

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	DM/21/01789/FPA
FULL APPLICATION DESCRIPTION:	Construction of 12 townhouse dwellings with associated works.
NAME OF APPLICANT:	Jenkins
ADDRESS:	Land At St Johns Road Nevilles Cross
ELECTORAL DIVISION:	Neville's Cross
CASE OFFICER:	Lisa Morina Senior Planning Officer Telephone: 03000 264877 Lisa.morina@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site is a former petrol filling station located on Newcastle Road which was demolished sometime between 2006-2008 and as such the site has been vacant for around 15 years.
2. Residential properties are located to the north, east and west of the site with the A167 located to the south and then residential properties located beyond that. The site is also located on the edge of, but within, the Durham City Conservation Area.

Proposal:

3. Planning Permission is sought for the erection of 12 town houses which are proposed in two separate blocks of 6 dwellings each. One located on Newcastle Road, the other being located on St Johns Road.
4. Access to the site for all dwellings is proposed off St Johns Road. Originally access was also proposed from Newcastle Road however this has been removed from the proposal.
5. Various changes/additional information has also been provided in respect of the design of the proposed dwellings with a reduction in height being achieved from the originally submitted scheme and also the removal of a car lift within the garage area and the introduction of balcony features.
6. The application is to be heard at committee due to it being a major application however a call in has also been received from the City of Durham Parish Council

who consider the development to present serious concerns in relation to design, residential amenity and highway safety

PLANNING HISTORY

7. DM/17/01785/FPA - Temporary use of land for a site construction compound including provision of welfare and storage facilities, parking and new access. Approved 19/7/17.
8. Various consents have been in place regarding alterations to the filling station however, these are not relevant to the current application.

PLANNING POLICY

NATIONAL POLICY

9. A revised National Planning Policy Framework (NPPF) was published in July 2018 (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.
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.
20. *NPPF Part 16 - Conserving and enhancing the historic environment.* Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.
<https://www.gov.uk/guidance/national-planning-policy-framework>

NATIONAL PLANNING PRACTICE GUIDANCE:

21. 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.

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

LOCAL PLAN POLICY:

County Durham Plan

22. Policy 1 (Quantity of Development) outlines the levels of employment land and housing delivery considered to be required across the plan period.
23. Policy 6 (Development on unallocated sites) states the development on sites not allocated in the Plan or Neighbourhood Plan, but which are either within the built-up area or outside the built up area but well related to a settlement will be permitted provided it: is compatible with use on adjacent land; does not result in coalescence with neighbouring settlements; does not result in loss of land of recreational, ecological, or heritage value; is appropriate in scale, design etc to character of the settlement; it is not prejudicial to highway safety; provides access to sustainable modes of transport; retains the settlement's valued facilities; considers climate change implications; makes use of previously developed land and reflects priorities for urban regeneration.
24. 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.
25. 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.
26. 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.
27. 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.
28. 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.
29. 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 sites 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 the proposal must not cause significant or irreparable interference with other electrical equipment, air traffic services or other instrumentation in the national interest.

Any residential and commercial development should be served by a high-speed broadband connection, where this is not appropriate, practical or economically viable developers should provide appropriate infrastructure to enable future installation.

30. Policy 29 (Sustainable Design) details general design principles for all development stating that new development should contribute positively to an areas' character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities.
31. 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.
32. 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.
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 (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 wastewater 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.
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) states that proposal for new development will not be permitted if significant harm to biodiversity or geodiversity resulting from the development cannot be avoided, or appropriately mitigated, or as a last resort, compensated for.
38. 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.
39. 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.
40. Policy 45 (Durham Castle and Cathedral World Heritage Site) seeks to ensure that developments within the world heritage site sustain and enhance the significance of the designated asset, are based on an understanding of, and will protect and enhance the outstanding universal values (OUVs) of the site in relation to the immediate and wider setting and important views into, and out of the site. Any harm to the OUVs will not be permitted other than in wholly exceptional circumstances
41. Residential Amenity Standards SPD – Provides guidance on the space/amenity standards that would normally be expected where new dwellings are proposed.

Neighbourhood Plan

42. The application site is located within the Durham City Neighbourhood Plan (DCNP) area and as such the following policies are considered relevant:
43. *Policy G1 – Protecting and Enhancing Green and Blue Infrastructure* seeks to support developments that retain existing green or blue assets with significant recreational, heritage, cultural, ecological, landscape or townscape value and developments that provide additional green or blue assets, particularly if there is an identified deficiency. Any new or replacement assets must be appropriate to the context and setting. The policy requires developments to protect and enhance public rights of way and footpaths and green corridors. It offers support to proposals that

provide net gains for biodiversity. The policy requires features of geological value to be protected. The policy seeks to protect and enhance the banks of the River Wear by supporting proposals with desirable access that do not have significant impacts on current assets. The policy also seeks to protect dark corridors by ensuring developments minimise lighting in such areas.

44. Policy S1 - Sustainable Development Requirements of all Development and Re-development Sites Including all New Building, Renovations and Extensions seeks to sets out the economic, social and environmental criteria that development proposals will be required to meet
45. *Policy H1: Protection and Enhancement of the World Heritage Site* requires development within the Durham Cathedral and Castle World Heritage Site to sustain, conserve and enhance its outstanding universal value and support the current adopted management plan. Development within the WHS must take account of the historical and present uses of the site, propose high quality design, use appropriate materials and seek balance in respect of scale, density, massing, form, layout, landscaping and open spaces. Development proposals within Our Neighbourhood will need to sustain, conserve, and enhance the setting of the WHS where appropriate, by carrying out an assessment on how the development will affect the setting, including views to and from the WHS, protect important views and take opportunities to open up lost views and create new views and vistas.
46. *Policy H2 - The Conservation Areas* expects development within the City Centre Conservation Area to sustain and enhance its special interest and significance identified within the conservation area character appraisal taking account of sustaining and enhancing the historic and architectural qualities of buildings, continuous street frontages, patterns, boundary treatments, floorscape and roofscapes, avoiding loss or harm of an element that makes a positive contribution to its individual significance and surrounding area, using appropriate scale, density, massing, form, layout and materials, using high quality design sympathetic to the character and context, its significance and distinctiveness.
47. *Policy T1 - Sustainable Transport Accessibility and Design* seeks to ensure that development proposals will be required to demonstrate best practice in respect of sustainable transport accessibility and design.
48. *Policy T2 – Residential Car Parking* supports developments with or impacting on car parking provided that car parking is designed to reduce vehicle movements on residential streets and is in designated bays or small groups separated by landscaping or features and designed with safety in mind. Consideration should be given to communal off street parking for dwellings without garages. Any EV requirements should not hinder movement by pedestrians or disabled people and should be in keeping with area character. The policy supports the use of car clubs. Should the parking demand require parking controls these will need to be funded through developer contributions.
49. *Policy T3 – Residential Storage for Cycles and Mobility Aids* requires residential development including change of use to seek to provide storage facilities for cycles and, where appropriate mobility aids. Cycle parking should meet DCC standards and should be adaptable for other types of storage with access to electricity. Where there is communal storage and a travel plan this should be managed appropriately in terms of removal and capacity needs. Design and location of storage should accord with the style and context of the development.

50. *Policy D2: Housing for Older People and People with Disabilities* requires 10% of housing to be appropriate for older people on sites of 10+ homes or over 0.5ha. Housing schemes that are solely for older people would be supported. Provision should be close to shops and services or public transport with appropriate footpaths and pavements. Extensions to dwellings to facilitate care at home are supported provided that they are in keeping with building and surroundings.
51. *Policy D3: Affordable Housing* requires 25% of housing to be affordable on sites of 10+ homes or over 0.5ha unless an off-site contribution is justified or deemed appropriate by the LPA.
52. *Policy D4 (Building Housing to the Highest Standards)* states all new housing, extensions and other alterations to existing housing should be of high-quality design relating to the character and appearance of the local area, aesthetic qualities, external and internal form and layout, functionality, adaptability, resilience and improvement of energy efficiency and the reduction of carbon dioxide emissions

New residential development should meet the Building for Life 12 standards provided for in County Durham Building for Life Supplementary Planning Document (2019)

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 RESPONSES:

53. Highway Authority – No objection
54. Northumbrian Water LTD – Condition requested however information has been received therefore condition is no longer relevant.
55. DCC as Lead Local Flood Authority – Drainage scheme is acceptable.
56. Durham Constabulary – Advice provided on secured by design policies.
57. NHS – No contribution required
58. City of Durham Parish Council objects to the proposal for the following reasons:
 - Overdevelopment of the site
 - Height of the proposed dwellings being entirely out of character with the surrounding area and residential properties.
 - As a result of the inappropriate scale and massing of the proposed development, it would result in harm to the significance of the Conservation Area as it would not reflect the positive characteristics of the area.
 - The application also fails the requirements of CDP Policy 6d) which requires developments in such sites as this to be “appropriate in terms of scale, design, layout and location to the character, function, form and setting of the settlement.”
 - The proposed development also fails to meet the guidance of the NPPF Part 12, especially paragraph 127 sub-paragraphs a), b) and c). which require developments to “add to the overall quality of the area”, be “visually attractive”

and be “sympathetic to local character and history, including the surrounding built environment and landscape setting.”

- The application remains contrary to CDP Policy 29 and the Council’s adopted Residential Amenity SPD. CDP Policy 29 a., c. and e. also require developments to “contribute positively to an area’s character, identity [and] townscape”, further to “achieve zero carbon buildings” which are underpinned by core principles 5.292 to 5.296, and provide high standards of amenity and privacy”. There is no evidence in the application that these constraints have been adequately addressed or even in places considered.
- Justification of an amended submission, the developer once again justifies the over massing of this site by suggesting that the financial viability demonstrates that the site needs to accommodate 12 units in order to be deliverable, stating that the scheme would be financially unfeasible if the site delivered less than 12 units.
- The level of financial gain is not a material planning issue relevant to this proposed development.
- The developer has indicated that he is unwilling to make any planning contribution to meet additional community costs, contrary to CDP Policy 25
- No provision has been made for M4(2) standards, the scheme is therefore considered contrary to CDP Policy 15.
- The removal of the connecting road from the development to the A167 and thereby a ‘rat-run’ is welcomed.
- The development however will result in a significant traffic increase to St. Johns Road.

INTERNAL CONSULTEE RESPONSES:

59. Environmental Health (Contamination) – No objection subject to conditions regarding a phase 2 contamination report being provided.
60. Environmental Health (Noise) – No objection subject to conditions regarding noise mitigation levels.
61. Environmental Health (Air Quality) – No objection.
62. Ecology – No objection bat and bird boxes required.
63. Affordable Housing – Affordable housing required to be provided.
64. Spatial Policy – Advised that policy 6 should be considered which relates to development on unallocated sites and confirmed the level of open space contributions required.
65. Education – The proposal would generate 4 pupils of primary school age and 2 pupils of Secondary age. Therefore, a payment is required in respect of providing additional spaces at both primary and secondary level.
66. Viability - Note that a viability assessment has been submitted which was subject to several amendments and updates during consideration of the application which has sought to demonstrate that the scheme would not be viable in the event that financial contributions are applied in relation to Open Space, Education and Affordable Housing Provision. Having assessed that initial report and additional information officers consider that whilst it would be unviable to apply the full contribution in terms of the affordable housing contribution, a reduced sum in this regard can still be sustained. In relation to contributions for Open Space and Education provision they consider both requirements can be paid in full.

PUBLIC RESPONSES:

67. The application has been advertised by means of site notice and by notifying neighbouring residents by letter. To date, 79 letters of objection and 2 letters of representation have been received including the City of Durham Trust with the following comments:

- No objection in principle to the land being developed sensitively
- Density of the Proposal and overdevelopment of the site being overbearing due to height and massing including impact on conservation area
- Visual amenity - Design and House types out of keeping with the area
- Contrary to Part 12 of the NPPF- para. 127, the architecture, the clustered layout of the buildings and the landscaping are visually unattractive.
- Contrary DCC County Plan- Policy 45: The proposed development is unsympathetic with the local character, scale of neighbouring "town houses" and the landscape setting.
- Highway Safety Concerns due to the access proposed between Newcastle Road and St Johns Road so a rat run will be created
- Overuse of St Johns Road in terms of vehicular movements
- DCC County Plan- Policy 22: The A167 is a part of the "Strategic Highway Network" and is already "over-trafficked" at peak times.
- Concern the dwellings would be used as HMO's
- The dismissive attitude of the developer who seemingly justifies the development on the grounds of it being the only financially viable plan to satisfy the owner of the land – financial gain
- The homes will not be 'affordable' for local residents - The price guide would put the houses out of the financial reach of many families
- Loss of privacy and overshadowing
- Lack of S106 Payments
- Concern regarding consultation with public from the developer
- Level of consultation carried out
- Insufficient parking due to the number of dwellings.
- Lack of amenity space
- Privacy distance between the properties falls below the standards in the Residential Amenity Standards in the SPD
- Contributes nothing to the Conservation area
- Toxic Chemicals on the site
- Trees supposedly the trees are protected by a tree preservation order (TPO)
- An apparent contradiction in the application concerning ownership of the site
- The assessment of the viability of the proposed scheme is questioned
- Sustainability of the scheme
- Lack of open space - nearest parks and playgrounds to the current site a MerryOaks and Allergate, some distance to walk, therefore the majority of children's play in this area is in private gardens and shared open space, both of which are insufficient within the proposed development
- This is the wrong development in the wrong place
- There is no way that the developer will be able to retain the existing beech hedge to St John's Road as shown on the plans, as a retaining wall will need to be constructed to that boundary of the site to form the North-facing areas which appear to be the only external seating spaces for the properties fronting St John's Road.

APPLICANT'S STATEMENT:

68. The proposals have been developed on behalf of Modobloc to provide larger residential accommodation within the City of Durham. Few opportunities are available in the City to provide accommodation of this type to meet the needs of residents.
69. Detailed consideration has been given to the design of the proposed residential units in response to the site orientation, gradient and relationship to the highway network. The ambition is to create a new community in this part of Durham that will take pride in the space and integrate themselves with the existing residents.
70. The design information submitted in support of the application presents the carefully considered approach to the creation of two rows of townhouses on the site with a central courtyard space to be used for parking and private space. This approach provides a good level of amenity for both existing and future residents. It also allows for residential frontages onto St John's Road and Newcastle Road, so connecting the development to the existing community.
71. The overall scale of the townhouses has been designed to sensitively respond to that of the neighbouring properties, utilising the site levels with rooms in the roof space. The elevational detail also respects the local vernacular with simple detailing to the brickwork ensuring the scheme has its own character.
72. The applicant has worked hard with officers from the Local Planning Authority during the application stage to ensure that the proposals meet the requirements of all the statutory consultees, including highways and the local lead flood authority. Significant efforts have also been made to engage with the local community to secure their support for the proposals.
73. The applicant welcomes the recommendation for approval subject to a legal agreement to make financial contributions to open space, education and affordable housing.

The above is not intended to list every point made and represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <https://publicaccess.durham.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=P8X9C0GDL8J00>

PLANNING CONSIDERATIONS AND ASSESSMENT

74. 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.
75. 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 in this regard. The County Durham Plan is the statutory development plan and the starting point for determining applications as set out at Paragraph 12 of the NPPF. The NPPF advises at Paragraph 219 that the weight to be afforded to existing Local Plans depends upon the degree of consistency with the NPPF.
76. The County Durham Plan and City of Durham Neighbourhood Plan are now both adopted and considered to represent the up-to-date Local Plan for the area.

Consequently, consideration of the development should be led by the plan if the decision is to be defensible.

77. In this context, it is considered that the main planning issues in this instance are as detailed below:

Principle of the Development

78. Policy 6 of the County Durham Plan (CDP) 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 the following:
- 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
79. As detailed above CDP Policy 6 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 sits outside but adjacent to a built-up area so is well related to a settlement and 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). Consideration of the impact of the proposals upon residential amenity will be considered in more detail elsewhere in this report.
80. The site being an infill development on a former petrol filling station 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) and has easy access to sustainable transport and local facilities (criteria f). The site has been vacant for a number of years and therefore, it is not considered that the proposal would result in the loss of any valued facility (criteria g).
81. In respect of criteria h, the site is not contained within Flood Zones 2 or 3 of the Environment Agency mapping layers associated with the Local Lead Flood Authority (LLFA) there are also no noted flood risk areas within the application site. The application was submitted with full drainage details which have been assessed by the LLFA and as such there is considered to be no conflict with this part of the policy.

82. The site is considered to be previously developed land (criteria i). It is not considered that criteria j is appropriate in relation to this proposal. Criteria d and e, of policy 6 are considered in more detail elsewhere within this report. It is therefore considered that the principle of residential use in this location is acceptable subject to the relevant material considerations set out below.
83. CDP Policy 15 establishes the requirements for developments of 10 or more dwellings to provide a percentage of affordable housing. Whilst this will normally be delivered on site the policy does make provision for the payment of a financial contribution in this regard in lieu of on-site provision. The policy also stipulates requirements in relation to tenure mix and the requirement for new developments to meet the needs of older people and people with disabilities.
84. The site lies within a high value area within which sites of 10 or more units must deliver 25% of the homes as affordable home ownership (starter homes, discount market sale housing and other affordable routes to home ownership).
85. Policy D2 of the Durham City Neighbourhood Plan (DCNP) also requires new residential development to provide affordable housing which can be accepted in the form of a financial contribution for off-site provision.
86. Whilst on-site provision is usually sought for developments of more than 10 units, in this instance an off-site contribution was agreed as acceptable given the small scale nature of the site and the fact that it was considered that it would be unlikely that the units would appeal to a registered provider. Policy 15 of the CDP states that in certain circumstances where it can be robustly justified and it would contribute to the objective of creating mixed and balanced communities, we will accept off-site contributions in lieu of on-site provision. This includes, but is not limited to, circumstances where: a. there would be five or fewer affordable homes on the site; b. there is clear evidence that a greater number of off-site, in a more suitable location; or affordable homes could be delivered c. the resulting financial contribution would contribute to specific regeneration activity including bringing viable vacant housing back into use. It is considered that the applicant has provided sufficient supporting information in this regard to demonstrate that an offsite contribution is appropriate in this instance.
87. Colleagues in the Housing Delivery Team have advised that the financial contribution required in this regard is £776,250 to be secured via S106 Agreement.
88. CDP Policy 15 also aims to meet the needs of older people and people with disabilities. On sites of 5 units or more, 66% of dwellings must be built to Building Regulations Requirement M4 (2) (accessible and adaptable dwellings) standard. Based on a scheme of 12 units, 7 units would be required to be built to M4(2).
89. In addition, on sites of 10 units or more, a minimum of 10% of the total number of dwellings on the site are required to be of a design and type that will increase the housing options of older people. These properties should be built to M4(2) standard and would contribute to meeting the 66% requirement set out above. They should be situated in the most appropriate location within the site for older people.
90. Appropriate house types considered to meet this requirement include level access flats, level access bungalows; or housing products that can be shown to meet the specific needs of a multi-generational family. Concern has been raised from the Parish Council that the proposal would not achieve this however, it is considered that the rooms as shown on the submitted house types could be adequately altered to

achieve this and as such a condition will be required to ensure that the required number of properties will be built to M4(2) standards with details submitted to and agreed in writing by the Local Planning Authority.

91. CDP Policy 19 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.
92. Whilst the application proposes the same house type across the development, it is considered that family homes are acceptable in this area and given the site is constrained with limited opportunity to provide a variety of dwellings the approach adopted by the applicant is acceptable.

Developer Contributions

Open space / Green Infrastructure

93. CDP 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.
94. In accordance with CDP Policy 26 and having regards to the Councils Open Space Needs Assessment (OSNA). Based on the OSNA and an average occupancy of 2.2 people per dwelling (Co. Durham average household size, 2011 Census), a scheme of 12 dwellings would generate 26.4 people (12 x 2.2). Table 16 of the OSNA sets out the costings, therefore the contribution should be: $26.4 \times \text{£}790.50 = \text{£}20,869.20$.
95. A contribution to improving existing facilities within the Neville's Cross areas would amount to £20,869.20 to be secured by Section 106 legal agreement.

Education Provision

96. 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.
97. The Local Education Authority has confirmed that based on the methodology set out in the Council's adopted Securing Developer Contributions towards Education Provision in County Durham, the proposed development of 12 dwellings would produce demand for 4 pupil places of primary school age and 2 pupil places of secondary school age.
98. In relation to primary school pupils and based on the projected rolls of the two nearby schools being Neville's Cross Primary and Durham St. Margaret's C of E Primary School, as well as taking into account the likely implementation timeframe of the development, build rates and other committed development, there would not be sufficient space to accommodate the pupils generated by the development, whilst maintaining a 5% surplus.

99. Therefore, in order to mitigate the impact of the development a contribution of £58,812 (4 x £14,703) would be required to facilitate the provision of additional teaching accommodation.
100. In relation to secondary schools and again, based on the projected rolls of Durham Johnston Comprehensive School, taking into account the likely implementation timeframe of the development, build rates and other committed development, there would not be sufficient space to accommodate pupils generated by the development, whilst maintaining a 5% surplus.
101. Therefore, in order to mitigate the impact of the development a contribution of £33,108 (2 x £16,554) would be required to facilitate the provision of additional teaching accommodation.
102. Taking all the above into account, it is considered that Section 106 contributions of a total of £91,920 would be required to be secured towards Education Provision.

Health Contributions

103. Paragraph 34 of the NPPF required Local Authorities to set out the contributions expected from development 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.
104. The NHS have been consulted and advised that the development would not have an unacceptable impact to existing healthcare provision and as such there is no requirement for any commuted sum in this regard.

Affordable Housing Contribution

105. Interested parties have raised objection to the scheme in that the properties themselves would not be affordable to families and questioned the conclusions of the submitted viability assessment, acknowledging that the Council have also raised concerns in this respect.
106. As stated above, an off-site affordable housing contribution of £776,250 is required to be used in providing affordable housing within the locality and this was considered acceptable given the small-scale nature of the site and that it was unlikely that a Registered Provider would be willing to take on the site.
107. Paragraph 58 of the NPPF advises that it is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker. The developer has questioned the viability of the scheme with an appraisal having been submitted to consider this. In these circumstances the developer will be required to demonstrate to the Council's satisfaction that this is the case.
108. The Council's Spatial Policy officers have reviewed the submitted development appraisal, which included scrutiny of baseline costs against industry standards, and a review of the likely income generated from the development.
109. In conclusion, they note that whilst it is acknowledged the development would be unviable if the full developer contribution was to be applied in relation to affordable housing provision, it is nevertheless considered that the scheme could sustain a reduced contribution in this regard. Assessment of the submitted information

indicates that a reduced contribution of £114,826 could be provided without undermining development viability. Similarly, the assessment has concluded that the development could sustain full payments of both the open space and education contributions, which it is noted are required in order to accord with Policies 25 and 26 of the County Durham Plan.

Developer contribution conclusion

110. As detailed above, subject to the applicant entering into the Section 106 Agreement to secure payments for off-site affordable housing provision, education and open space, the development would be considered to accord with CDP Policies 25 and 26. The applicants have agreed to this.

Layout / Design / Impact on Conservation Area

111. Local Authorities have a duty to preserve or enhance the Conservation Area as required by Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Section 66 of the same Act requires a similar duty to have special regard to preserving Listed Buildings or their setting or any features of special architectural or historic interest which it possesses. This requires Local Planning Authorities in the exercise of their planning function with respect to any buildings or other land in Conservation Areas and Listed Buildings to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.
112. CDP Policy 44 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.
113. CDP Policy 45 seeks to ensure that developments within the world heritage site sustain and enhance the significance of the designated asset, are based on an understanding of, and will protect and enhance the outstanding universal value of the site in terms in relation to the immediate and wider setting and important view into, and out of the site.
114. Both approaches display a broad level of accord with the aims of Part 16 of the NPPF which states 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).
115. CDP Policy 29 relating to sustainable design states that all proposals will be required to achieve well designed buildings and places having regard to supplementary planning documents and contribute positively to an area's character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities; and create buildings and spaces that are adaptable to changing social, technological, economic and environmental conditions and include appropriate and proportionate measures to reduce vulnerability, increase resilience and ensure public safety and security.
116. The Durham City Neighbourhood Plan Policies H1 and H2 seeks to ensure that proposals within the Durham Cathedral and Castle World Heritage Site, Durham City Conservation Area, and affecting heritage assets should sustain, conserve, and enhance its Outstanding Universal Value, the significance of the Conservation Area and not have detrimental impact on the assets and their setting.

117. CDP Policy 29 also requires that new major residential development are 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. It also states that all new residential development should meet Nationally Described Space Standards (NDSS). DCNP Policy D4 states new residential development should meet the Building for Life 12 standards provided for in County Durham Building for Life Supplementary Planning Document (2019).
118. In addition, DCNP Policy D4 states all new housing, extensions and other alterations to existing housing should be of high-quality design relating to the character and appearance of the local area, aesthetic qualities, external and internal form and layout, functionality, adaptability, resilience and improvement of energy efficiency and the reduction of carbon dioxide emissions.
119. Significant concern has been raised from local residents, the City of Durham Trust and the Parish Council with regards to the proposal in that the scale, massing and layout would be unacceptable, and that the proposal would be too dense for the area. Given this, they consider the proposal to have an unacceptable impact on the streetscene and Conservation Area in which the site is located and that a lower density should be considered, and this proposal is in the wrong place.
120. In terms of design, concerns from both residents, the City of Durham Trust and the Parish Council have been raised that the proposal is too modern and would be contrary to Part 12 of the NPPF in that the clustered layout of the buildings and landscaping are visually unattractive. The height of the proposal also raises concern in that they are too high and would form a major eyesore thereby being contrary to CDP Policies 29, 44 and 45.
121. In line with the DCNP, the proposal was considered by the Council's Design Review Panel and received a score of 6 green, 1, amber, 4 red and 1 unknown at its latest score. Further discussions have taken place which has resulted in the amber now being considered as a green subject to appropriate bin storage arrangements being provided which is considered in more detail below. The viability issue has also been resolved in respect of the unknown in that the scheme is not entirely viable in that only a proportion of the affordable housing payment can be made. The remaining red scores relate to character and layout including impact on the streetscene which is considered in more detail below.
122. In respect of layout, the site is considered to respond positively to the existing plan form of the area, proposing two rows of terraced housing, positively addressing both Newcastle Road and St John's Road which are rows of existing terraces.
123. At St John's Road, the proposed terrace closely follows the dominant building line of the existing dwellings. The applicant has also submitted a character study of the area which demonstrates that the proposed scheme is of locally inspired character, and therefore the architectural approach is welcomed. Some concern however was raised with regards to the developments relationship to Newcastle Road in respect of height.
124. Details of materials and samples for consideration are to be controlled via pre-commencement conditions. In terms of the courtyard layout the site is less focused on visitor parking spaces and provides whilst limited some landscaping proposed as part of the proposal. Full details of the landscaping scheme is proposed to be submitted along with full boundary treatment details at condition stage.

125. Turning to the impact of the proposal upon designated heritage assets, it is noted that the site lies within the Crossgate sub area of the Durham City Centre Conservation area, where it is prominently sited facing Newcastle Road at the end of the historic terraced housing c.1923.
126. In addition, the site lies approximately 20m to the east of the Battle of Neville's Cross 1346 historic battlefield, approximately 120m north of Neville's Cross which is a Scheduled Monument and Grade II Listed. The site also lies approximately 140m from a milestone 5m south of the junction with Newcastle Road which is Grade II Listed.
127. The sites significance lies purely in the fact that it is within the Conservation Area and the setting of the abovenamed designated heritage assets, where its current contribution is not positive. The street is characterised by a small group of mid-Victorian buildings such as Cross House and Rokeby Village, further into the street the architectural style changes to Edwardian terraces which are then followed by interwar terraces and 1950s properties. The site forms an unsightly gap in the existing street scenes and was formerly occupied by a petrol filling station dating from the 1960s, which has since been demolished some time ago. Since this time the site has been vacant and generally unmaintained.
128. Concerns in relation to scale and massing have been raised and concern was originally raised in respect of the overall impact on the Conservation Area and how this could be positively achieved. The proposed scheme as amended is considered to respond positively to the existing context and therefore the scale of development in this location is not opposed.
129. However, concern was raised with regard to the Newcastle Road elevation in that further understanding of the scale of the development in relation to the existing terrace was required. A streetscene visual was therefore provided, along with a reduction in the overall height and this was considered a positive improvement however it was felt that a further reduction in height would be a more appropriate design solution.
130. Further discussions continued with regard to reducing the overall height and reviewing the density of development. However, as part of those discussions the applicant provided a viability statement which demonstrated that the scheme would not be viable if a reduction to the overall number of units proposed was applied. As detailed above, in the most part the conclusions of that assessment are accepted in so far as they demonstrate that the quantum of development proposed is the minimum required to ensure the scheme is viable.
131. Whilst there would be some harm to the Conservation Area due to the scale of the proposal, this is considered very limited and as such, less than substantial for the purposes of Paragraph 202 of the NPPF. This states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
132. This being the case, it is necessary to weigh the public benefits of the proposal against the harm that would arise to the Conservation Area and this is discussed in more detail in the planning balance section below.
133. In respect of the requirements as outlined within Section 66 of the Town and Country Planning (Listed Building and Conservation Area) Act 1990, which requires an LPA to have regard to the desirability of preserving the building or its setting or any

features of special architectural or historic interest which it possesses when undertaking its planning function, with this mind, and noting the advice received from the Council's Design and Conservation Section, it is considered the development would preserve the setting of the Listed building as identified elsewhere in this report.

134. With regard to more general design aims, it is noted that CDP Policy 29 states that all new development should minimise greenhouse gas emissions, by seeking to achieve zero carbon buildings and providing renewable and low carbon energy generation and include connections to an existing or approved district energy scheme where viable opportunities exist. Where connection to the gas network is not viable, development should utilise renewable and low carbon technologies as the main heating source. It is considered that sufficient information has been provided to demonstrate that suitable measures could be incorporated into the proposal to accord with the requirements of the policy. Therefore, precise detail in this regard could be secured through planning conditions requiring the submission and agreement of precise details.

Impact on Residential Amenity

135. CDP Policies 6 and 31 seek to prevent development that would have an unacceptable impact upon the amenity of existing neighbouring residents and only allow development where adequate amenity for future occupiers is provided. Part 11 Paragraph 119 of the NPPF requires planning decisions to ensure healthy living conditions and Paragraph 124 emphasises the importance of securing healthy places. Paragraph 174 of Part 15 requires decisions to prevent new development from being put at unacceptable risk from, or being adversely affected by, unacceptable levels of pollution such as noise pollution.
136. Paragraph 185 seeks to ensure that new development is appropriate for its location taking into account the likely effects of pollution on health and living conditions. In terms of noise, paragraph 185 advises that planning decisions should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development - and avoid noise giving rise to significant adverse impacts on health and the quality of life.
137. CDP Policy 29 (Sustainable Design) requires all development proposals to achieve well designed buildings and places having regard to SPD advice and sets out 18 elements for development to be considered acceptable, including: making positive contribution to areas character, identity etc.; 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 (NDSS), 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.
138. 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.

139. Concern has been raised from residents regarding insufficient separation distances being in place, the impact on the residential amenity of the future occupants in that there is no green space available and that the nearest open space is some distance away.
140. The dwellings are proposed to be located within a primarily residential area and with residential properties located to the north east and west of the site. The main Newcastle Road (A167) is located to the south with residential properties at slightly further distance beyond. A purpose built student accommodation (PBSA) facility is also situated within close proximity.
141. The amenity of future residents is considered to be an important factor and as stated above CDP Policy 29 states that all new residential development will be required to comply with the NDSS. Information has been provided to support this and as such it is considered that the proposal is acceptable in this respect with the dwellings meeting NDSS requirements.
142. The proposed development is within close proximity to the A167 Newcastle Road, St John's Road and the East Coast main rail line. Traffic noise will be the dominant noise source, which the applicant has acknowledged within the supporting documents, however no specific detail has been provided in relation to ensuring the protection of future occupants from such noise sources therefore, as such a pre-commencement condition requiring an acoustic report to be submitted and any identified mitigation implemented is required.
143. 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) which requires the following to be achieved:
- Main facing elevation to main facing elevation containing window/s serving a habitable room
- 21 metres between two storey buildings
 - 18 metres between bungalows
- Main facing elevation to gable wall which does not contain a window serving a habitable room
- 13 metres to two storey gable
 - 10 metres to single storey gable
- Garden depths should be a minimum of 9m.
144. Separation distances in excess of 21m can be achieved between the main facing elevations of the dwellings located to the east and west of the site and those terraces proposed as part of this application therefore, the proposal is not considered to cause any loss of light, overshadowing or overlooking to these properties.
145. In respect of properties located to the north and south of the site (those being on St Johns Road and George Street - separation distances of 13m can be achieved between the windows contained within the gable elevation of no. 17 St Johns Road and as such separation distances are considered to be met. However, a condition can be included to ensure that no additional windows are contained within the side elevation of the dwelling known as Plot 6 to ensure no unacceptable impact occurs in the future. In respect of no, 19 St Johns Road, no windows are contained in the side elevation therefore, separation distances are considered to be met.

146. In respect of those at no. 17 George Street - Windows are contained in the side elevation which are considered as habitable room windows, and these would be positioned at first floor approximately 10 metres from the south-eastern boundary of the site. However, given the position and orientation of these units, views would be over the proposed courtyard area and as such it is not considered that a significant loss of amenity would occur through overlooking, overshadowing or loss of light. Again, conditions could be attached restricting the addition of future windows to the gable elevation of plot 12.
147. It is noted that the garden depths provided do not fully meet the requirements of the SPD in that they are less than 9m in depth. Nevertheless, the SPD does note that site specific circumstances may allow for garden depths to be reduced and an alternative solution adopted where it is deemed that privacy and amenity would not be adversely affected. In this instance, rear gardens do fall below the minimum depth advised by the SPD and deliver an elevated terraced area. The proposed arrangement is considered acceptable and would deliver sufficient amenity space typical of the locality, noting that existing properties typically have rear garden depths below 9 metres given their terraced nature.
148. In addition, whilst it is a fully hardstanding area between the two terraces, it has been designed in a way to be a multi-use area and as such, it is considered that an appropriate level of amenity has been provided for future residents of the site. In addition, it is noted that existing terraced properties within the area have a lower level of garden space available which is typical of terraced properties and existing properties within the area.
149. Notwithstanding the conditions mentioned above relating to individual plots, it is considered that a further condition removing permitted development rights which are the subject of Schedule 2, Part 1, Classes A, AA and B of the Town and Country Planning, General Permitted Development Order 2015 should be included across all dwellings due to the constrained nature of the site.
150. With regards to noise, it is noted that during the construction phase the development could lead to some disruption to existing residential receptors, due to their close proximity, however it is considered that this can be mitigated by the submission of a Construction Management Plan which would be required as a pre-commencement condition and also a condition regarding the hours of construction. It is noted that a Construction Management Plan has already been provided however this does not contain all the relevant information required and therefore further information is required to be submitted. This could be required by a condition.
151. Taking the above into consideration, it is considered that the proposal, therefore, is considered acceptable in respect of Policies 29 and 31 of the County Durham Plan in respect of residential amenity of both existing and future residents subject to conditions.

Highway and Pedestrian Safety

152. CDP Policy 21 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
153. In addition, DCNP Policy T1 seeks to ensure that development proposals will be required to demonstrate best practice in respect of sustainable transport accessibility and design along with Policy T2 which states development should provide sufficient residential parking.

154. Concern has been raised from residents, the City of Durham Trust and the Parish Council regarding highway safety concerns in that the proposal would result in major traffic and parking concerns in that the access road off Newcastle Road is unnecessary and would be used as a short cut to avoid the signalised crossroads which is already over trafficked at peak times.
155. Originally an access was proposed from the main A167 as well as St Johns Road however, given concerns raised by the Highway Authority, this has been amended to provide access from St Johns Road only, which is considered acceptable in respect of highways safety, however, concern was raised from residents and the Parish Council that this would result in St Johns Road being overused. Whilst concern has been noted, the application has been assessed fully by highway colleagues and they do not consider that any adverse impact would occur in this regard.
156. Appropriate parking for both residents and visitors is considered to have been provided in accordance with the Council's current Parking Standards, however this would be subject to the removal of permitted development rights to ensure that the garages would remain as parking spaces and not be converted to habitable accommodation. It is considered that a condition can be added in this respect. Each property would require an electric charging point to be provided and this again can be added as a condition of the application.
157. It is noted that the Council is likely to have adopted updated Parking Standards at the point this application is reported to the planning committee. As such it was considered appropriate to assess the development against those updated standards. In this regard it is noted that the application would not meet with the revised standards in that each property would be deficient in parking provision by 1 parking space. However, noting that at the present time these standards have not been formally adopted only very limited weight can be afforded to them. Nevertheless, it is considered that in this instance the property is located within a highly sustainable area, within close proximity to both primary and secondary schools, as well as walking distance to Durham City Centre, which has excellent transport links by both bus and train as well as a large range of shops and services, a reduced level of parking is considered acceptable.
158. The DCC Adoptions Engineer has confirmed that the layout is not to a standard which would be adoptable and would therefore remain private. Given this, and for liability issues, the Councils refuse collection would not enter the site.
159. Due to this, it was considered that the site would need to be amended to bring the site up to adoptable standards or a suitable bin storage arrangement would need to be provided. The applicants however have confirmed that a private refuse contractor would be employed. The Highway Authority have no objection to this approach providing full details are secured by condition, and this remains in perpetuity. It is considered that this can be controlled via planning condition. In addition, it is considered appropriate to include requirement within the S106 Legal Agreement for the submission and agreement for the management of all shared areas of access and hardstanding noting that these will not be subsequently adopted by the Highway Authority. The applicant has agreed to the inclusion of this requirement within the S106 Agreement.
160. There are existing vehicular accesses on the A167 from the historic use of the petrol station which will require reinstating to verge and footway/cycleway with full height kerbs, grass and smooth tarmac surfacing to the footway/cycleway therefore, an informative will be added in this respect.

161. Therefore, subject to conditions as identified above, and a further condition securing the submission and agreement of a construction management plan, the proposal would be considered acceptable in accordance with Policies 21 and 22 of the CDP, Part 9 of the NPPF and Policies T1, T2 and T3 of the Durham City Neighbourhood Plan.

Land Contamination

162. Paragraph 183 of the NPPF advises that planning decisions should ensure a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. In line with this, CDP Policy 32 states that development will not be permitted unless the developer can demonstrate that:
- a. any existing despoiled, degraded, derelict, contaminated or unstable land issues can be satisfactorily addressed by appropriate mitigation measures prior to the construction or occupation of the proposed development;
 - b. the site is suitable for the proposed use, and does not result in unacceptable risks which would adversely impact on the environment, human health and the amenity of local communities; and
 - c. all investigations and risk assessments have been undertaken by an appropriately qualified person.
163. Concern has been raised from residents regarding toxic chemicals on the site due to the previous use. The application has been assessed by the Land Contamination Officer and the phase 1 has identified past industrial uses on the site and made recommendations for a phase 2. The phase 2 has identified elevated levels of contamination in the soils and ground gas protection measures are required. A phase 3 remediation strategy is therefore required detailing the remedial works to be undertaken which can be controlled by a pre-commencement condition.
164. The proposal subject to conditions is therefore, considered acceptable in respect of contaminated land issues in accordance with Policy 32 of the County Durham Plan and Part 15 of the NPPF.

Drainage

165. CDP 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.
166. Whilst CDP 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.

167. Drainage information has been provided which has been assessed by the LLFA and it is considered that the proposal is acceptable. The scheme is therefore acceptable in relation to Policies 35 and 36 of the County Durham Plan.

Ecology

168. Part 15 of the NPPF seeks to ensure that when determining planning applications, Local Planning Authorities seek to conserve and enhance biodiversity. CDP Policy 41 seeks to resist proposals for new development which would otherwise result in significant harm to biodiversity or geodiversity, which cannot be avoided, or appropriately mitigated, or, as a last resort, compensated for. Proposals for new development will be expected to minimise impacts on biodiversity by retaining and enhancing existing biodiversity assets and features and providing net gains for biodiversity including by establishing coherent ecological networks. CDP Policy 25 seeks to ensure that new development is only approved where any mitigation necessary to make the development acceptable in planning terms are secured through appropriate planning conditions or planning obligations.
169. The Ecology report submitted by OS Ecology is considered acceptable and no further surveys are required subject to a condition requiring the recommendations to be carried out and integrated bat and bird boxes installed to provide enhancement.
170. Details of these integrated bat and bird boxes have not been provided therefore, a condition will be added for the details to be provided and to control their installation. Subject to this, the proposal is considered acceptable in respect of Policy 41 of the County Durham Plan and Part 15 of the NPPF.

Archaeology

171. CDP Policy 44 states in determining applications which would affect a known or suspected non-designated heritage asset with an archaeological interest, particular regard will be given to the following:
- i. ensuring that archaeological features are generally preserved in situ; and
 - j. in cases where the balanced judgement concludes preservation in situ should not be pursued, it will be a requirement that they are appropriately excavated and recorded with the results fully analysed and made publicly available.
172. Paragraph 194 of the NPPF states in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.
173. The proposal sits opposite the site of a registered battlefield therefore, discussions have taken place with the Archaeology Team who have assessed the proposal and consider that a condition requesting a watching brief to be submitted is required.

Trees / Landscape

174. CDP 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.
175. CPD 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.
176. Concern has been raised regarding the trees on site which objectors understand are protected by a tree preservation order and that there is no way the developer would be able to retain the beech hedge on St Johns Road.
177. The trees in question on the site are not protected by a tree preservation order although they are subject to some protection by virtue of their position within the conservation area. However, no objection has been raised by the Council's Arborist who has confirmed that the trees within the site do not warrant individual tree preservation orders.
178. Some of these trees situated to the south-east boundary will need to be removed to facilitate drainage and whilst these are the most mature on site their location and longevity would be limited despite the proposed development and as such their removal is not considered to conflict with CDP Policy 40.
179. Protective fencing must be in place to protect those trees which are outlined to be retained, and fencing must comply with BS 5837 2012 which is shown in Section 5 of the Arboricultural Tree Constraints Assessment Document.
180. Full details are also required with regards to the boundary treatment along the front of the site facing onto Newcastle Road and St John's Road which includes a wall and hedging, and this is also the case with boundary treatment to St Johns Road which again proposes a replacement hedge. Therefore, the submission and agreement of full details of both proposed arrangements should be secured via a condition.
181. Therefore, subject to conditions the proposal is considered acceptable from a landscape viewpoint in accordance with Policy 39 of the County Durham Plan and from an Arboricultural viewpoint in accordance with Policy 40 of the County Durham Plan.

Other Issues

182. Concerns have been raised from some respondents that the proposal would be occupied as houses in multiple occupation (HMO's). The current application relates to dwelling houses falling within Class C3 of the Town and Country Planning (Use Classes) Order 2015. As the site lies within the area subject to an Article 4 Direction removing permitted development rights relating to changes of use from C3 to C4 (HMO), any future change of use would be subject to control and require planning permission.

183. Concerns have been raised in relation to land ownership. However, it is understood that the applicant has served notice on the relevant owners which accords with the procedural requirements contained within the Town and Country Planning (Development Management Procedure) (England) Order 2015.
184. Concerns have been raised from residents that the applicant has failed to act responsibly in their approach to other developments. However, this is not a material planning consideration in the determination of the current application.
185. Some respondents have raised concern at the extent to which the Council publicised the planning application and that it was biased towards temporary residents due to Duresme Court being consulted. Whilst the concerns are noted the application was advertised by means of a site notice and letters sent to adjoining occupiers which exceeds the minimum statutory requirements as contained in the Town and Country Planning (Development Management Procedure) (England) Order 2015.
186. Concern has been raised with regards to the level of consultation by the Developer. Whilst applicants are encouraged to engage with the local communities prior to the submission of any planning application this is not a mandatory requirement and any failure to do so, whilst disappointing, cannot be afforded weight in the determination of this planning application.
187. Concern has been raised that the proposal is for financial gain only and that the proposals will not be affordable for local residents. Issues surrounding affordable housing provision have been considered in more detail elsewhere in this report. The perceived financial motivations of the applicant are not a material consideration in the determination of this planning application.

Planning Balance

188. As noted, given the concerns regarding the height of some of the units there would be some harm to the character and appearance of the conservation area as a result of the development. However, that harm is considered limited given it relates to one design aspect of a larger scheme which itself provides notable benefit in bringing a vacant and unmanaged site in a prominent location towards the western edge of the Conservation Area, back into positive use.
189. The development would also provide some benefit in terms of providing a modest boost to housing supply although this could be considered limited at 12 dwellings and particularly in the context that the Council is currently able to demonstrate a 5 year supply of housing land. As such only limited weight should be afforded to the benefits of delivering new housing than would be the case if a shortfall in supply existed.
190. To a degree, the development would also provide direct and indirect economic benefits within the locality in the form of expenditure in the local economy. This would include the creation of construction jobs, as well as further indirect jobs over the lifetime of the development. A temporary economic uplift would be expected to result from the development and expenditure benefits to the area. Such benefits can again be afforded limited weight.
191. Whilst it is noted that the development would result in some harm to the Conservation Area this is limited and confined to one design aspect of a wider proposal. Even though this amounts to a conflict with Policy 44 of the County Durham Plan, Policy H2 of the Durham City Neighbourhood Plan and the requirements of Section 72 of the Planning (Listed Buildings and Conservation

Areas) Act 1990, for the reasons detailed above it is considered that the public benefits outweigh the that minimal localised harm. As such the proposal is considered acceptable in this regard.

Public Sector Equality Duty

192. 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.
193. In this instance, officers have assessed all relevant factors and do not consider that there are any equality impacts identified.

CONCLUSION

194. The development is considered acceptable in principle and the site represents a sustainable location capable of accommodating the quantum of development proposed noting the viability position demonstrated in support of the application.
195. Whilst there would be some localised harm to the Conservation Area it is considered there are sufficient public benefits that would outweigh that harm in accordance with Paragraph 202 of the NPPF. In other respects, it is not considered that the development would undermine the aims of Policy 44 of the County Durham Plan or H2 of the Durham City Neighbourhood Plan or the duty of the LPA to have regard to preserving the character of the Conservation Area as required by Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
196. In all other respects the development could be accommodated without adverse impact upon residential amenity, highway safety, design, trees and landscape, contaminated land, ecology, archaeology and drainage in accordance with relevant policies of the County Durham Plan, Durham City Neighbourhood Plan and National Planning Policy Framework subject to inclusion of the planning conditions listed below and the requirements of the legal agreement as detailed.
197. 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.
198. The proposal therefore is considered acceptable in respect of Parts 2, 4, 5, 6, 8, 9, 11, 12, 14, 15 and 16 of the National Planning Policy Framework, County Durham Plan Policies 1, 6, 15, 19, 21, 25, 26, 27, 29, 31, 32, 35, 36, 39, 40, 41, 43, 44, 45 and Durham City Neighbourhood Plan Policies G1, S1, H1, T1, T2, T3, D2, D3 and D4.

RECOMMENDATION

That the application be **APPROVED**, subject to a s106 agreement to require payments of:

- £20,869.20 towards Open Space Provision
- £91,920 towards Education Provision
- £114,826 towards Affordable Housing Provision

- The submission, agreement and full implementation thereafter of a management plan (in perpetuity) including but not limited to, details of the following;
 - street sweeping within the privately owned maintained areas
 - how the roads within the development will be maintained and repaired.
 - how car parking on street within the development will be managed
 - how refuse collection from the dwellings will be managed and operated
 - graffiti, stain, spillage and chewing gum removal
 - snow clearing and gritting
 - clearance of gullies and street weed control
 - street name plate maintenance, repair and replacement
 - maintenance of soft landscaping areas.

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.

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies 6, 21, 29 and 31 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.

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

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

4. Prior to occupation of any dwelling hereby approved, details of an electric car charging point for each dwelling shall be submitted and approved in writing by the Local Planning Authority. The charge point shall be installed, prior to occupation of the dwelling in accordance with the approved details.

Reason: To comply with parking guidelines in line with requirements set out in Policy 21 of the County Durham Plan and Part 9 of the National Planning Policy Framework.

5. Prior to first occupation of any of the dwellings hereby approved a scheme detailing the precise means of broadband connection to the site shall be 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.

6. 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.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order), no development under Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) shall take place without the grant of further specific planning permission from the Local Planning Authority. The garages hereby approved shall be maintained for the storage of motor vehicles at all times.

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

8. Prior to the commencement of the development hereby approved details of the specification and location of 1 bat access ridge tile unit and 1 bird breeding box (such as a house sparrow terrace or swift brick) per property shall be submitted to and approved in writing and shall be retained in perpetuity.

Reason: In the interests of protected species in accordance with Policy 43 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

9. Prior to the commencement of the development hereby approved, details of a private bin collection agreement shall be submitted to and agreed in writing. The approved scheme shall be brought into use prior to the occupation of any dwelling hereby approved and shall remain in perpetuity.

Reason: In the interests of highway safety in accordance with Policy 21 of the County Durham Plan and Part 4 of the National Planning Policy Framework.

10. No development shall take place until an acoustic report, carried out by a competent person in accordance with all relevant standards, on the existing noise climate at the development site has been submitted to and been approved in writing by the Local Planning Authority. The aim of the report will be to establish whether sound attenuation measures are required to protect future residents from the transferral of sound from road traffic/commercial noise. In the event that the acoustic report finds that the following noise levels would be exceeded a noise insulation scheme shall be submitted to and approved in writing by the Local Planning Authority.

- o 35dB LAeq 16hr bedrooms and living room LA during the day-time (0700 - 2300)
- o 30 dB LAeq 8hr in all bedrooms during the night time (2300 - 0700)
- o 45 dB LAmax in bedrooms during the night-time
- o 55dB LAeq 16hr in outdoor living areas

The approved scheme shall be implemented prior to the beneficial occupation of the development and shall be permanently retained thereafter.

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

11. Prior to occupation of the dwellings hereby approved, verification details to ensure that 66% of the properties have been constructed to M4(2) Standards shall be submitted to and approved in writing.

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

12. 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.

13. In undertaking the development that is hereby approved:

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

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

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

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

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

14. 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 3 remediation strategy 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.

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

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

16. No development shall take place until intrusive site investigations have been undertaken to assess the ground conditions and the potential risks posed to the development by past shallow coal mining activity. A report shall thereafter be submitted to and agreed in writing by the Local Planning Authority setting out the findings of the intrusive site investigations including a scheme of remedial work where required. Thereafter the development shall take place in accordance with the agreed details.

Reason: The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with Policy 32 of the County Durham Plan and Paragraphs 178 and 179 of the National Planning Policy Framework.

17. No development shall commence until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority.

No tree shall be felled or hedge removed until the landscape scheme, including any replacement tree and hedge planting, is approved as above.

Any submitted scheme must be shown to comply with legislation protecting nesting birds and roosting bats.

The landscape scheme shall include accurate plan based details of the following:

Trees, hedges and shrubs scheduled for retention.

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

Details of planting procedures or specification.

Finished topsoil levels and depths.

Details of temporary topsoil and subsoil storage provision.

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

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

The Local Planning Authority shall be notified in advance of the start on site date and the completion date of all external works.

Trees, hedges and shrubs shall not be removed without agreement within five years.

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.

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

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

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

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

Replacements will be subject to the same conditions.

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

19. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or in any Statutory Instrument revoking and/or re-enacting that Order with or without modification) no change of use of the hereby approved residential accommodation from use class C3 (dwelling houses) to use class C4 (houses in multiple occupation) shall be carried out without planning permission having been granted by the LPA.

Reason: In order that the local planning authority may exercise further control to prevent overconcentration of houses in multiple occupation having regard to the need to deliver inclusive and mixed communities as identified in Part 5 of the National Planning Policy Framework.

20. Prior to commencement of development hereby approved, details of a scheme to minimise greenhouse gas emissions, with the aim of achieving as close as possible a zero carbon building, shall be submitted and approved in writing by the Local Planning Authority. The scheme shall include, but not be limited to, provision of renewable and low carbon energy generation and electric car charging points. The renewable and low carbon energy measures shall 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 and d) of the County Durham Plan.

21. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a mitigation strategy document that shall be submitted to, and approved in writing, by the local planning authority. The strategy shall include details of the following:

- i) Measures to ensure the preservation in situ, or the preservation by record, of archaeological features of identified importance.
- ii) Methodologies for the recording and recovery of archaeological remains including artefacts and ecofacts.
- iii) Post-fieldwork methodologies for assessment and analyses.
- iv) Methodologies for a programme of building record, to be compliant with Historic England standards to be carried out prior to any demolition or conversion works, or any stripping out of fixtures and fittings.
- v) Report content and arrangements for dissemination, and publication proposals.
- vi) Archive preparation and deposition with recognised repositories.
- vii) A timetable of works in relation to the proposed development, including sufficient notification and allowance of time to ensure that the site work is undertaken and completed in accordance with the strategy.

- viii) Monitoring arrangements, including the notification in writing to the County Durham Principal Archaeologist of the commencement of archaeological works and the opportunity to monitor such works.
- ix) A list of all staff involved in the implementation of the strategy, including sub-contractors and specialists, their responsibilities and qualifications. The development shall then be carried out in full accordance with the approved details

Thereafter the development shall be carried out in accordance with the agreed strategy.

Reason: To comply with Policy 44 of the County Durham Plan and Paragraphs 203 and 205 of the National Planning Policy Framework and because the site is of archaeological interest being located within close proximity to a registered battlefield.

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

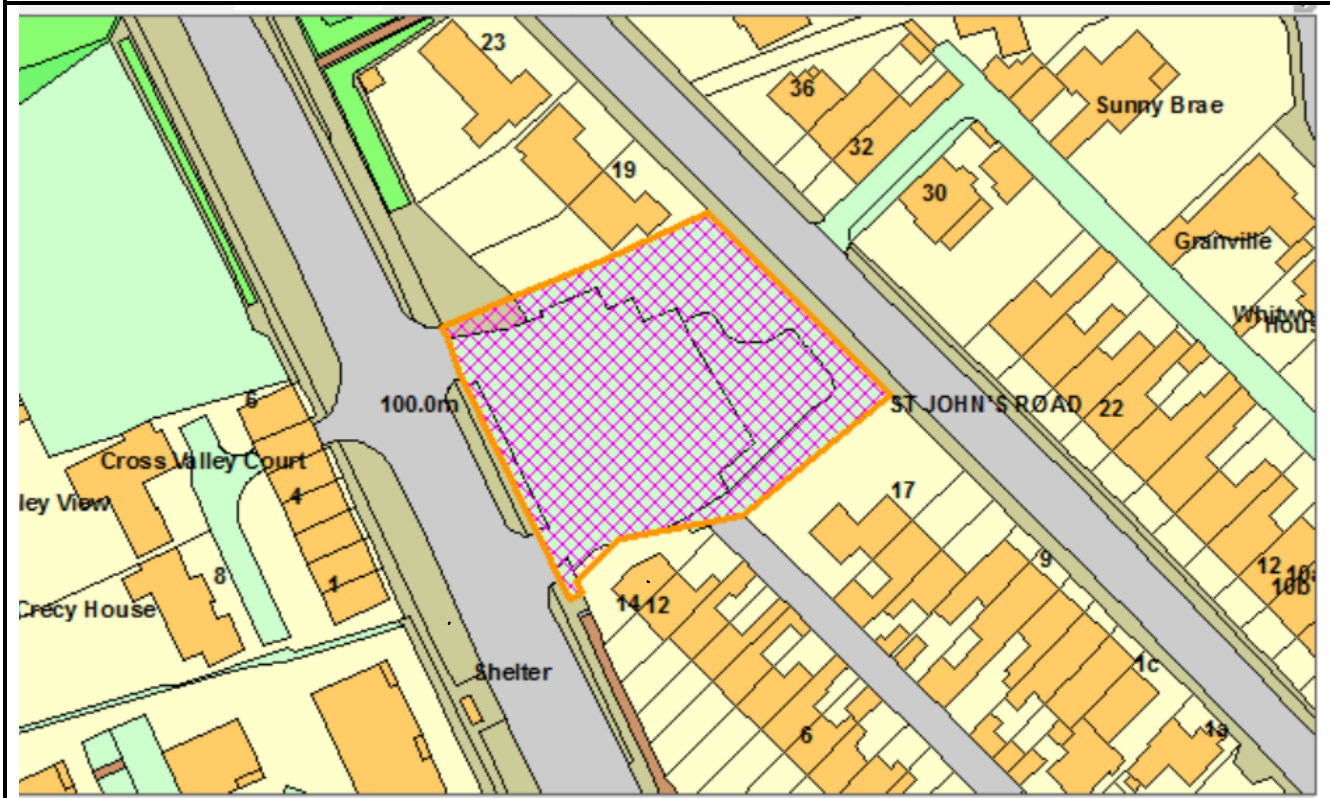
The National Planning Policy Framework (2021)

National Planning Practice Guidance Notes

County Durham Plan

Durham City Neighbourhood Plan

Statutory, internal and public consultation responses



<p>Planning Services</p>	<p>Construction of 12 townhouse dwellings with associated works at Land At, St Johns Road, Nevilles Cross</p> <p>Application Reference: DM/21/01789/FPA</p>	
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