

## COMMITTEE REPORT

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### APPLICATION DETAILS

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<b>APPLICATION No:</b>	<b>DM/20/02681/FPA</b>
<b>FULL APPLICATION DESCRIPTION:</b>	<b>Erection of 80no. dwellings with associated works (revised description 16/11/2021)</b>
<b>NAME OF APPLICANT:</b>	<b>Gleeson Regeneration Ltd</b>
<b>ADDRESS:</b>	<b>Land North of Windsor Drive, South Hetton, DH6 2UU</b>
<b>ELECTORAL DIVISION:</b>	<b>Shotton and South Hetton</b>
<b>CASE OFFICER:</b>	<b>Laura Eden</b> <b>Senior Planning Officer</b> <b>03000 263980</b> <a href="mailto:laura.eden@durham.gov.uk">laura.eden@durham.gov.uk</a>

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### DESCRIPTION OF THE SITE AND PROPOSALS

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#### The Site

1. The application site lies on the north-western edge of South Hetton, on land to the north of Windsor Drive. It extends to approximately 3.5 ha and comprises of agricultural land. The site is relatively flat albeit the land rises slightly to the east. It is bounded by post and wire fencing, with a hedgerow to the northern boundary. Several trees lie where the new access road is proposed and would need to be removed to facilitate it.
2. Residential properties lie immediately to the south and west of the site. Murton Moor West Farm lies to the north west with allotment gardens to the east. Amenity open space lies to part of the site's southern boundary and includes both children's and youth play provision.
3. There are no designated or non-designated heritage assets within close proximity of the development site. An Area of Higher Landscape Value (AHLV), as defined in the adopted County Durham Plan lies approximately 450m to the south west. There are no statutory or locally designated ecological sites located within or immediately adjacent to the application site. Hesledon Moor West Site SSSI and the adjacent Local Wildlife Site (LWS) lie approximately 700m and 920m respectively to the south east of the site.
4. There are no public rights of way within the site however Bridleway no.15 (Easington) runs close to and follows the route of its eastern edge. Sustrans National Cycle Network Route No. 1 (NCN1) follows a similar route and includes the Hawthorn-Ryhope Railway Path.

#### The Proposal

5. The application seeks full planning permission for the erection of 80 dwellings, which has been reduced by 26 from the 106 originally proposed. The proposal includes a mix of 2, 3 and 4 bedroomed bungalows and houses in a range of detached and semi-

detached options. The materials palette proposed comprises facing brickwork, a tiled roof and UPVC windows, doors and features in anthracite grey. Boundary treatments are proposed to be a mixture of timber fencing. All properties feature off-street parking and enclosed rear gardens.

6. Access to the site from the wider highway network will be taken from the A182 Hedley Terrace and then via a continuation of Ravensworth Court at its junction with Windsor Drive. The access to the site will be formed on land between dwelling no.'s 32 and 33 on an area that is currently an area of green space and would result in the loss of 7no. existing car parking spaces. The proposal includes compensatory parking arrangements in the form of 6no. parallel visitor spaces located to either side of the new access road.
7. Amenity open space would be provided primarily to the north-west and along the northern boundary of the development, with a further smaller area of open space in the south east corner. Structural landscaping belts are proposed to both the north and east of the development
8. The application has been brought to the Central and East Planning Committee for consideration in accordance with the Council's scheme of delegation due this being a major residential development with a site area under 4 hectares.

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## **PLANNING HISTORY**

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9. On 11<sup>th</sup> February 2014, the Council resolved to approve an outline application for 80no. units on the site subject to the completion of a Section 106 legal agreement. The legal agreement was never signed and the application was finally disposed of on 14<sup>th</sup> January 2019.

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## **PLANNING POLICY**

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### **NATIONAL POLICY**

10. 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.
11. 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.
12. *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.

13. *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.
14. *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.
15. *NPPF Part 6 – Building a strong, competitive economy.* The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.
16. *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.
17. *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.
18. *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.
19. *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.
20. *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.
21. *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.

22. *NPPF Part 16 - Conserving and Enhancing the Historic Environment* - Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.
23. *NPPF Part 17 - Facilitating the Sustainable Use of Minerals* - It is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. Since minerals are a finite natural resource, and can only be worked where they are found, best use needs to be made of them to secure their long-term conservation.

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

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; historic environment; design process and tools; determining a planning application; flood risk; healthy and safe communities; land stability; land affected by contamination; housing and economic development needs assessments; housing and economic land availability assessment; light pollution; natural environment; neighbourhood planning; noise; open space, sports and recreation facilities, public rights of way and local green space; planning obligations; travel plans, transport assessments and statements; use of planning conditions; viability; Tree Preservation Orders and trees in conservation areas and; water supply, wastewater and water quality.

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

## **LOCAL PLAN POLICY:**

### The County Durham Plan

25. *Policy 6 - Development of Unallocated Sites*. States the development on sites not allocated in the Plan or Neighbourhood Plan, but which are either within the built-up area or outside the built up area but well related to a settlement will be permitted provided it: is compatible with use on adjacent land; does not result in coalescence with neighbouring settlements; does not result in loss of land of recreational, ecological, or heritage value; is appropriate in scale, design etc to the character of settlement; it is not prejudicial to highway safety; provides access to sustainable modes of transport; retains the settlement's valued facilities; considers climate change implications; encourages the use of previously developed land and reflects priorities for urban regeneration.
26. *Policy 10 – Development in the Countryside*. Development in the countryside will not be permitted unless allowed for by specific policies in the Plan, relevant policies within an adopted neighbourhood plan relating to the application site or where the proposal relates to one or more of the following exceptions; economic development, infrastructure development or the development of existing buildings. New development in the

countryside must accord with all other relevant development plan policies and general design principles.

27. *Policy 14 – Best and Most Versatile Agricultural Land and Soil Resources.* Development of the best and most versatile agricultural land, will be permitted where it is demonstrated that the benefits of the development outweigh the harm, taking into account economic and other benefits.
28. *Policy 15 - Addressing Housing Need.* Establishes the requirements for developments to provide on-site affordable housing, the circumstances when off-site affordable housing would be acceptable, the tenure mix of affordable housing, the requirements of developments to meet the needs of older people and people with disabilities and the circumstances in which the specialist housing will be supported.
29. *Policy 19 - Type and Mix of Housing.* Advises that on new housing developments the council will seek to secure an appropriate mix of dwelling types and sizes, taking account of existing imbalances in the housing stock, site characteristics, viability, economic and market considerations and the opportunity to facilitate self build or custom build schemes.
30. *Policy 21 - Delivering Sustainable Transport.* Requires all development to deliver sustainable transport by: delivering, accommodating and facilitating investment in sustainable modes of transport; providing appropriate, well designed, permeable and direct routes for all modes of transport; ensuring that any vehicular traffic generated by new development can be safely accommodated; creating new or improvements to existing routes and assessing potential increase in risk resulting from new development in vicinity of level crossings. Development should have regard to Parking and Accessibility Supplementary Planning Document.
31. *Policy 25 - Developer Contributions.* Advises that any mitigation necessary to make the development acceptable in planning terms will be secured through appropriate planning conditions or planning obligations. Planning conditions will be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Planning obligations must be directly related to the development and fairly and reasonably related in scale and kind to the development.
32. *Policy 26 – Green Infrastructure.* States that development will be expected to maintain and protect, and where appropriate improve, the County’s green infrastructure network. Advice is provided on the circumstances in which existing green infrastructure may be lost to development, the requirements of new provision within development proposals and advice in regard to public rights of way.
33. *Policy 27 – Utilities, Telecommunications and Other Broadcast Infrastructure.* States amongst its advice that new residential and commercial development should be served by a high speed broadband connection or appropriate infrastructure for future installation if direct connection is not appropriate, practical or economically viable.
34. *Policy 29 – Sustainable Design.* Requires all development proposals to achieve well designed buildings and places having regard to SPD advice and sets out detailed criteria which sets out that where relevant development is required to meet including; making a positive contribution to an areas character and identity; provide adaptable buildings; minimise greenhouse gas emissions and use of non renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; providing suitable landscape proposals; provide convenient access

for all users; adhere to the Nationally Described Space Standards (subject to transition period).

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

to Geodiversity Action Plans and the Durham Geodiversity Audit and where appropriate promote public access, appreciation and interpretation of geodiversity.

42. *Policy 42 - Internationally Designated Sites.* Development will be refused where it cannot be ascertained, following appropriate assessment, that there would be no adverse effects on the integrity of the site, unless the proposal is able to pass the further statutory test of 'no alternatives' and 'imperative reasons for overriding public interest'.
43. *Policy 43 - Protected Species and Nationally and Locally Protected Sites.* Development proposals that would adversely impact upon nationally protected sites will only be permitted where the benefits clearly outweigh the impacts whilst adverse impacts upon locally designated sites will only be permitted where the benefits outweigh the adverse impacts. Appropriate mitigation or, as a last resort, compensation must be provided where adverse impacts are expected. In relation to protected species and their habitats, all development likely to have an adverse impact on the species' abilities to survive and maintain their distribution will not be permitted unless appropriate mitigation is provided or the proposal meets licensing criteria in relation to European protected species.
44. *Policy 44 - Historic Environment.* Seeks to ensure that developments should contribute positively to the built and historic environment and seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets. The policy advises on when harm or total loss of the significance of heritage assets can be accepted and the circumstances/levels of public benefit which must apply in those instances.
45. *Policy 56 Safeguarding Mineral Resources.* Sets out that planning permission will not be granted for non-mineral development that would lead to the sterilisation of mineral resources within a Mineral Safeguarding Area unless certain exception criteria apply.

#### **NEIGHBOURHOOD PLAN:**

46. There is no Neighbourhood Plan for this area.

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## **CONSULTATION AND PUBLICITY RESPONSES**

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#### **STATUTORY RESPONSES:**

47. *South Hetton Parish Council* – The Parish Council has no objections in principle however raises concerns with regards to:
  - The number of affordable houses available;
  - The access road;
  - The increased volume of traffic; and,
  - The lack of buffer between the existing houses and the proposed development.
48. *Highway Authority* – The applicant has made amendments to the scheme which address the highway issues previously raised. No highway objection is raised subject to the imposition of conditions and informatives.
49. *Drainage and Coastal Protection* – The submitted scheme has been assessed against National Standards and Council Policies which seek to provide sustainable surface water management solutions and ensure the prevention of flood risk to and from the proposed development. Whilst the drainage strategy has been agreed in principle there

is an outstanding query relating to how driveways will be treated. No objection is raised subject to a condition to secure these details.

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

50. *Spatial Policy* – The proposal site is located on the northern edge of the settlement of South Hetton. For non-allocated residential proposals, Policy 6 sets down several key criteria for considering whether a proposal should be supported in principle terms. The site has been considered within the Council's Strategic Housing Land Availability Assessment (SHLAA) (5/SO/10) and has a suitable (green) classification. For this proposal to be acceptable, the impacts in terms of landscape, townscape and integration with settlement form and access to services and facilities would need to be within acceptable parameters, and it noted that a previous planning application for housing on this land was considered to be acceptable. Further policies are identified which are relevant to the detailed elements of the proposal. On mineral safeguarding grounds, no objection is raised on the grounds of Policy 56.
51. *Archaeology* – No objection is raised and no further work is required.
52. *Countryside Services* – The application will bring new users to the Hawthorn-Ryhope Railway Path. This will require support from the development via S106 funding to mitigate the impacts of this additional usage.
53. *Design and Conservation* – The overall layout and design has been amended to reflect the comments raised at the Council's internal Design Review process. No objection is raised on the grounds of heritage impact.
54. *Ecology* – Raise no objections subject to the applicant entering into the appropriate legal agreements and the imposition of conditions. The revised Biodiversity Net Gain (BNG) Assessment is sufficient to inform the application. The development will result in net gain however the habitats proposed are insufficient to meet the BNG trading rules and a loss of -2.96 habitat units comprising of Other Neutral Grassland is proposed to be offset by a financial contribution to the DCC Biodiversity Net Gain Compensation Fund. The net gain contribution for this development is £15,688 and should be secured by an appropriate legal agreement. A Biodiversity Management and Monitoring Plan (BMMP) that covers the management of all the habitat creation and enhancement for this development. The BMMP should also include monitoring in years 2,5,10,15,20 and 30 with reporting to DCC Planning on each occasion. Part of the application site extending to 5no. units is located within 6km of the Heritage Coast Special Area of Conservation (SAC) therefore a payment of £3,783.05 (£756.61 per unit) is required (in lieu of on-site mitigation) to be used towards schemes contained within the Coast Access Management Measures. The delivery of the Biodiversity Scheme and Management Plan and financial contributions towards biodiversity offsetting and HRA nature conservation sites should be secured via an appropriate legal agreement. Conditions relating to the adherence of recommendations outlined with the ecology report are also required.
55. *Environment, Health and Consumer Protection (Air Quality)* – Raise no objection in principle however recommend that the Construction Management Plan is amended to provide confidence that potential dust emissions are adequately controlled and that procedures are in place to deal with incidents, should they occur.
56. *Environment, Health and Consumer Protection (Pollution Control)* – Raise no objection subject to a condition being imposed to secure the submitted Construction Management Plan.



57. *Environment, Health and Consumer Protection (Contaminated Land)* – Raise no objection. Confirm there is no requirement for conditions however recommend an informative in relation to unforeseen contamination.
58. *Housing Delivery - Affordable Housing* provision should reflect the requirements of local residents in respect of property type, size and location. The area has a need for more 3 bedroomed affordable properties for home ownership and there is above average demand for bungalow accommodation in comparison to neighbouring areas. Where discount market sale is being considered as affordable home ownership the required percentage discount will need to be agreed with the Housing Development Team.
59. *Landscape* – Following detailed discussions with the applicant, the latest revision to the landscaping plan have addressed all previous queries and comments from a landscape perspective.
60. *Landscape (Arboriculture)* – The applicant has now submitted an Arboricultural Impact Assessment and Tree Protection Plan. A number of trees are recommended for removal however these are low quality. Retained trees will be protected during the construction period and this should be secured by condition.
61. *School Places Manager* – It is considered that the development is likely to produce 24 primary pupils and 10 secondary pupils. Based on the projected rolls of the schools, taking into account the likely implementation of the development, build out rates and other relevant committed development there would be sufficient secondary places available, but insufficient places at the nearest primary school. Consequently, a contribution of £352,872 (24 x £14,703) towards education provision is therefore required.
62. *Sustainable Travel* – Consider that the site is borderline acceptable from a public transport accessibility perspective. Important walking and cycle routes (NCN1 and BW15) would be impacted by this development. Mitigation measures would therefore be required. Confirmed a Travel Plan is no longer a requirement given unit numbers have reduced to 80.

#### **EXTERNAL CONSULTEE RESPONSES:**

63. *Environment Agency* – No comments received (the site lies within a Groundwater Source Protection Zone (3) thereby are a non-statutory consultee).
64. *Northumbrian Water Limited* – Recommend a conditional approach to secure the submitted drainage scheme.
65. *Police Architectural Liaison Officer* – No comments received.
66. *Tees Valley Clinical Commissioning Group* – State that a contribution of £38,640 would be required to increase GP surgery capacity.

#### **PUBLIC RESPONSES:**

67. The application has been advertised by way of a press and site notice and individual notification letters to neighbouring residents.
68. Letters of objection have been received from 4 no. local residents. The main concerns and queries raised by the objectors can be summarised as follows:

- The original outline application was for 80no. and significantly more houses are now proposed.
  - Access to the A182 is a concern due to the proximity of older persons bungalows and existing businesses.
  - The existing road is small. It would increase traffic, including larger vehicles, into an already busy street where children play.
  - The creation of the access road into the development will reduce the amount of car parking available for existing residents. This will make the area more congested and could lead to safety concerns for both motorists and pedestrians.
  - It would result in the loss of an existing area of open space, including trees, where children play.
  - The road into Windsor Drive is in a poor state of repair and the extra traffic associated with the development will make this worse.
  - The local primary school and medical centre is at capacity.
  - Query the approach to affordable housing.
  - Concerns about drainage.
  - The development would put a strain on phone lines.
69. *Cllr Ivan Cochrane (Shotton and South Hetton)* – Objects to the planning application on the grounds of highway safety, the lack of a landscaped buffer, the inadequate parking and the environmental impacts.
70. *Eunice Huntington (former Councillor for Shotton and South Hetton)* – Notes that a number of residents have expressed their concerns to her about this application. Seems to recall that an application was previously turned down on the site. There are already parking issues in the areas and this development would add to that.

*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/simpleSearchResults.do?action=firstPage>*

#### **APPLICANTS STATEMENT:**

71. The site provides a sustainable development opportunity and would contribute to the provision of a mix of housing size, types and affordability in the area, particularly promoting family housing and appropriate dwellings which allow people to stay in their local community. The proposals aim to deliver quality new homes to local people in addition to providing much needed new housing in this location.
72. This planning application has considered all relevant planning policy matters in respect of the proposal bringing forward residential development. At a national, regional and local planning policy level, there remains a priority for development in urban areas to which this site would accord, as well as addressing the housing shortage faced at all levels. The site is fully compliant with the adopted County Durham Local Plan, as well as satisfying all the components of the CDLP Policy 6. The development will also fully comply with Local Policy and contribute towards meeting the needs of the county's existing and future residents by providing affordable housing, as well as providing 100% space standard dwellings, 66% M4(2) compliant dwellings and meeting the needs of older people and people with disabilities by providing bungalows. Additionally, the site will integrate well into the locality through design proposals and density accords with National Planning Policy. The applicants have undertaken considerable dialogue with architects, local residents, consultants and relevant officers at the Council to ensure that the scheme not only delivers high quality design, but also responds to the aspirations of the local community. Indeed, the proposals have been amended through the formal planning submission process, to take into account of the comments made.

73. The site lies on the edge of a residential area in close proximity to services and facilities including access to sustainable travel options such as bus services and footpath links. There is ready access to local amenities, schools and employment sites, making the development socially sustainable.
74. Development of the site will bring a number of social and economic benefits directly to South Hetton and the surrounding area. In terms of economic benefits, the development will deliver around £142,943 additional Council Tax per annum, with a New Homes Bonus payment to the Council of approximately £103,424. Based on the additional construction costs, the site will generate spend in the region of £6.8m directly from building activity. Socially, the development will sustain and create 84 direct jobs and 164 indirect jobs.
75. The value of the community is crucial to Gleeson and this is demonstrated through the Community Matters Programme. Gleeson understand the importance of involving the community before and during the construction of a development and leaving a legacy once the works are complete. Community engagement is a crucial part of the development process, and Gleeson will work closely with the local schools to make an impact in a positive way by promoting strong community ties and inspiring the future generations. In addition, through the Community Matters Programme, Gleeson are committed to provide 'Local Jobs for Local People' and offer priority of employment to those living within 2 miles of each site, ensuring that the benefit of jobs and spend go to directly to the local community.

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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

### The Principle of the Development

#### *The Development Plan*

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) is the statutory development plan and the starting point for determining applications as set out in the Planning Act and reinforced at Paragraph 12 of the NPPF. The CDP was adopted in October 2020 and provides the policy framework for the County up until 2035.
78. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means:-

- c) approving development proposals that accord with an up to date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
  - i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or,
  - ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

79. As the Council has an up to date development plan Paragraph 11(d) of the NPPF is not engaged. The application site is located on the north-western edge of the settlement of South Hetton. It is not allocated for housing within Policy 4 of the County Durham Plan (CDP). Development of housing on unallocated sites should be assessed and determined against Policy 6 of the CDP.

80. Policy 6 of the CDP sets out the following criteria. The development of sites which are not allocated in the Plan or in a Neighbourhood Plan which are either (i) within the built-up area; or (ii) outside the built-up area (except where a settlement boundary has been defined in a neighbourhood plan) but well-related to a settlement, will be permitted provided the proposal accords with all relevant development plan policies and:

a. is compatible with, and is not prejudicial to, any existing, allocated or permitted use of adjacent land;

b. does not contribute to coalescence with neighbouring settlements, would not result in ribbon development, or inappropriate backland development;

c. does not result in the loss of open land that has recreational, ecological or heritage value, or contributes to the character of the locality which cannot be adequately mitigated or compensated for;

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

e. will not be prejudicial to highway safety or have a severe residual cumulative impact on network capacity;

f. has good access by sustainable modes of transport to relevant services and facilities and reflects the size of the settlement and the level of service provision within that settlement;

g. does not result in the loss of a settlement's or neighbourhood's valued facilities or services unless it has been demonstrated that they are no longer viable;

h. minimises vulnerability and provides resilience to impacts arising from climate change, including but not limited to, flooding;

i. where relevant, makes as much use as possible of previously developed (brownfield) land; and

j. where appropriate, it reflects priorities for urban regeneration.

81. In terms of townscape and landscape implications the key considerations are the relationship to the settlement pattern and form, as development would extend the settlement northwards into the open countryside, so the issue is whether the development of the site would be a well-related and natural extension to the settlement or whether it would unacceptably affect the landscape character of the countryside. It is also necessary to appraise the merits of this proposal against considerations such as the proximity to services and facilities, other buildings and built-up areas as well as other judgements, such as its sustainability in terms of location and access to sustainable transport options.
82. It is considered that the development of the application site would not be in conflict with Policy 6 as it is considered to be well-related to the settlement, would not significantly affect the landscape character and lies within acceptable distances to local community facilities, services and sustainable transport links. The reasoning behind this judgement is set out in the consideration of the scheme against the relevant criterion of the policy in later sections of this report.
83. As the application site is located outside of the built-up area of South Hetton it is considered to be technically in the countryside although well related to the settlement. CDP Policy 10 relates to development in the countryside and advises that development will not be permitted unless allowed for by specific policies in the Plan, relevant policies within an adopted neighbourhood plan relating to the application site or where the proposal comprises an exception related to economic development, infrastructure development or the development of existing buildings. The proposal would be permissible under Policy 6 therefore falls within the relevant criteria and is thereby not in conflict with Policy 10.
84. The site is greenfield land. Although the CDP and NPPF encourages the use of previously developed land, they do not preclude the development of greenfield land, nor do they impose any sequential requirement. However, any adverse impacts of development on greenfield land should be considered in the planning balance. It is not considered that the proposal would conflict with Policy 6 (i).

#### Locational Sustainability of the Site

85. Criteria f of Policy 6 of the CDP requires that developments on unallocated sites have good access by sustainable modes of transport to relevant services and facilities and reflects the size of the settlement and the level of service provision within that settlement. Policy 21 of the CDP requires all developments to deliver sustainable transport by providing appropriate, well designed, permeable and direct routes for walking, cycling and bus access, so that new developments clearly link to existing services and facilities together with existing routes for the convenience of all users. Policy 29 of the CDP requires that major development proposals provide convenient access for all users whilst prioritising the needs of pedestrians, cyclists, public transport users, people with a range of disabilities, and emergency and service vehicles whilst ensuring that connections are made to existing cycle and pedestrian networks. Specifically, the NPPF sets out at Paragraph 105 that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. At paragraph 110 the NPPF states that appropriate opportunities to promote sustainable transport modes should be taken whilst paragraph 112 amongst its advice seeks to facilitate access to high quality public transport.

86. The County Durham Settlement Study 2018 is an evidence-based document which seeks to provide an understanding of the number and range of services available within the settlements of County Durham. South Hetton is rated as having a settlement score of 33.9 (ranked 47<sup>th</sup> out of an identified 230 settlements including clusters). It is considered as one of the middle order settlements within the County based on the services and facilities within the area and is, therefore, capable of accommodating appropriate housing growth. Consideration is required to be given as to the ability of future occupiers to access these services and amenities. In this respect, the application is accompanied by a Transport Assessment and an Interim Travel Plan, which assess the accessibility of the site to local services and facilities, by foot, bicycle and bus, as well as impacts upon the highway network in terms of vehicular traffic.
87. South Hetton benefits from a range of facilities including a primary school, GP surgery, a sports and social club, a community centre, a place of worship and local convenience stores, as well as a variety of businesses located within a former industrial estate. The settlement is, therefore, relatively well serviced. South Hetton Primary School is located approximately 680m from the closest part of the application site, the convenience store is around 480m away and the GP's surgery lies around 620m from the site boundary. In terms of distances to services and amenities, these are generally considered acceptable as set out in the Chartered Institute of Highways and Transportation (CIHT) documents including 'Guidelines for Providing for Journeys on Foot' and 'Planning for Walking', The Department for Transport's 'Manual for Streets', along with work undertaken by independent consultants. In general, a walking distance of 1650-2000m or a 20-minute walk is considered at the upper end of what future residents could be expected to walk, taking into account topography and desirability of routes. The walking routes to the facilities and services within the surrounding area are along adopted well-lit highways with no significant topographical restrictions. These factors are likely to encourage future residents to access these facilities on foot. Cycling is also likely to be an attractive option and it is recognised the site lies in close proximity to Sustrans National Cycle Network route (NCN 1).
88. The CIHT "Providing for Journeys on Foot" document contains suggested acceptable walking distances for pedestrians to access facilities and services. In terms of access to bus routes, a walk of up to 400m falls within the 'desirable' range whereas a walk of 800m falls within the 'acceptable' range. Existing bus stop provision lies on A182 Front Street which provides a regular service throughout the week and into the evenings. The submitted plans show that pedestrian connections would be established to facilitate access to existing public footpaths, rights of way and the cycle route to increase connectivity and permeability between the development and the surrounding area. Despite this, some properties within the development would lie outside the desired maximum walk of 400m to bus stops; however, they would still lie in what is considered to be an acceptable walking distance.
89. There are no Public Rights of Way (PROW) within or immediately abutting the site; however, Bridleway no.15 (Easington) runs close to and follows the route of its eastern edge. Sustrans National Cycle Network Route No. 1 (NCN1) follows a similar route and includes the Hawthorn-Ryhope Railway Path. Given the site's proximity to this already popular recreation and utilitarian walking, cycling and horse-riding route, it is envisaged it would experience increased usage by future residents of the estate. To mitigate the impacts of this increased footfall, Sustainable Transport Officers have requested a financial contribution to support improvements to the route including surfacing, drainage, signage and bins. A contribution of £16,000 (£200 per dwelling) has been agreed with the developer and would be secured by means of a planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended).

90. Whilst an Interim Travel Plan (TP) was submitted in support of the application, following a reduction in unit numbers to 80 (from the 106no. originally proposed), colleagues in Sustainable Transport have confirmed it is no longer a requirement.
91. Overall, it is considered that the site has access to an array of services and facilities, to serve the development proposed and that these are within relatively easy reach of the site. Established bus services, walking and cycle routes would give future residents alternative options to the private motor car to access services. No objections are raised having regards to the locational sustainability of the site.
92. In conclusion, the development would promote accessibility by a range of methods in accordance with Policies 6 criterion f, 21, 26 and 29 of the CDP and Paragraphs 98, 103, 108 and 110 of the NPPF. It is also considered that the development has the potential to maintain or enhance the vitality of the village through increased patronage of its local shops, services and facilities.

### Highway Safety and Access

93. Policy 6 (criteria e) of the CDP outlines that development should not be prejudicial to highway safety or have a severe cumulative impact on network capacity. Policy 21 reiterates the requirement of Policy 6 in addition to expecting developments to deliver well designed pedestrian routes and sufficient cycle and car parking provision. Similarly, Policy 29 advocates that convenient access is made for all users of the development together with connections to existing cycle and pedestrian routes. Specifically, the NPPF sets out at Paragraph 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.
94. A Transport Assessment (TA) has been submitted to consider the potential highway and transport related impacts associated with this proposal (assessment based on the 106no. unit originally proposed) and any mitigation required. The transport consultant concludes that the proposed development would not result in severe residual cumulative impacts on the operation of the highway network and therefore no mitigation is required.
95. Access to the site from the wider highway network would be taken from the existing junction of Ravensworth Court and the A182 Hedley Terrace, which would remain as existing, and then via a continuation of Ravensworth Court at its junction with Windsor Drive. The continuation of Ravensworth Court would recreate a crossroads type arrangement with the new access formed on land between dwelling no.'s 32 and 33 on land that is currently an area of green space resulting in the loss of 7no. existing car parking spaces. The proposal includes compensatory parking arrangements in the form of 6no. parallel visitor spaces located to either side of the new access road. This access point would comprise a new 5.5m wide, single point of vehicular access into the development site with 1.8m footways to either side to connect to both new and existing footway infrastructure.
96. Internally, the scheme has been amended to address areas of concerns initially raised by the Highway Authority. Compensatory parking has been provided, driveway lengths amended, visitor parking bays are sufficient in number and are evenly distributed around the site. In the event of an approval, conditions to secure electric vehicle charging points and estate roads being designed and constructed to meet current highway standards in addition to informatives relating to the creation of a 20mph speed limit controlled by a Traffic Regulation Order and entering into an adoption agreement would be required.

97. Overall, the highway impacts of the proposed development are considered to be acceptable and in accordance with Policies 6, 21 and 29 of the CDP as well as Part 9 of the NPPF.

### Landscape and Visual Impact

98. Policy 39 of the CDP states proposals for new development will be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals would be expected to incorporate appropriate measures to mitigate adverse landscape and visual effects. These are similar requirements to those outlined at Policy 6 of the CDP. Policy 26 of the CDP outlines developments are expected to provide new green infrastructure and ensure provision for its long-term management and maintenance. Similar requirements are outlined in Policy 29. Criteria I specifically requires that in the case of edge of settlement development, provide for an appropriate level of structural landscaping to screen or assimilate the development into its surroundings and provide an attractive new settlement boundary. Policy 40 of the CDP seeks to avoid the loss of existing trees and hedgerows unless suitable replacement planting is provided. Parts 12 and 15 of the NPPF promotes good design and sets out that the planning system should contribute to and enhance the natural and local environment by (amongst other things) recognising the intrinsic character and beauty of the countryside. Paragraph 131 of the NPPF sets out that planning decisions should ensure that new streets are tree-lined.
99. The site lies in the East Durham Limestone County Character Area which forms part of the larger East Durham Magnesian Limestone Plateau National Character Area (NCA 15). The site lies within an area identified in the County Durham Landscape Strategy (2008) as a Landscape Improvement Priority Area with a strategy of restore or enhance. The site doesn't lie in an area covered by any national or local landscape designations. An Area of Higher Landscape Value (AHLV) lies approximately 450m to the south west. Trees within the site are not covered by a Tree Preservation Order (TPO).
100. The development site comprises of an area of pasture extending to approximately 3.5 ha. The site is relatively flat albeit with a slight rise to the east. It is bounded by post and wire fencing with a hedgerow to the northern boundary. The access to the site is proposed to be taken across an area of green space between no.'s 32 and 33 Windsor Drive and would result in the loss of several existing trees. The proposed development would extend the settlement of South Hetton to the north, however, the landscape value of the site is not considered to be particularly high or sensitive and could accommodate development.
101. Areas of pasture would be lost including trees where access is required. As with development of any greenfield site for housing, it would have a transformative and significant adverse impact on the immediate local landscape character appreciated most in views of the immediate locality. The impact on the surrounding area would be of a lower magnitude given the proposed design and landscape mitigation which includes amenity open space, tree planting and SUDs areas to the northern boundary as well as a structure belt to the east which aims to create a new green settlement edge. Development of the site would extend the settlement edge northwards into the surrounding countryside, however, it would be read as an extension to the urban form of South Hetton but not necessarily affect the general character of the area to a substantial degree. The proposal does not contribute to coalescence with neighbouring settlements, would not result in ribbon development of inappropriate backland development and would not, therefore, not conflict with Policy 6 criteria (b).



102. The revised landscape strategy plan now reflects the advice given by Landscape Officers and as part of the wider Design Review process. During the course of the application, the red line boundary has been amended to both the north and east to include additional land to help provide an appropriate level of structural landscaping. This would help to screen and assimilate the development into its surroundings, link in with the existing trees outside the development site to the south east and, it would also provide an attractive new settlement edge and section of the route along the bridleway and NCN. The proposed layout retains existing landscape features with the exception of where trees are proposed to be removed for access or where they are low quality specimens. Any loss of landscape features is considered minimal and would be more than compensated for by the additional tree and hedge planting. A condition would be required to ensure existing features are suitably protected during the construction phase. The Council's Arboricultural Officer raises no objection to the development.
103. Development responds positively to the existing houses, being outward facing, and connects with existing areas of open space outside the site as well as establishing new footpath links to the surrounding area. Internally, trees would be planted in front gardens and boundary lines would be set back from the pavement to allow for areas of shrub planting. Wildflower planting is proposed along the southern, north eastern and northern edges of the built development.
104. Overall, it is recognised that there would be some adverse landscape and visual impacts arising from the development. Whilst the development of the site would result in an incursion into the surrounding countryside, any identified harm needs to be considered in the context that the development would be read as an extension to the urban form of the settlement and would not necessarily change the character of the area to a substantial degree. The scheme would provide the appropriate level of structural landscaping to screen or assimilate the development into its surroundings and provide an attractive new settlement boundary. The impact of the development would progressively reduce over time as the proposed landscaping establishes. Internally, the scheme mitigates against the existing landscaping features that would be lost and represents good design through features such as tree and shrub planting to help soften the development. The proposals would not cause unacceptable landscape harm and therefore, would not conflict with Policies 6, 26, 29, 39 and 40 of the CDP and Parts 12 or 15 of the NPPF.

#### Layout and Design

105. Policy 29 of the CDP outlines that development proposals should contribute positively to an area's character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities. Parts 12 and 15 of the NPPF also seek to promote good design, while protecting and enhancing local environments. Paragraph 130 of the NPPF also states that planning decisions should aim to ensure developments function well and add to the overall quality of the area and establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit.
106. In recognition of national planning advice and to achieve high quality housing developments DCC has adopted an in-house review process to assess schemes against the Building for Life 12 (BfL 12) Standards. The Building for Life Supplementary Planning Document (2019) (BfL SPD) formalises the review process and establishes the guidelines and standards for its operation and is linked to the Sustainable Design Policy (29) in the CDP. The scheme was considered against the BfL standard through a series of 12 questions. The scoring is based on a traffic light system with the aim of the proposed new development to secure as many "greens" as possible, minimise the number of "ambers" and avoid "reds". The more "greens" achieved the better the

development will be, “ambers” are usually concerns that can be raised to “green” with revisions, whereas a “red” gives a warning that a particular aspect needs strong reconsideration. Following amendments to the scheme, it scored relatively positively achieving 4 greens and 8 ambers. Since this assessment, further amendments have been made to address the limited areas of concern.

107. The development is considered to represent good design and the scheme has been significantly improved since it was first submitted. In response to earlier feedback the elevational treatment of the properties have been improved to give them a more contemporary feel, unit numbers have reduced and development is outward facing which adds to the streetscape and provides informal surveillance of shared spaces and footpaths, additional greenspace has been provided to create buffers with existing development and landscape features. The proposed materials and boundary enclosure details are considered to be acceptable.
108. The Council’s Design and Conservation Officer raises no objection to the development. The overall design and layout of the development would be compliant with Policies 6 (criterion d) and 29 of the CDP and Part 12 of the NPPF in this respect.

#### Heritage and Archaeology

109. Policy 44 of the CDP sets out development will be expected to sustain the significance of designated and non-designated heritage assets, including any contribution made by their setting. Development proposals should contribute positively to the built and historic environment and should seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets whilst improving access where appropriate. The NPPF advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
110. The Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a statutory duty that, when considering whether to grant planning permission for a development which affects a listed building or its setting, the decision maker shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Any such harm must be given considerable importance and weight by the decision-maker. Under the Act, special attention to the desirability of preserving or enhancing the character and appearance of a conservation area must be equally considered.
111. There are no designated or non-designated heritage assets within close proximity of the development site. Hawthorn Conservation Area, containing a number of Grade II listed buildings, is located approximately 3.9km to the east. The nearest listed buildings are East Farmhouse in Murton, the attached granary and adjacent stable block some 1.6km to the north-east of the site. It is considered that there would be no intervisibility between the site and surrounding heritage assets due to the distances involved, the intervening buildings, topography and landscaping. It is therefore considered that the proposal would have no adverse impact on heritage assets within the vicinity of the site and would not impact upon the setting of the nearby conservation area, in accordance with Policy 44 of the CDP and Part 16 of the NPPF. Design and Conservation Officers raise no objection to the scheme on these grounds.

112. The Council's Archaeologist has confirmed that no objection is raised and no further work is required. The proposal is therefore considered to comply Paragraph 189 of the NPPF. comply with Policy 44 of the CDP and Part 16 of the NPPF.

### Residential Amenity

113. Policies 29 and 31 of the CDP outline that developments should provide high standards of amenity and privacy, minimise the impact of development upon the occupants of existing adjacent and nearby properties and not lead to unacceptable levels of pollution. A Residential Amenity Standards Supplementary Planning Document (SPD) has been adopted by the Council. Parts 12 and 15 of the NPPF require that a good standard of amenity for existing and future users be ensured, whilst seeking to prevent both new and existing development from contributing to, or being put at unacceptable risk from, unacceptable levels of pollution.

114. Guidance within the SPD advocates separation distances of 21m between facing principal elevations and 18m between bungalows, 13m between principal and two storey gable elevations and 10m to a single storey. The length of gardens will generally be dictated by the minimum distancing standards but should be no less than 9 metres unless site specific circumstances allow for a reduction in size. The layout demonstrates that minimum separation distances between proposed properties and existing dwellings would be achieved. Internal arrangements are also considered to provide an adequate level of amenity although it is acknowledged that on some occasions they fall slightly short of the required standards. As an example, some front to front distances fall slightly short (there is approximately 17.3m between the facing elevations of plots 36 and 65) as do some back to gable arrangements (there is approximately 8.9m between the rear elevation of plot 9 and its garage gable). Front to front arrangements have a tendency to fall short where corner turners are used; however, such features improve the overall character and appearance of the street. Garden lengths are generally acceptable, however, there are some instances where they are only 7.5m long (e.g. plot 62). Again, this tends to occur only with the corner turner or feature plots. It is considered that the proposed arrangements do not fall short to an unacceptable degree and are such that the privacy and amenity of existing and prospective occupiers would be safeguarded. Overall, it is considered that the layout arrangements are acceptable, provide adequate levels of private amenity space and would not lead to any unacceptable impacts with regards to loss of light, overshadowing, loss of privacy or overbearing impact in accordance with the requirements of Policies 6, 29 and 31 of the CDP and Parts 12 and 15 of the NPPF.

115. Given the location of the development, noise levels should be relatively low and there is no requirement for a noise mitigation scheme. There is the potential for disturbance during the construction period therefore a construction management plan (CMP) should be secured to deal with construction related impacts. Subject to the imposition of such a condition and one controlling hours of working, temporary construction related impacts could be adequately mitigated. Disruption arising during the construction process is temporary and the suggested conditions would help to mitigate any significant adverse impacts.

116. The site is not within or adjacent to an Air Quality Management Area (AQMA) and it is not considered that the development would have any significant effect on air quality. Whilst Environment, Health and Consumer Protection raise no objection to the scheme, they consider that the submitted CMP needs additional measures included to aid dust suppression. A dust action management plan can be secured by condition. On balance, it is not considered there would be an adverse impact on the environment having regard to Policy 31 of the CDP and Paragraph 186 of the NPPF.

117. The development would not lead to a significant reduction in residential amenity for existing or future residents, subject to appropriate conditions. Overall, the scheme would comply with Policies 29 and 31 of the CDP and Parts 12 and 15 of the NPPF.

## Ecology

118. Policies 26, 35, 41 and 43 of the CDP seek to secure net gains for biodiversity and coherent ecological networks. Policy 43 relates to protected species and nationally and locally protected sites. Policy 42 relates to internationally designated sites. Part 15 of the NPPF seeks to ensure that developments protect and mitigate harm to biodiversity interests, and where possible, improve them. The presence of protected species is a material consideration in planning decisions as they are a protected species under the Wildlife and Countryside Act 1981 and the European Union Habitats Directive and the Conservation of Habitats and Species Regulations 2017 (as amended). The Habitats Directive prohibits the deterioration, destruction or disturbance of breeding sites or resting places of protected species. Natural England has the statutory responsibility under the regulations to deal with any licence applications but there is also a duty on planning authorities when deciding whether to grant planning permission for a development which could harm a European Protected Species to apply three tests contained in the Regulations. These state that the activity must be for imperative reasons of overriding public interest or for public health and safety, there must be no satisfactory alternative, and that the favourable conservation status of the species must be maintained. Brexit does not change the Council's responsibilities under the law.
119. A Preliminary Ecological Appraisal has been submitted in support of the proposal. There are no statutory or locally designated ecological sites located within or immediately adjacent to the application site. Hesledon Moor West Site SSSI and the adjacent Local Wildlife Site (LWS) lie approximately 700m and 920m respectively to the south east of the site. The development is not predicted to have any impacts on statutorily or non-statutorily designated sites. The site provides limited roosting opportunities for bats and habitats within the site are considered to be of low suitability for foraging. The site provides limited foraging and nesting opportunities for birds and is likely to support small numbers of locally common species. The development is required to be completed to a method statement to address the residual risk of causing harm to individual great crested newts. The site provides potential foraging opportunities and limited habitats suitable for sett creation for badgers. Other protected species are considered likely absent. Habitats on site are suitable to support brown hare and hedgehog.
120. The report outlines the potential impacts of the development to both habitats and species as well as a series of recommendations to minimise these. The mitigation measures can be secured via condition. No interference with protected species is identified as a result of the development which would require a European Protected Species Licence. As a licence is not required, it is not necessary to consider the derogation tests under the Conservation of Habitats and Species Regulations 2017 and the Council's Ecologist is satisfied with the submitted assessment.
121. The Council's Ecologist has also considered the biodiversity metric which was undertaken and revised during the course of the application. The submitted Biodiversity Net Gain (BNG) Assessment concludes that as a result of the habitats provided within the development site and the proposed off-site compensation area on land immediately to the north, post development there would be a biodiversity Unit Change of 6.14 equating to 41.93% net gain. Habitat trading rules are not met due to a net loss of -2.96 Biodiversity Units of Other Neutral Grassland. Biodiversity offsetting is therefore required to ensure there is no net loss to biodiversity. A financial contribution of £15,688 to the DCC Biodiversity Net Gain Compensation Fund is required. A Biodiversity Management and Monitoring Plan (BMMP), that covers the management of all the

habitat creation and enhancement, including a monitoring strategy for a minimum of 30 years, would need to be secured under Section 39 of the Wildlife and Countryside Act 1981. Overall, this approach would achieve a biodiversity net gain in accordance with CDP Policy 26 and 41 requirements and Paragraph 174 of the NPPF.

122. Part of the application site is located within 6km of the Heritage Coast Special Area of Conservation (SAC) which is designated as such for its ecology and biodiversity value. The Council's adopted Habitat Regulation Assessment Developer Guidance and Requirements outlines the requirement for the payment of a commuted sum to mitigate the impacts upon increased numbers of visitors to the SAC as a result of development. The Council's Ecologist has confirmed 5no. units lie within the buffer zone, therefore, a contribution of £3,783.05 (5no. units at £756.61 per unit) is required (in lieu of on-site mitigation) to be used towards schemes contained within the Coast Access Management Measures.
123. Overall, and subject to the imposition of conditions to secure the mitigation strategy, a detailed habitat creation and management document including a monitoring strategy for a minimum of 30 years the proposal would comply with Policies 26, 35, 41, 42 and 43 of the CDP and Part 15 of the NPPF. The Council's Ecologist offers no objection to the scheme on this basis.

### Flooding and Drainage

124. Policies 35 and 36 of the CDP relate to flood water management and infrastructure. Policy 35 requires development proposals to consider the effects of the scheme on flood risk and ensure that it incorporates a Sustainable Drainage System (SuDs) to manage surface water drainage. Development should not have an adverse impact on water quality. Policy 36 seeks to ensure that suitable arrangements are made for the disposal of foul water. National advice within the NPPF and PPG with regard to flood risk advises that a sequential approach to the location of development should be taken with the objective of steering new development to flood zone 1 (areas with the lowest probability of river or sea flooding). When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where a sequential test and some instances exception test are passed, informed by a site-specific flood risk assessment.
125. The application is accompanied by a Flood Risk Assessment (FRA) and Drainage Strategy which highlights that the application site is within Flood Zone 1 with a low flood risk probability. The drainage strategy includes the incorporation of Sustainable Urban Drainage (SUD's) including permeable paving and filter drains to driveways, a swale and a detention basin to treat and attenuate surface water runoff. Drainage and Coastal Protection Officers advise that this approach would be comply with National Standards and Council Policies in providing sustainable surface water management solutions and ensuring the prevention of flood risk to and from the proposed development. Whilst the drainage strategy has been agreed in principle there is an outstanding query relating to how driveways will be treated. No objection is raised subject to a condition to secure these details.
126. In relation to foul water, it is proposed to connect to the existing sewerage network, to which Northumbrian Water raise no objections subject to the imposition of a condition.
127. On this basis no objections to the development on the grounds of flood risk or drainage are raised having regards to Policies 35 and 36 of the CDP and Part 14 of the NPPF.

## Infrastructure and Open Space Provision

128. It is important to ensure that development proposals contribute to improvements in infrastructure capacity to mitigate for the additional demands that new development creates. By securing financial contributions through planning obligations, developers would help fund the physical, social and environmental infrastructure that is needed to make development acceptable and ensure that the development mitigates its impact upon existing infrastructure. Policy 25 of the CDP supports securing developer contributions where mitigation is necessary to make the development acceptable in planning terms including for social infrastructure such as education and health facilities. Paragraphs 55-58 of the NPPF explain the circumstances when it is appropriate for planning obligations to be used to mitigate the impacts of the development.
129. Policy 26 of the CDP outlines that new residential developments will be required to make provision for open space to meet the needs of future residents having regard to the standards of open space provision set out in the Open Space Needs Assessment (OSNA). Where it is determined that on-site provision is not appropriate, the Council will require financial contributions to be secured through planning obligations towards the provision of new open space, or the improvement of existing open space elsewhere in the locality. Paragraph 98 of the NPPF highlights that access to a network of high-quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities. Paragraph 130 requires amongst its advice that developments function well and optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space).
130. The Council's Open Space Needs Assessment (OSNA) 2018 is considered the most up to date assessment of need. It identifies the five typologies (allotments; amenity/natural greenspace; parks, sports and recreation grounds; play space (children) and play space (youth)), sets out requirements for public open space on a population pro rata basis and whether provision should be either within the site, or through a financial contribution towards offsite provision, in lieu taking into consideration factors such as the scale of the development, existing provision within suitable walking distances and the level of contribution sought. For clarification, the existing grassed area between no. 32 and 33 that would be lost through the creation of the new access road is not identified as amenity space within the OSNA. The application also excludes the area of accessible natural greenspace that lies to the north east of the site.
131. The site layout demonstrates that the open space/natural green space requirement is met within the site. It has been advised that a private management company would be used to manage and maintain the areas of open space within the development, funded by future residents paying an annual service charge. Conditions can secure the details of the future management and maintenance arrangements.
132. A contribution of £214,632 would be required for off-site provision in lieu of those typologies not provided for onsite (allotments; parks, sports and recreation grounds; play space (children) and play space (youth)). Having regard to the OSNA, the availability and the proximity of existing facilities to the development, this is considered acceptable and would satisfy the OSNA requirements, Policy 26 of the CDP and Paragraph 98 of the NPPF with regards to the provision of public open space.
133. Paragraph 95 of NPPF confirms that the government places great importance to ensure that sufficient choice of school places is available to meet the needs of existing and new communities. The School Places Manager has advised that the proposed development is likely to generate an additional 24 primary age school pupils and 10 secondary age school pupils. Whilst there is sufficient capacity at the local secondary school to

accommodate this need, there is insufficient capacity at the local primary school. A total contribution of £352,872 (24 x £14,703) towards education provision is therefore required.

134. The Tees Valley Clinical Commissioning Group (TV CCG) advise that the local GP practice is at full capacity with regards to space requirements to deliver services to their patient list size. A contribution of £38,640 is requested to support creating extra capacity for them to provide appropriate services to patients and to make the proposed housing expansion supportable from a health infrastructure perspective.

#### Addressing Housing Need

135. Part 5 of the NPPF is clear that developments should help to address housing needs. Policy 15 of the CDP states that affordable housing will be sought on sites of 10 or more units, for up to 25% of units in the highest value areas to 10% in the lowest. On sites of 10 or more units, 10% of the homes provided should be for affordable home ownership (starter homes, discount market sale housing and other affordable routes to home ownership). Any contribution above 10% should be provided as affordable housing for rent in order to meet the requirements of Policy of the CDP.
136. The site falls within a low value area, meaning this development would be required to deliver 10% affordable housing solely in the form of affordable home ownership. The scheme would provide a total 8 no. affordable units comprising of 6no. 2 bedroom and 2no. three bedroomed houses for discounted market sale thereby meeting the requirements of Policy 15 of the CDP and Paragraph 65 of the NPPF. The affordable housing would be secured in perpetuity through a planning obligation under S106 of the Town and County Planning Act 1990 (as amended).
137. Policy 15 of the CDP also requires that on sites of 10 or more units, a minimum of 10% of the units should be designed so as to increase the housing options for older persons and people with disabilities comprising of level access flats and bungalows or housing products which can be shown to meet the specific needs of a multi-generational family. The 8 no. 2 bedroom detached bungalows would fulfil this requirement. The policy also requires that 66% of dwellings should be built to Building Regulations Requirement M4(2) (accessible and adaptable dwellings) standard unless site specific factors indicate otherwise. The developer has indicated that they would meet this requirement and a condition is proposed to ensure that this is achieved. All new residential development will be required to comply with the Nationally Described Space Standards (NDSS). All properties within the development would meet the requirements.
138. Policy 19 requires an appropriate mix of dwellings, types and sizes. Paragraph 61 of the NPPF states that the size, type and tenure of housing needed for different groups in the community should be assessed. In terms of housing mix, the development would provide a range of 2, 3 and 4 bedroomed units including detached, semi-detached houses and bungalow options therefore in compliance with Policy 19 of the CDP and Part 5 of the NPPF.
139. Overall, the scheme meets the identified housing needs of the County in accordance with the requirements of Policy 15 of the CDP and Part 5 of the NPPF.

#### Contamination and Land Stability

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. Given the sensitive end use of the site, a series of reports have been submitted in support of the application considering the issue of land contamination. Environmental Health Officers are satisfied with the information provided and the additional sampling undertaken following their initial comments. No remedial works are required therefore there is no requirement for conditions. An informative relating to unforeseen contamination is recommended and would ensure that the site is suitable for its intended use taking account of any risks arising from contamination. The proposal would therefore accord with Policy 32 of the CDP and Paragraph 183 of the NPPF.
142. The site does not lie within the defined high-risk area in relation to coal mining legacy. An informative outlining the Coal Authority's standing advice would be applied in the event of an approval. The proposal therefore complies with Policy 32 of the CDP and Paragraph 178 of the NPPF in demonstrating that the site is safe and stable for future development.

#### Developer Contributions

143. Policy 25 of the CDP, Paragraph 57 of the NPPF and Paragraph 122 of The Community Infrastructure Levy Regulations 2010 set out three planning tests which must be met in order for weight to be given to a planning obligation. These being that matters specified are necessary to make the development acceptable in planning terms, are directly related to the development, and are fairly and reasonably related in scale and kind to the development. The following obligations are considered to meet these tests and have been sought from the developer to mitigate the impacts of the development and to meet an identified affordable housing need in the County and would be secured through a planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended):
- The requirement 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),;
  - £15,688 to towards biodiversity enhancements in accordance with the framework identified in Durham County Council's Local Biodiversity Compensation Strategy;
  - £352,872 towards primary education provision;
  - £214,632 towards improving offsite open space and recreational provision within Shotton and South Hetton Lane Electoral Division;
  - £16,000 towards improvements to the Sustrans National Cycle Network Route No. 1 (NCN1), also known as the Hawthorn-Ryhope Railway Path, within the vicinity of the development;
  - £38,640 to increase GP surgery capacity;
  - £3,783.05 towards CAMMS Tier 2 of the Durham Coastal Management Plan.
  - provision of 10% affordable housing units on site equating to 6no. 2 bed units and 2no. 3 bed units for discounted sale

#### Other Considerations

144. Policy 29 of the CDP sets out that major new build residential development should achieve CO<sub>2</sub> reductions. Part 14 of the NPPF advises that the planning system should support the transition to a low carbon future. The policy requirement (Policy 29(n) of the CDP) no longer applies as new Building Regulations came into force June 2022 which will ensure that new homes built under the revised standards are more energy efficient.
145. Policy 14 of the CDP states that the development of the best and most versatile agricultural land, will be permitted where it can be demonstrated that the benefits of the



development outweigh the harm and significant weight can be attributed to this policy. NPPF Paragraph 174 states that LPAs should recognise the economic and other benefits of the best and most versatile agricultural land and where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality. Best and most versatile agricultural land is classified by the NPPF as grades 1, 2 or 3a. An Agricultural Land Classification Statement has been submitted in support of the application which identifies that the development would result in the loss of approximately 3.01ha of Grade 3b (moderate quality) agricultural land. The land is therefore not deemed to be best and most versatile.

146. Soil is a fundamental and finite resource that fulfils many important functions and ecosystem services and some of the most fundamental impacts on this resource can occur as a result of construction activity. Where development proposals are permanent it is important that soil resources are used effectively on undeveloped areas of the site for landscape, habitat or garden creation or used appropriately on other suitable sites. Policy 14 of the CDP requires all development proposals relation to previously undeveloped land must demonstrate that soil resources will be managed and conserved in a viable condition and used sustainably in line with accepted best practice. A soil resource management strategy has been submitted and adherence to it would be secured by condition.
147. The site lies within a Mineral Safeguarding Area due to it lying within a sand and gravel mineral resource area. Policy 56 of the CDP states that planning permission will not be granted for non-mineral development that would lead to the sterilisation of mineral resources within such areas unless specific criteria apply. The Council's Spatial Policy team, having reviewed the Minerals Assessment, considers that it is unlikely that an acceptable small-scale scheme of working could come forward in this location. The site is difficult to access from the public highway and it lies in close proximity to public footpaths and cycleways therefore would result in adverse impacts which lessen the suitability and likelihood of future mineral working. On this basis, no objection is raised on the grounds of either Policy 56 of the CDP or Part 17 of the NPPF.
148. Policy 27 of the CDP outlines that new residential development should be served by a high-speed broadband connection. Part 10 of the NPPF also has similar aims. The developer has confirmed that the site would be served by fibre broadband and a condition can be imposed to secure this.
149. The proposal has generated limited public interest, with letters of objection received from 4 no. local residents. Objections were also received from local members and the Parish Council initially. The objections and concerns raised have been taken account and addressed within the report, where appropriate. No letters of objection have been received following the amendments to the scheme.

#### Public Sector Equality Duty

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

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## CONCLUSION

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151. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The Council has an up to date development plan. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means approving development proposals that accord with an up to date development plan without delay (Paragraph 11 c).
152. It is acknowledged that this proposal is not an allocated housing site under Policy 4 of the CDP. Policy 6 of the CDP does however permit development on unallocated sites on the basis that specific criteria are met. Through the course of this report, the overall acceptability of the scheme or otherwise has been considered taking account all of the issues and consideration of applicable policies.
153. It is considered that the development of the application site would not be in conflict with Policy 6 as it is well-related to the settlement, would not significantly affect the landscape character, the site lies within acceptable distances to local community facilities, services and sustainable transport links, it is acceptably designed and would not be prejudicial to highway safety or have a severe residual cumulative impact on network capacity.
154. The application site is neither locally, nor nationally designated in terms of its landscape quality. Whilst the development would alter the character of the landscape, overall, it is not considered that this would be significantly adverse as the development would be read as an extension to the existing settlement of South Hetton. The scheme provides an appropriate level of structural landscaping to assimilate the development into its surroundings and provide an attractive new settlement boundary which and the landscaping planting proposed would help to mitigate this impact. The impact of the development will progressively reduce over time as the proposed landscaping establishes. As such there would be no unacceptable landscape impact and the proposals would not therefore conflict with Policies 6, 26, 29, 39 and 40 of the CDP and Parts 12 or 15 of the NPPF.
155. The proposal has generated limited public interest. The objections and concerns raised have been taken into account and addressed within the report. On balance the concerns raised were not felt to be of sufficient weight to justify refusal of this application in light of the benefits of the scheme and the ability to impose conditions and secure planning obligations under S106 of The Town and Country Planning Act 1990 (as amended) and secure net gains under S39 of the Wildlife and Countryside Act 1981 (as amended).
156. On balance, it is considered that proposals are acceptable, and the application is recommended for approval.

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## RECOMMENDATION

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

- The requirement to enter into a S.39 Agreement to secure long term management maintenance and monitoring of the biodiversity land in accordance with a Biodiversity Management and Monitoring Plan (BMMP),;
- £15,688 to towards biodiversity enhancements in accordance with the framework identified in Durham County Council's Local Biodiversity Compensation Strategy;
- £352,872 towards primary education provision;

- £214,632 towards improving offsite open space and recreational provision within Shotton and South Hetton Lane Electoral Division;
- £16,000 towards improvements to the Sustrans National Cycle Network Route No. 1 (NCN1), also known as the Hawthorn-Ryhope Railway Path, within the vicinity of the development;
- £38,640 to increase GP surgery capacity;
- £3,783.05 towards CAMMS Tier 2 of the Durham Coastal Management Plan.
- provision of 10% affordable housing units on site equating to 6no. 2 bed units and 2no. 3 bed units for discounted sale

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
Boundary treatments layout	GH100: L: 04 F	10/10/22
355 house type - Urban (elevations)	21-355-U-0301 (Rev C02)	02/11/22
354 house type - Urban (various layouts & elevations)	21-354-U-0001 (Rev C02)	02/11/22
354 house type - Urban (elevations)	21-354-U-0301 (Rev C02)	02/11/22
355 house type - Urban (various layouts & elevations)	21-355-U-0001 (Rev C02)	02/11/22
358/9 house type - Urban (various layouts & elevations)	21-358/9-U-0001 Rev C02	02/11/22
358/9 house type - Urban (elevations)	21-358/9-U-0301 Rev C03	02/11/22
360 house type - Urban (various layouts & elevations)	21-360-U-0001 (Rev C02)	02/11/22
360 house type - Urban (elevations)	21-360-U-0301 (Rev C02)	02/11/22
450 house type - Urban (various layouts & elevations)	21-450-U-0001 (Rev C02)	02/11/22
450 house type - Urban (elevations)	21-450-U-0301 (Rev C02)	02/11/22
451 house type - Urban (various layouts & elevations)	21-451-U-0001 (Rev C02)	02/11/22
451 house type - Urban (elevations)	21-451-U-0301 (Rev C02)	02/11/22
454 house type - Urban (various layouts & elevations)	21-454-U-0001 (Rev C02)	02/11/22
454 house type - Urban (elevations)	21-454-U-0301 (Rev C02)	02/11/22
455 house type - Urban (various layouts & elevations)	21-455-U-0001 (Rev C02)	02/11/22
455 house type - Urban (elevations)	21-455-U-0301 (Rev C04)	02/11/22
E.V Charging point installation details	NSD251	02/11/22
1800m high close boarded timber fence	SD-100 (Rev F)	02/11/22
600mm high post and wire fence	SD103 (Rev C)	02/11/22

Detached single garage details	SD700 (Rec C)	02/11/22
Detached double garage details	SD701 (Rev D)	02/11/22
Terraced double garage details	SD703 (Rev D)	02/11/22
Sales garage only detail	SD704	02/11/22
Location Plan	GH100: L: 02 A	23/01/23
Planning Layout	GH100: L: 07 F	23/01/23
Detailed Landscape Proposals	3854/2 Rev K	23/01/23
Detailed Landscape Proposals	3854/3 Rev K	23/01/23
254 house type - contemporary (elevations)	21-254-C-0301 (Rev C03)	02/11/22
250 house type - contemporary (various layouts & elevations)	21-250-C-0001 (Rev C01)	02/11/22
250 house type - contemporary (elevations)	21-250-C-0301 (Rev C04)	02/11/22
254 house type - contemporary (various layouts & elevations)	21-254-C-0001 (Rev C01)	02/11/22
350 house type - contemporary (various layouts & elevations)	21-350-C-0001 (Rev C03)	02/11/22
350 house type - contemporary (elevations)	21-350-C-0301 (Rev C04)	02/11/22
351 house type - contemporary (various layouts & elevations)	21-351-C-0001 (Rev C01)	02/11/22
351 house type - contemporary (elevations)	21-351-C-0301 (Rev C02)	02/11/22
358/9 house type - contemporary (various layouts & elevations)	21-358/9-C-0001 Rev C01	02/11/22
358/9 house type - contemporary (elevations)	21-358/9-C-0301 Rev C02	02/11/22
360 house type - contemporary (various layouts & elevations)	21-360-C-0001 (Rev C01)	02/11/22
360 house type - contemporary (elevations)	21-360-C-0301 (Rev C02)	02/11/22
450 house type - contemporary (various layouts & elevations)	21-450-C-0001 (Rev C01)	02/11/22
450 house type - contemporary (elevations)	21-450-C-0301 (Rev C01)	02/11/22
250 house type - Urban (various layouts & elevations)	21-250-U-0001 (Rev C02)	02/11/22
250 house type - Urban (elevations)	21-250-U-0301 (Rev C03)	02/11/22
254 house type - Urban (various elevations & ground floor plan)	21-254-U-0001 (Rev C02)	02/11/22
254 house type - Urban (elevations)	21-254-U-0301 (Rev C03)	02/11/22
350 house type - Urban (various layouts & elevations)	21-350-U-0001 (Rev C02)	02/11/22
350 house type - Urban (elevations)	21-350-U-0301 (Rev C03)	02/11/22
351 house type - Urban (various layouts & elevations)	21-351-U-0001 (Rev C02)	02/11/22
351 house type - Urban (elevations)	21-351-U-0301 (Rev C02)	02/11/22
353 house type - Urban (various layouts & elevations)	21-353-U-0001 (Rev C02)	02/11/22
353 house type - Urban (elevations)	21-353-U-0301 (Rev C02)	02/11/22
Biodiversity Net Gain Assessment by Biodiverse Consulting	BIOC21-067 V2 C7094A Rev. B	30/01/23
Geoenvironmental Appraisal by Sirius	395	02/11/22
Archaeological Evaluation by AD Archaeology	SES/GN/LNWD/#1	02/11/22
Agricultural Land Classification		02/11/22

Soil Resource Management Strategy	1110_GH_R_CSM_00	02/11/22
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*Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies 6, 10, 15, 19, 21, 29, 31, 35, 36, 39, 40, 41 and 44 of the County Durham Plan and Parts 1, 2, 4, 5, 6, 8, 9, 11, 12, 14, 15 and 16 of the National Planning Policy Framework.*

3. No development shall commence until a 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 construction work shall take place, nor any site cabins, materials or machinery be brought on site until all trees and hedges scheduled for retention, have been protected in accordance with the details contained within the Tree Survey and Impact Assessment dated 11/09/2020 by Biodiverse Consulting and BS 5837:2012. Protection measures shall remain in place until the cessation of the development works. The tree protection shall be retained throughout the construction period. No materials, equipment or vehicles shall be stored inside the protective fencing.

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

5. No development, other than site investigation and remediation works, shall commence until a scheme for the provision of foul and surface water drainage works have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be developed in accordance with the Councils Sustainable Drainage Systems (SuDS) Adoption Guide 2016. The development thereafter shall be completed in accordance with the details and timetable agreed.

*Reason: In the interest of the adequate disposal of foul and surface water in accordance with Policies 35 and 36 of the County Durham Plan and Part 14 of the NPPF.*

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

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

7. Prior to the construction of the 1st dwelling hereby approved, full details of the proposed site levels, finished floor levels and all means of enclosure to be erected within the development shall be submitted to and approved in writing by the Local Planning Authority. The submitted details must include details of any retaining walls/structures required including their interaction with other means of enclosure such as garden fences within the site. The development shall thereafter be carried out in accordance with the approved details.

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

8. Prior to the commencement of construction at damp proof course or above, full engineering details including a timetable of implementation and future maintenance of the internal highway network layout, including private shared drives and pedestrian footways shall be submitted to and approved in writing by the Local Planning Authority.

The development shall thereafter be undertaken in accordance with the details and timings.

*Reason: In the interests of highway safety in accordance with Policies 21 and 29 of the County Durham Plan and Part 9 of the National Planning Policy Framework.*

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

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

10. No dwelling shall be occupied until a scheme detailing the new external footpath connections as shown on drg. no. GH100: L: 07 F (planning layout) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be completed in accordance with the approved details prior to the occupation of the 50<sup>th</sup> dwelling.

*Reason: To secure new pedestrian and cycleway routes, reduce reliance on the private motor car and to promote sustainable transport methods and to comply with Policies 21, 26 and 29 of the County Durham Plan and Parts 4, 8 and 9 of the National Planning Policy Framework.*

11. The detailed landscaping scheme, as approved by drg. nos. 3854/2 Rev. K and 3854/3 Rev. K shall be implemented and completed in accordance with the approved details in the first planning season following the substantial completion of the development.

Any trees or plants which die, fail to flourish or are removed within 5 years of 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.*

12. 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.*

13. The development shall be carried out in accordance with the recommendations outlined within Section 5 of the Preliminary Ecological Appraisal ref. no. BioC20-016 V1.1 dated 15<sup>th</sup> September 2020 by Biodiverse Consulting.

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

14. The development hereby approved shall include 53 units which meet the Building Regulations Standard M4(2) Accessible and Adaptable Dwellings. No development shall take place until verification identifying which dwellings will be built to Buildings Regulations M4(2) standard, from a suitably competent and qualified person, has been submitted to and approved in writing by the Local Planning Authority. The development shall then be completed fully in accordance with the approved details.

*Reason: To meet the housing needs of older people and people with disabilities in accordance with Policy 15 of the County Durham Plan and Part 5 of the NPPF. Required to be pre-commencement to ensure that an acceptable scheme can be agreed and incorporated into the development before site works commence.*

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

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

16. All of the dwellings hereby approved shall be provided with private bike storage and said storage must be installed and available for use before occupation of each dwelling.

*Reason: To encourage sustainable transport modes of travel having regard to CDP Policy 21 and Part 9 of the NPPF.*

17. No external construction works, works of demolition, deliveries, external running of plant and equipment shall take place other than between the hours of 0730 to 1800 on Monday to Friday and 0800 to 1300 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 Policies 29 and 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework.*



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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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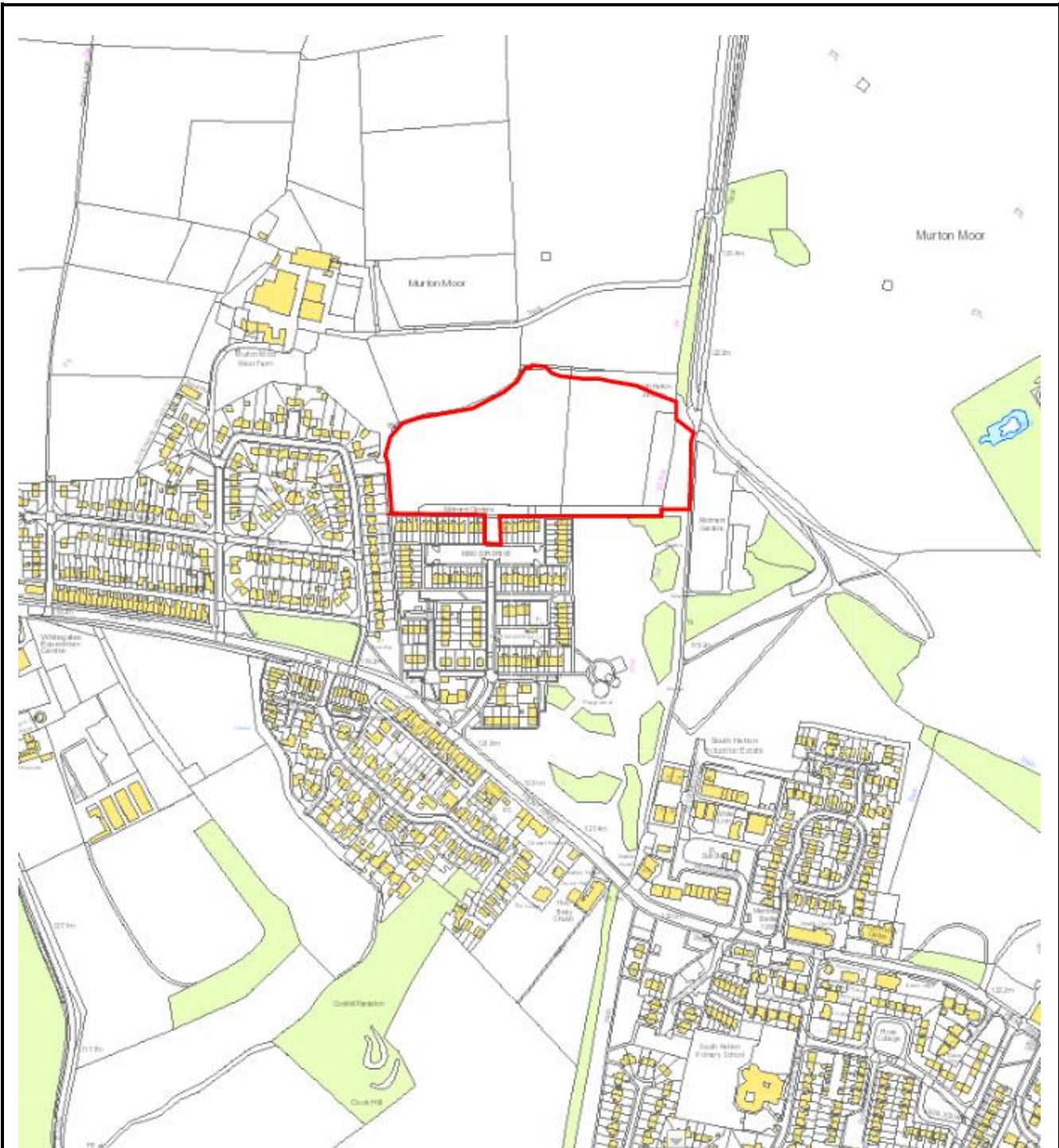
In accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has, without prejudice to a fair and objective assessment of the proposals, issues raised and representations received, sought to work with the applicant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

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## **BACKGROUND PAPERS**

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- Submitted application form, plans supporting documents and subsequent information provided by the applicant.
- The National Planning Policy Framework (2021)
- National Planning Practice Guidance notes.
- County Durham Plan
- Statutory, internal and public consultation response



**Planning Services**

DM/20/02681/FPA

Erection of 80no. dwellings with associated works  
(revised description 16/11/2021)

Land North of Windsor Drive, South Hetton, DH6 2UU

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**Comments**

**Date** 14<sup>th</sup> February 2023

**Scale** Not to Scale