



Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

Application No:	DM/22/00102/OUT
Full Application Description:	Outline planning consent (with all matters reserved save for access) for the erection of up to 18no. dwellings (amended description)
Name of Applicant:	Gary Hughes Developments
Address:	Land to the east of Eden House, High Hesleden, TS27 4QF
Electoral Division:	Blackhalls
Case Officer:	Leigh Dalby (Principal Planning Officer) Tel: 03000 261 959 Email: leigh.dalby@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSAL

The Site

1. The application site relates to G Cracknell Ltd. Transport Depot within High Hesleden. The site comprises largely of hardstanding with a number of large warehouse/industrial building. To the south of the site is agricultural fields, with woodland and open countryside beyond. The surroundings to the North, East and West are predominantly residential in character comprising of a mixture of different house types.
2. The village of High Hesleden is a small, predominantly linear rural settlement situated to the east of Hesleden and the southwest of Blackhall Colliery. It is close to the east coast of County Durham and within the 6km buffer zone of a European Designation. There are very limited facilities within the village, with the village scoring 4.1 for facilities and services within the County Durham Settlement Study 2018. This study provides a score-based methodology based on the services and facilities available within the 230

settlements within County Durham and is a useful tool when assessing the sustainability of a settlement.

3. There are bus stops within walking distance of the site where a single hourly bus service operates between 0700 – 2000 linking the village to the main local conurbation of Peterlee. In addition, the site lies relatively close to Hesleden and Blackhall which contain some community facilities such as schools, shops and health care facilities.
4. The site is accessed off the Filpoke Lane which is an unclassified road leading between the settlements of High Hesleden and Crimdon through the proposed re-alignment and formation of a new site entrance.

The Proposal

5. The proposal seeks outline planning consent with all matter reserved (except access) for the erection of upto 18no. dwellings.
6. The application has been brought to the Planning Committee for consideration in accordance with the Council's scheme of delegation due this being a major development.

PLANNING HISTORY

7. The following application are considered relevant to the site history for this application:
 - 5/PL/2012/0437 - Residential development (outline) 9 dwellings (resubmission). Approved. 27.02.2013

PLANNING POLICY

NATIONAL POLICY

8. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social, and environmental, each mutually dependent.
9. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve 'core planning principles'. The following elements of the NPPF are considered relevant to this proposal;
10. NPPF Part 2 Achieving Sustainable Development - The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable

development. It defines the role of planning in achieving sustainable development under three overarching objectives - economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.

11. NPPF Part 4 Decision-Making - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
12. NPPF Part 5 - Delivering a Sufficient Supply of Homes - To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
13. NPPF Part 6 – Building a strong, competitive economy. The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.
14. NPPF Part 8 - Promoting Healthy and Safe Communities - The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
15. NPPF Part 9 - Promoting Sustainable Transport - Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
16. NPPF Part 11 - Making Effective Use of Land - Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously developed or 'brownfield' land.
17. NPPF Part 12 - Achieving Well-Designed Places - The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.

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

LOCAL PLAN POLICY:

20. The following policies within the County Durham Local Plan are considered relevant in terms of this proposal:
21. Policy 1 (Quantity of Development) outlines the levels of employment land and housing delivery considered to be required across the plan period.
22. Policy 6 (Development on Unallocated Sites) supports development on sites not allocated in the Plan or Neighbourhood Plan, but which are either within the built-up area or outside the built up area but well related to a settlement will be permitted provided it: is compatible with use on adjacent land; does not result in coalescence with neighbouring settlements; does not result in loss of land of recreational, ecological, or heritage value; is appropriate in scale, design etc to character of the settlement; it is not prejudicial to highway safety; provides access to sustainable modes of transport; retains the settlement's valued facilities; considers climate change implications; makes use of previously developed land and reflects priorities for urban regeneration.
23. 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.
24. 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.

25. 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.
26. 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.
27. 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.
28. Policy 27 (Utilities, Telecommunications and Other Broadcast Infrastructure) supports such proposals provided that it can be demonstrated that there will be no significant adverse impacts or that the benefits outweigh the negative effects; it is located at an existing site, where it is technically and operationally feasible and does not result in visual clutter. If at a new site then existing site must be explored and demonstrated as not feasible. Equipment must be sympathetically designed and camouflaged and must not result in visual clutter; and where applicable it proposal must not cause significant or irreparable interference with other electrical equipment, air traffic services or other instrumentation in the national interest.
29. Policy 29 (Sustainable Design) requires all development proposals to achieve well designed buildings and places having regard to SPD and sets out 18 elements for development to be considered acceptable, including: positive contribution to areas character, identity etc.; adaptable buildings; minimising greenhouse gas emissions and use of non-renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; and suitable landscape proposals. Provision for all new residential development to comply with Nationally Described Space Standards, subject to transition period.

Provision for alterations and extensions to residential property to be sympathetic to existing building and character and appearance of area

Provision for signage, adverts, street furniture and public art to be appropriate and sympathetic to users and local setting and not detrimental to visual amenity or public highway safety

Provision for major developments to appropriately consider the public realm in terms of roads, paths, open spaces, landscaping, access and connectivity, natural surveillance, suitable private and communal amenity space that is well defined, defensible and designed to the needs of its users.

Provision for new major residential development to be assessed against Building for Life Supplementary Planning Document, to achieve reductions in CO2 emissions, to be built to at least 30 dwellings per hectare subject to exceptions. All new development to achieve BREEAM minimum rating of 'very good'.

30. 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 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 locating of 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.
31. 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.
32. Policy 33 – Renewable and Low Carbon Energy – states that renewable and low carbon development energy development in appropriate locations will be supported. In determining planning applications for such projects significant weight will be given to the achievement of wider social, environmental and economic benefits. Proposals should include details of associated developments including access roads, transmission lines, pylons and other ancillary buildings. Where relevant, planning applications will also need to include a satisfactory scheme to restore the site to a quality of at least its original condition once operations have ceased. Where necessary, this will be secured by bond, legal agreement or condition.
33. 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

34. Policy 36 Disposal of Foul Water states that all new development should adopt the hierarchy of preference.
35. Policy 39 (Landscape) states that proposals for new development will only be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals are expected to incorporate appropriate mitigation measures where adverse impacts occur. Development affecting Areas of Higher landscape Value will only be permitted where it conserves and enhances the special qualities, unless the benefits of the development clearly outweigh its impacts.
36. Policy 40 (Trees, Woodlands and Hedges) states that proposals for new development will not be permitted that would result in the loss of, or damage to, trees, hedges or woodland of high landscape, amenity or biodiversity value unless the benefits of the scheme clearly outweigh the harm. Proposals for new development will be expected to retain existing trees and hedges or provide suitable replacement planting. The loss or deterioration of ancient woodland will require wholly exceptional reasons and appropriate compensation.
37. 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.

Development proposals where the primary objective is to conserve or enhance biodiversity or geodiversity will be permitted if they comply with other local plan policy. Development proposals which are likely to result in the loss or deterioration of irreplaceable habitats will not be permitted unless there are wholly exceptional reasons and a suitable compensation strategy exists.

38. Policy 42 Internationally Designated Sites states that 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'.
39. Policy 56 (Safeguarding Mineral Resources) states 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. This is unless it can be demonstrated that the mineral in the location concerned is no longer of any current or potential value, provision can be made for the mineral to be extracted satisfactorily prior to the non-minerals development taking place without unacceptable adverse impact, the non-minerals development is of a temporary nature that does not inhibit extraction or there is an overriding need for the non-minerals development which outweighs the need to safeguard the mineral or it constitutes exempt development as set out in the Plan. Unless the proposal is

exempt development or temporary in nature, all planning applications for non-mineral development within a Mineral Safeguarding Area must be accompanied by a Mineral Assessment of the effect of the proposed development on the mineral resource beneath or adjacent to the site of the proposed development.

40. There is no relevant neighbourhood plan within this area.

The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www.cartoplus.co.uk/durham/text/00cont.htm>

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY AND INTERNAL RESPONSES:

41. The following comments were received following consultation with Statutory and Internal consultees.
42. Highway Authority – The previously approved Planning Application 5/PL/2012/0437 included a realignment of the Fillpoke Lane / Mickle Hill Road junction. The current proposal reflects the previously approved layout. The current drawing has provided the requested visibility splay and indicated the position of the additional street lighting column.

The developer will be required to commission DCC Traffic Assets to progress a Traffic Regulation Order to relocate the speed limit. The developer should not that this is a lengthy legal process and can take between 6 and 12 months to complete.

In addition, I would request a Condition that the realigned junction is completed before first occupation to ensure the safety of the site users. It will require a Highways Act Section 278 Agreement.

In my previous comments I highlighted that new estates are subject to 20mph speed limits and this also requires a Traffic Regulation Order to be progressed as above.

Based on and subject to the above I would offer no objection to the proposed access arrangements from a highways perspective.

43. Lead Local Flood Authority (LLFA) – We advise the principles as set out in the Flood Risk Assessment and Drainage Strategy Report are acceptable. However, we have reservations about the practicality of a drainage connection to the Public Sewer as proposed and shown on the Proposed Drainage Strategy Plan. The topographical survey indicates the site falls approximately 5 metres to towards the southeast, which is the opposite direction of the drainage connection. We therefore suggest an engineering plan is provided identifying the proposed levels of the site, and a drainage layout identifying cover and invert levels of on-site drainage and the same for the outfall chamber. This is necessary to confirm the site can be drained effectively.

44. Environmental Health (Noise Action Team) – No objections subject to conditions
45. Environmental Health (Contaminated Land) – No objection subject to conditions
46. Landscape Section – The site is currently well screened from the village and Fillpoke Lane by existing hedge and tree planting. Fillpoke Lane is slightly sunken in relation to the site. The key visual receptors would be users of Fillpoke lane. There is some visibility travelling west, towards the site, on Fillpoke Lane which will be increased in winter months.
47. It is likely that the impacts of the proposed development on landscape character of the lane will be considerable and negative.
48. Any development on site should retain tree cover, minimise effects on the enclosed nature of Fillpoke Lane. The proposals would cause harm to the local and it is unlikely that this could be reduced other than through substantial design changes.
49. Tree Section - The site comprises a large number of trees as well as four groups and hedges. A tree survey and a proposed site plan have been provided, however an Arboricultural Impact Assessment (AIA) as per section 5.4 of BS5837:2012 Trees in relation to Design, Demolition and Construction has not, therefore it is difficult to assess the impact the proposals will have on the existing trees.

It will be necessary to provide an AIA which should include all trees to be retained/removed on the plan as well as any locations of conflict and methods to mitigate them.

All plans should show individual trees/groups clearly identified in relation to proposed dwellings, paths, roads.

50. Ecology Section – Ecological appraisal sufficient and no further survey required however no biodiversity net gain calculation is provided other than the baseline score of 28.06 units. Need BNG assessment and management and monitoring plan.

Plans should also show ecological enhancements for swallow- location and type of enhancement to be provided

Site is within 6k HRA buffer therefore CAMMs contribution is required at £756.61 per new unit secured via S106 Agreement.

51. Education Authority – Based on the projected rolls of the schools, taking into account the likely implementation of the development, build out rates and other relevant committed development it is anticipated that there will be sufficient space to accommodate the pupils generated by the development in primary and secondary schools and no further mitigation is required in this instance.
52. Archaeology Section – No objection subject to conditions.

53. Northumbrian Water – No objection subject to conditions

54. Monk Hesleden Parish Council provided the following comments:

Policy 6 – Development on Unallocated Sites “will not be prejudicial to highway safety or have a severe residual cumulative impact on network capacity”

The Parish Council feels the development would be contrary to the Policy 6 (e) of the Durham County Plan (DCP). The proposed access/egress for the site is onto Filpoke Lane which in the view of the Parish Council, is a safety risk to both pedestrians and vehicles. Filpoke Lane was not designed to cope with the current levels of traffic, it is used by many as a quicker route to the A1086 Coast Road and has no public footpath. High Hesleden residents have raised concerns over many years in relation to speeding traffic which resulted in the installation of chicanes, this issue is still ongoing. The road network leaving the village towards the A19 was not designed for the capacity that it is already experiencing from vehicles and the heavy traffic created due to the reclamation of the former pit heap in Hesleden

Policy 29 – Sustainable Design “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” The Parish Council would highlight Policy 29 (l) of the DCP, it is our opinion that there is insufficient landscaping, which would impact upon the visual landscape, particularly on the Filpoke Lane boundary.

Policy 39 Landscape - Proposals will be expected to incorporate appropriate measures to mitigate adverse landscape and visual effects. The Parish Council is of the view the application does not put in place sufficient measures.

National Planning Policy Framework 110 (b) “safe and suitable access to the site can be achieved for all users;” Members are of the opinion this application does not meet this requirement

Monk Hesleden Parish Council objects to this application on the material planning considerations set out in this document.

NON-STATUTORY RESPONSES

55. The following comments were received following consultation with non-statutory consultees:

56. NHS – Financial contribution of £10,143.00 required towards additional space to meet requirements

PUBLIC RESPONSES

57. The application has been publicised by way of site notice, press advert and notification letters sent to neighbouring properties. In response 3no. letters of objection were received; a summary of the points of objection are as follows:

Objection

- Increase in the number of dwellings in the settlement would greatly affect the character of the settlement.
- Increase in dwelling will impact the roads within the village and impact the highway safety of the village
- Proposed access is a highway safety issue
- Impact on the character of the settlement due to incursion into the Countryside.
- Impact on residential amenity due to increased noise and light emissions from the new dwellings.
- Surface water drainage
- No streetlights and poor footpath networks
- Lack of school and doctors provision

APPLICANTS STATEMENT:

58. None submitted.

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <https://publicaccess.durham.gov.uk/online-applications/search.do?action=simple&searchType=Application>

PLANNING CONSIDERATIONS AND ASSESSMENT

59. The main planning considerations of this application are the compliance of the proposal with national and local planning policy, (the principle of housing development, sustainability of the site, planning obligations, viability), impact on highway and pedestrian safety, impact upon the visual amenity of the area, landscaping, impact on the amenity and privacy of existing and future neighbouring land users, ecology and nature conservation, flooding and drainage and any other material planning considerations.

PRINCIPAL OF DEVELOPMENT

60. As identified in Section 38(6) of the Planning and Compulsory Purchase Act 2004 the key consideration in the determination of a planning application is the development plan. Applications should be determined in accordance with the development plan unless material considerations indicate otherwise. In this respect the development plan for the area consists of the policies contained with the adopted County Durham Plan (2020)

61. Policy 6 of the County Durham Plan supports development on sites which are not allocated in the Plan, but which are either within the built-up area or outside the built up area but well related to a settlement, stating that such development will be permitted provided it is compatible with uses on adjacent land; does not result in coalescence with neighbouring settlements; does not result in loss of land of recreational, ecological, or heritage value; is appropriate in scale, design

etc to character of the settlement; it is not prejudicial to highway safety; provides access to sustainable modes of transport; retains the settlement's valued facilities; considers climate change implications; makes use of previously developed land and reflects priorities for urban regeneration.

62. As detailed above policy 6 of the CDP permits development on unallocated sites provided it meets the criteria set out within the policy. In this regard it is considered that the proposal can draw in principle support from this policy given that it is within the built up area, that the site is located within close proximity to compatible residential uses and would not be prejudicial to any existing or permitted adjacent uses (criteria a), it is within the existing built framework of High Hesleden and as such would not lead to coalescence with neighbouring settlements (criteria b), would not result in a loss of open land that has any recreational, ecological or heritage value (criteria c), would not result in the loss of a valued village facility (criteria g) and would make use of previously developed land (criteria l). Consideration of criteria e and f of policy 6 are considered elsewhere within this report. It is not considered that criteria d, h and j are relevant due to the outline nature of the proposal.
63. It is therefore considered that the principle of residential use in this location is acceptable subject to the relevant material considerations as set out below.
64. It is noted that the site previously had outline consent granted in 2013 for the erection of 9no. dwellings; however, this has since lapsed.

SUSTAINABLE DEVELOPMENT

65. The overriding objective of planning is to contribute to the achievement of sustainable development; this objective is echoed in the NPPF particularly as the presumption in favour of sustainable development is the golden thread running through the NPPF. In applying the presumption and in viewing the Government agenda to build more homes due regard must be had to the requirement to provide homes that meet the needs of the community and that are in the right location.
66. Considerable weight should be given to the fact that the authority can now demonstrate in excess of a five-year housing land supply but that does not override the requirement that is set out with the National Planning Policy Framework to ensure that development is sustainable. The NPPF paragraph 8 sets out the three dimensions that form sustainable development, namely, economic, environmental and social. The three roles are mutually dependent and should not be taken in isolation.
67. Critically, paragraph 11 of the NPPF states that, for decision-takers, applying the presumption in favour of sustainable development means approving development proposals that accord with an up-to-date development plan without delay. Whilst Paragraph 12 of the NPPF on the other hand stipulates that where a planning application conflicts with an up-to-date development plan, permission should not usually be granted. Local Planning Authorities may take decisions that

depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

68. The proposed development is located within a relatively central location within the village with the site extending South towards the agricultural fields. The site has easy access to a limited sustainable transport link via a single bus service to Peterlee which also serves surrounding villages. High Hesleden itself has limited facilities such as shops, pubs and community facilities, with the single pub in the village having closed during Covid-19 and has since failed to reopen. Whilst there are facilities in the nearby neighbouring villages these are accessible only by private vehicle. It is therefore considered that the site is an unsustainable location in line with section 2 of the NPPF and the aspirations of paragraph 79 of the NPPF in supporting the vitality and viability of existing communities.
69. This view is supported by a relatively recent 2018 Planning Appeal decision (Ref. APP/X1355/W/18/3211244) for 3no. dwellings within High Hesleden which forms part of this application site. In that decision the Planning Inspector noted amongst other matters *“The appeal site has convenient access to bus stops which are served by bus routes providing access to nearby villages as well as larger settlements. However, the evidence suggests that these bus services are relatively infrequent, and I do not consider that these bus services would provide a significant alternative to a reliance on the private car due to the frequency of the bus service and the relative convenience of these modes of transport”* The Inspector concluded on this matter stating *“I have concluded that the proposal would not be in a sustainable location with regard to access to services and employment. The proposal would therefore conflict with the policies of the Framework in respect of managing patterns of growth to promote sustainable transport and I give this conflict substantial weight”*
70. In light of the above it is considered that the location of the site is unsustainable given the reliance on private motor vehicles to access day to day shops and services, contrary to Policy 6 and 21 of the County Durham Plan and Section 2 of the NPPF and on that basis the application should be refused unless other material considerations indicate otherwise which is considered further below.
71. As noted the location of the site is considered an unsustainable location. However, it is noted that the current historic lawful use of the site is as a haulage business, it was noted at the time of the officer site visit that there were a number of heavy good vehicles on the site and accessing the site. It is considered that the present use as an HGV Haulage business within such close proximity to the nearby residential dwellings is an unneighbourly use and something that good planning would seek to avoid due to the potential impact on the residential amenities of the nearby residents. It is also an unsustainable location for the business with vehicle movements from both employees and haulage in a rural location. In this regard it is considered that the removal of this unneighbourly use, with a residential one which is a more compatible with the other uses in the village is a material consideration in the determination of this application along with the replacement of one unsustainable use with another will carry weight in the planning balance.

72. Policy 15 additional requires that all housing developments provide a minimum of 66% of the units to be Building Regulation M4(2) compliant and 10% suitable for older persons. In this regard as the application is all matters reserved these matters are not known at this time, however, this element can be secured by planning condition.
73. Policy 19 of the County Durham Plan requires that developments 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. In this regard the development would provide the opportunity for a mix of dwelling types potentially including bungalows. It is therefore considered that the mix of dwellings within a self-build development is acceptable and in accordance with the provision of Policy 19.

Principle of development summary

74. In consideration of the above, whilst the application site and the settlement are considered to be an unsustainable contrary to Policy 6 of the County Durham Plan and Section 9 of the NPPF. The proposal would be well related to the surrounding residential uses and would remove the present unneighbourly use, as such it is considered that on balance the that the removal of the unneighbourly use and the redevelopment of the existing unsustainable haulage use are a material planning consideration that in this instance is considered sufficient to outweigh the policy conflict with Policy 6, it is also noted that a similarly sized development within the settlement has recently been minded to approved by elected members.

Impact on the character and appearance of the streetscene

75. Policy 29 (Sustainable Design) of the County Durham Plan requires all development proposals to achieve well designed buildings and places having regard to SPD advice and sets out 18 elements for development to be considered acceptable, including: making positive contribution to areas character, identity etc.; adaptable buildings; minimising greenhouse gas emissions and use of non-renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; and suitable landscape proposals.
76. The application seeks outline planning permission with all matters reserved except access and as such some of the detail provided is indicative. However, a number of comments have been made in relation to its impact on the character and appearance of the area, especially when view from the South. However, given that this is an outline application, landscaping mitigation and screening can be achieved at reserved matters stage along with its architectural design cues and layout from the rural character of the area. Whilst it is acknowledged that the development will project further South than the current building line of the settlement, this is weighed in balance against the removal of an unneighbourly use.

77. It is therefore considered on balance that given the loss of the unneighbourly use from the site and that the character and appearance of the settlement can be suitably designed, and potential detrimental impacts mitigated to not have a sufficiently detrimental impact on the character of the village to warrant refusal, and that the proposal is acceptable in line with policy 29 of the County Durham Plan.

Landscaping

78. Policy 39 (Landscape) of the CDP states that proposals for new development will only be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals are expected to incorporate appropriate mitigation measures where adverse impacts occur. Development affecting Areas of Higher landscape Value will only be permitted where it conserves and enhances the special qualities, unless the benefits of the development clearly outweigh its impacts.
79. The Council's Landscape Section have considered the application and confirmed that the development would have a detrimental impact on the character of the landscape when viewed from Filpoke Land, and that a buffer to the land is required within any final designed layout that is proposed as part of the reserved matters application. As such it is considered that the development would be acceptable in accordance with Policy 39 of the County Durham Plan and paragraph 130 of the NPPF subject to appropriate consideration at the reserved matters stage.

Planning Obligations

80. CDP policy 25 relates to planning obligations and set out requirements for new development to contribute towards the provision and or improvement of physical, social and environmental infrastructure depending on the nature and local/strategic needs. In this in accordance with Policy 25 (Planning Obligations), Policy 15 (affordable housing) and Policy 26 (Green Infrastructure) the development will need to provide certain contributions.
81. Policy 15 requires that a development of this nature will be necessary to provide a contribution towards affordable housing. As this site is within a low viability area, 10% of affordable homes would ordinarily be required. NPPF paragraph 64c recognises that the specific requirement for 10% affordable home ownership does not apply on self-build sites, however, affordable provision is still applicable to such schemes in line with para 63 of the NPPF which states that where a need for affordable housing is identified, planning policies should specify the type of affordable housing required, and expect it to be met on-site unless: a) off-site provision or an appropriate financial contribution in lieu can be robustly justified; and b) the agreed approach contributes to the objective of creating mixed and balanced communities.
82. However, given the site is outline the contribution necessary could not be calculated until the precise details of the scheme are available to the Council's Affordable Housing Team are known at reserved matters stage based on the

number, type and size of units to be delivered and their value and would be secured via a s106 agreement.

Open space / Green Infrastructure

83. Paragraph 98 of the NPPF states 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 and that planning policies should be based on robust and up-to-date assessments of the need for open space, sport and recreation facilities (including quantitative or qualitative deficits or surpluses) and opportunities for new provision. The Council prepared its Open Space Needs Assessment (OSNA) in 2018 as part of the preparation of the County Durham Plan and as such it is considered that this is the most up to date assessment of need for the purposes of Paragraph 98 of the NPPF.
84. Policy 26 (Green Infrastructure) states that development will be expected to maintain, protect, and where appropriate, improve the County's green infrastructure network. In accordance with Policy 26 and having regards to the Councils Open Space Needs Assessment (OSNA) it is considered that the development is required to provide offsite contributions towards open space provision which would equate to **£29,880.90** towards enhancement, maintenance or provision within the vicinity of the development
85. Policy 25 requires new development to mitigate any matters necessary to make the development acceptable through either planning conditions or planning obligations.

Education provision

86. Paragraph 95 of the 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 and requires LPAs to proactively meet the requirement. The Councils Education team have confirmed that there is sufficient existing educational provision within the area to the extent no contributions are necessary.

Health Contributions

87. Paragraph 34 of the NPPF required Local Authorities to have regard to setting where contributions are necessary within the Local Plan. In this regard Policy 29(f) of the CDP requires that developments should contribute to healthy neighbourhood and consider the health impacts and needs of the existing and future users. The local NHS Clinical Commissioning Group (CCG) have confirmed that a contribution of £10,143.00 is necessary to provide sufficient local health service facilities to accommodate future residents of the development.

Developer contribution conclusion

88. As detailed above it is considered that the proposal is in accordance with Policy 25 and 26 of the CDP to mitigate the impact on the development subject to the completion of a s106 agreement to secure the obligations.

Impact upon Residential Amenity

89. Policy 29 (Sustainable Design) of the CDP requires all development proposals to achieve well designed buildings and places having regard to SPD advice and sets out 18 elements for development to be considered acceptable, including: making positive contribution to areas character, identity etc.; adaptable buildings; minimising greenhouse gas emissions and use of non-renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; and suitable landscape proposals. Provision for all new residential development to comply with Nationally Described Space Standards, subject to transition period. Provision for major developments to appropriately consider the public realm in terms of roads, paths, open spaces, landscaping, access and connectivity, natural surveillance, suitable private and communal amenity space that is well defined, defensible and designed to the needs of its users.
90. In addition to the above policies within the CDP, the Local Authority has adopted a residential design SPD which sets out the Councils expectation in relation to privacy distances and private outdoor amenity space (Gardens). In this regard the development would need to achieve a minimum of 21.0m between two storey buildings and 18.0m between bungalows and provide rear garden lengths of at least 9.0m.
91. The above policies and SPD are in broad accordance with paragraph 130 of the NPPF which requires that planning decisions should ensure that developments will create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
92. It is acknowledged that given that the application seeks outline planning permission with all matters reserved (except access), it is not appropriate to assess the proposal against these considerations at this stage and that will be for considerations at the reserved matters stage to ensure the residential amenity of existing and proposed residents will be acceptable. However, sufficient information has been provided to assess the extent to which the site could accommodate the 18no. dwellings listed in the application description, taking into consideration the separation distances required by the SPD. These matters can be secured through conditions to ensure a satisfactory development in regards to the policy requirements of Policy 29 of the CDP.
93. Policy 29(n) of the CDP requires major new residential development to be assessed against the Building for Life (BfL) supplementary document. However, the supporting text for this policy provides the context as to when this element of policy 29 is applicable, in this regard para. 5.298 of the CDP states that the requirement for a BfL should be in line with the Building for Life SPD which states

that the BfL assessment is only applicable on scheme of 50 or more or sites of 1.5ha or more, or smaller scheme in sensitive locations. As this scheme is beneath 50 units, and not in a sensitive location the requirement for a BfL assessment is not necessary. However, the application was taken to the Council's design review panel and scored 2 Reds on the BfL scoring matrix in relation to the facilities and services of the village and the design and layout of the site. It is noted that the sustainability, services and facilities of the location, is considered in detail above, and the layout is a matter to be consider at reserved matters stage. However, notwithstanding the above, this is element of Policy 29 is not relevant in the consideration of this proposal.

94. Policy 27 of the County Durham Plan requires that all new residential development should be served by high-speed broadband connections. The UK Government defines superfast internet as speeds in excess 24mbps. It is noted that the website for Ofcom (regulator for the communications services) provides a detailed internet speed checking service for locations within England. In this regard they confirm that the settlement, and the adjacent dwelling are by Superfast internet connections of upto 75mbps. It is therefore considered that the site is capable of achieving the requirement of Policy 27, subject to an appropriate condition to secure this matter.
95. Crime, and fear of crime are material planning considerations. Paragraph 92(b) of the NPPF states that planning decision should aim to ensure that developments provide health, inclusive and safe places that are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion. In this regard it is considered that, given that this is an outline application with the majority of matters reserved that these matters will be considered in detail at the reserved matters stage. However, given the proposed use as residential in a residential area it is considered that in principle the proposal has the ability to meets the test of Paragraph 92 of the NPPF and Policy 29(m) of the CDP.
96. 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.
97. The Council's Env. Health officer has accessed the development and concluded that the proposal has the potential to cause a nuisance in relation to disturbance during the construction phase for existing nearby residents. However, they have confirmed that subject to planning conditions the nuisances can be adequately mitigated. As such it is considered that the proposal is acceptable in relation to the impact on the surrounding residents subject to the requested conditions.

98. Therefore, it is considered that the proposal is acceptable in that there would not be any unacceptable impact upon residential amenity of future or existing residents in accordance with the aims of policies 29 and 31 of the County Durham Plan, the Residential Design SPD and Sections 8 and 12 of the NPPF, subject to appropriate conditions.

Sustainability and Energy Efficiency

99. Policy 29 of the County Durham Plan criteria c and d require that developments should seek to minimise greenhouse gas emission by seeking to achieve zero carbon buildings and provide renewable and low carbon energy generation and should minimise the use of non-renewable and unsustainable resources.
100. As this is a outline application, these matters will be considered at the reserved matters stage, as such it is considered appropriate to secure these requirement by way of a planning condition.
101. In light of the above it is considered that the proposal is acceptable in regard to the provision of Policy 29 c d and o, subject to a planning condition requiring a detailed scheme to be submitted and agreed by the LPA in this regard.

Highway and Pedestrian Safety

102. Policy 21 of the CDP requires that all development ensures that any vehicular traffic generated by new development can be safely accommodated and have regard to Parking and Accessibility Supplementary Planning Document
103. The Council's Highway Engineers have assessed the proposal and concluded that the proposed alterations to the road layout and the engineering arrangements of the access point are acceptable subject to a condition securing the works are complete prior to the first occupation of the dwellings. It is therefore considered on the proposal can achieve a safe means of access. The scheme is therefore acceptable in this regard.
104. Policy 21(a) also requires that all development delivers, accommodates and facilitates investment in safe sustainable modes of transport for people with mobility issues or disabilities, walking, cycling, bus and rail transport. In this regard and as detailed above, the site due to its location is primarily reliant on private motor vehicles to access facilities. However, it is considered that the removal of the transport and haulage use from the site will be a betterment to the good planning of the area, and the road networks, which outweighs this policy non-compliance.
105. In light of the above it is considered that the proposal is on balance acceptable in line with Policy 21 of the County Durham Plan, and Part 9 of the NPPF subject to the condition set out below, and securing the relevant Traffic Regulations Order from the Local Highway Authority.

Trees

106. Policy 40 (Trees, Woodlands and Hedges) of the CDP states that proposals for new development will not be permitted that would result in the loss of, or damage to, trees, hedges or woodland of high landscape, amenity or biodiversity value unless the benefits of the scheme clearly outweigh the harm. Proposals for new development will be expected to retain existing trees and hedges or provide suitable replacement planting. The loss or deterioration of ancient woodland will require wholly exceptional reasons and appropriate compensation.
107. The Council's Arborist has assessed the proposal and concluded that the scheme is acceptable in this regard.
108. Therefore, in light of the above it is considered that subject to an appropriate condition to ensure an appropriate landscape scheme is submitted as reserved matter stage the proposal is in compliance with Policy 40 of the CDP.

Ecology

109. Policy 41 (Biodiversity and Geodiversity) of the CDP restricts development that would result in significant harm to biodiversity or geodiversity and cannot be mitigated or compensated. Development proposals where the primary objective is to conserve or enhance biodiversity or geodiversity will be permitted if they comply with other local plan policy. Development proposals which are likely to result in the loss or deterioration of irreplaceable habitats will not be permitted unless there are wholly exceptional reasons and a suitable compensation strategy exists.
110. In relation to the above a County Ecologist has considered the proposal requested further information in terms of BNG calculations. However, given that the proposal is all matters reserved it would not be reasonable to require a full BNG calculation to be undertaken at this stage, but rather this information could be subject to appropriate condition or s106 agreement requiring the submission of BNG calculations and mitigation measures at reserved matters stage which could be managed through condition the development would deliver net biodiversity gain.
111. The application has been supported by a Ecological Impact Assessment which has considered amongst other matters the potential impact on European Protected Species on and near to the site. This report identified that there were either no protected species present, or in the case of birds, the loss of habitat would be mitigated at the reserved matters stage. This view was supported by the Council's Ecologist.
112. The application site is located within 6km of the Heritage Coast SAC which is designated as such for its ecology and biodiversity value. Specifically, the JNCC designation confirms that the Durham Coast is the only example of vegetated sea cliffs on magnesian limestone exposures in the UK. These cliffs extend along the North Sea coast for over 20 km from South Shields southwards to Blackhall Rocks. Their vegetation is unique in the British Isles and consists of a complex mosaic of paramaritime, mesotrophic and calcicolous grasslands, tall-herb fen, seepage flushes and wind-pruned scrub. Within these habitats rare species of

contrasting phytogeographic distributions often grow together forming unusual and species-rich communities of high scientific interest. The communities present on the sea cliffs are largely maintained by natural processes including exposure to sea spray, erosion and slippage of the soft magnesian limestone bedrock and overlying glacial drifts, as well as localised flushing by calcareous water.

113. The Council's adopted its Habitat Regulations Assessment: Developer Guidance and Requirements and as such this is a material consideration in determination of this application. It includes a requirement for the payment of commuted sum to mitigate the impact of the development upon increased visitors to the SAC. The Council's Ecologist has advised that the required figure in this instance (in lieu of on-site mitigation) would be **£13,618.98** for use towards schemes contained within the Coastal Access Management Measures.

Drainage

114. 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.
115. Whilst 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.
116. The Council Drainage and Flooding section have assessed the scheme and concluded that whilst there is a submitted scheme due to the constraints of the site it is not possible to effectively implement the scheme and that further information is required. However, as this is an outline application with matter can be addressed at reserved matters state through appropriate conditions.
117. It is therefore considered that the scheme is acceptable in relation to Policy 35 and 36 of the CDP subject to appropriate planning conditions.

CONCLUSION

118. In summary, it is considered that the site whilst not being fully policy compliant due to the sustainability of the location with regards to access to shops, services, and employment as detailed in policy 6 and 21 of the CDP and paragraph 105 of the NPPF, particularly with respect to managing patterns of growth to promote sustainable transport. It is considered that the material consideration of the

removal of an unneighbourly commercial haulage and transport business from the village and close proximity to residential dwellings is sufficient in this instance to outweigh these policy considerations. The secession of the commercial haulage business can be secured by a s106 agreement upon commencement of this development.

119. It is therefore considered that the application on balance is acceptable in line with Policies 1, 6, 15, 16, 19, 21, 25, 26, 27, 29, 31, 32, 33, 35, 36, 39, 40, 41, 42 and 56 of the County Durham Plan and Parts 2, 4, 5, 6, 8, 9, 11, 12, 14 and 16 of the National Planning Policy Framework subject to the relevant conditions and contributions.

RECOMMENDATION

That the application be **APPROVED** subject to a s106 agreement to secure affordable housing (equivalent to 2no dwellings), £31,303.80 Green Infrastructure, £10,143.00 NHS contribution and £13,618.98 in Ecology HRA mitigation, the secession of the current planning use of the land and the following conditions:

1. Application for approval of reserved matters shall be made to the Local Planning Authority before the expiration of three years beginning with the date of this permission. The development must be begun not later than the expiration of two years from the final approval of the reserved matters.

Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. Approval of the details of layout, scale, appearance and landscaping (hereinafter called "the reserved matters") shall be obtained in writing from the Local planning authority before any development is commenced.

Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

3. The development hereby approved shall be carried out in strict accordance with the approved plans listed in Part 3 - Approved Plans.

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policy(ies) 1, 6, 15, 16, 19, 21, 25, 26, 27, 29, 31, 32, 33, 35, 36, 39, 40, 41, 42 and 56 of the County Durham Plan and Parts 2, 4, 5, 6, 8, 9, 11, 12, 14 and 16 of the National Planning Policy Framework.

4. The development hereby approved shall comprise no more than 18no. dwellings (C3 use class) with each not exceeding a maximum 2 storey scale.

Reason: To define the consent in the interests of proper planning.

5. No development other than site clearance or remediation works shall commence until a scheme to detail how at least 66% of the total number of units approved comply with Building Regulations M4(2) Accessible and Adaptable Dwellings shall be submitted for approval alongside an application for reserved matters for the scheme. The development shall thereafter be carried out in accordance with the approved details.

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

6. A scheme detailing how at least 10% of the total number of units approved will be constructed to a design and type which meet the needs of older people, shall be submitted for approval alongside an application for reserved matters for the scheme. Thereafter the development shall be carried out 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

7. No part of the development shall be occupied until the vehicular and pedestrian access and approved realignment and junction improvement of Filpoke Lane and Mickle Hill Road connecting the proposed development to the public highway has been constructed to the satisfaction of the Local Planning Authority.

Reason: In the interests of highway and pedestrian safety and in the interests of the visual amenity of the surrounding area in accordance with Policies 21 and 29 of the CDP

8. No development shall commence until a land contamination scheme has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall be compliant with the YALPAG guidance and include a Phase 1 preliminary risk assessment (desk top study).

If the Phase 1 assessment identifies that further investigation is required a Phase 2 site investigation shall be carried out, which shall include a sampling and analysis plan. If the Phase 2 identifies any unacceptable risks, a Phase 3 remediation strategy shall be produced and where necessary include gas protection measures and method of verification.

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

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

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

10. 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 1400 on Saturday. No internal works audible outside the site boundary shall take place on the site other than between the hours of 0730 to 1800 on Monday to Friday and 0800 to 1700 on Saturday. No construction works or works of demolition whatsoever, including deliveries, external running of plant and equipment, internal works whether audible or not outside the site boundary, shall take place on Sundays, Public or Bank Holidays. For the purposes of this condition, construction works are defined as: The carrying out of any building, civil engineering or engineering construction work involving the use of plant and machinery including hand tools.

Reason: In the interests of the privacy/amenities of neighbouring occupiers and to comply with Policy 31 of the County Durham Plan.

11. 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.

12. The reserved matters application shall be supported by an Arboricultural Impact Assessment and an Arboricultural Method Statement shall be submitted to and approved in writing by the Local Planning Authority. This shall include a scheme to identify which trees and hedges are to be removed and retained, and for the protection during construction works of all identified trees, hedges and any other planting to be retained on and adjacent to the site including the Ancient Woodland, in accordance with BS 5837:2012 'Trees in relation to design, demolition and construction - Recommendations'. The scheme shall include details of the Root Protection Area with such areas demarcated and fenced off to ensure total safeguarding.

The scheme and any Reserved Matters application(s) shall thereafter be carried out in accordance with the approved details and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, unless a variation to the scheme is agreed in writing with the Local Planning Authority. Nothing shall be stored or placed in any area

fenced in accordance with this condition. Nor shall the ground levels within these areas be altered or any excavation be undertaken without the prior written approval of the Local Planning Authority. Any trees which are seriously damaged or die as a result of site works shall be replaced with trees of such size and species as may be specified in writing by the Local Planning Authority in the next available planting season.

Reason: In the interests of the adequately protection for the trees on site in accordance with Policy 40 of the CDP.

13. 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.

14. No development other than ground clearance or 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: To ensure that surface and foul water are adequately disposed of, in accordance with Policies 35 and 36 of the County Durham Plan and Parts 14 and 15 of the National Planning Policy Framework.

15. No development shall commence until detailed drawings, including sections, showing the existing and proposed site levels, and the finished floor levels of the proposed development and those of existing neighbouring buildings (if any), has been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details thereafter.

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

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

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

17. No development shall commence above damp proof course of any of the dwellings until such time as a scheme detailing the precise means of broadband connection to the site has been submitted to and agreed in writing by the local planning. Thereafter, the development shall be carried out in accordance with the agreed detail.

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

18. Development shall not commence until a detailed scheme for the disposal of foul and surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water and the Lead Local Flood Authority. Thereafter the development shall take place in accordance with the approved details.

REASON: To prevent the increased risk of flooding from any sources in accordance with the NPPF.

19. Prior to the first occupation of any dwelling hereby permitted details of 1no. electric vehicle charging point and location per dwelling shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be constructed in accordance with the approved details and retained in perpetuity

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

20. The reserved matters application shall be supported by a detailed scheme to minimise greenhouse gas emissions, with the aim of achieving as close as possible a zero carbon buildings. The scheme shall include, but not be limited to, provision of renewable and low carbon energy generation. The agreed renewable and low carbon energy measures shall thereafter be installed in accordance with the approved details thereafter.

Reason: To comply with requirements to minimise greenhouse gas emissions in line with details set out in policy 29c) of the CDP

21. A scheme detailing ecological mitigation shall be submitted at the reserved matters stage and shall include Biodiversity Net gain calculations and details of establishing biodiversity habitat on-site, and shall be completed in accordance with a timescale to be agreed, and maintained in perpetuity in accordance with an agreed maintenance programme.

Reason: To ensure retained habitat is protected and to conserve protected species in accordance with Policy 41 of the County Durham Plan and Part 11 of the NPPF.

STATEMENT OF PROACTIVE ENGAGEMENT

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

BACKGROUND PAPERS

Submitted application form, plans supporting documents and subsequent information provided by the applicant.

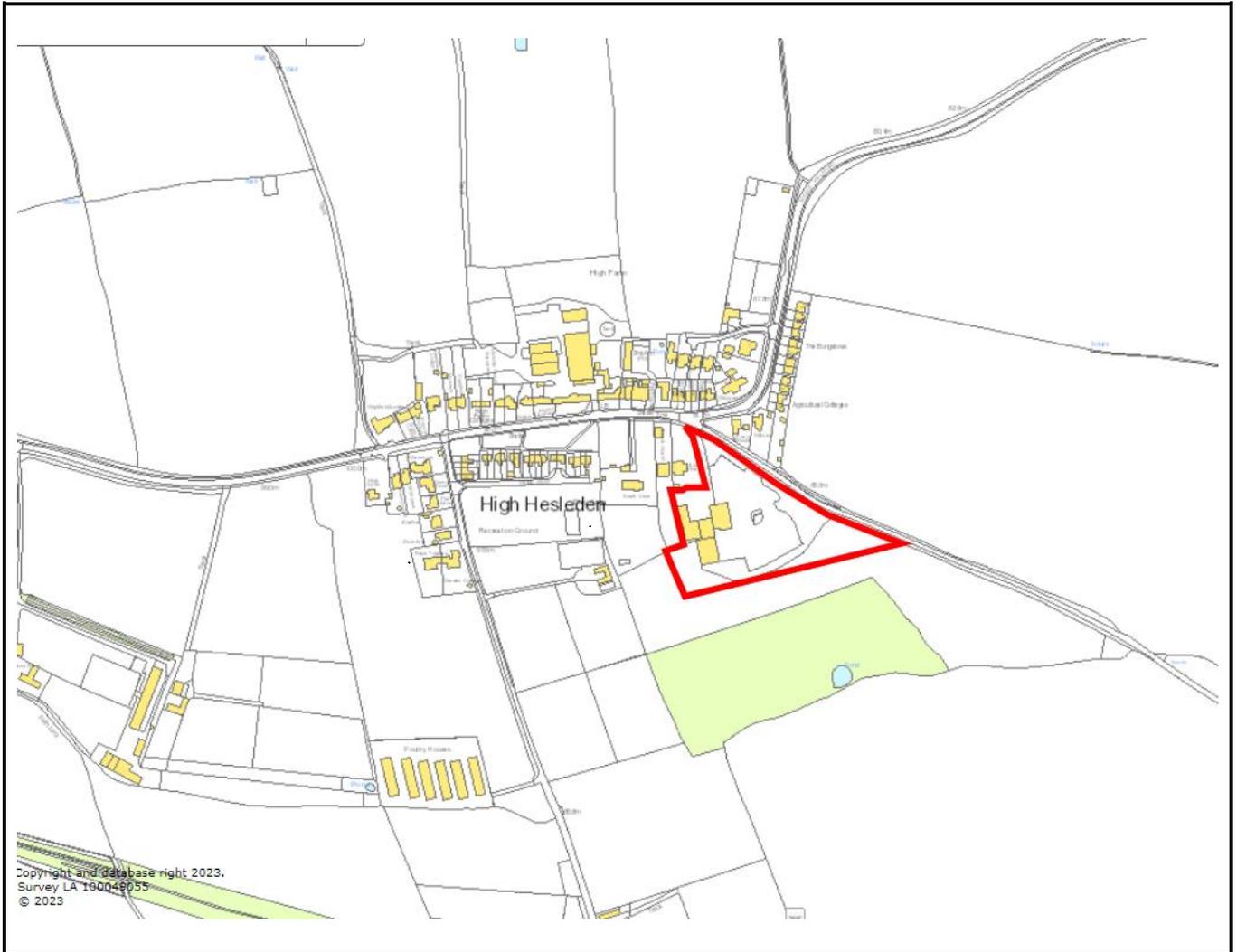
The National Planning Policy Framework (2021)

National Planning Practice Guidance Notes

County Durham Plan (2020)

Residential Amenity Standards SPD (2023)

Statutory, internal and public consultation responses



<p>Planning Services</p>	<p>Outline planning consent (with all matters reserved save for access) for the erection of up to 18no. dwellings (amended description)</p>	
<p>This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding. Durham County Council Licence No. 100022202 2005</p>	<p>Land To The East Of Eden House High Hesleden TS27 4QF</p>	
	<p>Date 14.03.2023</p>	<p>Scale NTS</p>