals for new development will 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
38. *Policy 40 (Trees, woodlands and hedges)* states that proposals for new development will not be permitted that would result in the loss of, or damage to, trees, hedges or woodland of high landscape, amenity or biodiversity value unless the benefits of the scheme clearly outweigh the harm. Proposals for new development will be expected to retain existing trees and hedges or provide suitable replacement planting. The loss or deterioration of ancient woodland will require wholly exceptional reasons and appropriate compensation.
39. *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.
40. *Policy 43 (Protected Species and Nationally and Locally Protected Sites)* development proposals that would adversely impact upon nationally protected sites will only be permitted where the benefits clearly outweigh the impacts whilst adverse impacts upon locally designated sites will only be permitted where the benefits outweigh the adverse impacts. Appropriate mitigation or, as a last resort, compensation must be provided where adverse impacts are expected. In relation to protected species and their habitats, all development likely to have an adverse impact on the species' abilities to survive and maintain their distribution will not be permitted unless appropriate mitigation is provided or the proposal meets licensing criteria in relation to European protected species.
41. *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.

42. Residential Amenity Standards SPD (2020 Adopted version) – Provides guidance on the space/amenity standards that would normally be expected where new dwellings are proposed.

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

Neighbourhood Plan:

43. The application site is not located within an area where there is a Neighbourhood Plan to which regard is to be had.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

44. *Wolsingham Parish Council* – No response received.
45. *Highways Authority* – Following the submission of amended plans offer no objections to the development.
46. *Drainage* – A drainage strategy has been submitted, in principle this is considered acceptable and would comply with relevant guidance and policies subject to minor amendments and revisions, to be secured by condition.

INTERNAL CONSULTEE RESPONSES:

47. *Archaeology* – No objections advising that no conditions in relation to archaeology are required.
48. *Contaminated Land* – Advise that following the submission of phase 1 and 2 contaminated land reports it is identified that a modest amount of remediation is required. The remedial work should be carried out in accordance with the submitted details and a verification report submitted before the development is brought into use.
49. *Design and Conservation* – Advise that the amended layout and house types have addressed previous concerns. The finer details of the development should be addressed by means of condition.
50. *Ecology* – No objections, advise that in order to provide a net gain to biodiversity, contributions of £8000 for off site biodiversity habitat creation should be secured as part of the S106 agreement, together with a condition to require the undertaking of the recommendations/mitigation detailed in the Ecological Impact Assessment.
51. *Education* – Advise that £33,108 of contributions towards secondary school places is required to mitigate the impact of the development. There are adequate primary school places available in the local area to meet the needs of the number of pupils expected to be generated by the development.
52. *Environmental Health Air Quality* – The applicant has produced an air quality screening assessment. The conclusions of this assessment are sound and it is considered

unlikely that the development would have a negative impact on air quality either during construction the construction phase (subject to compliance with the submitted management strategy) or during the operational phase.

53. *Environmental Health Nuisance* – No objections. It is noted that a Noise Impact Assessment has been submitted with the application which identifies noise impact from A689. The report establishes relevant noise levels will be breached due to road traffic noise and suggests relevant mitigation measures concerning glazing and ventilation. To achieve relevant noise levels to amenity areas the report advises a range of noise barriers should be implemented to mitigate road traffic noise and noise from the industrial estate. A condition is required to ensure compliance with the noise mitigation identified. Although a construction management plans has been submitted, it is considered that this requires further revision, a condition to secure this is recommended.
54. *Housing Delivery Team* – Raise no objections and note the proposed 2 bed bungalows to be offered on an affordable basis are sought after products within the area and should be secured on an affordable basis by a S106 agreement.
55. *Landscape* – Advise that the site is located in an area of higher landscape value (AHLV) as defined in the County Durham Plan. The development would transform the existing open agricultural field to a small residential housing estate and would result in an encroachment of the surrounding built development into the open countryside. It is advised that the principle of the approach to mitigating the development is appropriate and subject to further detail of the makeup and nature of the planting the development would to a degree mitigate its impact. It is however desirable that a stone wall extends up the eastern boundary of the site and the rear elevations of the garages on this boundary are faced in stone, along with consideration of planting within the SUDS area.
56. *Public Rights of Way* – No objections to the proposed re-routing of the PROW and surfacing of this footpath . The improvement to the surface of the public right of way to the west of the site is required as new residents of the development will put pressure on the existing route, this should be a whin stone dust surface. A condition to secure these improvement works is recommended.
57. *Spatial Policy* – No objections. Advise that 66% of dwellings should be provided to comply with Building Regulations M4(2) (accessible and adaptable dwellings) standard. 10% (2 no. dwellings) should be of a type and design that will increase the housing options of older people. As open space is not provided on the site contributions of £29,249 towards the off site open space provision should be secured as part of the S106 agreement.
58. Note that the site is in a mineral safeguarding area for river sand and gravel allocated in the County Durham Plan, however given the proximity to adjacent dwellings extraction of mineral would not be considered appropriate as such any sterilisation would be minimal and is not fundamental to the delivery of the County Durham Plan.
59. *Sustainability* – Advise that the development should demonstrate a 10% reduction in the CO2 Dwelling Emission Rate against the Target Emission Rate based on current Building Regulations.

EXTERNAL CONSULTEE RESPONSES:

60. *Northumbrian Water* – No objections subject to condition requiring development to be carried out in accordance a drainage strategy to be submitted and agreed.

61. NHS – No comments received.

PUBLIC RESPONSES:

62. The application has been publicised by way of site notice, press advertisement and individual neighbour notification letters. 4 no. letters of objection have been received as summarised below:-

- The proposals would represent the development of a greenfield site, these are a number of brownfield sites that have planning permission and remain undeveloped.
- Concerns are raised regarding the capacity of services within the village, including doctors, dentists and schools.
- The lack of employment facilities is highlighted within the village.
- Concerns are raised regarding the nature and extent of the publicity exercise.
- The location of the access in proximity of other access points would lead to a loss of highway safety.
- Concerns are raised regarding the visual impact of any noise mitigation measures.

63. CPRE (Campaign to Protect Rural England) – Highlight that the site is in an area of Higher Landscape Value, it is questioned whether the development would preserve the special quality of this landscape through the expansion of the settlement in this area. The Footpath which crosses the site would not have the same value as the one that currently exists. It is also highlighted that there are two brownfield sites within the village, the development of this site may prejudice the development of these sites, contrary to the NPPF.

APPLICANTS STATEMENT:

64. This application proposes the development of 16no. new homes in Wolsingham on land to the north of Durham Road. Dere Street Homes (the applicant) has been proactively working with Officers at Durham County Council; through extensive discussions over a number of years, the scheme has evolved, responding comprehensively to comments raised on topics including landscape, design, ecology and drainage. This has resulted in a very high quality, sustainable development being proposed at the subject site.

65. Dere Street Homes also recognises the importance of consultation with the local community and has engaged with them from the early stages of the development process. This included pre-application consultation with the community; leaflets were delivered to all properties within the vicinity of the area, extending to approximately 1,200 homes and businesses. Recipients of the leaflet were provided with information on the proposals and opportunity to provide feedback via a Free-Post return questionnaire. Feedback from the community was reviewed and shaped the final design response.

66. The scheme brings with it the opportunity to deliver significant benefits including:

- 1 16 new homes of a range of sizes and designs using a carefully selected materials palette in keeping with Wolsingham's character and vernacular;
- 2 A carefully designed layout which prioritises pedestrians and creates a safe, attractive and accessible environment for everyone;
- 3 Significant amounts of tree and shrub planting around the site (and within the proposed drainage pond) which will bring a range of environmental and ecological benefits;

- 4 The careful diversion and introduction of new connections to the public footpath network in Wolsingham ensuring ease of access on foot to local services; and
- 5 Significant economic benefits including:
 - Total capital investment of £4.5m;
 - Supporting 35 direct FTE construction jobs and 45 indirect/induced FTE jobs in the supply chain and related services per annum over a two year build period;
 - Delivering £4.9m of Gross Value Added (GVA) (economic output) per annum throughout the construction period;
 - Generating additional expenditure in the local area, including £90,000 of one-off first occupation spend and £230,000 of ongoing net additional expenditure per annum created by new residents and retained in County Durham. This additional expenditure has the potential to support approximately five local FTE jobs in local shops and services; and
 - Providing a boost to the Council's revenue. Once complete, the proposed development could generate £45,000 in increased Council Tax receipts per annum and a total of £145,000 in New Homes Bonus payments over a 4 year period.
67. The applicant has committed to a variety of conditions which would ensure the timely implementation of planting to ensure the development will sit comfortably within its setting from the outset, as well as providing a Sustainability Statement for the proposed homes
68. Overall, the proposals constitute a high-quality residential development, responding to the local area, incorporating landscape and ecological benefits. In the context of national and local planning policy, we respectfully request that the Council grants planning permission of the proposed development.

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

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

PLANNING CONSIDERATIONS AND ASSESSMENT

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

Principle of the development

70. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The County Durham Plan (CDP) is the statutory development plan and the starting point for determining applications as set out in the Planning Act. The CDP was adopted in October 2020 and provides the policy framework for the County up until 2035 and is therefore considered up to date. Paragraph 11c of the NPPF requires applications for

development proposals that accord with an up to date development plan to be approved without delay.

71. Policy 6 of the County Durham Plan states that the development of sites which are not allocated in the Plan which are either (i) in the built up area; or (ii) outside the built up area but well related to a settlement will be permitted provided the proposal accords with all relevant development plan policies and:
- a. is compatible with, and is not prejudicial to, any existing, allocated or permitted use of adjacent land;
 - b. does not contribute to coalescence with neighbouring settlements, would not result in ribbon development, or inappropriate backland development;
 - c. does not result in the loss of open land that has recreational, ecological or heritage value, or contributes to the character of the locality which cannot be adequately mitigated or compensated for;
 - d. is appropriate in terms of scale, design, layout, and location to the character, function, form and setting of, the settlement;
 - e. will not be prejudicial to highway safety or have a severe residual cumulative impact on network capacity;
 - f. has good access by sustainable modes of transport to relevant services and facilities and reflects the size of the settlement and the level of service provision within that settlement;
 - g. does not result in the loss of a settlement's or neighbourhood's valued facilities or services unless it has been demonstrated that they are no longer viable;
 - h. minimises vulnerability and provides resilience to impacts arising from climate change, including but not limited to, flooding;
 - i. where relevant, makes as much use as possible of previously developed (brownfield) land; and
 - j. where appropriate, it reflects priorities for urban regeneration.
72. The County Durham Plan defines 'the built up area' as land contained within the main body of existing built development of a settlement or is within a settlement boundary defined in a Neighbourhood Plan. Areas falling outside this definition will be regarded as countryside. The site is not within the built up area of Wolsingham, however, due to its physical connection on two sides, it is considered to be well related. Therefore subject to a detailed analysis of the impact of the development against the remaining criteria of Policy 6, and other relevant policies and material considerations, the development of the site can be considered acceptable in principle.

Locational Sustainability

73. Policy 6 part f requires that new development within or outside but well related to existing settlements has good access by sustainable modes of transport to relevant services and facilities and reflects the size of the settlement and the level of service provision within that settlement. Policy 21 of the CDP requires new development to deliver sustainable transport, including by providing appropriate, well designed, permeable and direct routes for walking, cycling and bus access, so that new

developments clearly link to existing services and facilities together with existing routes for the convenience of all users.

74. Paragraph 103 of the NPPF states that planning should actively manage patterns of growth to support the objectives of sustainable transport, including opportunities to promote public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.
75. In terms of distances to services and amenities, in general, it is considered that a walking distance of 1650-2000m or a 20-minute walk is considered at the upper end of what future residents could be expected to walk, taking into account topography and desirability of routes. These distances are based on good practice guidance set out in the Chartered Institute of Highways and Transportation (CIHT) documents including 'Guidelines for Providing for Journeys on Foot' and 'Planning for Walking', The Department for Transport's 'Manual for Streets'.
76. The site is located around 800m from the village centre of Wolsingham. There are existing roadside footpaths from the site along the A689, which are largely flat and lit by street lighting which would provide good pedestrian access to local services and facilities in the village. A new Spar retail store, which includes a delicatessen, butchers and petrol filling station has recently been constructed on the opposite the site. The development proposes an extension of the roadside footpath on the northern side of the A689 which would connect to that existing to the west of the site and improve pedestrian links to the village centre and the Spar retail store. There is an existing bus stop approximately 150 to the west of the site which provide links to Crook, Bishop Auckland, Stanhope and other local settlements.
77. Overall the location is considered to be sustainable for residential development in accordance with Policies 6 part f and 21 of the CDP and Part 9 of the NPPF.

Landscape and Visual Impacts

78. Policy 6 part c of the CDP states that development on unallocated sites should not result in the loss of open land that has recreational, ecological or heritage value, or contributes to the character of the locality which cannot be adequately mitigated or compensated for. Part d of Policy 6 requires that development on unallocated sites is appropriate in terms of scale, design, layout and location to the character, function, form and setting of the settlement. Policy 10 of the CDP seeks to prevent development from adversely upon the setting, townscape qualities, including important vistas, or form of a settlement which cannot be adequately mitigated or compensated for.
79. Policy 39 of the County Durham Plan states proposals for new development will be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals would be expected to incorporate appropriate measures to mitigate adverse landscape and visual effects. These are similar requirements to those outlined at Policy 6. Policy 39 also sets out that development affecting Areas of Higher Landscape Value (which the site is located in) will only be permitted where it conserves the special qualities of the landscape unless the benefits of development in that location clearly outweigh the harm. Policy 40 seeks to avoid the loss of existing trees and hedgerows unless suitable replacement planting is provided. Parts 12 and 15 of the NPPF promotes good design and sets out that the planning system should contribute to and enhance the natural and local environment by (amongst other things) protecting and enhancing valued landscapes and recognising the intrinsic character and beauty of the countryside.

80. The site is located in an area of higher landscape value (AHLV) as defined in the County Durham Plan. The development would transform the existing open agricultural field to a small residential housing estate and would result in an encroachment of the surrounding built development into the open countryside. In an attempt to mitigate the impact of the development, additional planting is proposed to supplement the existing eastern field boundaries, this would be in the form of hedgerow planting and additional tree planting in the SUDS area. This would provide a degree of buffer and containment to the eastern boundary of the site. It is also proposed to supplement an existing field boundary that lies directly adjacent to the site to provide further filtering of views. To the northern boundary a double width hedgerow and hedgerow trees on top of a modest bund is proposed. To the eastern boundary a new hedgerow is proposed. Boundary treatments to properties would sit within the confines of the hedgerow boundary and once the hedgerow has established views of domestic boundary treatments would be limited. The dwellings on the eastern site boundary are also set well of the boundary to give a softer edge to the development on the approach into Wolsingham.
81. Nevertheless, despite the mitigation proposed the transformation of the site resulting from the development would result in harm to the landscape character of the AHLV in this location. Given the nature of the proposals and relationship to the surrounding area, this harm is considered to be to a low level. However, in accordance with Policy 39 of the County Durham Plan this harm is required to be weighed against the benefits of the development.
82. The scale and appearance of the dwellings, is considered in detail in the design section below, however the dwelling facing onto Durham Road would provide an active frontage and would be set back of the highway sufficiently to provide a soft edge to the development and to respect the built form of the adjacent terrace. The dwellings in this location would be faced in stone.
83. There is an existing low stone wall at the front of the site along the roadside boundary with the A689, this is proposed to be removed to facilitate access sight lines and a pedestrian footway. Stone walling would however be constructed to provide an acoustic screen boundary treatments at the eastern and western margins of the site while hedgerow planting and black metal estate railings would form the remainder of the boundary treatments fronting out onto Durham Road. This is considered an acceptable approach.
84. Whilst recognising the landscape harm, as described above, the Council's Landscape Section advise that the principle of the approach to mitigating the development is appropriate and subject to further detail of the makeup and nature of the planting the development would to a degree mitigate its impact. Conditions are recommended to agree the finer details of such matters, it is however recognised that Landscape Officers desire for stone walling up the eastern boundary cannot be achieved due to costs constraints, while recognising that once mature the landscaping would largely screen this feature. Additional planting is also recommended to secure the rear of a garage block associated with plots 15 and 16 on the western boundary with the applicant unwilling to construct this element in stone.
85. Overall, given the nature of the site on the edge of the settlement there is inherent landscape and visual harm resulting from the development despite the mitigation proposed. This harm is required to be weighed against the wider benefits of the scheme, in accordance with Policy 39 of the County Durham Plan. However, it is considered that the proposals would provide for an acceptable degree of containment of the development and mitigation to reduce its impacts to what could realistically be achieved on the site. Once the landscaping is mature the development is considered

to provide an attractive entrance into the village. The development is considered to comply with Policies 6, 10 and 29 of the CDP in this respect and Parts 12 and 15 of the NPPF.

Design

86. Part d of Policy 6 of the CDP requires that development on unallocated sites is appropriate in terms of scale, design, layout and location to the character, function, form and setting of the settlement. Policy 29 of the CDP outlines that development proposals should contribute positively to an area's character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities. Parts 12 and 15 of the NPPF also seek to promote good design, while protecting and enhancing local environments. Paragraph 127 of the NPPF also states that planning decisions should aim to ensure developments function well and add to the overall quality of the area and establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit.
87. A Building for Life Supplementary Planning Document (2019) (BfL SPD) has been adopted by the Council. In recognition of national planning advice and to achieve high quality housing developments DCC has adopted an in-house review process to assess schemes against the Building for Life 12 (BfL 12) Standards. The BfL SPD formalises the review process and establishes the guidelines and standards for its operation and is linked to the Sustainable Design Policy (29) in the County Durham Plan. The scheme was considered against the BfL standard through a series of 12 questions. The scoring is based on a traffic light system with the aim of the proposed new development to secure as many "greens" as possible, minimise the number of "ambers" and avoid "reds". The more "greens" achieved the better the development will be, "ambers" are usually concerns that can be raised to "green" with revisions, whereas a "red" gives a warning that a particular aspect needs strong reconsideration. Policy 29 of the CDP states that schemes with one or more red will not be acceptable and will be refused planning permission unless there are significant overriding reasons.
88. In the assessment of the initial submission the development scored 2 reds, 7 ambers and 3 greens, with concerns relating to the sites interaction with Durham Road and adjacent developments, the provision of SUDS, location of car parking and the incorporation of existing landscape features. Following this scoring and negotiations the scheme has been amended to provide a set back off Durham Road and the inclusion of dual facing units. SuDs have now been incorporated in the scheme and the landscaping bolstered around the margins of the site while details of the footpath diversion have been provided.
89. Officers are now of the opinion that the amended scheme has addressed the previously scored reds, with some ambers moving to green. Overall it is considered that the development would provide for a high-quality design that is sympathetic to the surrounding area, particularly through the use of stone facing materials and appropriate fenestration detailing and the design of the dwellings which whilst not locally specific, the proposed dwellings are otherwise distinctive in design with a contemporary appearance. The development is therefore considered to comply with Policies 6 and 29 of the CDP and Policies 12 and 15 of the NPPF in this respect.

Highway Safety

90. Policy 6, part e of the CDP outlines that development should not be prejudicial to highway safety or have a severe cumulative impact on network capacity. Policy 21 reiterates the requirement of Policy 6 in addition to expecting developments to deliver

well designed pedestrian routes and sufficient cycle and car parking provision. Similarly, Policy 29 advocates that convenient access is made for all users of the development together with connections to existing cycle and pedestrian routes. Specifically, the NPPF sets out at Paragraph 108 that safe and suitable access should be achieved for all people. In addition, Paragraph 109 of the NPPF states that development should only be refused on transport grounds where the residual cumulative impacts on development are severe.

91. The Highways Authority advise that the proposed new access junction off the A689 is of a satisfactory design to allow for a good standard of highway safety, with adequate sight visibility being provided in both directions. It is advised that the developer would still need to enter into agreements with the Highways Authority under sections 38 and 278 of the Highways Act in relation to works within the public highway and construction of the new adoptable road. An informative to remind the applicant of these requirements is appropriate.
92. A pedestrian link to the footway on the southern side of the A689 linking the development to the west is proposed. This would allow pedestrian access to services and amenities. Whilst this element is within the adopted highway, it is considered appropriate to secure the details of construction to ensure that the rural approach to the village is retained.
93. All the dwellings would have in curtilage car parking spaces, however 4 visitor parking spaces would be proposed through the development. The Highways Authority advise that the parking provision is considered adequate to meet the needs of new residents.
94. In accordance with the Council's Car Parking and Accessibility Guidelines, each dwelling would have a passive electric vehicle charging point, which comprises the wiring system necessary to install an EV charging point externally in the future. A condition to secure this is recommended
95. Overall, the highway impacts of the proposed development are considered to be acceptable and in accordance with Policies 6 part e, 21 and 29 of the CDP as well as Part 9 of the NPPF.

Residential Amenity

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

where any identified mitigation cannot reduce the impact on the environment, amenity of people or human health to an acceptable level.

98. A Residential Amenity Standards Supplementary Planning Document (SPD) has been adopted by the Council.
99. 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.
100. The site is located adjacent to the A689 which is a fairly heavily trafficked road lies to the south of the site. A noise assessment has been submitted as part of the application which concludes that subject to provision of an acoustic fencing to protect parts of private amenity space and the use of acoustic glazing and ventilation, new residents would not be subject to any unacceptable levels of noise. The Environmental Health Officer agrees with these conclusions and recommends a condition that the development is carried out in accordance with the recommendations of the noise assessment which is considered appropriate.
101. A construction environmental management plan (CEMP) has been submitted as part of the application and includes details of dust management. The Council's Environmental Health Air Quality Team have been consulted on this document and advise that the CEMP is satisfactory. They also note that given the small scale of the development it is unlikely to generate significant vehicle movements both during construction and once occupied that would adversely affect local air quality. However, the Council's Environmental Health Nuisance Protection Service advise that further revisions to this document are required to protect the amenity of residents. A condition to agree this is recommended.
102. A condition to control construction working hours is also considered appropriate given the proximity of adjacent dwellings, to ensure minimal disturbance to existing residents during construction works.
103. Guidance within the SPD advocates separation distances of 21m between facing principal elevations and 18m between bungalows, 13m between principal and two storey gable elevations and 10m to a single storey. These separation distances would be largely achieved by the development. However, there would be a short fall in the recommended distances between the rear of bungalows of plots 12 and 13 to the dwellings and frontage of plots 8 and 9 with the facing distances measuring 19m from the. Whilst this would fall short of the 21m advocated above, in the round an adequate level of residential amenity would still be achieved, with a more open outlook from the properties to the front.
104. The SPD also advises that private gardens should be of 9m in length unless site specific circumstances allow for a reduction in size. Again the development would in the large exceed these standards. However, the rear gardens of the bungalows of plots 11 and 12 would fall short of this measuring approximately 6.5m and 7.5m respectively. Whilst acknowledging this shortfall it is recognised that these properties have garden to the front of these properties and given the likely tenants of the bungalows there may well be reduced demand for a large amount of outdoor private amenity space. In this instance it is considered that garden sizes to these plots are acceptable and would provide adequate private outdoor amenity space for new residents.

105. Given the relatively high density of elements of the development and its sensitive location on the approach into Wolsingham within the AHLV, a condition to remove permitted development rights from the scheme is considered appropriate. This will ensure future alterations and extensions do not compromise residential amenity or the appearance of the site as a whole.
106. Overall, the proposed development is considered to be acceptable in terms of residential amenity and in accordance with Policies 6 part a, 29 and 31 of the CDP and parts 12 and 15 of the NPPF.

Ecology

107. Policy 41 of the CDP states that proposals for new development will not be permitted if significant harm to biodiversity or geodiversity resulting from the development cannot be avoided, or appropriately mitigated, or, as a last resort, compensated for. Proposals for new development will be expected to minimise impacts on biodiversity by retaining and enhancing existing biodiversity assets and features and providing net gains for biodiversity including by establishing coherent ecological.
108. Policy 43 of the CDP states that development proposals that would adversely impact upon nationally protected sites will only be permitted where the benefits clearly outweigh the impacts whilst adverse impacts upon locally designated sites will only be permitted where the benefits outweigh the adverse impacts. Appropriate mitigation or, as a last resort, compensation must be provided where adverse impacts are expected. In relation to protected species and their habitats, all development likely to have an adverse impact on the species' abilities to survive and maintain their distribution will not be permitted unless appropriate mitigation is provided or the proposal meets licensing criteria in relation to European protected species.
109. Part 15 of the NPPF seeks to ensure that proposals show regard to the protection and enhancement of internationally and nationally important sites and species; contributing and enhancing the natural and local environment by ensuring there is no net loss of biodiversity.
110. An Ecological Impact Assessment, biodiversity assessment, precautionary method statement for bats and Landscape Strategy drawing have been submitted as part of the application, which assesses the loss/gain of biodiversity and set out proposed ecological mitigation and enhancement.
111. The Council's Ecologist has reviewed the submitted information and raises no objections. The Ecological Impact Assessment notes that the development would result in a net loss of biodiversity on the site, however the significant areas of new tree and hedge planting, wildflower and bulb planting would help to address this loss. Despite these works on site a small net loss of biodiversity from the scheme is still identified. In order to overcome this, contributions of £8000 would be required as part of the S106 agreement to provide grassland habitat off site, to be delivered by Durham County Council. Subject to the contributions and provision of on site improvements detailed in the Ecological Impact Assessment a net gain to biodiversity would be provided as part of the scheme as required by Policy 41 of the CDP and para. 174 (d) of the NPPF. A condition is recommended to secure implementation of the development in accordance with the mitigation and enhancement measures, which is considered appropriate.
112. Overall, the proposals would provide a net gain to biodiversity and would not affect any protected species, in accordance with Policies 41 and 43 of the CDP and Part 15 of the NPPF.

Flooding and Drainage

113. Part 14 of the NPPF seeks to resist inappropriate development in areas at risk of flooding, directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.
114. Policies 35 and 36 of the CDP relate to flood water management and infrastructure. Policy 35 requires development proposals to consider the effects of the scheme on flood risk and ensure that it incorporates a Sustainable Drainage System (SuDS) to manage surface water drainage. Development should not have an adverse impact on water quality. Policy 36 seeks to ensure that suitable arrangements are made for the disposal of foul water. National advice within the NPPF and PPG with regard to flood risk advises that a sequential approach to the location of development should be taken with the objective of steering new development to flood zone 1 (areas with the lowest probability of river or sea flooding). When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where a sequential test and some instances exception tests are passed, informed by a site-specific flood risk assessment.
115. The site is not within a flood zone. A drainage strategy has been submitted as part of the application, which indicates use of sustainable forms of surface water drainage as part of the development the formation of a SuDS detention basin and the use of filter strips to capture and treat surface water which is in accordance with the hierarchy set out in Policy 35. The Council's Drainage Team are satisfied with the principles of the outline drainage strategy, a conditional approach to secure its implementation and future maintenance is recommended.
116. Northumbrian Water offer no objections to the development and recommend a conditional approach to agree the finer drainage details, including foul water connection into the public sewer. This approach is in accordance with the hierarchy specified in Policy 36 of the CDP.
117. Overall, subject to the above condition, the proposed development is not considered to be at risk of flooding and would not increase flood risk elsewhere, in accordance with Policies 35 and 36 of the CDP and Part 14 of the NPPF.

Ground Conditions

118. 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.
119. A Phase 1 Desk Study and Phase 2 Site Investigation have been submitted as part of the application identifying that a modest amount of remedial work is required in accordance with a remediation strategy. The Council's Contaminated Land Officer advises that methodology and conclusions of these reports are sound. As such it is advised the submitted re dedication strategy to secured by condition and that prior to occupation of the development a verification report is submitted.
120. Subject to this condition the development would not pose any risks from contamination on the site, in accordance with Policy 32 of the County Durham Plan and Part 15 of the NPPF.

Public Rights of Way

121. Policy 26 of the County Durham Plan states that development will be expected to maintain or improve the permeability of the built environment and access to the countryside for pedestrians, cyclists and horse riders. Proposals that would result in the loss of, or deterioration in the quality of, existing Public Rights of Way (PROWs) will not be permitted unless equivalent alternative provision of a suitable standard is made. Where diversions are required, new routes should be direct, convenient and attractive, and must not have a detrimental impact on environmental or heritage assets.
122. Para. 100 of the NPPF states that planning decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users.
123. Public footpath No. 28 (Wear Valley) currently crosses through the development site in an east/west direction. It is proposed to re-route this path around the edge of the development site, with an upgraded surface (whin stone dust). The Council's Public Rights of Way Team offer no objection to this solution, but it is advised that a separate legal process would need to be undertaken to formally divert the right of way. In order to ensure that this aligns with the planning process and agree the finer details of this a conditional approach is recommended.
124. It is also noted that the usage of the footpath extending from development site to the west of the site is likely to increase as a result of the development, particularly due to the proposed connections into it. To mitigate this impact, the PROW team advise that the upgrading works to the surface for a section of the PROW behind Durham Road Terrace for approximately 115m should be secured. The applicant has secured an agreement with the land owner to undertake these works and therefore a condition to agree and undertake the works is recommended.
125. Subject to the above conditions the proposal would accord with the requirements of Policy 26 of the County Durham Plan and para. 100 of the NPPF in this respect.

Sustainability

126. Policy 29 part o requires that new residential development of 10 units or more should achieve reductions in CO2 emissions of 10% below the Dwelling Emission Rate (DER) against the Target Emission Rate (TER) based on current Building Regulations.
127. The applicant has committed to achieving this requirement, however as the properties are bespoke builds these calculations have not been undertaken. A conditional approach is therefore considered acceptable.

Affordable and Accessible/Adapted Housing

128. The Council's most up to date assessment of need is outlined within Policy 15 of the CDP, setting out the required percentage of affordable housing and tenure mix. Paragraph 62 of the NPPF sets out that, where a need has been established, an appropriate level of affordable housing should be provided.
129. As the site falls within a high value area, it would normally be expected that 20% of the properties within the scheme would be delivered as affordable housing, split into 10% in the form of affordable home ownership (starter homes, discount market sale housing and other affordable routes to home ownership) and 10% as affordable housing for

rent. These requirements would translate the provision of 3 no. affordable home ownership units.

130. Policy 15 of the CDP outlines on sites of 10 or more units, a minimum of 10% of the units to be designed so as to increase the housing options for older persons and people with disabilities comprising of level access flats and bungalows or housing products which can be shown to meet the specific needs of a multi-generational family. The policy also requires that 66% of dwellings should be built to Building Regulations Requirement M4 (2) (accessible and adaptable dwellings) standard unless site specific factors indicate otherwise. Policy 19 requires an appropriate mix of dwellings, types and sizes. Paragraph 61 of the NPPF states that the size, type and tenure of housing needed for different groups in the community should be assessed. Part 5 of the NPPF is also clear that developments should help to address housing needs.
131. The scheme proposed 3no bungalows to be offered on an affordable rental basis. The applicant confirms that 10 of the dwellings (including the bungalows) would be to Building Regulations Requirement M4 (2) (accessible and adaptable dwellings). A condition to secure a minimum of 10 no. dwellings to M4(2) standard is considered appropriate, while a section 106 agreement would secure the provision of affordable housing on the site with the makeup to be confirmed depended on registered provider interest. With the exception of the proposed bungalows the development would provide larger detached dwellings at the higher end of the market, this is considered acceptable in this instance given the scale of the development and mix of housing in the locality. Subject to conditions and a legal agreement it is considered the development would comply with the above requirements of Policies 15 and 19 of the County Durham Plan.
132. Policy 29 of the County Durham Plan requires that all new residential development will be required to comply with the Nationally Described Space Standards (NDSS). The submitted plans demonstrate that the dwellings would be compliant with NDSS, in accordance with Policy 29 of the County Durham Plan.

Infrastructure and Open Space

133. Policy 26 of the CDP outlines that new residential developments will be required to make provision for open space to meet the needs of future residents having regard to the standards of open space provision set out in the Open Space Needs Assessment (OSNA). Where it is determined that on-site provision is not appropriate, the Council will require financial contributions to be secured through planning obligations towards the provision of new open space, or the improvement of existing open space elsewhere in the locality. Paragraph 96 of the NPPF highlights that access to a network of high-quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities. Paragraph 127 requires amongst its advice that developments function well and optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space).
134. 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.

135. The development does not provide any public amenity space on the site therefore in order to accord with Policy 29 of the CDP off site contribution of £29,249 would be required towards off-site provision in lieu of on site provision (useable amenity open space, allotments, parks, sports and recreation grounds, children and youth play space). Having regard to the OSNA, this is considered to be acceptable and in accordance with the Council's standard approach. The contribution could be secured through a planning obligation under Section 106 agreement and limited to provision within the Parish Boundaries division. This would satisfy the OSNA requirements, Policy 26 of the CDP and Paragraph 96 of the NPPF with regards to the provision of public open space.
136. Policy 25 of the CDP supports securing developer contributions where mitigation is necessary to make the development acceptable in planning terms including for social infrastructure such as education and health facilities. Paragraph 94 of NPPF confirms that the government places great importance to ensure that sufficient choice of school places is available to meet the needs of existing and new communities.
137. The School Places Manager has advised that the proposed development is likely to generate an additional 5 primary age school pupils and 2 secondary age school pupils. There is sufficient capacity within local primary schools to accommodate the identified need, however contributions of £33,108 are required to mitigate the developments impact in this respect of secondary school places. The applicant has agreed to this contribution to be secured by the S106 agreement.

Other issues

138. Policy 14 of the CDP states that the development of the best and most versatile agricultural land, will be permitted where it can be demonstrated that the benefits of the development outweigh the harm, taking into account economic and other benefits. NPPF Paragraph 170 states that LPAs should recognise the economic and other benefits of the best and most versatile agricultural land and where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality. Best and most versatile agricultural land is classified by the NPPF as grades 1, 2 or 3a. The site is currently in agricultural use and an agricultural land classification report has been submitted as part of the application. This indicates the land is grade 3b, moderate quality agricultural land. As such the land is not the best and most versatile agricultural land and there is no conflict with Policy 14 in this regard, the loss of agricultural land is non the less recognised.
139. The Council's Archaeology Officer advises that as the site is less than 1ha and there are no significant archaeological remains known of nearby and the distance of the site from the historic core of Wolsingham the potential for undisturbed remains is low. No objection on archaeological grounds is therefore raised in accordance with Policy 44 of the County Durham Plan and Part 16 of the NPPF.
140. Public Sector Equality Duty 85. Section 149 of the Equality Act 2010 requires public authorities when exercising their functions to have due regard to the need to i) the need to eliminate discrimination, harassment, victimisation and any other prohibited conduct, ii) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and iii) foster good relations between persons who share a relevant protected characteristic and persons who do not share that characteristic. In this instance, officers have assessed all relevant factors and do not consider that there are any equality impacts identified.

Conclusion

141. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. In light of the recent adoption of the CDP, the Council has an up to date development plan. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means approving development proposals that accord with an up-to-date development plan without delay (paragraph 11 c).
142. The proposed development would provide 16 no. dwellings along with 3no bungalow and affordable units, the development is considered acceptable in principal and would accord with the aims of Policy 6 of the County Durham Plan.
143. It is acknowledged the transformative nature of the development would result in some localised landscape and visual harm within the AHLV. However, within the context of its surroundings this harm is considered to be at a low level and would not harm the distinctiveness of the wider landscape or character of the area. The scheme would provide benefits in terms of the provision of affordable housing, support for local services and businesses in a rural area from new residents and a temporary economic uplift during the construction phase. It is therefore considered that the benefits of the scheme would outweigh the landscape harm, having regard to the requirements of Policies 39 and 40 of the County Durham Plan.
144. No adverse impacts are identified in terms of locational sustainability, design, highway safety, residential amenity, ecology, ground conditions, flooding and drainage, accessible and adaptable housing, infrastructure and open space and sustainability in accordance with relevant policies from the County Durham Plan and the NPPF.
145. There are no material considerations which indicate otherwise and the application is recommended for approval.

RECOMMENDATION

That the application be **APPROVED** subject to a S106 agreement to secure:-

3 Affordable Housing units
£33,108 education contribution
£29,249 Open Space, Sport and Play Provision contribution
£8000 Habitat Mitigation

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

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

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

Proposed Site Plan (Feasibility Plan) (994_030 Rev G)
Location Plan (994/LP/001_Rev_K)
Proposed Engineering Layout (19082_01_P9)
Proposed Surface Finishes (19082_11_P7)
Section 38 (19082_21_P4)

Highways Details Sheet 1 (19082_71_P1)
Highways Details Sheet 2 (19082_72_P1)
Bungalow_Plans and Elevations_994/11,12,13/01 Rev C
Ash_Elevations_994/2-3/02 Rev D
Ash_Plans_994/2-3/01 Rev C
Dairy_Elevations_994/4-6-9/02 Rev D
Dairy_Plans_994/4-6-9/01 Rev C
Dower_Elevations_994/10,15/02 Rev D
Dower_Plans_994/10,15/01 Rev C
Elm_Elevations_994/1/02 Rev C
Elm_Plans_994/1/01 Rev E
Garages_Elevations_994/garage/01
Oak_Elevations_994/16/02 Rev D

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

3. No development shall commence until a scheme for the provision surface water drainage works have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be developed in accordance with the Councils Sustainable Drainage Systems (SuDS) Adoption Guide 2016 and based on the principles set out in the submitted Flood Risk and Drainage Strategy (Coast Consulting, 19082-FRA-01 Rev F) received on 5th April 2022. The development thereafter shall be completed in accordance with the approved details and timetable agreed.

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

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

Reason: In the interests of the visual amenity of the surrounding areas in accordance with Policies 6, 10 and 29 of the County Durham Plan and Part 12 of the National Planning Policy Framework.

5. With the exception of windows which are to be agreed under condition 4, full details of the external construction materials (including walling roofs and any cladding) of the development shall be submitted to and approved in writing by the Local Planning Authority prior to the construction of the dwellings above base course level. A sample panel of the proposed stone and pointing to be used in the construction of the main walls of the dwellings shall be erected on site for approval and thereafter retained for reference. The development shall thereafter be carried out in accordance with the approved details.

Reason: In the interests of the visual amenity of the surrounding areas in accordance with Policies 6, 10 and 29 of the County Durham Plan and Part 12 of the National Planning Policy Framework.

6. No development of the dwellings above base course level shall commence, until full details of passive EV charging points to serve each property have been submitted to and approved in writing with the Local Planning Authority. The development shall thereafter be completed in complete accordance with the approved details.

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

7. The development hereby approved shall be undertaken in complete accordance with the mitigation detailed within the Noise Impact Assessment NJD Environmental Associates, NJD19-0119-001R/R2, August 2021 as amended by revision ref NJD19-0119-002L dated 13th April 2022.

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

8. The development hereby approved shall be undertaken in complete accordance with the Arboricultural Impact Assessment, Ref 0011422/V dated 8th April 2022 and Tree Protection Plan Dwg No.11422/P1, 8th April 2022

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

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

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

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

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

9. No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include as a minimum but not necessarily be restricted to the following:
 1. A Dust Action Plan including measures to control the emission of dust and dirt during construction.
 2. Details of methods and means of noise reduction/suppression.

3. Where construction involves penetrative piling, details of methods for piling of foundations including measures to suppress any associated noise and vibration.
4. Details of measures to prevent mud and other such material migrating onto the highway from all vehicles entering and leaving the site.
5. Designation, layout and design of construction access and egress points.
6. Details for the provision of directional signage (on and off site).
7. Details of contractors' compounds, materials storage and other storage arrangements, including cranes and plant, equipment and related temporary infrastructure.
8. Details of provision for all site operatives for the loading and unloading of plant, machinery and materials.
9. Details of provision for all site operatives, including visitors and construction vehicles for parking and turning within the site during the construction period.
10. Routing agreements for construction traffic.
11. Details of the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.
12. Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works.
13. Management measures for the control of pest species as a result of demolition and/or construction works.
14. Detail of measures for liaison with the local community and procedures to deal with any complaints received.
15. Details of temporary topsoil and subsoil storage provision.

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

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

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

10. In undertaking the development that is hereby approved:

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

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

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

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

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

11. The development hereby approved shall be carried out in complete accordance with the mitigation and compensation strategy detailed the Ecological Survey and Risk Assessment (Veronica Howard, Received 19th April 2022).

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

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

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

13. Notwithstanding the submitted information, no development above base course level of the dwellings hereby approved shall commence until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The landscape scheme shall be based on the Landscape Strategy Plan ref NT14523/001 Rev C and include accurate plan based details the following:

Trees, hedges and shrubs scheduled for retention.

Details of all means of enclosure, including materials to be used.

Details of areas of residential curtilage and areas of maintained open space/landscaping

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

Details of planting procedures or specification.

Finished topsoil levels and depths.

Details of public bin storage, including the design and materials to be used in any structure.

Details of temporary topsoil and subsoil storage provision.

Seeded or turf areas, habitat creation areas and details etc. Details of land and surface drainage.

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

The detailing of the management of all areas of maintained open space/landscaping and bin storage area/structures for the life time of the development.

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

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

Reason: In the interests of the visual amenity of the area and to comply with Policies 29 and 39 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.

14. No development other than site clearance or remediation works shall commence until a scheme to detail how at least 11 of the dwellings comply with Building Regulations M4(2) Accessible and Adaptable Dwellings has been submitted to and agreed in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

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

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

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

16. No development other than site clearance or remediation works shall commence until, full details of the diversion (including landscaping, surfacing and means of enclosure) of public right of way around the perimeter of the site as depicted on the approved plans has been submitted to and approved in writing by the local planning Authority. The approved diversion works shall be completed before the occupation of the 5th dwelling hereby approved.

Reason: In order to ensure that the Public Right of Way is adequately diverted and in the interests of the visual amenity of the area and to comply with Policies 29 and 39 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.

17. Notwithstanding the requirements of condition 16. No development other than site clearance or remediation works shall commence until a scheme of surface improvements to the Public Right of Way No.28 (Wear Valley) from the western boundary of the development site for a distance of 115m shall be submitted to and approved in writing by the Local Planning Authority. The surface improvement works shall be completed prior to the occupation of the 5th dwelling hereby approved.

Reason:- In order to mitigate the impact of the development on the public rights of way network in accordance with Policies 26 and 29 of the County Durham Plan and Parts 9 and 12 of the NPPF.

18. No development other than ground clearance or remediation works shall commence until a scheme for the provision of foul water drainage works have been submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be completed in accordance with the details and timetable agreed.

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

STATEMENT OF PROACTIVE ENGAGEMENT

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

BACKGROUND PAPERS

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

