

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/22/0987/FPA
FULL APPLICATION DESCRIPTION:	Residential development for 29 dwellings and associated works (amended title)
NAME OF APPLICANT:	Homes by Carlton and Believe Housing
ADDRESS:	Land adjoining Snook Acres, Front Street, Witton Gilbert, DH7 6SY.
ELECTORAL DIVISION:	Esh and Witton Gilbert
CASE OFFICER:	Jennifer Jennings Senior Planning Officer 03000 261059 jennifer.jennings@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site consists of an area of greenfield land to the southwest of the settlement of Witton Gilbert. The land appears to have formerly been used as a mix of paddock and agriculture. The site is relatively narrow from north to south, approximately 90 metres at widest points, narrowing down to approximately 20 / 35 metres, but from west to east it measures over 300 metres in length.
2. To the north of the site, there is a line of houses and a public house that present a principal elevation to Front Street, one of the main thoroughfares through the village. Residential dwellings and rear garden spaces abut the northeast and eastern boundary, whilst the A691 road frames the southern boundary edge of the site. This southern boundary is heavily planted with well-established trees and hedgerows, that are on Council land that also doubles as adopted highway verge to the main road. The planting along the boundary extends to the west and curves round the land to the northwest of the site, from where an existing field access exists.
3. There are noted level differences across the site. The west of the site falls from north to south by some 5 metres and represents the lowest part of the site. Central within the site there is a significant and sudden rise in levels of some 4-5 metres, with the land then broadly plateauing, but moving eastwards a similar more gradual drop in levels from north to south of some 5 metres exists.
4. The land is not subject to any landscape or conservation designations, although a Grade 2 listed building exists to the north of the site, associated with Snook Acres. Green Belt and Area of Higher Landscape Value designations exist to the south of the site.

The Proposal

5. The application seeks full planning permission for the erection of 29 dwellings, including open space provision to the west and east of the site, as well as small areas interspersed throughout the development. The highways access to the site would be taken from the existing field gate, which would be upgraded to provide the required visibility splays.
6. The development would consist of a mix of 2, 3, 4, 5 and 6 bed two-storey properties, 26 in total, and 3 bungalows. Seven houses are proposed as affordable units. Properties would be finished in a mix of red facing bricks, with others finished in render, and all finished in dark grey roof tile. Parking bays would exist to the front and side of each property with additional visitor parking provided throughout the site. Each property would have a rear garden space with allocated bin storage.
7. The existing PROW no. 29 that runs north south through a narrow section to the east of the site, would be slightly realigned, but would maintain the links from Front Street, through to the A691 road, where a crossing exists to the wider footpath area to the south.
8. The application has been brought to the Planning Committee for consideration in accordance with the Council's Scheme of Delegation due to being major development.

PLANNING HISTORY

9. The following summarises planning history at the site:
10. DM/15/03779/FPA – Erection of 14 residential properties, associated highways and landscaping works. Approved on 10 August 2016. This related to development to the western edge of the site only but the permission has now expired.
11. DM/18/02947/OUT – Outline application for 25 dwellings with some matters excluding access and layout reserved for future consideration. Agreed for approval by Central East Planning Committee on 11 June 2019 subject to a Section 106 agreement, however, the application was withdrawn during the course of compiling the Section 106 agreement and no decision was issued. The outline development related to the eastern part of the site, excluding the previously approved 2015 application referenced above.

PLANNING POLICY

NATIONAL POLICY

12. 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.
13. 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.

14. *NPPF Part 2 - Achieving Sustainable Development.* The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three overarching objectives - economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.
15. *NPPF Part 4 - Decision-making.* Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
16. *NPPF Part 5 - Delivering a Sufficient Supply of Homes.* To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
17. *NPPF Part 6 - Building a Strong, Competitive Economy.* The Government is committed to ensuring the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore, significant weight should be placed on the need to support economic growth through the planning system.
18. *NPPF Part 8 – Promoting healthy and safe communities.* The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
19. *NPPF Part 9 – Promoting sustainable transport.* Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
20. *NPPF Part 11 – Making effective use of land.* Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.

21. *NPPF Part 12 – Achieving well-designed places* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
22. *NPPF Part 14 – Meeting the challenge of climate change, flooding and coastal change* - The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.
23. *NPPF Part 15 - Conserving and Enhancing the Natural Environment* - Conserving and enhancing the natural environment. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.

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

24. 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

25. *Policy 6 – Development on Unallocated Sites.* Supports 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.
26. *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.

27. *Policy 15 - Addressing Housing Need.* Establishes the requirements for developments to provide on-site affordable housing, the circumstances when off-site affordable housing would be acceptable, the tenure mix of affordable housing, the requirements of developments to meet the needs of older people and people with disabilities and the circumstances in which the specialist housing will be supported.
28. *Policy 19 - Type and Mix of Housing.* Advises that on new housing developments the council will seek to secure an appropriate mix of dwelling types and sizes, taking account of existing imbalances in the housing stock, site characteristics, viability, economic and market considerations and the opportunity to facilitate self build or custom build schemes.
29. *Policy 21 - Delivering Sustainable Transport.* Requires all development to deliver sustainable transport by: delivering, accommodating and facilitating investment in sustainable modes of transport; providing appropriate, well designed, permeable and direct routes for all modes of transport; ensuring that any vehicular traffic generated by new development can be safely accommodated; creating new or improvements to existing routes and assessing potential increase in risk resulting from new development in vicinity of level crossings. Development should have regard to Parking and Accessibility Supplementary Planning Document.
30. *Policy 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.
31. *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.
32. *Policy 27 – Utilities, Telecommunications and Other Broadband 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.
33. *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.
34. *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.

35. *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.
36. *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.
37. *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.
38. *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.
39. *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.
40. *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.
41. *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.

42. *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.
43. *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.
44. *County Durham Building for Life SPD* Sets down design standards for major new residential development, based on the Building for Life 12 – the industry standard for the design of new housing developments.
45. *Residential Amenity Standards SPD (January 2023)* Sets out guidance on external space / amenity standards for new dwellings.
46. *County Durham Parking and Accessibility Standards (2019)* This document sets out the Council's approach to vehicle and cycle parking provision on new development and extensions to existing development which includes both residential and non-residential.

NEIGHBOURHOOD PLAN:

Witton Gilbert Neighbourhood Plan (adopted 2019)

47. Policy 1 (Settlement Boundary of Witton Gilbert) states that the settlement boundary as shown on the Policies Map defines the extent of the built-up area of Witton Gilbert. Development proposals within the settlement boundary will be supported where they accord with policies elsewhere in the Development Plan. Land outside the settlement boundary will be treated as open countryside and development will not be supported unless allowed for by specific policies in the NPPF and the Local Plan. Development must not give rise to unacceptable harm to local heritage, biodiversity, geodiversity, and the intrinsic character, beauty and tranquillity of the countryside and valued townscape in the Neighbourhood Area and must ensure that there is no significant adverse impact on highway safety, or residential amenity.
48. Policy 2 (Housing development in Witton Gilbert Neighbourhood Plan Area) states that new housing development within the Neighbourhood Plan Area will be supported, where it: a) results in high quality sustainable design that reflects Building for Life principles; respects the scale, density, architecture, rhythm, height and character of existing, established development; accords with characteristic building arrangements, including materials, boundary types, arrangement of front gardens and where appropriate landscaping; b) does not adversely impact upon the amenity of existing and future residents; c) provides a range of housing choices in terms of size and type, taking into account local housing needs; d) includes an element of affordable housing, where viable, using the target percentages and thresholds specified in the most up to

date evidence and/or Local plan and ensures that affordable housing is indistinguishable from other housing on the site; and e) ensures safe access to and from the site by all modes of transport including pedestrian and cycle routes.

49. Policy 3 (Older People's Homes) requires that on sites of 10 or more dwellings, 10% of the dwellings shall be provided as dwellings suitable for older people. Appropriate house types considered to meet this requirement include: • level access flats; • bungalows; • sheltered Housing or Extra Care Schemes; or Specialist Housing. Support will be given to proposals which provide housing for vulnerable people and specialist housing provision, including nursing homes and residential and extra care facilities, in appropriate locations and where there is an identified need.
50. Policy 4 (Development of land to the south of Front Street, Witton Gilbert (site H2)) states that Residential development on land to the south of Front Street will be supported where it: a) takes account of the Design Brief set out in Appendix A; b) conserves and enhances the special character of the Historic Zone; c) where applicable ensure suitable safe access points to allow for connections to be made within the site, including for motorists, pedestrians and cyclists and also ensure the retention and, where possible, enhancement of the public footpaths; d) where applicable incorporate noise attenuation measures including the retention of landscaping along the southern boundary; e) retain both the visual setting of the site and its biodiversity; and f) do not prejudice other parts of the H2 site coming forward for development by way of cutting off access points.
51. Policy 5 (Historic Zone of Witton Gilbert) states that all proposals within or affecting the setting of the Historic Zone of Witton Gilbert should: a) demonstrate how it seeks to reflect the special local historic character of the area in terms of scale, form, massing, architectural design and materials; b) sustain and where possible enhance local character and the distinctiveness of the Historic Zone and its setting; and c) ensure that new development responds positively to the historic pattern of development conserving features of historic interest that contribute to the areas special character.
52. Policy 6 (Sustainable Design) states that design should contribute positively to place-making and sustainable design and should be developed in response to a robust analysis of the character of the built environment and local landscape character which must be shown in a Design and Access Statement where required. It should respond to the character of the local environment, taking advantage of opportunities to reinforce local distinctiveness, achieve high levels of energy efficiency, incorporate small-scale renewable and low carbon energy generation into the design of new development where viable, and make adequate provision to provide green open space in accordance with the most up to date standards in the latest evidence and /or the Local Plan.
53. Policy 7 (Biodiversity in the Parish of Witton Gilbert) states that proposals for new development and conversions of existing buildings should integrate biodiversity into new development where possible. Existing features which support biodiversity, such as watercourses, hedgerows, walls and trees should be retained and where possible enhanced as part of the development. If their loss is unavoidable, then replacements or provision of alternative habitats or refuges for wildlife must be provided within or close to the development site, resulting in a net benefit for biodiversity.
54. Policy 11 (Broadband) states that all new development should incorporate the means of enabling high speed broadband. Unless it can be demonstrated by means of a viability study submitted by the developer that this requirement would undermine the

viability of the scheme. The developer will be required to demonstrate, to the Local Planning Authority's satisfaction that this is the case.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

55. *Witton Gilbert Parish Council* – support the application. Initial comments requested further consideration in terms of improving insulation and heating proposals, with additional details in regards the PV. Upon further re-consultation, the Parish comment that the proposals relate to a key area recommended for residential development within the Neighbourhood Plan. The development of the site is seen as fundamental to encourage further growth and prosperity within the local area. The range and type of dwellings is acceptable, and the development would improve the appearance of the unused unkempt piece of land. The site location is ideal to convey that Witton Gilbert is an attractive and pleasant place to live.
56. *Coal Authority* – Raise no objection but note that further, more detailed consideration of ground conditions and foundation design may be required as part of any subsequent building regulations application.
57. *Highway Authority* – Requested additional information which was received with regards auto-tracking for refuse vehicles. This was considered acceptable although noted as tight. Conditions are requested in relation to the estate roads and construction management plan. No objections raised from highway perspective.
58. *Local Lead Flood Authority* - Updated information requested and received. Hydraulic calculations are approved. Request that the surface water management for the development is approved and infrastructure constructed in accordance with submitted details. No objections raised.

INTERNAL CONSULTEE RESPONSES:

59. *Affordable Housing* – Confirm that information has been received on the housing products which would be delivered on the scheme. This demonstrates that the houses will meet the affordable needs of the area in respect of location and as such there is no objections to the proposals, although there would be a preference for them to be more dispersed on the site. Affordable housing to be secured via Section 106 agreement.
60. *Archaeology* – Following results received in relation to the geophysical survey, trial trenching works were undertaken, with no significant findings, therefore no further archaeological works need to be undertaken.
61. *Design and Conservation* – With regard to detailed design, the applicant has referenced those buildings in the historic core of the village on Front Street, proposing a locally inspired character to built form, with double fronted units, head and cill details, and a mix of red brick and full render units with a muted grey roof tone. This approach is accepted.
62. *Ecology* – No objections raised. The Biodiversity Net Gain (BNG) report confirms a net loss, however off-site contributions have been agreed, with money to be secured as part of a Section 106 agreement. As BNG is to be provided on part of the site a Biodiversity Management and Monitoring Plan (BMMP) will need to be submitted

ensuring delivery and retention of the BNG units over the long term. A condition will need to be applied for the BMMP to be submitted for approval.

63. *Environment, Health and Consumer Protection (Air Quality)* – Sufficient information submitted to support the scheme and detailed within the draft Construction Management Plan. No objections.
64. *Environment, Health and Consumer Protection (Pollution Control)* – The submitted noise assessment was considered appropriate. Conditions should be attached in relation to ensuring development is in accordance with noise mitigation measures within report, as well as submission of a construction management plan and limits to construction hours.
65. *Environment, Health and Consumer Protection (Contaminated Land)* – Advise the submitted reports are acceptable. A pre commencement condition for a phase 3 report is required, followed by a phase 4 verification report. An informative should be included in the event any contaminated land is discovered during works.
66. *Landscape Officer* – Concerns raised throughout the application process in relation to impact of shading from trees along south boundary of site. Assessment of planting and layout within the site has been subject to amendments. The latest submission is deemed to address concerns raised, subject to payments towards Council works to trees along south boundary to help reduce issues of shading, secured through section 106 agreement. A condition for landscape details and implementation should be applied.
67. *Local Education Authority* – 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 it is anticipated that there will be sufficient space to accommodate the pupils generated by the development in primary and secondary schools and no further mitigation is required in this instance.
68. *Public Rights of Way* – Note a deviation of the legally recorded route of footpath no. 29 and advise of legal process to undertake these amends.
69. *Spatial Policy* – Advises on relevant policies within the County Durham Plan and the Witton Gilbert Neighbourhood Plan. They further comment that for the proposal to be acceptable the impacts in terms of landscape, townscape and integration with the settlement pattern and form and existing properties surrounding the site would need to be within acceptable parameters. They note requirements in relation to Affordable Housing and Open Space in the form of a financial contribution.
70. *Trees Officer* – Comments made in consultation with landscape section. Accept the loss of a number of trees within the site. Amends sought to plans to ensure retention of perimeter planting and trees where necessary. Concerns with regards pressure from future residents seeking reduction or removal of trees along south boundary. Latest details on landscape plans submitted address main points and issues previously raised.

EXTERNAL CONSULTEE RESPONSES:

71. *Environment Agency* – No comments received.
72. *NHS* – Requires funding to the sum of £14,793 to be secured through a Section 106 agreement to create extra capacity for provision of patient services in the area.

73. *Northumbrian Water Ltd* – No comments received.

PUBLIC RESPONSES:

74. The application has been advertised by way of a site notice, press notice and individual notification letters to neighbouring residents.
75. One letter of objection has been received raising issue over the loss of countryside to the rear of their homes, with impacts of increased noise and loss of view. Concerns over noise and fumes from increased traffic.

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:

76. The proposed development will provide much needed housing on a site which is allocated for housing in the Witton Gilbert neighbourhood plan. The site is highly sustainable and in accordance with planning policy will make the most effective use of sustainable land to address housing need in the area. The proposals include for 25% affordable homes which will include 2 bungalows. The affordable units will be a mix of 'affordable rent' and 'first homes' tenures.

The layout of the site provides a visually attractive development which will retain trees where possible and include landscaped areas of public open space and amenity space which will replace any trees and hedges which are proposed to be removed.

The proposal provides sufficient space between existing and proposed properties to ensure good amenity for both existing and proposed residents.

All properties include in curtilage car parking and an enclosed private garden which meets the minimum 9 metre gardens as required by the adopted SPG. There is further visitor car parking spaces which are evenly dispersed across the site to reduce the possibility of indiscriminate on-street car parking. The highway layout has been autotracked and it is demonstrated there is sufficient room for manoeuvrability for emergency and refuse vehicles.

The design of each property has been carefully considered to ensure the proposed development will be visually attractive and of a high quality, in keeping with the existing village. All new homes exceed the Nationally Designed Space Standards, over 66% achieve Part M4(2) Accessible Standards and 10% are bungalows suitable for elderly residents, demonstrating that the development meets the requirements of the County Durham Plan. The layout and proposed landscaping will create a sense of place with a proposed footpath link to integrate the development with the existing village.

The proposals include renewable energy provision through PV panels on ALL plots and include EV charging points and infrastructure.

The applicant has agreed to all requested developer contributions.

There are no technical consultee objections and only one letter from a neighbouring resident raising concerns which predominantly relate to loss of view and impact upon amenity which are addressed in the submission. The Parish Council are in support of the scheme noting that development of the site is fundamental to encourage further

growth and prosperity in the local area and that they're happy with the range and type of dwellings proposed.

The proposals represent sustainable development which will provide much needed homes within the village making the most effective use of land. The proposals accord with local and national planning policy in all regards.

PLANNING CONSIDERATIONS AND ASSESSMENT

77. 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) forms 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. Alongside this the Witton Gilbert Neighbourhood Plan, adopted in September 2019, also forms part of the development plan for the area, with its policies carrying full weight in the decision-making process.
78. 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 in this instance relate to the principle of the development, impact on the character and appearance of the area and landscape, impact on residential amenity, highway safety and access, ecology, archaeology, developer contributions and other issues.

The Principle of the Development

79. Within the CDP the application site is not referenced or allocated for housing within Policy 4. However, the site is allocated within the Witton Gilbert Neighbourhood Plan (NP) under Policy 4 and referenced as site H2 within the plan. This policy supports residential development on this land to the south of Front Street, subject to a number of criteria relating to design, amenity, landscape, biodiversity and highways safety, each of which will be discussed in turn throughout the report.
80. An additional criterion within the policy references that any proposals take account of the Design Brief set out in Appendix A. This design brief is a 15-page document which clarifies that its purpose is 'intended to facilitate pre-application discussions as a guide to the aspirations of the local community about the type and design of any development proposal. It is not in any way intended to impose or require a specific or rigid form. The intention is to provide a more user-friendly interpretation of the policies and principles set out within the Neighbourhood Plan and convey in more detail the form of development which the community in Witton Gilbert would like to see come forward in this location'.
81. Having reviewed the document it is considered that there is no conflict with what is proposed as part of the current scheme in terms of layout and design and the general principles set out in this document. In its response, the Parish Council confirmed they supported the application as it makes a significant contribution to the aims of the Neighbourhood Plan to provide additional good quality homes within the village of Witton Gilbert.

82. As policy 6 of the CDP relates to 'Development on Unallocated Sites' it is not relevant in this case and there is no requirement for this proposal as an allocated housing site to be assessed against each of the criteria within this policy.
83. The principle of the development is therefore considered acceptable, subject to detailed assessment against other relevant policies in both the County Durham Plan and Witton Gilbert Neighbourhood Plan (NP).

Mix of housing and affordable housing

84. Policy 19 of the CDP states that on all new housing developments the council will seek to secure an appropriate mix of dwelling types and sizes, taking account of existing imbalances in the housing stock, site characteristics, viability, economic and market considerations. Policy 15 states that affordable housing will be sought on sites of 10 or more units.
85. NP policy 2 requires that proposals provide a range of housing choices in terms of size and type and include an element of affordable housing and ensure that it is indistinguishable from other housing on the site.
86. The scheme proposes a mix of 2 - 6 bedroom houses as well as bungalows which would achieve a good mix of dwelling types and sizes on the site in line with policy requirements within the CDP and NP.
87. The Council's Spatial Policy Section has confirmed that the proposal would be required to deliver seven affordable homes within the site. Details have been submitted demonstrating that affordable housing will be provided, in line with policy requirements. This is to include the two 2-bed bungalows and three of the 2-bed houses at affordable rent and two of the 3-bed houses as first home properties. The housing development officer has assessed the details provided and is satisfied that there is a demand for the products to be made available. They further comment that the mix and layout of these properties on site is appropriate. Affordable housing would be secured by means of a Section 106 agreement.
88. The proposals comply with policy 15 of the CDP and Policy 2 of the Neighbourhood Plan.

Impact on the Character and Appearance of the Area

89. CDP 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.
90. Policy 2 of the NP states that new housing should result in high quality sustainable design that reflects Building for Life principles; respects the scale, density, architecture, rhythm, height and character of existing, established development; accords with characteristic building arrangements, including materials, boundary types, arrangement of front gardens and where appropriate landscaping.
91. NP Policy 5 (Historic Zone of Witton Gilbert) states that all proposals within or affecting the setting of the Historic Zone of Witton Gilbert should: a) demonstrate how it seeks to reflect the special local historic character of the area in terms of scale, form, massing, architectural design and materials; b) sustain and where possible enhance local character and the distinctiveness of the Historic Zone and its setting; and c) ensure that new development responds positively to the historic pattern of

development conserving features of historic interest that contribute to the areas special character. Policy 4b) of the NP similarly requires that proposals should conserve and enhance the special character of the Historic Zone.

92. NP Policy 6 (Sustainable Design) states that design should contribute positively to place-making and sustainable design and should be developed in response to a robust analysis of the character of the built environment and local landscape character which must be shown in a Design and Access Statement where required. It should respond to the character of the local environment, taking advantage of opportunities to reinforce local distinctiveness, achieve high levels of energy efficiency, incorporate small-scale renewable and low carbon energy generation into the design of new development where viable, and make adequate provision to provide green open space in accordance with the most up to date standards in the latest evidence and /or the Local Plan.
93. The 'historic zone' as identified in the Neighbourhood Plan relates to Front Street, to the north of the site, and the properties that run along it, including a Grade 2 listed building, which consists of a single storey former blacksmiths that was converted recently into a single dwelling. A heritage and separate design and access statement were submitted in support of the application, making reference to existing character and design along the Front Street. It should be noted that the application site is not within the 'historic zone', but is in close proximity to it and would therefore affect the setting.
94. From assessing the details submitted, including house types, elevations and layout on site, the development is proposed to address Front Street by means of two identical double fronted red brick houses, set behind an established hedgerow. The dwellings at this point would be in keeping with the historic vernacular in the area, particularly in relation to scale, massing, and design, thus sustaining its local character, as required by policy 5 of the Neighbourhood Plan.
95. Within the site, the layout of development follows a single main road, with areas of public open space with new planting interspersed throughout the site, breaking up areas of hardstanding. All properties would provide a strong frontage to this road, and would be designed to a suitable scale, density and design that respects the quality of development within the historic core. The detailed design is noted and deemed appropriate, with materials proposed as a mix of red brick and render, with grey tile and a condition would be applied to any approval for their precise details. A boundary treatment plan has been submitted, indicating a mix of metal railings and brick wall finishes where visible from the street scene, with timber fencing proposed for rear garden spaces. The metal railings would be considered an attractive feature where it is proposed adjacent to public open spaces, particularly at the entrance to the site and adjacent to the PROW to the east of the site. A condition however will still be required for precise final details on materials subject to any approval received.
96. In relation to the listed building, there is no concern that the proposed development will impact on the character or appearance of this building, given the distance of new development from it. In addition, as part of its conversion to a dwelling, amendments were made to the rear elevation, which faces the application site. The main heritage interest relates to its frontage and elements of the internal features which were preserved as part of the conversion. On this basis the proposed development would not impact on its special qualities, which would be preserved. The LPA is considered to have discharged of its duty as required under section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to ensure in the exercise of their planning function with respect to listed buildings special attention has been given to the desirability of preserving or enhancing them.

97. In consideration of the above, the overall design and layout of the development is considered to be appropriate, and suitably accords with requirements set out in policies 29 and 44 of the CDP and policies 2, 4, 5 and 6 of the Neighbourhood Plan.

Landscape and Trees

98. Policy 39 of the County Durham Plan in relation to landscape 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.
99. 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.
100. Neighbourhood Plan policy 4d) seeks to ensure the landscaping along the south boundary of the site is retained as well as the visual setting of the site. NP policy 6 seeks adequate provision of open green space within developments.
101. Significant discussion took place with regards the proposed layout of housing running along the south boundary, adjacent to well established Council owned trees and hedges abutting and within the highway verge. Concerns were raised that these houses would be negatively impacted by excessive shading from the trees, resulting in requests for regular pruning and potential removal of trees, or that works would be undertaken independently of the Council, resulting in damage to the trees and decline in their health and appearance. The planting along this highway verge is deemed to have high visual and functional value, providing an important and attractive delineation of the settlement edge and screening the adjacent busy road. It was noted that the previous proposals for which this committee recommended approval but was subsequently withdrawn before the associated S106 was signed, was designed with the main estate road running along the south boundary adjacent to the planting, which at the time was deemed feasible and would protect the trees along the boundary. In landscape terms, the latter layout was deemed more appropriate, as it would protect the trees in the long term.
102. Upon request, the applicant provided details to demonstrate that changes in land levels at the southern end of the site meant that any road running along here would require retaining walls which would become problematic for long term maintenance. It was further demonstrated that any road in this location, with associated parking bays, would impact on root protection areas and impact on trees. Although a sunlight assessment was submitted with the application, this was deemed ineffectual and did not suitably demonstrate that shading would not be an issue.
103. Having assessed this information, and following further site visits to inspect the planting, it was determined that there was overcrowding along the verge and that there was scope for some thinning out of lesser quality single stemmed trees. The removal of these trees would in turn benefit the better quality tree specimens which were retained, as well as the lower lying shrub layer consisting of hazel, hawthorn, blackthorn, which would better flourish from the thinning works and provide screening required, without excessive shading to adjacent properties. It was subsequently agreed with the developer that the Council would be in a position to undertake these

works subject to section 106 funding to cover the works themselves as well as arranging temporary road closure given the proximity of the major A road.

104. Policy 25 in relation to developer contributions states that developers will be required to enter into planning obligations which are directly related to the development and fairly and reasonably related in scale and kind to the development, in order to secure the mitigation that is necessary for a development to be acceptable in planning terms. Given the importance attributed to the planting along the south boundary and its requirement to be retained in line with CDP policies 39 and 40 and NP policy 4, and the anticipated impact on proposed occupiers of the dwellings along this south boundary, it is considered that the tree works proposed are deemed required in this case. Thinning of the trees would allow a greater level of light to reach the lower lying shrub layer and in turn the proposed rear garden spaces and dwellings. In addition, the trees would have a better chance of growing into well balanced specimens marking the settlement boundary and improving the visual amenity in the longer term.
105. As part of the wider development, a number of trees would be removed centrally within the site, and although not ideal, it is accepted that large areas of planting would nonetheless be retained, particularly at the north-east and western boundary. Additional planting would be included throughout the site and an updated and detailed landscape scheme was submitted in support of the proposals, taking into account comments received from both the Senior Trees and Landscape officer. The plans will be marked as approved plans. A separate condition will be applied to ensure suitable tree protection measures are included to protect any planting for retention as indicated within the Arboricultural Method Statement.
106. In consideration of the above, and subject to conditions and funding secured through a section 106 agreement, the proposals are considered to accord with relevant parts of policy 39 and 40 of the CDP and NP policies 4 and 6.

Impacts on Residential Amenity of Existing and Future Occupiers

107. Policies 29 and 31 of the CDP outline that development 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 along with the requirements for all new residential development to comply with Nationally Described Space Standards (NDSS).
108. NP policy 2 requires that development does not adversely impact upon the amenity of existing and future residents, whilst policy 4d) states that proposals, where applicable should incorporate noise attenuation measures.
109. The nearest residents to the proposed development are located along Front Street, with rear elevations facing towards the site. These include a total of 9 houses and a pub. Facing distances from each of these existing properties to the nearest proposed dwellings equates to approximately 29 metres which is in excess of the 21 metres required. The line of existing terraces overlooking the north east section of the site would face the proposed gable end of plot 18 but a suitable distance of 13 metres would exist. It is further noted within this plot that a detached garage would be located along the north boundary, adjacent to the rear garden boundary of no. 17 Front Street, at a distance of 6.3 metres at the nearest points. No elevation drawings were provided for this garage, or the other five detached garages across the site, but a condition will be applied seeking these details to ensure that any proposed garage would be of a suitable design and height to protect amenities of occupiers of all nearby properties, but in particular no. 17.

110. The rear curtilage of the Travellers Rest Public House is quite sizeable, and creates a divide between the west and eastern parts of the application site. It measures 40 x 36 metres and is used for car parking for patrons, and also contains a small outdoor seating area. The boundaries appear well planted on their side and would help screen activities within the pub and rear curtilage. Apart from plot 22, the remainder of the dwellings are separated from the grounds of the public house by the main estate road and it is not considered that the public house in this location would create issues of noise and disturbance to future occupants of the development site. Part of the rear boundary of plot 22 shares a boundary with the car parking area of the PH but it is not anticipated that this would be an issue. In any case the pub has operated adjacent to existing houses without issues, and the consultations with the Environmental Health Officer raised no concerns in this regard.
111. Although a single objection is noted from one of the residents along Front Street, the issues raised are not considered sufficient to warrant a refusal or amendment to the scheme. The concerns with regards traffic noise are not considered to be an issue, as the new estate road would be to the front of the proposed dwellings, keeping any traffic noise away from properties along Front Street. Given the size and scale of the development it is not likely that there would be any significant increase in fumes from additional traffic accessing the site. Rear gardens would abut the boundary of existing properties, and such a use would be appropriate and compatible with existing residential use in the area without causing any undue harm or detriment to residential amenity. As already stated, distance standards are more than met in this case. Concern over loss of a particular view is not a material planning consideration.
112. Within the development site, careful assessment has been undertaken to ensure that all properties maintain the 21 metres facing distance between windows of habitable rooms for two storey dwellings and 18 metres for single storey dwellings, as well as suitable distance standards between main elevations and blank gables. These can all be achieved in accordance with the requirements. The majority of rear garden lengths throughout the site can comfortably achieve 9 metres length, although there are some properties that only attain this length for a small section of the garden. Whilst this is not ideal, the shortfall in length is minimal at less than half a metre, and would not infringe on privacy distance standards. All dwellings have been assessed against NDSS and accord with these as required by policy 29 of the CDP.
113. There are also requirements within policy 15 in terms of meeting the needs of older people, where sites of 10 or more units should provide 66% of dwellings to meet Building Regulation M4(2) standards, which can include a minimum of 10% towards housing options for older people, such as level access bungalows. Policy 3 of the NP has similar requirements. A total of 21 of the proposed 29 properties would achieve this standard, which equates to 72% of properties on the site. Two bungalows and a dormer bungalow are also provided on site to meet older persons housing needs. In this regard the proposals would meet the requirement, but a condition would be applied to secure this.
114. The Council's Environmental Health Section has commented on the scheme noting the details contained within the noise impact assessment, which took into account noise from the adjacent road. They were satisfied that the measures provided within the noise impact assessment would suitably mitigate noise impact from road traffic and requested that a planning condition be applied to ensure that sound attenuation complies with the noise assessment, with a further condition requested for details on a construction management plan. A condition would also be applied limiting hours of working to further protect amenities of existing residents.

115. Subject to the conditions noted above, the proposals are considered to appropriately accord with policies relating to protection of amenities for neighbouring and future occupiers in line with policies 29 and 31 of the CDP, 2, 3 and 4d) of the NP and Part 12 of the NPPF.

Sustainable Design

116. Policy 29 requires that proposals minimise greenhouse gas emissions, by seeking to achieve zero carbon buildings and providing renewable and low carbon energy generation, where possible. NP policy 6 similarly requires development to demonstrate a commitment to sustainable design and achieve high levels of energy efficiency and incorporate small -scale and low carbon energy generation in the design of new development where viable.
117. The Parish Council noted the provision of sustainable measures within the site and queried whether further improvements could be made. An Energy and Sustainability report was submitted with the application providing details on u values and carbon reduction calculations, achieved by improved insulation measures and inclusion of solar PV on each dwelling. From assessing the details and discussions with the applicant, the proposals are considered acceptable and in line with what is required of policy 29 and would meet the revised and updated Part L Building Regulation requirements issued in 2022. On this basis the proposals are considered policy compliant.

Green Infrastructure

118. Policy 26 in relation to 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.
119. The policy also requires proposals for new residential development 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). The OSNA sets out the most up to date position in respect to open space provision across the county and provides a formula for calculating requirements on a site-specific basis.
120. In accordance with the policy, it is determined that the development should provide 957sqm of amenity/natural green space on site, alongside a financial contribution towards off site facilities including allotments, parks and sports grounds etc, amounting to £45,648.90. The areas of public open space to be provided within the site, noted on the eastern and western edges, amounts to approximately 3,000 sqm, in excess of requirements set out in the OSNA.
121. PROW 29 which connects the Front Street with PROW's to the south of the A691 would cross the site at the eastern edge. Whilst the PROW would be retained, it would be subject to a minor deviation from its current route, curving around the garden area of plot 17. Amendments to the route are subject to a separate legal process for which the applicant has been notified. As part of the process, consultations will be undertaken, including with the PROW team in terms of appropriateness of the re-routing. For the purposes of this planning application, there is no objection to the minor deviation with continued access maintained for existing residents at Witton Gilbert, as well as providing appropriate connections for future residents at this site. The PROW would be contained within the annotated public open space within the development and the boundary with plot 17 would be 1.2 metres high metal fencing with hedgerow.

It is not considered that the development at the point where the PROW crosses the site would unduly impact on amenities of users of the footpath and the proposals are considered acceptable in line with policy 26.

122. Subject to the section 106 payments, the proposals are considered to accord with the requirements set out in policy 26.

Highways Safety and Access

123. CDP Policy 21 states that development should: c) ensure that any vehicular traffic generated by new development, following the implementation of sustainable transport measures, can be safely accommodated on the local and strategic highway network and does not cause an unacceptable increase in congestion or air pollution and that severe congestion can be overcome by appropriate transport improvements. In relation to parking the policy states that car parking at residential development should ensure that a sufficient level is provided for both occupants and visitors, to minimise potential harm to amenity from footway parking. 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.
124. NP policy 2e) and 4c) require that proposals ensure suitable safe access points to allow for connections to be made within the site, including for motorists, pedestrians and cyclists and also ensure the retention and, where possible, enhancement of the public footpaths.
125. The proposals would take access from the north of the site, through an existing field gate, which is to be widened in line with highway requirements to ensure suitable visibility. A single adopted road would serve the whole development extending from the north west entrance point to the east of the site. Three private drives would be taken from the roadway and would serve between 2 and 4 properties each. Each property would benefit from suitable in curtilage parking and sufficient visitor parking would be provided and spread throughout the site. In addition to this, all plots would have passive electric vehicle charging points available, with four plots having fully installed charging points available for immediate use.
126. The Highway Authority assessed the details and raised no objection to the proposals. Conditions would be applied for final details on the highway to be submitted for approval, along with a construction management plan.
127. Based on the above assessment, the extent of development proposed would not be expected to create significant impacts on the highway network and suitable and safe access to the site can be achieved with appropriate levels of parking provided. The NPPF states that development should only be refused on highways grounds where there would be an unacceptable impact on highway safety, or the residual cumulative impact would be severe. In this case, it is considered that the proposals would not have an unacceptable impact and a refusal on highways grounds would not be warranted. Overall, the highways impacts of the development are considered to be acceptable and in accordance with policy 21 of the CDP, policy 2 and 4 of the NP and Part 9 of the NPPF.

Ecology

128. Part 15 of the NPPF requires that when determining planning applications, Local Planning Authorities seek to conserve and enhance biodiversity. CDP Policy 41 seeks

to ensure new development minimises impacts on biodiversity by retaining and enhancing existing diversity assets and features. Proposals for new development should not be supported where it would result in significant harm to biodiversity or geodiversity. Policies 29 and 40 of the CDP similarly seek to protect and create opportunities for wildlife.

129. NP policy 4 and 7 similarly seek to ensure that new development integrates biodiversity where possible.
130. The application was submitted with ecological reports alongside a Biodiversity Net Gain (BNG) assessment and biodiversity metric. Ecology assessed the details of the scheme and noted that there would be a loss in BNG credits through development of the site. Updated details were provided to demonstrate how the proposals would seek to secure biodiversity net gain on site, however this could only be partly achieved through habitat creation within areas of the POS. In agreement with the Ecology team, a financial contribution will be made, secured as part of the Section 106 agreement to ensure that the development can meet policy requirements in terms of BNG.
131. Where BNG is to be secured on site, a Biodiversity Management and Monitoring Plan (BMMP) is required to demonstrate how it will be achieved, managed and maintained, with a mechanism for reporting to DCC in years 2, 5, 10, 20 and 30 following habitat creation. At the time of writing no BMMP was submitted, but this would need to be secured under Section 39 of the Wildlife and Countryside Act 1981. Overall this would achieve a biodiversity net gain in accordance with CDP policy 26 and 41 and Para. 174 of the NPPF. A pre-commencement condition would also be applied seeking these details for our approval.
132. Subject to this condition and details within the Section 106, Ecology section raise no objections to the proposals in line with relevant policy.

Flooding and Surface Water

133. 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.
134. 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.
135. Durham County Council's Drainage and Coastal Protection Team act as the Local Lead Flood Authority (LLFA) and have assessed the various plans and information submitted in support of the scheme. Throughout the planning process amendments have been sought accompanied by updated calculations to determine appropriate management of surface water across the site. For this particular development it was accepted that a SUDS basin would not be able to suitably address the requirements for management of surface water due to ground conditions, and it was agreed that discharge of surface water would be made to combined water sewers in the area.

136. It is understood that separate to the planning process, the applicant has spoken direct with NWL to secure agreement to this arrangement along with appropriate flow rates. In consultation with the LLFA detailed plans and calculations were provided and these were deemed acceptable and in line with requirements set out in policies 35 and 36 of the CDP. A condition will be applied to ensure works are carried out in accordance with the agreed drainage plan submitted.

Other issues

137. 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, including those of archaeological interest, whilst improving access where appropriate.
138. A geophysical survey report was submitted with the application. Having assessed this, the Archaeology Section requested that trial trenching works be undertaken prior to any decision being issued. These works are now complete with a report of the findings submitted, indicating that no further survey work would be required. Archaeology section are satisfied with all details provided and the proposals adhere to policy 44 of the CDP.
139. Policy 27 of the CDP and NP policy 11 requires new residential development to be served by a high-speed broadband connection unless it can be demonstrated that this is not appropriate. The development would be located in an edge of settlement location characterised by both residential and commercial development. Similar, requirement in terms of broadband connectivity and broadband connectivity would be delivered in this wider context. As such it does not appear that there any significant constraints to delivering the connectivity in accordance with the requirements of policy 27 although the submission and agreement of precise detail in this regard could be secured through planning condition. Subject to the inclusion of a planning condition in this regard the development is considered to accord with the aims of policy 27 of the CDP.
140. 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.
141. Contaminated land section assessed the details of the proposals and various reports submitted in support of the scheme, along with additional information requested throughout the application process. They were satisfied with information provided but require a condition for a phase 3 and 4 report to be included on any approval granted.

Developer Contributions

142. 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 affordable housing and open space needs, education and health facilities. Policy 15 relating to Addressing Housing Need states that affordable housing will be sought on sites of 10 or more units.
143. **Affordable Housing** –In accordance with policy 15 based on the proposals for the construction of 29 dwellings, it would be expected that the scheme would provide seven affordable homes of an appropriate mix of affordable rent and discounted

market price. The applicant has clarified in agreement with the Housing Development Officer to provide the five houses for affordable rent with two properties available as part of the First Homes affordable housing scheme. Believe Housing have been identified as the Registered Provider in this case. In line with Policy 15 the units identified will be tied as affordable housing via a section 106 agreement and to ensure that they remain so in perpetuity.

144. **Open Space / Green Infrastructure** – Policy 26 states that proposals for new residential development will be required to make provision for open space to meet the needs of future residents having regard to the standards of open space provision set out in the Open Space Needs Assessment (OSNA). Where it is determined that on-site provision is not appropriate, the council will require financial contributions secured through planning obligations towards the provision of new open space, or the improvement of existing open space elsewhere in the locality. To this end, a financial contribution of £45,648.90 is required towards open and amenity space and green infrastructure and would need to be secured through a Section 106 agreement.
145. **NHS North Durham Clinical Commissioning Group** - The NHS have been consulted as part of the planning process and have advised that for a development of this size, a contribution of £14,793 would be required to go towards improvement of GP access and upgrading of existing surgeries.
146. **Contributions towards off site provision Biodiversity Net Gain** – As discussed previously, given the size of the site, it would not be possible to achieve full BNG credits within the site. With agreement from Ecology Section and as calculated by them, a contribution towards off site provision of BNG would be required, amounting to £13,780. The applicant will also be required to enter into a S.39 Agreement to secure the long term management, maintenance and monitoring of the biodiversity land in accordance with a Biodiversity Management and Monitoring Plan (BMMP).
147. **Contributions towards works to Council trees** – As discussed previously, in agreement with the landscape and trees sections, a financial contribution is to be made to the Council to undertake works to trees within the adopted highway verge along the south boundary of the site adjacent to the A691. This contribution amounts to £15,185.56.

CONCLUSION

148. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan in this case relates to the County Durham Plan and the Witton Gilbert Neighbourhood 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).
149. The proposal relates to an allocated housing site within the Neighbourhood Plan and are acceptable in principle. The details of the scheme have been assessed against relevant policies and are considered to accord with appropriate criteria and requirements, and subject to conditions and contributions secured through a Section 106 agreement, would not have any unacceptable impact upon the character and appearance of the surrounding area, landscape, residential amenity, highway safety, ecology, flooding and surface water, archaeology and contaminated land in accordance with policies 15, 21, 29, 31, 32, 35, 36, 39, 40, 41 and 44 of the County

Durham Plan, policies 2, 3, 4, 5, 6, 7 and 11 of the Neighbourhood Plan and Parts 5, 6, 9, 12, 14, 15 and 16 of the NPPF.

150. The proposal has generated some public interest, however whilst the objection and concerns raised have been taken into account, they would not warrant a refusal in this case for the reasons detailed in this report. On balance, it is therefore considered that the 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:

- S.39 Agreement to secure the long term management, maintenance and monitoring of the biodiversity land in accordance with a Biodiversity Management and Monitoring Plan (BMMP);
- £13,780 towards off site provision of Biodiversity Net Gain;
- Seven units secured as Affordable Housing (5 affordable rent & 2 first homes)
- £45,648.90 towards open space and green infrastructure;
- £14,793 towards health provision in the local area; and
- £15,185.56 towards tree works along the highway verge.

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 approved plans listed in Part 3 - Approved Plans.

Plan	Drawing No.	Date Received
Site location plan	0005 REV P02	01/04/22
Engineering Layout	001-01 Rev F	20/12/22
Boundary Treatment Plan	0111 - P05	20/12/22
Plot Boundaries	0112 - P05	20/12/22
HT2 - Planning Plans and Elevations	0122 - P02	20/12/22
HT3 - Planning Plans and Elevations	0123 - P07	20/12/22
HT4 - Planning Plans and Elevations	0124 - P03	20/12/22
HT7 - Proposed Plans and Elevations	0127 - P01	20/12/22
HT8 - Proposed Plans and Elevations	0128 - P01	20/12/22
HT6 - Planning Plans and Elevations	0126 - P06	20/12/22
HT6 - Planning Plans and Elevations (Plot 17 only)	0126 - P01	20/12/22
HT6 - Planning Plans and Elevations (Plot 14 & 15 only)	0126 - P06	20/12/22
HT5 - Planning Plans and Elevations	0125 - P04	20/12/22
HT9 - Planning Plans and Elevations	0129 - P03	20/12/22
HT10 - Planning Plans and Elevation	0130 - P04	20/12/22
HT11 - Planning Plans and Elevation	0131 - P05	20/12/22
HT12 - Planning Plans and Elevation	0132 - C03	20/12/22
Proposed Site Plan	0110 P06	27/01/23
Detailed Landscape Proposals (1 of 2)	3860/1 Rev G	23/01/23

Detailed Landscape Proposals (2 of 2) Arboricultural Method Statement inc. impact assessment	3860/2 Rev G	23/01/23 20/12/22
---	--------------	----------------------

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policy(ies) 15, 21, 29, 31, 32, 35, 36, 39, 40, 41 and 44 of the County Durham Plan, policies 2, 3, 4, 5, 6, 7 and 11 of the Neighbourhood Plan and Parts 5, 6, 9, 12, 14, 15 and 16 of the NPPF.

3. 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.

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.

4. No development 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, which shall include a sampling and analysis plan. If the Phase 2 identifies any unacceptable risks, a Phase 3 remediation strategy shall be produced and where necessary include gas protection measures and method of verification.

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

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

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

6. Prior to commencement of development on site, a Biodiversity Management and Monitoring Plan (BMMP) shall be submitted to and approved in writing by the Local Planning Authority. The BMMP shall demonstrate how the specific on-site Biodiversity Net Gain units that are to be created on site (as detailed within the Biodiversity Net Gain Assessment report received 20 December 2022) will be achieved, managed and maintained on site, and will include a mechanism for reporting to DCC in years 2, 5, 10, 20 and 30 following habitat creation. The works shall be carried out strictly in accordance with this Plan and shall thereafter be retained and managed as detailed.

Reason: In the interests of ensuring no protected species are adversely affected by the development and habitats are retained and improved in accordance with Policies 41 and 43 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

7. No development shall commence, with the exception of site preparation / clearance and construction up to the damp proof course, until full highway engineering, highway drainage, highway structure details, street lighting and constructional details of the streets (including hardened step off strips to the rear of non-allocated visitor parking) proposed for adoption by the local highway authority have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be constructed in accordance with the approved details,

Reason: To ensure a satisfactory form of development in accordance with Policy 21 of the County Durham Plan and Section 9 of the NPPF.

8. Notwithstanding any details of materials submitted with the application no development shall proceed beyond the installation of the damp proof course of any of the dwellings until details of the make, colour and texture of all walling and roofing materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

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

9. No development shall proceed beyond the installation of the damp proof course of any of the dwellings 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.

10. Prior to their construction on site, a proposed site plan and fully scaled elevation drawings of all detached garages throughout the site shall be submitted to and approved in writing by the Local Planning Authority. The garages shall thereafter be constructed in accordance with the approved details prior to the first occupation of the properties hereby approved.

Reason: In the interests of the visual amenity of the area and the residential amenity of nearest properties in accordance with Policy 6, 29 and 31 of the County Durham Plan, Policy 2 of the Witton Gilbert Neighbourhood Plan and Part 12 of the NPPF

11. Notwithstanding details already submitted, no development shall be occupied until details of the surface treatment and construction of all hardsurfaced areas (including unadopted footways, driveways and garden spaces) has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details prior to first occupation.

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

12. Notwithstanding details already submitted, prior to the first occupation the development hereby approved, details of all means of enclosure of the site shall be submitted to and approved in writing by the Local Planning Authority. The enclosures shall be constructed in accordance with the approved details thereafter.

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

13. No dwelling built to the Building Regulations M4(2) standard (as shown on Drawing 0110 P06 'Proposed Site Plan' received 27 January 2023) shall be occupied until a further verification confirming that the identified dwellings have been built to Buildings Regulations M4(2) standard, from a suitably competent person, has been submitted to and approved in writing by the Local Planning Authority. The verification shall

include sufficient plans and details which demonstrate compliance with the Building Regulations Standard M4(2) requirements.

Reason: In the interests of the residential amenity of future occupiers in accordance of Policies 15, 29 and 31 of the County Durham Plan and Part 12 of the National Planning Policy Framework.

14. Development shall be constructed in accordance with the approved hydraulic calculations and drainage scheme contained within the submitted documents entitled 'Engineering Layout' and SW Simulations dated 20 December 2022.

Reason: To prevent the increased risk of flooding from any sources in accordance with policies 35 and 36 of the CDP and Part 14 of the NPPF.

15. All trees and hedges, indicated on the tree protection plan within Appendix 3 of the approved Arboricultural Method Statement received 20 December 2022 (Tree Protection Plan drawing number ARB/CP/27C2/TPP) as to be retained, shall be 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.5837:2010. Any works within the root protection areas shall be the subject of a detailed construction methodology which shall be submitted to and approved in writing before any such works commence and shall be undertaken thereafter entirely in accordance with the approved construction details.

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 shall be carried out.

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

Reason: In the interests of the visual amenity of the area and to comply with Policies 29 and 40 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.

16. Prior to the beneficial occupation of the development all sound attenuation measures detailed in the noise assessment produced by Apex Acoustics Ltd, reference 9451.1 Revision B dated 30 March 2022 and published 1 April 2022, shall be fully implemented and permanently retained thereafter.

Reason: In the interest of the amenity of existing and future occupants in accordance with Policy 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

17. In undertaking the development that is hereby approved:

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

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.

18. All planting, seeding or turfing and habitat creation in the approved details of the landscaping scheme shall be carried out in the first available planting season following the practical completion of the development.

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 approved replacement tree or hedge planting shall be carried out within 12 months of felling and removals of existing trees and hedges.

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.

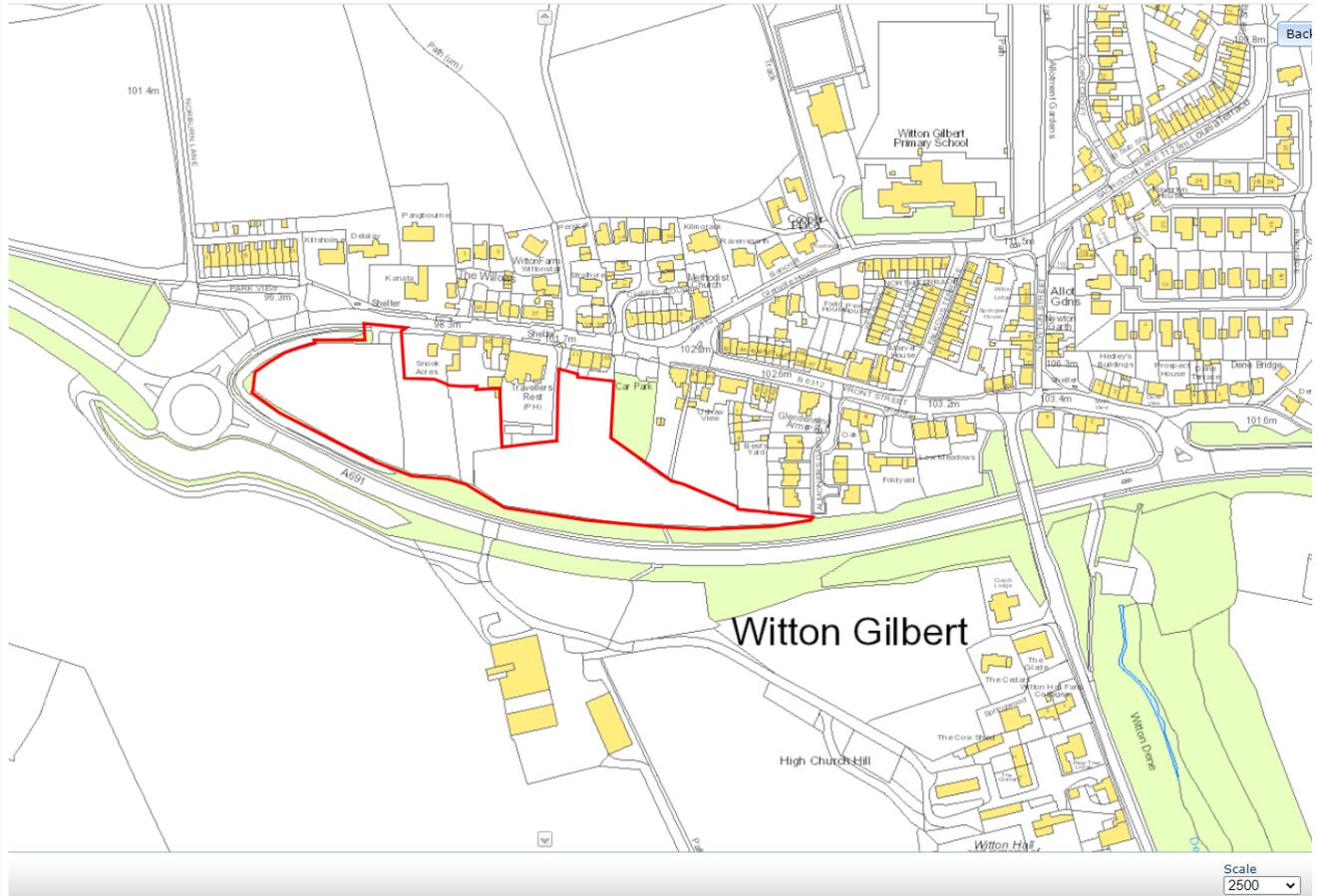
Reason: In the interests of the visual amenity of the area and to comply with Policy 29 of the County Durham Plan and Part 12 of the National Planning Policy Framework.

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 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
- Witton Gilbert Neighbourhood Plan 2019
- Statutory, internal and public consultation responses
- Residential Amenity Standards SPD (2023)
- County Durham Building for Life SPD (2019)
- County Durham Parking and Accessibility Standards 2019




Durham
County Council

Planning Services

Residential development for 29 dwellings and associated works (amended title)
 Land adjoining Snook Acres, Front Street, Witton Gilbert, DH7 6SY
 Ref: DM/22/00987/FPA

This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding.
 Durham County Council Licence No. 100022202 2005

Comments

Date 14 February 2023

Scale Not to Scale