

# COMMITTEE REPORT

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### APPLICATION DETAILS

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<b>APPLICATION No:</b>	DM/23/00532/FPA
<b>FULL APPLICATION DESCRIPTION:</b>	Erection of 22 dwellings with associated works (amended layout).
<b>NAME OF APPLICANT:</b>	Mr Tom Winter – Believe Housing
<b>ADDRESS:</b>	Bevan Square Murton Seaham SR7 9HT
<b>ELECTORAL DIVISION:</b>	Murton
<b>CASE OFFICER:</b>	Lisa Morina Senior Planning Officer Telephone: 03000 264877 <a href="mailto:Lisa.morina@durham.gov.uk">Lisa.morina@durham.gov.uk</a>

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### DESCRIPTION OF THE SITE AND PROPOSALS

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#### The Site

1. The application site relates to an area of open space, currently laid to grass with some areas of tree planting and is located along the northern edge of the settlement of Murton. It is classified as OSNA in the Council's Open Space Needs Assessment; however, the site is considered to be previously developed land on the basis that housing had previously been on the site. Google Earth Images show that the site was cleared sometime between 2006 - 2008.
2. Residential properties are located to the east, south and west of the proposal. These properties largely consist of two storey semi-detached dwellings, with front and rear garden spaces with a mix of both red brick and tiles and cladded/rendered properties of varying colours. An existing garage block is also in existence which is proposed to remain.
3. An area of open space sits to the north of the site which is designated as an area of high landscape value (AHLV). A small number of trees exist across the site with the majority being located to the northwest. Levels are mainly flat across the site. Pockets of amenity space are also provided in close proximity to the site which are considered to be easily accessible by pedestrians. There are no public rights of way (PROW) within the site, although there are adopted footways to the west of the site that link to informal paths heading north beyond the settlement boundary.
4. There are no designated or non-designated heritage assets within close proximity of the development site. The site is located approximately 4.8 km from the Durham

Heritage Coastline, which also contains internationally designated sites for nature conservation.

#### Proposal:

5. Consent is sought for the erection of 22 dwellings which are proposed as both two-storey dwellings and bungalows. The site is proposed to contain a mix of 4 x 2-bedroom bungalows, 6 x 2-bed dwellings, 10 x 3-bed dwellings and 2 x 4-bed dwellings. It is proposed that the dwellings will be constructed of red brick with a mix of light-coloured render and a mix of red and grey tiles for the roof.

A SUDs area is proposed to the north-eastern part of the site, with the existing area of open space within Bevan Square retained at the southern part of the site. The majority of dwellings are proposed to the northern part of the site, facing south and fronting Bevan Square, which replicates the layout on site prior to its clearance. A terrace of 4 bungalow dwellings would be situated on the northern part of the central green space of Bevan Square, facing north, with rear garden space on its southern elevation, next to the remaining open space. Boundary treatments at this point would consist of 1.2 metres high brick wall with piers, with 600mm close board fencing atop.

6. Three further dwellings would be located to the south-east part of the site, one detached and two semis, and these would appear as an extension to the existing dwellings which are located to the east. All properties would have vehicular access to Bevan Square, apart from the two south easterly semis, who would access the highway at Webb Avenue.
7. The application is presented to committee as it constitutes a major development.

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## **PLANNING HISTORY**

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8. There is no relevant planning history on this site.

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## **PLANNING POLICY**

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### **NATIONAL POLICY**

9. A revised National Planning Policy Framework (NPPF) was published in July 2023. 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.

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

#### **NATIONAL PLANNING PRACTICE GUIDANCE:**

20. 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

21. 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.
22. 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.
23. 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.
24. 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.
25. 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.

26. 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.
27. 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.
28. 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.
29. 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.
30. 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.
31. 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.
32. 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.

33. 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.
34. 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.
35. Residential Amenity Standards SPD – Provides guidance on the space/amenity standards that would normally be expected where new dwellings are proposed.
36. Parking and Accessibility SPD – provides guidance on road widths and parking standards for new developments.

#### Neighbourhood Plan

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

*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>*

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

38. Highways – No objection subject to informatives being added.
39. Northumbrian Water – No response received.
40. Durham Constabulary – Information provided on secured by design principles.
41. NHS – No contributions are required.
42. LLFA Drainage – No objections raised.

### **INTERNAL CONSULTEE RESPONSES:**

43. Environmental Health (Contamination) – No objection, no requirement for a land contamination condition.
44. Environmental Health (Noise) – No objection subject to conditions regarding noise implications which can be controlled via pre-commencement conditions.
45. Environmental Health (Air Quality) – No objection

46. Ecology – No objection, contributions required in respect of Bio-diversity Net Gain and HRA Contributions
47. Affordable Housing – Affordable housing required to be provided and it is welcomed that 100% affordable housing is proposed.
48. Landscape – No objection in respect of policy 39.
49. Trees – Concern raised regarding loss of trees in the north-western corner of the site.
50. Policy – Advice given in respect of which policies to consider.
51. Education – No contribution required.

**PUBLIC RESPONSES:**

52. The application has been advertised by means of site notice and by notifying neighbouring residents by letter. To date, one letter of representation has been received with the following concerns:
  - Concern regarding the loss of existing parking arrangements in front of Nos 7&8 Bevan Square and replacing it with a patch of grass. Parking has been in existence in this area since prior to 1977.
  - Consideration should be given to putting a driveway into Nos 7&8 Bevan Square.
  - Concern regarding access to the estate as it be a loop road going around Bevan Square which will be a hazard to children playing in the area. Consideration should be given to an access to the estate via Shinwell and the main road Webb Avenue.

**APPLICANT'S STATEMENT:**

53. The proposed development will provide much needed affordable housing on a site within a highly sustainable location and in accordance with planning policy will make the most effective use of sustainable land to address housing need in the area. The proposals include for 100% affordable homes which will include 4 bungalows. The affordable units will be a mix of 'Affordable Rent' and 'Rent to Buy' tenures.
54. The layout of the site provides a visually attractive development which will retain trees where possible and include landscaped areas of public open space and amenity space.
55. The proposal provides sufficient space between existing and proposed properties to ensure good amenity for both existing and proposed residents.
56. All properties include in curtilage car parking and an enclosed private garden which meets the minimum required by the adopted SPG. There is further visitor car parking spaces which are evenly dispersed across the site to reduce the possibility of indiscriminate on-street car parking.
57. The design of each property has been carefully considered to ensure the proposed development will be visually attractive and of a high quality, in keeping with the existing residential area. The layout and proposed landscaping will create a sense of place linking the new properties with the existing residential area in a sympathetic and respectful way.

58. The applicant has agreed to all requested developer contributions.
59. There are no technical consultee objections and only one letter from a neighbouring resident raising issue with parking spaces and highway layout. The layout has been revised inline with comments from the Council's Highway Team who have no objection to the proposed development.
60. The proposals represent sustainable development which will provide much needed homes within the village making the most effective use of land. The proposals accord with local and national planning policy in all regards.

*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>*

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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61. 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.
62. 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 (CDP) 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.
63. The County Durham Plan is now adopted and is 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.
64. In this context, it is considered that the main planning issues in this instance are as detailed below:

### Principle of the Development

65. The site is considered to be within the built-up area of Murton however is not allocated for housing within the CDP. Policy 6 of the 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 criteria:
66. 6a) Development should be compatible with, and not prejudicial to, any existing, allocated or permitted use of adjacent land;

The site is surrounded for the most part by residential properties and as such the residential use of this site would therefore be compatible with surrounding uses, particularly the established residential uses to the south. There are no concerns that the proposed dwellings would be prejudicial to the AHLV which lies to the north given the site does not extend into this and appropriate buffer is to be retained.



67. 6b) Development does not contribute to coalescence with neighbouring settlement, would not result in ribbon development, or inappropriate backland development;

There is no concern that the site would lead to coalescence with neighbouring settlements due to it not extending beyond the northern boundary of the existing settlement. In addition, given its location and relationship to the existing built form along with the proposed layout of dwellings on site, the development would not be considered ribbon or backland development.

68. 6c) Development 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 mitigate or compensated for.

The application site does not fall within any designations for landscape or ecology value and is not within a conservation area of heritage value. The site however is considered as open space within the Council's Open Space Needs Assessment (OSNA).

69. The site has also previously been considered within the Council's Strategic Housing Land Availability Assessment (SHLAA) (5/MU/05) and was given an unsuitable (amber) classification. The assessment outcome stated:

*"This site, along with sites MU10, MU02, and MU03 are all cleared housing sites that have been grassed, generally including tree planting. They are all defined as amenity open space in the County Durham Open Space Needs Assessment but offer little real recreational or amenity value. Any one of these sites, including the former school site 5/MU 12, could reasonably be developed for housing. However, they need to be considered comprehensively in relation to landscape and open space needs of the main built-up area of Murton to the North of Church Street which is densely developed with little play space or high quality greenspace. The site is also within the 6km buffer zone of a 'Special Conservation Area' and/or a 'Special Protection Area', a European designation aimed at protecting rare and endangered birds and habitats. The Council is required in its application of the Habitats Regulations, and as the Competent Authority, to determine if an Appropriate Assessment is needed at the point when a planning application is submitted (unless the site is allocated in the future adopted County Durham Local Plan which meets the Habitats Regulations). Planning permission cannot be granted where development requiring appropriate assessment under the Birds or Habitats Directives is being considered, planned or determined."*

70. CDP Policy 26 is also of relevance and states that proposals will not be permitted that would result in the loss of open space or harm to green infrastructure assets unless the benefits of the development clearly outweigh that loss or harm and an assessment has been undertaken which has clearly shown the open space or land to be surplus to requirements. Where valued open spaces or assets are affected, proposals must incorporate suitable mitigation and make appropriate provision of equivalent or greater value in a suitable location.

71. Although currently designated amenity open space within OSNA, the site is considered previously developed land given residential properties were on the site up until around 2006 – 2008. Whilst it is acknowledged that the site has been cleared for around 15 years, the open space is not considered to be of high amenity value, and its loss would not therefore, be considered of significant detriment to the area.

72. Despite the loss of existing amenity space, the site plan shows areas of public open space that would remain as part of the development. A new landscaped SUDS is

proposed at the eastern edge, along with retention of a further open space to the north-western part of the site which would connect with further open spaces to the west and north of the site. In consultation with Spatial Policy and their assessment of requirements for open space associated with the development, the extent of amenity space provided within the red line boundary would exceed provision required to be policy compliant.

73. The areas of space provided are also considered to be of sufficient size to allow these spaces to be usable, with good pedestrian access links to other open space sites within the nearby vicinity. In addition, the AHLV which sits to the north also provides further open space amenities, including a wooded area.

74. The proposal, therefore, is considered acceptable in respect of CDP Policy 26 and CDP Policy 6c as it is not considered to result in the loss of an area of land which has significant recreational value. On this basis, the proposals are considered to accord with policy 6c), and although CDP Policy 26 affords a higher degree of protection to OSNA sites, it is noted within the recent SHLAA assessment that subject to other considerations, the release of the land for housing would be reasonable. Given the extent of adjacent open space within the vicinity and the extent of open space to be retained within the development site, it is not considered that there would be significant conflict with CDP Policy 26.

75. CDP Policy 6 further states:

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

The development is considered to be acceptable in this regard with more detailed consideration contained elsewhere in this report.

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

The development is considered to be acceptable in this regard with more detailed consideration contained elsewhere in this report.

78. f) Development 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.

Murton is a large settlement with many facilities available, including local shops, pubs, school, GPs and a community centre, as well as the large retail park, Dalton Park to the south.

Measured from the most eastern point of the proposed development, the nearest primary school is the Ribbon Academy Primary school, approximately 475m away, with nearest bus stops located within 280-300m depending on whether accessing stops located to the east or west of the site. In this regard, the proposed development would be well related to necessary facilities and sustainable modes of transport, and it is therefore not considered that future occupiers at the dwellings would be solely reliant on private vehicles as a consequence.

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

The development would not result in the loss of any facilities or services. As such there is no conflict with this criteria of the policy.

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

The site is not contained within Flood Zones 2 or 3 of the Environment Agency mapping system. From assessing the Strategic Flood Risk Assessment mapping layers associated with the Local Lead Flood Authority, there are no noted flood risk areas within the application site area. There is no conflict with this part of the policy, but further consideration is provided below.

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

The site whilst currently open space has been previously developed land being cleared sometime between 2006 – 2008. The proposal is therefore considered to accord with this aspect of the policy.

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

It is not considered that criteria j is relevant in this instance.

83. On the basis of the above assessment, it is considered that the proposal would accord with the criteria set out in CDP Policy 6 and is therefore deemed acceptable in principle, subject to further considerations below.

#### Impact on Residential Amenity

84. CDP Policies 6 and 31 seeks 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.

85. 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.

86. 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, 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.

87. CDP Policy 29 also require that new major residential development is assessed against Building for Life Supplementary Planning Document, to achieve reductions in CO2 emissions, to be built to at least 30 dwellings per hectare subject to exceptions. All new development to achieve BREEAM minimum rating of 'very good'. It also states that all new residential development should meet Nationally Described Space Standards (NDSS).
88. The dwellings are proposed to be located within a primarily residential area with residential properties located to all sides other than the north where an area of open space is located.
89. All dwellings are required to meet with the required separation distance as outlined within the Council's Residential Amenity Standards Document and it is considered these have been met with both existing dwellings and those proposed as part of the development.
90. In respect of plots 1-3, 21m separation distances are in place between the main facing elevation of those existing dwellings to the south. These are slightly reduced with regards to single-storey off-shoots however these contain non-habitable rooms and, in most instances, do not have windows in the elevation facing these Plots.
91. Moving along the northern elevation of the site, Plot 5 faces the gable elevation of the neighbour to the south. Two small windows are in existence on this property however they are considered non habitable and therefore the separation distances are acceptable.
92. Separation distances of 20.8m will be in existence between Plots 8-9 and Plots 16-19 which whilst slightly below is considered minimal, particularly as plots 16-19 are bungalows and is therefore acceptable.
93. Plots 13-14 are sited more than 13m away from the gable elevation of the existing neighbours to the south.
94. Plots 20-22 have separation distances of just short of 21m at 20.6m which is considered acceptable and separation distances of well in excess of 21m will remain between Plots 21-22 and the existing neighbours to the east.
95. The gable elevations of Plots 16-19, which are bungalows, are located between 15.6m – 26m away from the front elevations of the existing dwellings which these properties face which exceed the minimum separation distances as set out in the Council's Residential Amenity Standards Document. Whilst it is acknowledged that some existing residents currently overlook open space which will be replaced with built development, it is not considered that the proposals would result in a significant loss of amenity through overshadowing/loss of light or overlooking issues given the separation distances which are in place and as such the amenity of both nearby residents and future residents of the site would not be compromised.
96. The proposed dwellings are all considered to comply with the NDSS Space Standards and have for the most part appropriate garden depths of 9m> Although there is a shortfall for some properties of at most half a metre, in assessing the specific gardens these would be considered acceptable in this instance, as the gardens are noted as having a good width and are adjacent to open space beyond.

Overall, the proposals would allow for an appropriate level of living accommodation and outdoor amenity for future residents.

97. Environmental Health were consulted and raised no objections generally, however during the construction phase the development could lead to a negative impact upon existing residential receptors, due to their close proximity, however it is considered that this can be easily overcome by the submission of a Construction Management Plan which should include information with regards to dust and a restriction on the hours of construction which can be controlled via a pre-commencement condition.
98. The proposal, therefore, is considered acceptable in respect of Policy 29 and 31 in respect of residential amenity of both existing and future residents subject to pre-commencement conditions being added.

#### Highway and Pedestrian Safety

99. 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.
100. Concern from one resident has been raised regarding the loss of existing parking arrangements in front of Nos 7&8 Bevan Square and replacing it with a patch of grass as parking has been in existence in this area since prior to 1977. In addition, consideration should be given to putting a driveway into Nos 7&8 Bevan Square.
101. The same resident has also raised concern regarding access to the estate as it would be a loop road going around Bevan Square which will be a hazard to children playing in the area and that consideration should be given to an access to the estate via Shinwell and the main road Webb Avenue.
102. No objection has been raised however from a highway viewpoint to the proposed layout. Whilst the highways officer has confirmed there would be some increase in terms of traffic flow this will be minimum, and the road layout is fully capable of accommodating this. He also confirms that the creation of the loop in some instances can be beneficial especially to larger vehicles i.e., deliveries and bin collections for ease of access and reducing the need for reversing. In addition, the road is a cul-de-sac and would not give rise to through traffic.
103. Appropriate parking for both residents and visitors is considered to have been provided in accordance with the Council's current Parking Standards, an electric charging point has been shown on the submitted layout plan for each property.
104. 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 and it has been shown that the proposed new standards have also been met.
105. Conditions however will be required to ensure that the estate road is designed and constructed to meet current highway design standards as well as ensure the estate roads are constructed prior to any dwellings being occupied and that all available parking remains as such for both the proposed dwellings and visitor parking. As such conditions will be added in this respect.
106. A Section 38 and Section 278 agreement of the Highways Act 1980 are required and as such informatives will be added in this respect.

107. In respect of the loss of parking outside no 7 and 8 Bevan Square, this parking has historically been on street parking and therefore the loss of any formalised parking area has not occurred and on street parking would still remain.
108. Given this and subject to the conditions above, the proposal is considered acceptable in respect of Policy 21 of the County Durham Plan and Part 9 of the NPPF.

#### Scale/Design

109. 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.
110. The proposed development site lies within an established residential area with the proposed dwellings broadly infilling previously developed land or land adjacent to existing dwellings and in some instances the dwellings following a similar linear pattern in particular those located at the northern part of the site.
111. The proposed layout is considered to positively address streets and spaces, and generally incorporates parking to the side of dwellings to reduce visual impact on the street. All dwellings are forward facing either towards the open space or main access roads.
112. In respect of design, the architectural approach is considered to be a contemporary interpretation of existing dwellings on Bevan Square and as such the proposed house types are considered appropriate.
113. The materials proposed are a mix of red brick with light coloured render and red or grey roof tiles which are considered to reflect those existing properties within the area which are red brick with a mix of coloured render/cladding. A mix of boundary treatments is also proposed. Conditions will be added for full material details and boundary treatment details to be submitted and approved.
114. CDP Policy 29 also 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.
115. The applicant has confirmed that the proposed development is intended to meet or exceed the requirements of Approved Document Part L 2021 which will provide in excess of 10% improvements over the current building regulations at the time of the implementation of this policy. However, it is still considered that a condition should be added for full details of the scheme to be provided.
116. In addition, broadband should also be provided in accordance with CDP Policy 27. A condition will be added in this respect.
117. Subject to the above, the proposal is considered acceptable in respect of Policies 27 and 29 of the County Durham Plan and Part 12 of the NPPF.

## Landscape/Impact on Trees

118. CDP Policy 6 sets out developments should not contribute to coalescence with neighbouring settlement, would not result in ribbon or inappropriate backland development. The Policy also requires that development should be appropriate in scale, location and form and setting of a settlement.
119. CDP Policy 39 states proposals for new development will be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals would be expected to incorporate appropriate measures to mitigate adverse landscape and visual effects. CDP Policy 26 outlines developments are expected to provide new green infrastructure and ensure provision for its long-term management and maintenance. Similar requirements are outlined in CDP Policy 29.
120. CDP Policy 40 seeks to avoid the loss of existing trees and hedgerows unless suitable replacement planting is provided. Parts 12 and 15 of the NPPF promotes good design and sets out that the planning system should contribute to and enhance the natural and local environment by (amongst other things) recognising the intrinsic character and beauty of the countryside and optimise the potential use of the site.
121. No objection is raised from a landscape viewpoint in respect of the impact on the landscape of the area given the proposals will be contained within an existing housing area which is urban and therefore would not be out of keeping with the existing character.
122. The proposed landscape plan shows areas of retained public open space and proposed trees and shrubs on frontages and open spaces where there is space to accommodate new landscape features. There would be some initial adverse landscape and visual effects which would reduce as the proposed landscape scheme matures.
123. Whilst the AHLV sits to the north, this would be unaffected given the proposed landscape scheme would soften the proposed buildings and intervening vegetation would separate the edge of the development from the AHLV. As such the proposal is not considered to be detrimental to the AHLV.
124. The proposed landscape mitigation including tree, hedge, ornamental shrub and wildflower/ wetland species listed on the landscape plan would be appropriate to a development of this type.
125. The proposal is therefore considered to be in accordance with CDP Policy 39 given as stated above the scheme is within an existing urban area and that a viable scheme of landscape mitigation is proposed.
126. Concern however is raised from the Council's Tree Officer regarding the loss of trees within the area. The original site layout required the removal of all of the existing trees in the northwest corner of the site.
127. The trees in question are an established collective of semi mature trees, having grown together within this open space for a period of time and are considered to provide high amenity value as a group. In addition the tree officer considers that it is not, just the trees which create this benefit but the grassed open space around them which creates the setting for them and therefore considers that any encroachment or

reduction in this area will have a significant impact. As such the proposal in its original form was considered to conflict with CDP Policy 40.

128. Amendments were therefore sought, and an amended proposed site layout has been received which has retained the majority of the trees in question with the loss of only three in this area; this also resulted in the reduction of the scheme from 23 dwellings to 22. A larger area of open space would therefore be retained at this northwest corner to better accommodate the remaining trees, providing access to other open space at this part of the settlement, easily accessed by existing footpath links.
129. Across the site a total of 26 trees are currently in existence and 12 of these are to be removed (3 within the area of concern). A total of 27 trees are proposed to be replanted which would equate to a replacement ratio of more than 2 to 1 across the site, which is considered to be acceptable. These would all be appropriately located within the three open space areas which are proposed to be provided across the site.
130. Whilst concern is raised that the proposal would still provide conflict with policy due to the amenity of the trees deriving from their group value, it is considered that this is only a minor conflict given the scheme has been amended to retain the majority of the trees. In addition, a robust planting scheme has been submitted and agreed with the landscaping team, which includes the replanting of trees within this area as well as across the wider site. In addition, it is still considered that the views of the trees in this north-western corner of the site can still be appreciated from main viewpoints.
131. Therefore, whilst it is acknowledged that there is some conflict with CDP Policy 40 and it is regrettable that trees are to be lost, given the retention of the majority of the trees as well as the robust landscaping scheme, which as stated above includes the addition of 27 trees, this is considered to outweigh the harm caused by the loss of the three trees in the north-western area and has been appropriately mitigated against.
132. Conditions will be added for those trees that are to remain to be protected in accordance with the tree protection measures outlined within the submitted Arboricultural Impact Assessment and for the replacement landscaping to be implemented within a suitable time period which is normally in the first available planting season following the practical completion of the development.
133. Therefore, whilst some conflict has occurred with CDP Policy 40, it is considered that appropriate mitigation has been provided to outweigh this harm.

## Contamination

134. 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.



135. The application has been assessed by the Land Contamination Officer who has assessed the historical maps and submitted Phase 1 and 2 with respect to land. They confirm that there is no requirement for any further conditions however an informative for unforeseen contamination should be added to any approval.
136. The proposal, subject to conditions, is therefore considered acceptable in respect of contaminated land issues in respect of Policy 32 of the County Durham Plan.

#### Drainage

137. 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.
138. 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 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.
139. Durham County Council's Drainage and Coastal Protection Team acting as the Local Lead Flood Authority (LLFA) have assessed the various plans and information submitted in support of the scheme. They have confirmed that there is no objection in principle to the scheme that has been received, and although there would be no suitable surface water receiving outlet, details of the SUDS basin design and hydraulic calculations were submitted and deemed to be acceptable by the LLFA.
140. The proposal, therefore, is considered acceptable in respect of Policies 35 and 36 of the County Durham Plan.

#### Ecology

141. 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.
142. The BNG report details a 0.8 habitat unit BNG loss. Originally to overcome this, the applicants proposed off-site ecological enhancement on a grassed area directly adjacent the site together with a bespoke agreement with DCC to achieve additional net gain credits. The ecological enhancement on an area of grassland adjacent the site proposed is located on DCC land and no discussion had been had regarding this or the additional credits required to achieve BNG for this development.

143. Instead, therefore, the applicants have confirmed they are willing to make a financial contribution which would amount to £4,240 (the current cost is £5,300 per BNG unit) which should be controlled via a Section 106 Agreement and is considered appropriate with the Council's Ecologist.
144. In agreement with the Ecology team, a financial contribution will therefore be made to the sum of £4,240, secured as part of the Section 106 agreement to ensure that the development can meet policy requirements in terms of BNG.
145. A Biodiversity Management and Monitoring Plan for the BNG elements of the development is also required which can be conditioned. This plan should also include details of the ecological enhancements detailed in the ecological report.
146. In addition, offsite provision would be secured via a legal agreement under Section 39 of the Wildlife and Countryside Act 1981. Overall, this would achieve a biodiversity net gain in accordance with CDP Policy 26 and 41 and Paragraph 174 of the NPPF
147. CDP Policy 42 (Internationally Designated Sites) states development proposals that would potentially have an effect on internationally designates site(s), ( including all development within 0.4 km of the sites, as shown on Map B of the policies map document), either individually or in combination with other plans or projects, will need to be screened in first instance to determine whether significant effects on the site are likely and, if so, will be subject to an Appropriate Assessment.
148. Development will be refused where after an Appropriate Assessment, it cannot be ascertained that there would be no adverse effects on the integrity of the site, unless "no alternatives" and "imperative reasons for overriding public interest" as set out in Regulation 64 of Conservation of Habitats and Species Regulations 2017. In such circumstances where tests are met, appropriate compensation will be required in accordance with Regulation 68.
149. Where development proposals are likely to lead to an increase in recreational pressure upon internationally designated sites, a Habitats regulations screening assessment, and possible full Appropriate assessment will be required to demonstrate that the proposal will not adversely affect the integrity of the site. In making such determination of whether a plan/project will have adverse impact on the integrity, the implementation of identified strategic measures to counteract effects, can be considered during the Appropriate Assessment.
150. The Council's Ecologist notes that the proposed development is within the 6km Durham Coast HRA buffer therefore a financial contribution to the Coastal Access and Monitoring Measures Programme is required to mitigate impacts as a result of new housing development in lieu of onsite mitigation.
151. Durham County Council has carried out screening in compliance with the Habitats Regulations, this work was done in conjunction with Natural England, and after Appropriate Assessment, concluded that there is likely to be a significant effect on the Northumbria Coast SPA and Durham Coast SAC from new housing development within 6km of the coastal European sites due to increased recreational impacts including dog walking and coastal erosion. It was agreed that mitigation for those identified impacts upon the European protected sites will include the provision of alternative green space suitable for off-lead dog walking and/or a financial contribution to the Coastal Access and Monitoring Measures Programme designed to limit the identified impacts.

152. Subject to a payment of £756.61 per dwelling (amounting to £16,645.42) towards Coastal Access and Monitoring Measures Programme Tier 2 being paid which should be secured through a S106 Legal Agreement, it is considered that the proposed development would accord with saved Policy 42 of the County Durham Plan and Part 15 of the NPPF, both of which seek to protect and enhance the natural environment.

#### Developer Contributions

153. CDP 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.

#### Affordable Housing / Mix of Dwellings

154. CDP Policy 15 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.
155. On sites of 10 or more units, for 25% of units in the highest value areas to 10% in the lowest. On sites of 10 or more units, 10% of the homes provided should be for affordable home ownership (starter homes, discount market sale housing and other affordable routes to home ownership). Any contribution above 10% should be provided as affordable housing for rent.
156. As this site is within a low value area, this development would require 10% affordable housing, which would result in 3 Affordable home ownership properties being provided.
157. It is noted that the affordable housing statement states that the scheme proposes 100% affordable housing on site with a mixture of shared ownership, rent to buy and affordable rent. The Council can only secure the 10% as required by Planning Policy which should be secured through a Section 106 Agreement. Whilst the additionality is noted this is not a requirement of planning policy and therefore not a determinative factor in the consideration of this application.
158. 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.
159. 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. 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.

160. All units are proposed to comply with M4(2) standards which would more than meet this requirement, and 4 bungalows proposed which would satisfy the 10% requirement. A condition therefore will be added for verification details to be provided to ensure this requirement has been met.
161. CDP Policy 19 states that on all new housing developments the council will seek to secure an appropriate mix of dwelling types and sizes, taking account of existing imbalances in the housing stock, site characteristics, viability, economic and market considerations. The scheme proposes a mix of 2, 3 and 4 bedroom dwellings including bungalows, which would achieve a good mix of dwelling types and sizes on the site. Therefore, Policy 19 of the County Durham Plan is considered to be met.

#### Open space / Green Infrastructure

162. 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.
163. The site in question is previously developed land in that previous properties were on site which were cleared between 2006 – 2008 and the site has since been grassed over. Subsequently the site formed part of the consideration of a recent Open Space Needs Assessment (OSNA) assessment and designated as amenity open space. However as previously highlighted, it is considered to have limited recreational and amenity value.
164. In accordance with CDP Policy 26 and having regards to the Council's OSNA, an average occupancy of 2.2 people per dwelling (Co. Durham average household size, 2011 Census). A scheme of 22 dwellings would generate 48.4 people (22 x 2.2) based on 2011 census data of 2.2 persons per household.
165. This scheme would fall into the 2nd category of Table 19 where some typologies of open space should also be provided on site, and a contribution sought for the others.
166. The contribution should be:  $48.4 \times \text{£}715.50 (\text{£}790.50 - \text{£}75.00) = \text{£}34,630.20$  along with an onsite provision of 1,254 sqm which has been provided and exceeded.
167. Given this and subject to a Section 106 Agreement being entered into to secure the financial payment the proposal is considered acceptable in respect of Policy 26 of the County Durham Plan as detailed within the principle of development section above, the loss of the open space is considered acceptable in this instance.

#### Education Provision

168. 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.
169. The Council's Education Team have confirmed that based on the methodology Based on the projected rolls of schools, taking into account the likely implementation

of the development, build out rates and other relevant committed development it is anticipated that there will be sufficient space to accommodate the pupils generated by the development in primary and secondary schools and no further mitigation is required in this instance.

#### Health Contributions

170. Paragraph 34 of the NPPF required Local Authorities to have regard to setting where contributions are necessary within the Local Plan. In this regard CDP Policy 29(f) requires that developments should contribute to healthy neighbourhood and consider the health impacts and needs of the existing and future users.
171. The NHS has confirmed that no contribution is required for this development.

#### European Protected Coastal Habitats

172. As discussed previously and in line with policies 41 and 42, the proposed development is within the 6km Durham Coast HRA buffer therefore a financial contribution to the Coastal Management Plan is required to mitigate impacts as a result of new housing development, for which the applicant is agreeable to enter into a Section 106 Agreement to secure contributions of £16,645.42

#### Developer contribution conclusion

173. The proposal is considered to be in accordance with Policies 25 and 26 of the County Durham Plan subject to the completion of a Section 106 Agreement to secure the above obligations to mitigate the impact on the development.

#### Public Sector Equality Duty

174. 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.
175. In this instance, officers have assessed all relevant factors and do not consider that there are any equality impacts identified.

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## **CONCLUSION**

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176. The proposals have been assessed against relevant policies and are considered to accord with appropriate criteria and requirements and is acceptable in principle subject to conditions, in that it would not have an unacceptable impact upon the character and appearance of the surrounding area, residential amenity, highway safety, ecology, flooding and surface water, landscape and contaminated land in accordance with Policies 6, 21, 29, 31, 32, 35, 36, 39, 41 and 44 of the County Durham Plan and Parts 5, 6, 9, 12, 14, 15 and 16 of the NPPF.
177. Whilst concern has been raised over the loss of trees, it is considered that the robust landscaping scheme which includes replacement trees at a ratio of more than 2:1 to compensate for the loss of the trees, the resultant harm is considered to have been appropriately mitigated against.

178. Limited public interest has been generated by this proposal with one letter of concern raised regarding highway safety only being raised however, on balance the concerns raised were not felt to be of sufficient weight to justify refusal of this application.
179. The application is therefore, recommended for approval subject to entering into a Section 106 Agreement.

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## **RECOMMENDATION**

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That the application be **APPROVED**, subject to a s106 agreement to provide:

- S.39 Agreement to secure the long-term management, maintenance and monitoring of the biodiversity land in accordance with a Biodiversity Management and Monitoring Plan (BMMP)
- 10% Affordable Housing on site comprising of 3 Affordable home ownership properties.
- £34,630.20 towards provision or improvement of open space and amenity space within the electoral division
- £16,645.42 towards the Coastal Access and Monitoring Measures Programme
- £4,240 towards Biodiversity Net Gain Payment

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 Policy(ies) 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 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. No development shall be occupied until details of the surface treatment and construction of all hard surfaced areas has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details prior to first occupation.

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

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

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

6. 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.

7. No construction work shall take place, nor any site cabins, materials or machinery be brought on site until all trees and hedges, indicated on the approved tree protection plan as to be retained, are protected by the erection of fencing, placed as indicated on the plan and comprising a vertical and horizontal framework of scaffolding, well braced to resist impacts, and supporting temporary welded mesh fencing panels or similar approved in accordance with BS.5837:2010.

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

No removal of limbs of trees or other tree work shall be carried out.

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

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

8. Prior to the commencement of the development hereby approved, a Biodiversity Management and Monitoring Plan (BMMP) shall be submitted to and approved in writing by the Local Planning Authority. The BMMP shall demonstrate how the specific on-site Biodiversity Net Gain units that are to be created on site (as detailed within the Biodiversity Net Gain Assessment report) will be achieved, managed and maintained on site, and will include a mechanism for reporting to DCC in years 2, 5,

10, 20 and 30 following habitat creation. The works shall be carried out strictly in accordance with this Plan and shall thereafter be retained and managed as detailed.

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

9. 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.

10. 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. The development shall then be completed fully in accordance with the approved details.

Reason: To meet the housing needs of older people and people with disabilities in accordance with Policy 15 of the County Durham Plan and Part 5 of the National Planning Policy Framework.

11. No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include as a minimum but not necessarily be restricted to the following:

1.A Dust Action Plan including measures to control the emission of dust and dirt during construction.

2.Details of methods and means of noise reduction/suppression.

3.Where construction involves penetrative piling, details of methods for piling of foundations including measures to suppress any associated noise and vibration.

4.Details of measures to prevent mud and other such material migrating onto the highway from all vehicles entering and leaving the site.

5.Designation, layout and design of construction access and egress points.



6.Details for the provision of directional signage (on and off site).

7.Details of contractors' compounds, materials storage and other storage arrangements, including cranes and plant, equipment and related temporary infrastructure.

8.Details of provision for all site operatives for the loading and unloading of plant, machinery and materials.

9.Details of provision for all site operatives, including visitors and construction vehicles for parking and turning within the site during the construction period.

10.Routing agreements for construction traffic.

11.Details of the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.

12.Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works.

13.Management measures for the control of pest species as a result of demolition and/or construction works.

14.Detail of measures for liaison with the local community and procedures to deal with any complaints received.

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

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

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

12. No development shall commence, with the exception of site preparation / clearance and construction up to the damp proof course, until full highway engineering, highway drainage, highway structure details, street lighting and constructional details of the streets proposed for adoption by the local highway authority have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be constructed in accordance with the approved details.

Reason: To ensure a satisfactory form of development in accordance with Policy 21 of the County Durham Plan and Part 9 of the National Planning Policy Framework.

- 13 No dwelling hereby approved shall be occupied until the estate roads have been constructed in accordance with the details submitted as required under condition 12.

Reason: To ensure satisfactory provision is maintained in the interests of highways safety in accordance with Policy 21 of the County Durham Plan and Part 9 of the National Planning Policy Framework.

14. Before the dwellings hereby approved are occupied the hard standings/drives and visitor parking bays shall be constructed in accordance with the approved plans and details, and thereafter they shall be used and maintained in such a manner as to ensure their availability at all times for the parking of private motor vehicles.

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

15. 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.

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

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

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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

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## **BACKGROUND PAPERS**

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

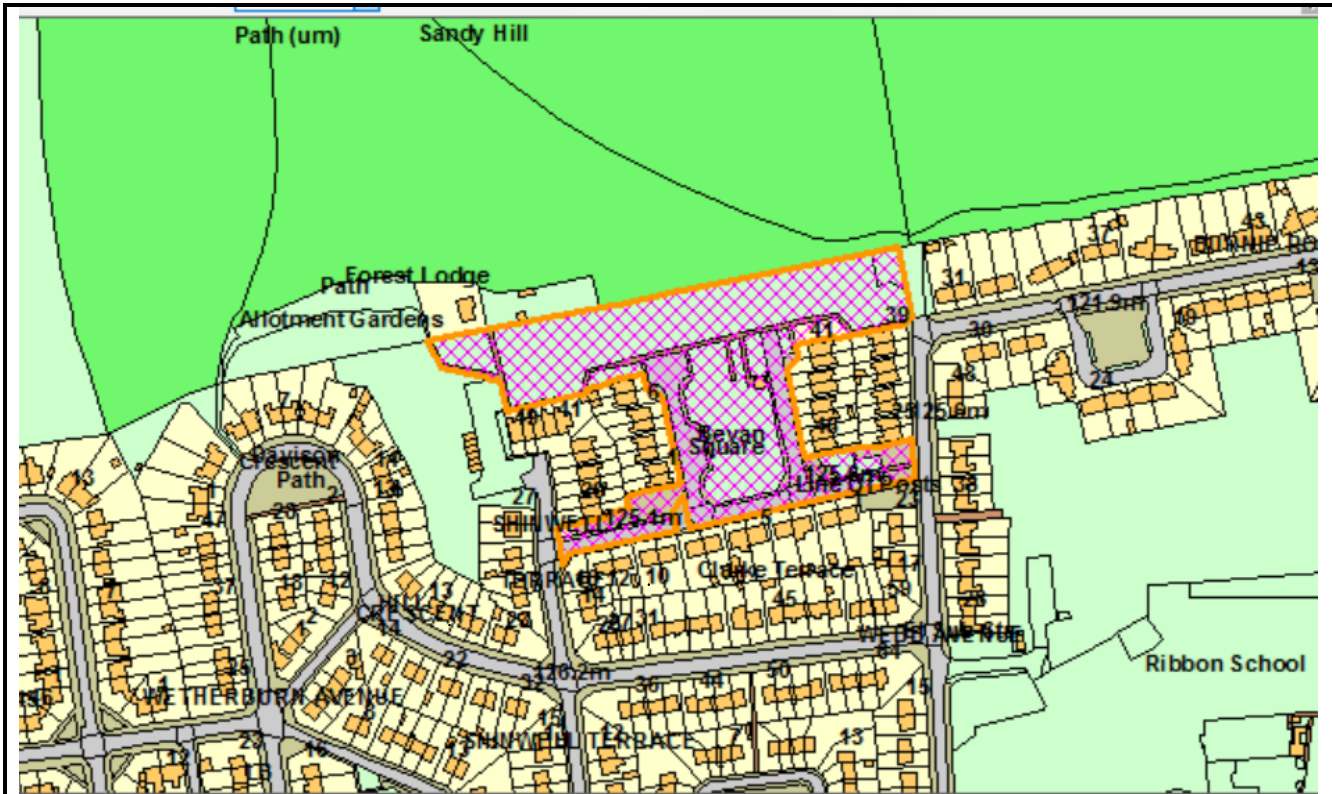
The National Planning Policy Framework (2021)

Residential Amenity Standards Supplementary Planning Document

National Planning Practice Guidance Notes

County Durham Plan

Statutory, internal and public consultation responses



**Planning Services**

Erection of 22 dwellings with associated works (amended layout) at Bevan Square, Murton, Seaham, SR7 9HT

Application Reference: DM/23/00532/FPA

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**Scale** NTS