

COMMITTEE REPORT

APPLICATION DETAILS

| | |
|-------------------------------|---|
| Application No: | DM/23/03330/FPA |
| Full Application Description: | Erection of 23no. dwellings with associated means of access and works |
| Name of Applicant: | Oaktree Living |
| Address: | Bus Depot, Morland Street, Bishop Auckland, DL14 6JG |
| Electoral Division: | Woodhouse Close |
| Case Officer: | Gemma Heron (Senior Planning Officer) Tel: 03000 263 944 Email: gemma.heron@durham.gov.uk |

DESCRIPTION OF THE SITE AND PROPOSAL

The Site

1. The application site relates to a parcel of land measuring approximately 0.68 hectare in size. The site is located within the built-up area of Bishop Auckland, and previously contained a Bus Depot. These buildings have recently been demolished, leaving a cleared site consisting of hardstanding associated with the previous buildings. The site is accessed via Morland Street to the south and Caroline Street to the northwest.
2. To the north and west is existing residential development mixed with two commercial units. To the south is Morland Street followed by residential development and to the east is an existing retail unit with an area of open land that accommodated Public Right of Way Footpath 44 beyond the application site.
3. The site is located approximately 75 metres outside and to the west of the Cockton Hill Conservation Area. There are no Listed Buildings in the immediate vicinity of the application site.

The Proposal

4. Full planning permission is sought for the erection of 23no. dwellings with associated means of access and works. The development would comprise:
 - 4 x three bed semi-detached bungalows;
 - 4 x three bed semidetached two storey dwellings;
 - 12 x three bed terraced two storey dwellings;
 - 3 x four bed two storey terraced dwellings.
5. The development would be laid out primarily in two linear rows of housing, facing out towards an internal access road with access being provided to the northwest (via Caroline Street) and south (via Morland Street). Three house types are proposed, utilising a standard palette of materials consisting of red brick and concrete roof tiles. Each of the dwellings would be compliant with the Nationally Described Space Standards (NDSS).
6. The scheme would be offered on an 100% affordable housing scheme with a Registered Provider for affordable rent with two dwellings being proposed as rent-to-buy properties.
7. The application is being reported to planning committee in accordance with the Council's Scheme of Delegation as it constitutes a housing development which exceeds 10 dwellings.

PLANNING HISTORY

8. No relevant planning history.

PLANNING POLICY

National Policy

9. A revised National Planning Policy Framework (NPPF) was published in December 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 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.
17. 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.
18. 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 Page 73 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:

19. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to; air quality; historic environment; design process and tools; determining a planning application; flood risk; healthy and safe communities; land affected by contamination; housing and economic development needs assessments; housing and economic land availability assessment; light pollution; natural environment; noise; public rights of way and local green space; planning obligations; use of planning conditions; and; water supply, wastewater and water quality.

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

Local Plan Policy:

The County Durham Plan (CDP)

20. *Policy 1 (Quantity of Development)* outlines the levels of employment land and housing delivery considered to be required across the plan period.
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 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.
27. *Policy 27 (Utilities, Telecommunications and Other Broadcast Infrastructure)* supports such proposals provided that it can be demonstrated that there will be no significant adverse impacts or that the benefits outweigh the negative effects; it is located at an existing site, where it is technically and operationally feasible and does not result in visual clutter. If at a new site then existing site must be explored and demonstrated as not feasible. Equipment must be sympathetically designed and camouflaged and must not result in visual clutter; and where applicable it proposal must not cause significant or irreparable interference with other electrical equipment, air traffic services or other instrumentation in the national interest.

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.

28. *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.
29. Policy 29 also required 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. Also new major residential development is required to be assessed against Building for Life Supplementary Planning Document, to achieve reductions in CO2 emissions, to be built to at least 30 dwellings per hectare subject to exceptions.

30. *Policy 31 (Amenity and Pollution)* sets out that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and that 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.
31. *Policy 32 (Despoiled, Degraded, Derelict, Contaminated and Unstable Land)* requires that where development involves such land, any necessary mitigation measures to make the site safe for local communities and the environment are undertaken prior to the construction or occupation of the proposed development and that all necessary assessments are undertaken by a suitably qualified person.
32. *Policy 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.
33. *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.
34. *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
35. *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.

36. *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.
37. *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..
38. *Policy 56 (Safeguarding Mineral Resources)* states that planning permission will not be granted for non-mineral development that would lead to the sterilisation of mineral resources within a Mineral Safeguarding Area. This is unless it can be demonstrated that the mineral in the location concerned is no longer of any current or potential value, provision can be made for the mineral to be extracted satisfactorily prior to the non-minerals development taking place without unacceptable adverse impact, the non-minerals development is of a temporary nature that does not inhibit extraction or there is an overriding need for the non-minerals development which outweighs the need to safeguard the mineral or it constitutes exempt development as set out in the Plan. Unless the proposal is exempt development or temporary in nature, all planning applications for non-mineral development within a Mineral Safeguarding Area must be accompanied by a Mineral Assessment of the effect of the proposed development on the mineral resource beneath or adjacent to the site of the proposed development.
39. Residential Amenity Standards SPD (2020 Adopted version) – Provides guidance on the space/amenity standards that would normally be expected where new dwellings are proposed.
40. The Council's Parking and Accessibility Supplementary Planning Document (SPD) 2023 provides guidance on parking and access for new development.

<https://www.durham.gov.uk/cdp>

Neighbourhood Plan:

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

CONSULTATION AND PUBLICITY RESPONSES

Statutory Consultee Responses:

42. *Lead Local Flood Authority* – Advise that the Flood Risk Assessment, Drainage Strategy and hydraulic calculations for the surface water management of the development are acceptable.
43. *Highways Authority* – Advise that additional information has been supplied to demonstrate acceptable parking provision and bin collection points. The applicant has demonstrated that a DCC 11 metre refuse vehicle can satisfactorily enter and exit the development in a forward gear. However, the proposal is not being put forward for adoption with the Highways Adoption Team and is proposed to be privately managed and therefore, the DCC Refuse vehicle will not enter the private internal layout. The applicant will need to arrange for a private refuse company to manage waste collection.

The applicant has demonstrated an acceptable delineation line between the private and adopted highway at Morland and Caroline Street. This section of the entry access will be within the private development and will require a Section 38 Agreement due to the public crossing.

As the internal layout is not intended to be adopted as a public highway maintainable at the public expense, it is essential that the applicant absolves DCC of their duties and that future landowners and residents are made aware of this. In addition, the public utility service providers must be aware that the road, footways and verges are not being adopted as public highway. Therefore, it will be necessary for the applicant to submit a 'Maintenance and Management Plan' pre-commencement.

Non-Statutory Responses:

44. *Spatial Policy* – Advise that the site is within the built-up area of Bishop Auckland and is previously developed land being last used as a bus depot. The site is not allocated for housing or employment within the County Durham Plan and therefore, Policy 6 is applicable.

The site is within a low value area in regard to affordable housing and therefore, 10% of the homes shall be affordable homes which would equate to 2 affordable units comprised of 1 First Home and 1 Affordable Home Ownership. The Glossary to the NPPF (Annex 2) does acknowledge rent to buy as a product representing an affordable route to home ownership. However, this proposal will be for 100% affordable units with 2 rent to buy units. Therefore, the Housing Development Team will need to be consulted and however, the policy requirement will need to be secured by Section 106 Agreement.

On sites of 5 units or more, 66% of dwellings must be built to Building Regulations M4(2) (Accessible and Adaptable Dwellings) standard.

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 for older people.

In terms of open space, a financial contribution of £36,204.30 will be required to be secured and on-site amenity/natural green space shall be 759 sqm as required by the Open Space Needs Assessment.

45. *Air Quality* - Advise that the site is not within an Air Quality Management Area and although no local monitoring is available, air quality is likely to be good in the vicinity of the site. The proposal will be temporarily dust generating during the demolition and construction phase. The applicant has submitted a revised Construction Management Plan (including a Dust Management Plan) but identifies outstanding issues that need to be resolved including: information on the site managers daily inspections, actions/process that would be followed as a result of potential dust leaving the site, and the categorisation of the site. A conditional approach is recommended.
46. *Affordable Housing Team* – Advise that 100% affordable housing schemes are not required to provide First Homes and that they have no objections to the units being rent-to-buy.
47. *Ecology* – Advise that the development shows a biodiversity net gain on-site and the landscape management plan is sufficient to understand how habitats will be created and managed as the created habitats are non-significant. At least 10 of the dwellings should included integrated bird boxes.
48. *Landscape Section* – Advise that an indicative planting plan has been provided. However, full hard and soft landscaping details should be provided including tree pit details which can be controlled by condition.
49. *Education* – Advise that the proposed development of 23 dwellings would produce 2 nursery age pupils, 6 pupils of primary school age, three pupils of secondary school age and 0.23 SEND pupils. Based on the projected rolls of the schools, taking into account the likely implementation of the development, build out rates and other relevant committee 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.

With regard to SEND pupils, there is a shortfall of SEND places across the county. In order to mitigate the impact of the development on SEND provision, a contribution of £19,315 would be required.

50. *Environmental Health Nuisance* – Advise that they have advised the assessed the application against the Technical Advice Notes (TANs) and they conclude that the application complies with the thresholds states within the TANS which indicates that the development would not lead to an adverse impact. Also, the development is unlikely to cause a statutory nuisance.
51. *Environmental Health Contamination* – Advise they have no objection to the development subject to conditions securing the submission of a Phase 2-4 contaminated land report.
52. *Tree Officer* – Advise that the proposed tree planting layout is broadly acceptable but the tree species selection is not satisfactory and needs to be amended. For example, there are large species of trees selected for relatively small gardens which are not compatible or sustainable in the long term as they will outgrow the space, cast dense shade and cause other maintenance issues. In addition, there is insufficient information on the tree planting specification and establishment maintenance.

Therefore, they advise they do not support the current landscape plan in its current format and this needs to be amended to ensure a higher standard of tree species selection, planting and establishment maintenance. This should be in accordance with British Standard 8545:2014 Trees – from nursery to independence in the landscape recommendation.

53. *Design and Conservation* – The planning application has been presented for assessment through the Design Review Panel which has offered comments and suggested opportunities for improvement which has resulted in the scheme scoring 10 ‘Green’ classifications and two ‘Amber’ classifications in its amended format.
54. *Public Right of Way Officer* – Advises that the proposed new footpath at the site entrance linking to the PROW Footpath 44 is welcomed. They continue to advise that currently this PROW stopes, and then continues as a path with no recorded legal status and is therefore not maintained. As the path with no recorded status has adopted footways leading to it, and a section of Durham County Council owned land, there is likely to be scope for the developer to improve and extend Footpath 44 on Durham County Council land which would provide greater links to the rights of way network and would encourage active travel.

External Consultees

55. *NHS* – Due to the scale of the development, no requirement for any financial contributions.
56. *Northumbrian Water Ltd* – No objection subject to conditions requiring the drainage to be carried out in accordance with the submitted details as this reflects the pre-planning enquiry advice.
57. *Police Architectural Liaison Officer* – Offers advice in relation to Secured by Design Homes 2023.

Public Responses:

58. The application has been advertised by way of a site notice, press notice and individual notification letters sent to neighbouring properties.
59. One letter of objection have been received raising concerns over the following issues:-
 - The landscaping plan as it shows ornamental shrub planting that will interfere with the maintenance of a boundary fence.
 - The proposed planting of two trees and the concern that they will be within 10 metres of the boundary and the roots have the potential to encroach into their land ownership.

Applicants Statement:

60. Over the course of this application, the proposed development has been before Design Review Panel two times, and we have had numerous conversations

with the planning officer and relevant consultee/officers at the Council to discuss the application. As a result, the scheme before Committee is a significantly improved scheme comprising fewer overall numbers onsite from submission, inclusion of open space, suitable parking and access arrangements and significant levels of landscaping across the whole site.

61. We respectfully urge Members to review the Design Review and Building for Life Assessment which has been undertaken by the applicant's team of accredited professionals. The Design Review confirms the proposed development to be sustainable, high quality and suitable for its location scoring green on 10 of the 12 points and amber on the remaining 2.
62. We have worked hard alongside the Council to provide an attractive and inviting scheme for new residents to live. Additionally, this application provides the following benefits for local people:
 - Re-development of a brownfield site to provide attractive new homes and improve the current state of the land.
 - 1256 Sq.M. of public open space, which will be available for everyone in the community to use.
 - A net gain in biodiversity of 79.07% gain in habitats.
 - 100% affordable housing scheme.
 - A choice of high-quality new homes ranging from 2 bed bungalows to 3 bed family homes responding to local demand.
 - Provision of 23 M4(2) and NDSS compliant dwellings to meet different housing needs.
 - Direct economic benefits to the area through job creation and training opportunities for locals during the construction phase of development.
 - Financial benefits to the Council through the New Homes Bonus payments and increase Council tax receipts.
63. In addition, there have been no objections from the following Council departments: highways, housing, drainage, ecology, heritage, contamination, public rights of way, landscape, archaeology and environmental health.

PLANNING CONSIDERATION AND ASSESSMENT

64. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues relate to the Principle of Development, Locational Sustainability, Highway Safety, Design / Layout, Landscaping and Visual Impact, Residential Amenity, Open Space, Affordable Accessible and Adaptable Housing, Ecology, Heritage and archaeology, Flooding/Drainage, Ground Conditions, and Sustainability.

Principle of Development

65. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The County Durham Plan (CDP) is the statutory development

plan and the starting point for determining applications as set out in the Planning Act and reinforced at Paragraph 12 of the NPPF. The CDP was adopted in October 2020 and provides the policy framework for the County up until 2035 and is therefore considered up to date.

66. Paragraph 11c of the NPPF requires applications for development proposals that accord with an up-to-date development plan to be approved without delay. Paragraph 12 of the NPPF states that where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.
67. CDP Policy 1 sets out the quantum of development to meet the needs for housing over the Plan period. A large proportion of the housing need consists of already committed sites, including those sites with planning permission. The application site is not allocated for housing within CDP Policy 4.
68. Accordingly, the application falls to be considered against CDP Policy 6, this policy sets out that the development of sites which are not allocated in the plan or a Neighbourhood Plan within a built up area which accord with all relevant development plan policies, and which:
 - a. *are compatible with, and not prejudicial to, any existing, allocated or permitted use of adjacent land;*
 - b. *do not contribute to coalescence with neighbouring settlements, would not result in ribbon development, or inappropriate backland development;*
 - c. *do 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. *are appropriate in terms of scale, design, layout, and location to the character, function, form and setting of the settlement;*
 - e. *would not be prejudicial to highway safety or have a severe residual cumulative impact on network capacity;*
 - f. *have good access by sustainable modes of transport to relevant services and facilities and reflects the size of the settlement and the level of service provision within that settlement;*
 - g. *do 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. *minimise vulnerability and provides resilience to impacts arising from climate change, including but not limited to, flooding;*

- i. where relevant, make as much use as possible of previously developed (brownfield) land; and*
 - j. where appropriate, reflect priorities for urban regeneration.*
69. In considering the criteria of CDP Policy 6, the site lies within the settlement of Bishop Auckland and is surrounded in all directions by existing residential development which complies with the requirement to be within the built-up area. The criteria of CDP Policy 6 likely to be most relevant to the proposal would be criterion 'a', 'c', 'd', 'e', 'f', 'l' and 'j'.
70. Turning to criterion (a) and (b), the site is surrounded by residential properties in all directions with the exception of a small number of commercial properties to the immediate west. The introduction of additional housing in an area dominated by residential properties would be compatible to meet criterion (a). In regard to criterion (b), as the site is within the built-up area of Bishop Auckland, it will not contribute to coalescence with neighbouring settlements, will not result in ribbon development and is not considered to be inappropriate backland development. The proposal would comply with criterion (b).
71. In regard to criterion (d), compliance with this will be assessed in detail under 'Scale/Design' section of this committee report. In relation to criterion (e), this will be fully assessed under 'Highway Safety' section of this report and criterion (f) will be assessed under 'Locational Sustainability' of the report. The proposal will make use of previously developed land which would comply with criterion (i). The proposal will make use of previously developed land which would comply with (i). As the proposal will re-develop a parcel of previously developed, disused and untidy land, it will bring the site back into use to reflect criterion (j) of CDP Policy 6.
72. Overall, in principle, the development is located within the built-up area of Bishop Auckland and would introduce a compatible land use into the area, making use of previously developed land to deliver housing. Therefore, the principle is considered to comply with Policy 6 of the County Durham Plan subject to consideration of the details of criterion (d), (e) and (f) of Policy 6 as undertaken below.

Locational Sustainability of the Site

73. Criterion f of CDP Policy 6 requires that developments on unallocated sites have good access by sustainable modes of transport to relevant services and facilities and reflects the size of the settlement and the level of service provision within that settlement. CDP Policy 21 requires all developments to deliver sustainable transport by providing appropriate, well designed, permeable and direct routes for walking, cycling and bus access, so that new developments clearly link to existing services and facilities together with existing routes for the convenience of all users. CDP Policy 29 requires that major development proposals provide convenient access for all users whilst prioritising the needs of pedestrians, cyclists, public transport users, people with a range of disabilities, and emergency and service vehicles whilst ensuring that connections are made to existing cycle and pedestrian networks.

74. The NPPF sets out at Paragraph 109 that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. Paragraph 114 of the NPPF summaries that appropriate opportunities should be taken to promote sustainable transport modes.
75. In considering this the development against the above policy context, Bishop Auckland is identified as a 'Sub Regional Centre' within the County Durham Plan. These settlements are considered to have significant levels of floor space within their defined centre boundaries and have several major national multiplier retailers represented. They are the largest centres in the County and their influence extends over a wider area. Bishop Auckland serves Spennymoor, Crook and much of the rural west.
76. To the immediate east of the site is Public Right of Way (PROW) which is Footpath 44 as well as numerous public footpaths in the surrounding area which provide walking and cycling opportunities for future residents to access services and facilities in the town centre. It is recognised that the PROW Team welcome the proposed new footpath to the site entrance. They also advise that Footpath 44 has no recorded status and there would be an opportunity for the developer to improve and extend Footpath 44 on Durham County Council land. In considering this, it is not considered to be reasonable, due to the scale of the development to request additional improvements to the PROW when the development is securing a new footpath connection to the PROW to serve this.
77. In considering the services within Bishop Auckland as a Sub Regional Centre, it has a range of shops, schools, services and healthcare facilities within the settlement which serve the settlement itself, alongside Spennymoor, Crook and the rural west. It is considered there are facilities and services within the settlement to serve the development proposed.
78. In relation to access to public transport, the Chartered Institute of Highways and Transportation 'Providing for Journeys on Foot' document contains suggested acceptable walking distances for pedestrians to access facilities and services. In terms of access to bus routes, a walk of 400 metres falls within the 'desirable' range. In this respect, the site is within Bishop Auckland and there are wide range of bus stops within 400 metres which have access into Bishop Auckland town centre which has a range of regular bus services to settlements within the County including Durham City, Spennymoor and Crook. The proposal complies with the Chartered Institute of Highways and Transportation 'Providing for Journeys on Foot' document.
79. Overall, as the site is within the built-up area of Bishop Auckland which is identified as a Sub-Regional Centre in the County Durham Plan. The site has access to facilities, services and public transport. Established bus services, walking and cycling routes would give future residents alternative options to the private motor vehicle to access services and facilities. Therefore, the application is within a sustainable location in accordance with Policies 6, 21 and 29 of the County Durham Plan and the National Planning Policy Framework.

Highway Safety/Access

80. CDP Policy 21 outlines that development should not be prejudicial to highway safety or have a severe cumulative impact on network capacity, expecting developments to deliver well designed pedestrian routes and sufficient cycle and car parking provision. Similarly, CDP Policy 29 advocates that convenient access is made for all users of the development together with connections to existing cycle and pedestrian routes. CDP Policy 6 criterion (e) require development to not be prejudicial to highway safety or have a severe residual cumulative impact on network capacity.
81. The Council's recently adopted Parking and Accessibility SPD sets out parking standards for new developments and requires a two- and three-bedroom dwelling to have a minimum of two in curtilage parking spaces and a four-bedroom dwelling to have a minimum of three in-curtilage parking spaces. Each dwelling should have an active Electric Vehicle Charging point.
82. The NPPF sets out at Paragraph 114 that safe and suitable access should be achieved for all users. In addition, Paragraph 115 of the NPPF states that development should only be refused on transport grounds where the residual cumulative impacts on development are severe.
83. The site would have two access points; one from Morland Street to the south and one from Caroline Street to the north west corner. Morland Street is recognised as an adopted highway, whereas the section of Caroline Street immediately adjacent to the access is within private ownership. The proposal includes two in-curtilage parking spaces for each dwelling, four visitor parking spaces and an electric vehicle charging point for each dwelling.
84. The Highway Authority have been consulted as part of the application and they advise that the scheme provides acceptable parking provision and bin collection points for the development.
85. In relation to bin collections, the Highways Authority advise that the applicant has demonstrated that a DCC 11 metre refuse vehicle can satisfactorily enter and exit the development in a forward gear. However, at this stage the site is not being put forward for adoption with the Council's Highways Adoption Team and would be privately managed. Therefore, a DCC refuse vehicle would not enter a private internal layout and the applicant would need to arrange for a private refuse company to manage waste collection.
86. As the internal layout is not intended to be adopted as a public highway maintainable at public expense, it is essential that the applicant absolves DCC of their duties and that future landowners and residents are made aware of this. A planning condition requiring the submission of a 'Maintenance and Management Plan' for the site to demonstrate how the private road will be maintained and managed for the lifetime of the development is recommended.
87. Planning conditions could secure the submission of the details of the electric vehicle charging points, bin storage areas and require the access and parking arrangements to be carried out on the site in accordance with the submitted details.
88. Overall, through the use of planning conditions, proposal complies with the Council's Parking and Accessibility SPD (2023), Policies 6, 21 and 29 of the

County Durham Plan and Part 9 of the National Planning Policy Framework in relation to highway safety and access.

Scale/Design/Landscaping and Visual Impact

89. CDP Policy 6 criterion (d) requires that development on unallocated sites is appropriate in terms of scale, design, layout and location to the character, function, form and setting of the settlement.
90. CDP Policy 29 outlines that development proposals should contribute positively to an area's character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities. In total, CDP Policy 29 sets out 18 elements for development to be considered acceptable, including: buildings being adaptable; 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.
91. 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.
92. CDP Policy 40 seeks to avoid the loss of existing trees and hedgerows unless suitable replacement planting is provided.
93. Part 12 of the NPPF sets out that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
94. The application site relates to a vacant parcel of previously developed land which was occupied by the Bus Depot for Bishop Auckland which has since been demolished. In its current state, the site has a negative impact on the character of the surrounding area as disused land of an untidy and unkept nature. The development of the site would improve the appearance of the site which has a benefit in the planning balance. There are no landscape designations on the site with it being within the built-up area of Bishop Auckland.
95. The development would provide a mix of dwellings, consisting of bungalow and two storey semi-detached and terraced properties. Three house types are proposed arranged in a linear form and layout, and the development would be predominantly constructed from red brick under a concrete roof tile.
96. The application has been considered by the Council's Internal Design Review Team in accordance with CDP Policy 29 and the Building for Life SPD 2019. The amended plans for the proposal scored 10 'Green' classifications and 2 'Amber' classifications for the development.
97. In reviewing the design of the development, the proposed layout connects into the existing footpaths on Morland and Caroline Street with the southern

connection allowing access to the PROW Footpath 44. Landscaping has been proposed to the front of the dwellings via front gardens and associated planting which facilitates in softening the required car parking into the layout of the site. The linear form and nature of the development responds well to the character of the area, which is dominated by red brick, Victorian style terrace properties. The house types would have a vertical rhythm and alignment regarding the fenestration details and the use of red brick responds to the material palette of the area. Therefore, in considering the proposal against the character and appearance of the site and surrounding area, the proposal is acceptable in regard to the design and layout and would be acceptable under Policy 29 of the County Durham Plan.

98. The application has been accompanied by a proposed landscaping scheme for the development. Accordingly, the Landscape Team and the Tree Officer have both been consulted on the application. The Council's Landscape Team advise that an indicative planting plans has been provided, however, full hard and soft landscaping details should be provided including tree pit details. The Tree Officer advises that the landscaping scheme is broadly acceptable but raises issues with the tree species identified on the plan for a few reasons. They advise that the landscaping plan needs to be amended to ensure a higher standard of tree species selection, planting and established maintenance which should be in accordance with British Standard 8545:2014 Trees – from nursery to independence in the landscape recommendation. In assessing this, it is considered that the submitted landscaping scheme is not acceptable for the development, but it does provide information that this can be delivered on the site. Given that the information has been submitted to show the delivery of landscaping on the site, a conditional approach is recommended. With planning conditions, this would deliver an acceptable landscaping strategy for the site.
99. Concerns have been raised by one member of the public regarding the landscaping scheme with concerns over two trees to be planted on the north boundary and the planting of shrubs and the issues this could raise in regard to the maintenance of the boundary fence. It is considered that this would be a civil issue between the parties in terms of access for maintenance of the fence. However, notwithstanding this, their concerns can be taken into consideration in the submission a landscaping scheme secured by condition.
100. The application has been supported by a Tree Survey which includes a Tree Protection Plan (TPP) to secure the retention of the trees to the southwest corner adjacent the site which would be affected by the development but out with the application site. A planning condition is recommended requiring the TPP to be implemented in accordance with the details.
101. Therefore, the proposal complies with Policies 6, 29, 39 and 40 of the County Durham Plan in terms of design and landscape impacts, alongside Parts 12 and 15 of the National Planning Policy Framework.

Residential Amenity

102. Parts 12 and 15 of the NPPF require that a good standard of amenity for existing and future users be ensured, whilst seeking to prevent both new and existing development from contributing to, or being put at unacceptable risk from, unacceptable levels of pollution.

103. CDP Policy 31 states that all new development that has the potential to lead to, or be affected by, unacceptable levels of air quality, inappropriate odours and vibration or other sources of pollution, either individually or cumulatively, will not be permitted including where any identified mitigation cannot reduce the impact on the environment, amenity of people or human health to an acceptable level.
104. A Residential Amenity Standards Supplementary Planning Document (SPD) has been adopted by the Council, which recommends that dwellings should benefit from private, usable garden space of at least 9 metres long.
105. In considering this, each of the dwellings have a private amenity space which complies with the required 9 metres distance set out in the Residential Amenity Standards SPD.
106. The Residential Amenity Standards SPD also sets out the following separation distances for new development to comply with. It states that a minimum distance of 21.0m between habitable room windows, where either dwelling exceeds single storey, and a minimum of 18.0m between habitable room windows and both dwellings are single storey should be achieved. Where a main facing elevation containing a habitable rooms window is adjacent to a gable wall which does not contain a habitable room window, a minimum distance of 13.0m shall be provided where either dwelling exceed single storey or 10.0m where both dwellings are single storey.'
107. In regard to separation distances, the layout of the site proposes two linear forms of development, each overlooking the access road. Given this arrangement, the dwellings would be sited in excess of the required 21 metre separation distance as set out under the Residential Amenity Standards SPD. The gable elevation of Plot 2 will face towards Plots 21-23, however there would be approximately 26 metres between Plot 2 and the main facing elevations of these plots which would exceed the Residential Amenity Standards SPD.
108. There are third party residential properties to the west, north and south of the application site. It is considered that all of the dwellings would be located a distance that would exceed the requirements of the Residential Amenity Standards SPD. The closest property to the north, 17 High Melbourne, would be sited approximately 15 metres between the gable elevation of each of the dwellings and 16 High Melbourne Street will be sited approximately 17 metres between each of the dwellings gable elevations which exceeds the Residential Amenity Standards SPD. Therefore, given the level of separation that exceeds the requirement of the Residential Amenity Standards SPD, there would be no issues in regard to overlooking, overshadowing or an overbearing impact which would comply with CDP Policy 31 in regard to the residential amenity.
109. Adjacent to the site to the immediate west there is an existing car garage and workshop and to the northeast there is an existing retail business. In considering the position of these land uses and their impact upon the development, the Council's Environment Health Officers have been consulted. They advise that the development would be within the parameters of the Technical Advice Notes (TANs) in relation to noise and that the development would not lead to any adverse impact and the development is unlikely to cause

a statutory nuisance, recognising the proximity of other residential dwellings in the area.

110. Therefore, the proposals are considered to provide a good standard of amenity for existing and future residents, according with CDP Policies 29(e) and 31 and Parts 12 and 15 of the NPPF.

Infrastructure and open space provision

111. Policy 26 of the CDP outlines that new residential developments will be required to make provision for open space to meet the needs of future residents having regard to the standards of open space provision set out in the Open Space Needs Assessment (OSNA). Where it is determined that on-site provision is not appropriate, the Council will require financial contributions to be secured through planning obligations towards the provision of new open space, or the improvement of existing open space elsewhere in the locality.
112. Policy 25 of the CDP supports securing developer contributions where mitigation is necessary to make the development acceptable in planning terms including for social infrastructure such as education and health facilities.
113. Paragraph 102 of the NPPF highlights that access to a network of high-quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities.
114. The Council's Open Space Needs Assessment (OSNA) 2018 is considered the most up to date assessment of need. It identifies the five typologies (allotments; amenity/natural greenspace; parks, sports and recreation grounds; play space (children) and play space (youth), sets out requirements for public open space on a population pro rata basis and whether provision should be either within the site, or through a financial contribution towards offsite provision, in lieu taking into consideration factors such as the scale of the development, existing provision within suitable walking distances and the level of contribution sought.
115. In respect of open space, based on 23 dwellings, this would generate 50.6 people based on 2.2 persons per household and accordingly, the OSNA sets out that for developments between 20-49 dwellings, that an off-site contribution would be required for allotments, parks (sports and recreation grounds), play space (children) and play space (youth) and that amenity/natural green space shall be provided on site. A scheme of this scale would need to provide 759sqm of amenity/natural green space on site and a financial contribution of £36,204.30 would be sought for off-site provision. However, the development only proposes limited amenity/natural green space as the planting to the development would be sited within front gardens of each of the dwellings which would not fulfil this criterion. To mitigate this, an additional financial contribution for amenity/natural green space would be provided for the site which would mean the total financial contribution required for open space would be £39,999.30.
116. The lack of onsite amenity/natural space, contrary to the guidance set out in the OSNA is recognised. However, this is considered the provision of this would adversely affect the layout and design of the site, and the mitigation in the form

an additional offsite contribution as set out above is considered appropriate in this instance.

117. Paragraph 99 of the NPPF sets out the importance of their being sufficient choice of school places being available to meet the needs of existing and new communities.
118. In regard to education provision, the Council's Education Team have been consulted on the application and they advise that in terms of primary and secondary school places, there is sufficient space to accommodate pupils generated by the development in the existing primary and secondary schools and no mitigation is requested.
119. However, the Education Team have requested a financial contribution of £19,315 to mitigate the developments impact in regard to SEND provision. In considering this, the national government direction from August 2023 on contributions for SEND pupil provision is sought from new development has yet to be formally adopted into supplement planning policy that would formally allow this to be secured has not yet been adopted. Regardless of this, the governmental direction contains transitional arrangements for development in process to not require this mitigation, within which this development falls. On this basis, to pursue this request at this time is considered to be unreasonable, failing the tests set out to secure planning obligations set out under CDP Policy 25 and NPPF.
120. Therefore, no financial contribution for mitigation in terms of education is required in this instance.
121. NPPF Paragraph 97 recognises the need for planning decisions to ensure an integrated approach when considering the location of new housing and to plan positively for the provision and use of community facilities and local services. This provides policy justification to seek mitigation in respect to essential services including GP provision where a deficit would result or be exacerbated by the proposal.
122. The NHS have been consulted as part of the application and confirm that there is no requirement in this instance for a financial contribution for the NHS.
123. Overall, no financial contributions for education or the NHS are required to be secured via this application as confirmed by our consultees. However, £39,999.30 would be required to be secured as a financial contribution for open space via a Section 106 Agreement to mitigate the development impacts. Therefore, the proposal is considered compliant with Policy 25 of the County Durham Plan and Paragraph 34 of the National Planning Policy Framework.

Affordable, Accessible and Adaptable Homes

124. Policy 15 of the CDP requires applications for 10no. or more units to provide a percentage of Affordable Housing provision which is accessible, adaptable and meets the needs of those residents unable to access the open housing market. The application site is located within a low value area where 10% of the approved units must be provided for affordable home ownership. Since the CDP was adopted, the Government's First Homes policy has come into force and

requires a minimum of 25% of all affordable housing units secured through developer contributions to be First Homes. The 25% expected First Homes contribution for any affordable product can make up or contribute to the 10% of the overall number of homes expected to be an affordable home ownership product on major developments as set out in the NPPF.

125. Based on a scheme of 23no. units, as the site is within a low value area, 10% of the units are required to be affordable which comprises of 2 units on this scheme which should be 1 First Home and 1 for Affordable Home Ownership.
126. The submitted information states that the proposal would seek to provide 100% affordable housing through a Registered Provider, Livin Homes, and all of the dwelling would be affordable rent. Of these, the applicant proposes that the policy requirement for affordable housing provision would be through 2 rent to buy products. Therefore, no First Homes would be provided as part of the development. In considering this, the Council's Affordable Housing Officer has been consulted and they advise that 100% affordable housing schemes are not required to provide First Homes and there is no objection to the provision of rent-to-buy units. In addition, under Annex 2: Glossary of the NPPF, rent-to-buy is defined, is considered to provide an affordable route to home ownership.
127. Therefore, as the scheme proposed is 100% affordable housing, there is no requirement to provide a First Home, however this is required to be secured through a S106 agreement. On this basis the proposal complies with the requirements of Policy 15 of the CDP and the NPPF.
128. CDP Policy 15 also states that in order 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. Furthermore, on sites of 10 or more, a minimum of 10% of the total number of dwellings on the site should be of a design and type that will increase 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 multi-generational family.
129. In this regard, for housing for older people, the development would need to provide 2 units. In reviewing this, the development includes 4no. single storey bungalows which exceeds the CDP Policy 15 requirement for housing for older people which would be a positive in the planning balance.
130. In relation to M4(2), 66% of the 23 units would equate to 15 dwellings which would need to meet the Building Regulations Requirement M4(2). The submitted plans demonstrate that the development would meet this requirement and a planning condition would be attached requiring 15 of the dwellings to be constructed to M4(2) standard to secure this.

131. Overall, the application proposes 100% affordable housing for rent with two of the dwellings being secured as affordable rent-to-buy products under a Section 106 Agreement, over 10% of units would be suitable for older people and the scheme will be compliant with the 66% requirement of M4(2). The proposal would comply with Policies 15 and 29 of the County Durham Plan in this regard.

Ecology

132. NPPF Paragraph 180 d) advises that opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate. In line with this, CDP Policy 41 seeks to ensure new development minimises impacts on biodiversity by retaining and enhancing existing diversity assets and features. Proposals for new development should not be supported where it would result in significant harm to biodiversity or geodiversity.
133. Since the submission of the application, a 10% biodiversity net gain (BNG) has become mandatory as of the 12th February 2024 for major developments under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). Under this, developers must deliver a BNG of 10%. However, this application was validated and assessed before BNG became mandatory and therefore, the development will not be seeking a 10% BNG. It will be seeking a BNG under CDP Policy 41 which requires only a net gain.
134. A Preliminary Ecological Assessment (PEA), DEFRA Biodiversity Metric and a Biodiversity Net Gain Report has been submitted as part of the application. This outlines that a BNG would be secured on-site through the creation of habitat through the landscaping plan which will introduce vegetated garden and shrub onto the site which are both considered to be of low distinctiveness. However, given the site is previously developed land, the introduction of vegetated garden and shrub would still introduce an on-site net gain. The Council's Ecology Team have been consulted as part of the application and they advise that the development shows BNG on site subject to ensuring that at least 10 of the dwellings should include an integrated bird box. It is also advised that the landscape management plan is sufficient to understand how habitats would be created and managed.
135. As the BNG will be delivered through the introduction of vegetated gardens and shrubs, it is reasonable and necessary to remove the permitted development rights for hardstanding for dwellings from the development to ensure that the Local Planning Authority retains control over the vegetated gardens which have been included for BNG. Given the nature of the site, the PEA does not identify as mitigation or working methods which need to be followed in undertaking the development.
136. Subject to the above, the proposal will be acceptable in accordance with Policy 41 of the County Durham Plan and Paragraph 180 of the National Planning Policy Framework subject planning conditions.

Drainage

137. Part 14 of the NPPF seeks to resist inappropriate development in areas at risk of flooding, directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere. Paragraph 173 advises that when determining planning applications, local planning authorities should ensure that flood risk is not increased elsewhere and that where appropriate applications should be supported by a site-specific flood-risk assessment. Paragraph 175 goes on to advise that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate.
138. CDP Policies 35 and 36 relate to flood water management and infrastructure. Policy 35 requires development proposals to consider the effects of the scheme on flood risk and ensure that it incorporates a Sustainable Drainage System (SUDs) to manage surface water drainage. Development should not have an adverse impact on water quality. CDP Policy 36 seeks to ensure that suitable arrangements are made for the disposal of foul water. CDP Policy 6 criterion (f) states development should '*minimise vulnerability and provides resilience to impacts arising from climate change, including but not limited to, flooding.*'
139. The site is not located within a flood zone. The application is supported by a Flood Risk Assessment, a Drainage Strategy as well as hydraulic calculations, detailing that surface water would be treated and attenuated on site before being released.
140. The Lead Local Flood Authority have been consulted as part of the application and they advise that the submitted information is acceptable from their point of view. Northumbrian Water has no objection to the drainage strategy for the site.
141. Therefore, as there are no objections from Northumbrian Water and LLFA, the surface water and foul drainage for the site is acceptable and complies with Policies 6, 35 and 36 of the County Durham Plan and Part 14 of the National Planning Policy Framework.

Ground Conditions

142. CDP Policy 32 requires sites to be suitable for use taking into account contamination and unstable land issues. Paragraph 183 of the NPPF requires sites to be suitable for their proposed use taking account of ground conditions and any risks arising from land instability and contamination.
143. A Phase 1 Risk Assessment has been submitted to support the application. Accordingly, the Council's Contaminated Land Team have been consulted as part of the application and they advise that a Phase 2 to 4 Report may be required for the development as the Phase 1 identifies the need for further site investigation. This can be secured via planning condition.
144. The application site is outside of the Coalfield High Risk Area and accordingly, there is no requirement for a Coal Mining Risk Assessment nor consultation with the Coal Authority.

145. CDP Policy 56 seeks to safeguard mineral resources. Significant areas of the County fall into such mineral safeguarding areas, including the application site and wider area in terms of surface mined coal resource. Although a non-mineral development is proposed, it is not considered that the current proposals would sterilise mineral resource taking into account the scale of the site and residential setting. No objections are raised in this regard and the proposal does not conflict with CDP Policy 56.
146. Overall, the proposal would be acceptable in regard to ground conditions and would comply with Policy 32 and 56 of the County Durham Plan.

Sustainability

147. Criterion c) of CDP Policy 29 requires all development to minimise greenhouse gas emissions, by seeking to achieve zero carbon buildings and providing renewable and low carbon energy generation. Where connection to the gas network is not viable, development should utilise renewable and low carbon technologies as the main heating source.
148. In addition, criterion o) of CDP Policy 29 requires all major residential development to achieve reductions in CO₂ emissions of 10% below the Dwelling Emission Rate (DER) against the Target Emission Rate (TER) based on current Building Regulations.
149. Criterion d) of CDP Policy 29 requires all development to minimise the use of non-renewable and unsustainable resources, including energy, water and materials, during both construction and use by encouraging waste reduction and appropriate reuse and recycling of materials, including appropriate storage space and segregation facilities for recyclable and non-recyclable waste and prioritising the use of local materials.
150. No energy assessment or similar has been provided to demonstrate compliance with CDP Policy 29. However, the Building Regulations have changed since the submission of this application and now require all new homes to produce 31% less CO₂ emissions than what was previously acceptable in the Part L regulations and there have been changes to Part F in respect of ventilation with new regulations in respect of overheating. In light of the changes to Building Regulations, the development would now need to meet this new requirement and as this is covered under separate legislation there is no need for a condition to duplicate this requirement.
151. By virtue of the recent changes to Building Regulation requirement, the proposal is considered to meet the requirements of Policy 29 of the County Durham Plan and accords with Part 2 of the National Planning Policy Framework.

Other Matters

152. CDP Policy 27 relates to utilities, telecommunications and other broadband infrastructure and requires any residential and commercial development to be served by a high-speed broadband connection and where this is not appropriate, practical or economically viable, developers should provide appropriate infrastructure to enable future installation.

153. In considering this policy requirement, due the location of the development within Bishop Auckland, there will be existing high-speed broadband availability in the area to comply with Policy 27. A condition will be imposed requiring the precise broadband details to be submitted which is considered to comply with Policy 27 of the County Durham Plan.

Public Sector Equality Duty

154. 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.
155. In this instance, officers have assessed all relevant factors and do not consider that there are any equality impacts identified.

CONCLUSION

156. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The Council has an up-to-date development plan which is the County Durham Plan. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision making, this means approving development proposals that accord with an up-to-date development plan without delay.
157. It is acknowledged that this proposal is not an allocated housing site under Policy 4 of the CDP. However, Policy 6 of the CDP does permit development on unallocated sites on the basis that specific criteria are met. It is concluded that the development of this application site for housing would not be in conflict with Policy 6 as it is within the built-up area of Bishop Auckland, would make use of previously developed land, is sustainably located with access to public transport and services, would not have a significant impact on the landscape character and would be designed appropriately to respond to the local area. Therefore, the principle of the development would comply with Policy 6 of the County Durham Plan.
158. The application site is neither locally, nor nationally designated in terms of its landscape or townscape quality and is a vacant parcel of previously developed land, which is untidy and unkept in nature having a negative impact on the character of the surrounding area. The development of the site would improve the appearance of the site which is a benefit in the planning balance. The design and layout have been considered at the Council's Internal Design Review and has received 10 'Green' classifications and 2 'Amber' classifications. The design is considered to respond appropriately to the local vernacular and character, utilising linear development and a material palette which is in-keeping with the area. Therefore, in considering the proposal against the character and appearance of the site and surrounding area, the proposal is acceptable in regard to the design and layout and would be acceptable under Policy 29 of the County Durham Plan.

159. In regard to highway safety, the development would provide acceptable levels of parking provision, as well as Electric Vehicle Charging points and a safe and suitable access via Morland and Caroline Street has been demonstrated. It is recognised that the scheme is not being put forward to the Highways Adoptions Team and therefore, the internal access road will not be maintained by the Council. However, through the use of planning conditions, the proposal complies with the Council's Parking and Accessibility SPD (2023), Policies 6, 21 and 29 of the County Durham Plan and Part 9 of the National Planning Policy Framework in relation to highway safety and access.
160. In terms of the residential amenity, the proposal includes at least 9 metre gardens for each dwelling and exceeds the separation distances as set out under the Residential Amenity Standards SPD to ensure there are no issues in regard to overlooking, an overbearing impact or overshadowing. No concerns have been raised by the Environmental Health Team. Therefore, the proposal complies with the Residential Amenity Standards SPD and Policy 31 of the County Durham Plan in regard to the residential amenity.
161. In regard to the financial contributions, no mitigation is required in regard to Education or the NHS. In relation to open space, in accordance with the Open Space Needs Assessment (OSNA), a scheme of this scale would need to provide 759sqm of amenity/natural green space given the layout and constraints of the site this is not achievable. Whilst recognising the scheme deficiency in this regard, in this instance it is considered appropriate to secure and additional contribution to ensure that the developemnt mitigates its impact in this respect. A total contribution of £39,999 for open space is required.
162. Regarding affordable and accessible housing, the application proposes 100% affordable housing for rent with two of the dwellings being offered as affordable rent-to-buy products secured under a Section 106 Agreement. Over 10% of units would be suitable for older people and the scheme will be compliant with the 66% requirement of M4(2). The proposal would comply with Policies 15 and 29 of the County Durham Plan in this regard.
163. The scheme will deliver a Biodiversity Net Gain on-site through the provision of vegetated gardens and shrub alongside the installation of at least 10 bird boxes into dwellings, in accordance with Policy 41 of the County Durham Plan and Paragraph 180 of the National Planning Policy Framework.
164. Regarding the drainage, there are no objections from Northumbrian Water and LLFA, the surface water and foul drainage for the site is acceptable and complies with Policies 6, 35 and 36 of the County Durham Plan and Part 14 of the National Planning Policy Framework.
165. Overall, the proposal is considered to be acceptable and in accordance with Policies 6, 15, 19, 21, 25, 26, 27, 29, 31, 32, 35, 36, 39, 40, 41, 44 and 56 of the County Durham Plan and Parts 2, 5, 8, 9, 12, 14 and 15 of the National Planning Policy Framework. There are no material considerations which indicate otherwise and therefore the application is recommended for approval subject to a Section 106 Agreement and planning conditions.

RECOMMENDATION

That the application be **APPROVED** subject to the completion of a Section 106 Agreement to secure the following:

- A financial contribution totalling £39,999.30 for off-site open space provision; and
- 100% Affordable housing on the site equating to 2 rent to buy units and 19 affordable rent units.

And 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 following plans and documents:
 - Site Layout Boundary. Drawing Number: 84/2023/35 received by the Local Planning Authority on 6th November 2023.
 - 'Amended Planning Layout 23no. Units'. Drawing Number: 84/2023/35 Rev B received by the Local Planning Authority on 26th March 2024.
 - '2 Bedroom Terraced Bungalow. Plots No. 3-6'. Drawing Number: 84/2023/20 Rev B received by the Local Planning Authority on 16th April 2024.
 - 3 Bedroom Semi Detached House Type. Plots No. 1&2, 7&8. Drawing Number: 84/2023/30 Rev B received by the Local Planning Authority on 16th April 2024.
 - Elevations 3 Bedroom, 4 Person Terraced House. Drawing Number: 84/2023/03 Rev A received by the Local Planning Authority on 16th April 2024.
 - Elevations 2 Bedroom, 3 Person Terraced House. Drawing Number: 84/2023/13 Rev A received by the Local Planning Authority on 16th April 2024.
 - First Floor Plan 2 Bedroom, 3 Person Terraced House. Drawing Number: 84/2023/12 Rev A received by the Local Planning Authority on 7th May 2024.
 - Ground Floor Plan 2 Bedroom, 3 Person Terraced House. Drawing Number: 84/2023/11 Rev A received by the Local Planning Authority on 7th May 2024.
 - First Floor Plan 3 Bedroom, 4 Person Terraced House. Drawing Number: 84/2023/02 Rev A received by the Local Planning Authority on 7th May 2024.
 - Ground Floor Plan 3 Bedroom, 4 Person Terraced House. Drawing Number: 84/2023/01 Rev A received by the Local Planning Authority on 7th May 2024.
 - Highways Details. Drawing Number: 84/2023/36. received by the Local Planning Authority on 29th April 2024.

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies 6, 15, 19, 21, 29, 31, 32, 35, 36, 39, 40, 41 and 43; of the County Durham Plan and Parts 2, 5, 8, 9, 12, 14, 15 of the National Planning Policy Framework.

3. No development shall commence until a land contamination scheme has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall be compliant with the YALPAG guidance and include a Phase 2 site investigation which shall be carried out, and shall include a sampling and analysis plan. If the Phase 2 identifies any unacceptable risks, a Phase 3 remediation strategy shall be produced and where necessary include gas protection measures and method of verification.

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

4. 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 (Tree Protection Plan. Drawing Number: 01 received by the Local Planning Authority on 13th March 2024) 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.

5. 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.

6. No development shall commence until a Highway Maintenance and Management Plan has been submitted to and approved in writing by the Local

Planning Authority. The Maintenance and Management Plan will set out how the site owner/operator will manage the following:

1. details of how refuse and garden waste collections from each residence will be managed, operated and financed;
2. details of how the roads and footways within the development will be maintained, repaired and financed;
3. details of annual inspections of roads, footways and verges and structures for maintenance purposes;
4. details of reaction times for rectification of defects in road and footway surfaces;
5. details of street sweeping within the privately maintained areas;
6. details of gully emptying and maintenance of the drainage systems;
7. details of dog waste bin and general waste bin collections and management;
8. details of how parking on street within the development will be managed;
9. details of fly tipping and/or excess waste removal and management;
10. management of removal of chewing gum from pavement surfaces;
11. management of removal graffiti, stains and spillages;
12. management of snow clearing and gritting;
13. management of the repair of hard landscaped areas;
14. provision and maintenance of lighting (including energy charges) for standard columns and low height lighting units;
15. details of how the pedestrian routes through the site will be kept safe for pedestrian use;
16. management of street weed control;
17. maintenance of soft landscaping areas including weeding, watering, fertilizing, replacement of failures, trimming and pruning of trees and shrubs, grass cutting and maintenance of water features;
18. maintenance of road signage;
19. cyclic and seasonal maintenance (i.e. leaf clearance);
20. maintenance of street furniture, seats, litter bins and bollards;
21. maintenance of street name plates;
22. inspection and maintenance of boundary walls/retaining walls/fencing around the site, and tree management plan for any trees adjacent to these walls and/or overhanging the adopted highway;
23. reinstatement of private and public utility apparatus trenches to the original palette of materials after essential works;
24. management and inspection of excavations in and subsequent reinstatement of roads, footways and verges to appropriate standards;
25. details of management of complaints arising from any of the above;
26. details of management of claims resulting from alleged defects;
27. details of management of responses to emergency situations i.e. flooding, storm damage etc.

The development must be carried out in accordance with the details approved and be retained in perpetuity.

Reason: In the interests of highway safety to comply with Policy 21 of the County Durham Plan.

7. 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.

8. No development shall commence until details of the materials and laying out of the demarcation between the private road and adopted highway has been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details prior to the first occupation of the first dwelling hereby approved.

Reason: In the interests of highway safety in accordance with Policy 21 of the County Durham Plan.

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

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

10. 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.

11. If required, 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.

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

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

13. Prior to the first occupation of any of the dwellings hereby approved, details of bin stores shall be submitted to and approved in writing by the Local Planning Authority. The bin stores shall be constructed in accordance with the approved details and be made available prior to the occupation of the development to which they relate.

Reason: In the interests of visual amenity and highway safety in accordance with Policies 21 and 29 of the County Durham Plan and Parts 9, 12 and 15 of the National Planning Policy Framework.

14. Prior to the first occupation of any of the dwellings hereby approved, details of 1no. electric vehicle charging point per dwelling as shown on 'Amended Planning Layout 23no. Units' Drawing Number: 84/2023/35 Rev B received by the Local Planning Authority on 26th March 2024 shall be submitted to and

approved in writing by the Local Planning Authority. Thereafter, the development shall be constructed in accordance with the approved details and retained perpetuity unless replaced with an equivalent or better low carbon vehicle power source.

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.

15. Prior to the 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 Authority. Thereafter, the development shall be carried out in accordance with the agreed details.

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

16. Notwithstanding any details of materials submitted with the application, no development shall be carried out above damp proof course level 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 Policies 6 and 29 of the County Durham Plan and Part 12 of the National Planning Policy Framework.

17. Prior to the first occupation of any of the dwellings hereby approved, the access and parking as shown on 'Amended Planning Layout 23no. Units' Drawing Number: 84/2023/35 Rev B received by the Local Planning Authority on 26th March 2024' shall be constructed in accordance with the approved details and made available for use.

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

18. Prior to the first occupation of any of the dwellings hereby approved, the pedestrian footpath as shown on 'Amended Planning Layout 23no. Units' Drawing Number: 84/2023/35 Rev B received by the Local Planning Authority on 26th March 2024 shall be constructed in accordance with the approved details and made available for use.

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

19. The drainage for the approved development shall be carried out in accordance with the following:

- Flood Risk and Drainage Strategy. Report Number: MD1729/rep/001 Rev B
- Proposed Drainage Strategy. Drawing Number: MD01729/0100 Rev A

Reason: To ensure effective drainage measures and sustainable principles are adhered to, and to safeguard the proposed development from flood risk, whilst

not increasing flood risk elsewhere in accordance with Part 14 of the NPPF and Policy 35 of the County Durham Plan.

20. No development including ground clearance or remediation works shall commence until a build programme and timetable for the construction of the critical surface water infrastructure has been submitted to and approved in writing by the Local Planning Authority. The programme must include, amongst other matters, details of the outfall structure, control devices, attenuation/storage, temporary control measures during the construction phase and measures to control silt levels entering the watercourse. The order of works to be undertaken must be identified and timescale for delivery. The development thereafter shall be completed in accordance with the details and timetable agreed.

Reason: To ensure that critical surface water infrastructure is in place to adequately deal with and dispose of surface water prior to the construction of the development, in accordance with Policy 35 of the County Durham Plan and Parts 14 and 15 of the National Planning Policy Framework. Required to be a pre-commencement condition to ensure that water infrastructure is in place at an early stage of the development to adequately manage surface water.

21. The development hereby approved shall include at least 15 dwellings (66% of the total dwellings) to be constructed to Building Regulations M4(2) standards and thereafter, the development shall be constructed in accordance with the approved details.

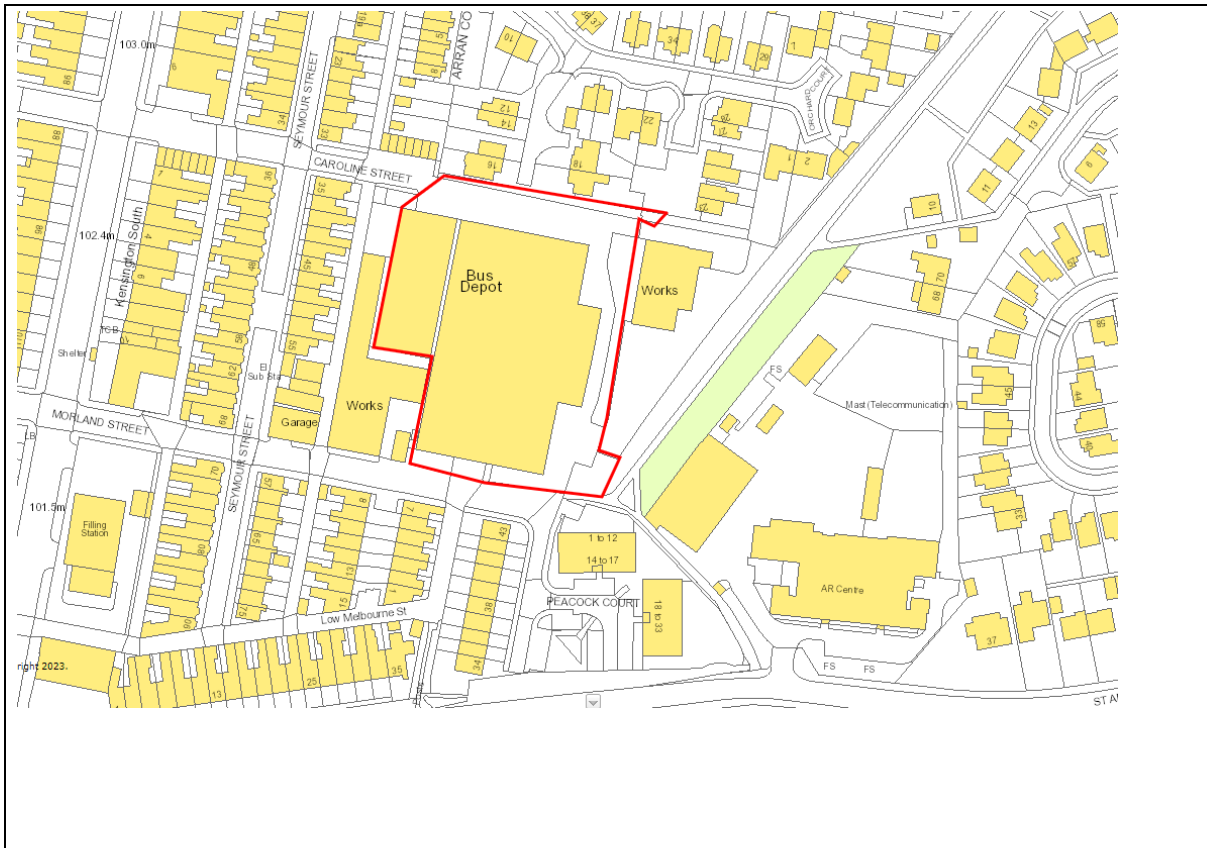
Reason: To provide an adequate level of housing mix to meet the needs of people with disabilities in accordance with Policy 15 of the County Durham Plan and Section 5 of the NPPF

STATEMENT OF PROACTIVE ENGAGEMENT

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

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documents
National Planning Policy Framework
The County Durham Plan (CDP)
County Durham Strategic Housing Market Assessment 2019
County Durham Plan Building for Life Supplementary Planning Document 2019
Residential Amenity Standards Supplementary Planning Document 2020
Statutory consultation responses
Internal consultation responses
External consultation responses



Planning Services

Erection of 23no. dwellings with associated means of access and works (Amended 13.03.2024)

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

Comments

Date: 7thth May 2024