

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	DM/23/03533/FPA
FULL APPLICATION DESCRIPTION:	Construction of 41 dwellings with associated works.
NAME OF APPLICANT:	Esh Homes Limited
ADDRESS:	Land To The South Of Broadway Avenue Salters Lane Trimdon TS29 6PU
ELECTORAL DIVISION:	Trimdon and Thornley
CASE OFFICER:	Lisa Morina Senior Planning Officer Telephone: 03000 264877 Lisa.morina@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site is located to the west of Trimdon in the south east of the County. The site previously comprised part of an agricultural field with areas of scrub vegetation and crops however is not considered as a brownfield development site.
2. The site is bordered to the north by Broadway Avenue, a residential cul-de-sac consisting of a mix of single storey and two storey dwellings. The highway Salters Lane is located to the east, across which lies an existing residential development.
3. Open fields extend to the south and west and a Public Right of Way runs across the site in a south westerly direction. There is a noticeable level change across the site, with the land to the south being lower than that to the north with an approximate difference of around 10m from the Broadway Avenue properties with an approximate 5m change towards the middle of the site with a further 5m drop to the southern end of the site. Trimdon Village Conservation area lies 170m to the northeast of the site.

The Proposal:

4. Consent is sought for the erection of 41 dwellings. These are proposed as both two-storey dwellings and bungalows. The site is proposed to contain a mix of 4 x 2-bedroom bungalows, 13 x 3-bed dwellings in two different styles and 24 x 4-bed dwellings (9 different house types). It is proposed that the dwellings will be constructed of a mix of brown/buff materials with dark grey roof tiles.

5. A SUDs area is proposed to the southern part of the site as is the public open space. One entrance into the site is proposed from Salters Lane with the dwellings located to either side of the road with a cul-de-sac location proposed at the western part of the site.
6. A public right of way currently runs through the site and it is understood the applicants are in discussions with the Public Rights of Way team to alter this location.
7. A previous application was approved back in 2016 for outline consent for the erection of up to 30 dwellings. This was followed up with a reserved matters application in 2018. This proposal was considered on a self-build basis. This consent has been implemented and the roadway is now constructed with the foundations of at least one dwelling started however no dwellings have been fully constructed.
8. This application is being reported to Planning Committee as it falls within the definition of a major development.

PLANNING HISTORY

9. DM/14/00678/OUT - Erection of up to 30 dwellings (Outline, all matters reserved). Refused 20.06.2014.
10. DM/15/01714/OUT - Outline application for the erection of up to 30 dwellings (all matters reserved). Approved 09.05.2016.
11. DM/18/01230/RM - Reserved matters application (all matters) pursuant to DM/15/01714/OUT for 27 dwellings and discharge of conditions 4 (pedestrian footway), 5 (site levels), 6 (foul and surface water), 8 (open space management), 9 (sustainability), 11 (tree protection) and 12 (land contamination). Approved 14.12.2018.
12. Various discharge of condition application have also been received.

PLANNING POLICY

NATIONAL POLICY

13. A revised National Planning Policy Framework (NPPF) was published in July 2023. The overriding message continues to be that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways.
14. *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.

15. *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.
16. *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.
17. *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.
18. *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.
19. *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.
20. *NPPF Part 11 Making Effective Use of Land* - Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously developed or 'brownfield' land.
21. *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.
22. *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.
23. *NPPF Part 15 Conserving and Enhancing the Natural Environment* - Conserving and enhancing the natural environment. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and

existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.

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

NATIONAL PLANNING PRACTICE GUIDANCE:

24. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters.

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

LOCAL PLAN POLICY:

County Durham Plan

25. 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.
26. Policy 10 (Development in the Countryside) states that development will not be permitted unless allowed for by specific policies in the Plan or Neighbourhood Plan or unless it relates to exceptions for development necessary to support economic development, infrastructure development or development of existing buildings. The policy further sets out 9 General Design Principles for all development in the Countryside.

Provision for economic development includes: agricultural or rural land based enterprise; undertaking of non-commercial agricultural activity adjacent to applicant's residential curtilage. All development to be of design and scale suitable for intended use and well related to existing development.

Provision for infrastructure development includes; essential infrastructure, provision or enhancement of community facilities or other countryside based recreation or leisure activity.

Provision for development of existing buildings includes: change of use of existing building, intensification of existing use through subdivision; replacement of existing dwelling; or householder related development.

27. 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.
28. 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.

29. 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.
30. 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.
31. Policy 29 Sustainable Design details general design principles for all development stating that new development should contribute positively to an areas' character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities.
32. 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.
33. 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.
34. 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.
35. 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.

36. 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.
37. 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.
38. 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.
39. Policy 42 (Internationally Designated Sites) states that development that has the potential to have an effect on internationally designated sites, either individually or in combination with other plans or projects, will need to be screened in the first instance to determine whether significant effects on the site are likely and, if so, will be subject to an Appropriate Assessment.

Development will be refused where it cannot be ascertained, following Appropriate Assessment, that there would be no adverse effects on the integrity of the site, unless the proposal is able to pass the further statutory tests of 'no alternatives' and 'imperative reasons of overriding public interest' as set out in Regulation 64 of the Conservation of Habitats and Species Regulations 2017.

Where development proposals would be likely to lead to an increase in recreational pressure upon internationally designated sites, a Habitats Regulations screening assessment and, where necessary, a full Appropriate Assessment will need to be undertaken to demonstrate that a proposal will not adversely affect the integrity of the site. In determining whether a plan or project will have an adverse effect on the integrity of a site, the implementation of identified strategic measures to counteract effects, can be considered. Land identified and/or managed as part of any mitigation or compensation measures should be maintained in perpetuity.

40. 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.

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

Neighbourhood Plan

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

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

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY/EXTERNAL RESPONSES:

44. Highways – No objection subject to conditions and informatives being added.
45. Northumbrian Water – No response received.
46. Durham Constabulary – Information provided on secured by design principles.
47. NHS – £19,803 contribution is required.
48. LLFA Drainage – No objection, drainage is considered acceptable.
49. Natural England – No objection subject to final credits being secured.

INTERNAL CONSULTEE RESPONSES:

50. Archaeology – No requirement for further archaeological investigations.
51. Affordable Housing – Affordable housing required to be provided.
52. Ecology – No objection
53. Education – Sufficient primary school spaces are in existence however, in order to mitigate the impact of the development a contribution of £82,770 (5 x £16,554) would be required to facilitate the provision of additional teaching accommodation for secondary schools.
54. Environmental Health (Contamination) – No objection, no requirement for a land contamination condition
55. Environmental Health (Noise) – No objection subject to conditions regarding noise implications
56. Environmental Health (Air Quality) – No objection
57. Landscape – Landscaping Scheme is considered acceptable.

58. Policy – Advice given in respect of which policies to consider and open space contributions
59. Public Rights of Way – No objection, a separate diversion application is underway.

PUBLIC RESPONSES:

60. The application has been advertised by means of site notice and by notifying neighbouring residents by letter. To date, three letters of objection (two from the same neighbouring property) have been received with the following concerns:
 - It is pleasing to see the provision of affordable bungalows for ownership on the site, albeit nowhere near enough to meet the need of local people.
 - The larger houses are very close to existing properties and this will cause a loss of privacy (in addition to a significantly reduced view and a potential loss of value).
 - Concern raised regarding the distribution of the different house types across the site and that they have been positioned in such a way as to maximise volume/density/profit
 - This current layout will change the landscape and is not sympathetic to the appearance of the area and could be easily fixed by carrying out minor adjustments.
 - This development will add further pressure to the already over-subscribed local schools and GP surgeries. It is unclear from the application how this would be addressed and there is lack of certainty around the developer contributions.
 - Concern over the increase in traffic due to the number of houses and other developments approved as well as the location of the access.

APPLICANT'S STATEMENT:

61. This scheme is an application requesting full approval for the delivery of 41no residential dwellings. The site has a history of applications; DM/15/01714/OUT and DM/18/01230/RM all granted with planning permission previously by Durham County Council between May 2016 and May 2018. Previous planning permissions, alongside the site being allocated within the adopted County Durham Plan—means the principle of development has already been firmly established.
62. We have worked collaboratively and positively with the officers through the Council's own Enhanced Design Review Panel process. The design of the scheme has been carefully considered, with a mix of house types, which offer a variety of housing for families, ranging from 2 – 4-bedroom homes. The development has the benefit of being able to create a fully sustainable community by providing family housing, 10% affordable housing, 100% M4(2) (accessible and adaptable) compliance, NDDS (Nationally Described Space Standards) housing and 10% older person housing (in the form of bungalows)
63. The latter means that the proposal is fully in accordance with policy 15 of the County Durham Plan and the affordable housing offer is consistent with that contained in the S.106 agreement. The proposals offer an attractive landscape-led scheme for 41 new homes. Referencing to the BNG report submitted, the site is to deliver an increase of 28.55% in habitat units and 264.31% increase in hedgerow units. The site takes its character and material palette from similarities which are reflective of the nearby Front Street North & South village green vernacular. This means houses across the scheme appropriately face POS and roads/footpaths to provide attractive streetscenes and external visuals. This naturally creates an interest across the

scheme by enhancing the legibility, making it clear as to which part of the site you are in. The large open space areas will be a great benefit to future residents of the estate and indeed those in the wider area, with existing & new PROW links to be formed. These areas will be multifunctional and publicly accessible.

64. The scheme will follow a rigorous construction management plan, with methodologies proposed to help prevent the neighbouring residents from noise and general disturbances. The CEMP provided as part of our application best explains this, and shows the thought put into the scheme by Homes by Esh to best deliver the scheme with limited disruption to Salters Lane and the wider area.
65. The new homes proposed have been designed to reflect the most recent changes in building regulations resulting in higher energy efficiency levels. This will result in lower CO2 emissions (31% reduction from previous building regulations), with homes which can run on less energy. This should be particularly welcomed given both the ongoing challenge of climate change and the cost-of-living crisis.
66. If granted full planning approval, the development will deliver the S.106 legal agreement, to be signed once planning permission is granted. This includes the following benefits for the wider community:
 - A financial contribution of £19,803 towards the provision or improvement of NHS healthcare facilities
 - A financial contribution of £64,538.10 towards the provision or improvement of open space facilities.
 - A financial contribution of £82,770 towards the provision or improvement of educational facilities.
 - New footpaths to the Western side of carriageway to Salters Lane, linking to the bus stop South of the entrance and North towards Broadway Avenue junction (to be delivered through S.278 works).
67. It is considered that development of the site for 41 new homes, will create new investment in the area and increased activity. This will have tangible economic benefits as well as assisting in tackling local issues such as anti-social behaviour, given that the new homes will offer natural surveillance through the careful orientation of the houses. More generally the proposed scheme will be:
 - Adding to the County's housing supply and delivery of an allocated housing site.
 - Create a sustainable community by including family housing, affordable housing, M4(2) & NDSS provisions, and older person housing (in the form of bungalows).
 - Retention of 25no direct construction jobs per annum over the site's construction period. Over the duration of the scheme, the creation of new apprenticeship positions and opportunities for the unemployed will be provided.
 - £6.674m (approx.) to be generated in the purchasing of materials and directly subcontracted companies employed to construct the scheme, both locally sourced by Homes by Esh.
 - £61,188 (approx.) generated in total first occupation S.106 contributions.
 - Generate Council Tax receipts of £86,515 per annum (approx.) to reinvest in Council services (Average based on Trimdon Band C amount of £2,110.11 x 41no units).

68. With all of the above benefits being taken into account, alongside the high-quality design and attractiveness of our development proposals (which have resulted from a collaborative approach undertaken with the Council). It becomes clear that this scheme will be a benefit to the local area and should therefore be recommended for approval.

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

PLANNING CONSIDERATIONS AND ASSESSMENT

69. As identified in Section 38(6) of the Planning and Compulsory Purchase Act 2004 the key consideration in the determination of a planning application is the development plan. Applications should be determined in accordance with the development plan unless material considerations indicate otherwise.
70. The NPPF is a material planning consideration in this regard. The County Durham Plan (CDP) is the statutory development plan and the starting point for determining applications as set out at Paragraph 12 of the NPPF. The NPPF advises at Paragraph 219 that the weight to be afforded to existing Local Plans depends upon the degree of consistency with the NPPF.
71. The County Durham Plan is now adopted and is considered to represent the up-to-date Local Plan for the area. Consequently, consideration of the development should be led by the plan if the decision is to be defensible.
72. In this context, it is considered that the main planning issues in this instance are as detailed below:

Principle of the Development

73. This site is considered to be adjoining the built-up area of Trimdon and is not allocated for housing within the County Durham Plan (CDP). Given this both policies 6 and 10 of the CDP would be of relevance in this instance.
74. As stated above a previous application has been approved on the site for residential dwellings. As such, the principle of residential development on the site has been established. Notwithstanding this however, the previous application was approved under prior Local Plan policies and as such a further assessment under the new County Durham Plan policies has been undertaken.
75. The site is considered to be outside but well related to the settlement and as such Policy 10 allows for Policy 6 to be considered.
76. Policy 6 states that development of sites which are not allocated in the Plan or in a Neighbourhood Plan which are either (i) within the built-up area; or (ii) outside the built-up area (except where a settlement boundary has been defined in a neighbourhood plan) but well-related to a settlement, will be permitted provided the proposal accords with all relevant development plan policies and:
77. a) Development should be compatible with, and not prejudicial to, any existing, allocated or permitted use of adjacent land.

The site is surrounded for the most part by residential properties and open space, as such the residential use of this site would therefore be compatible with surrounding uses.

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

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

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

The application site does not fall within any designations for landscape or ecology value and is located some 170 metres from the conservation area of Trimdon village. Given this distance it is not expected that the proposals would impact on the character or appearance of the designated heritage asset. The proposal does result in the impact on a public right of way (PROW) which runs through the site however an appropriate diversion has been discussed with the PROW officer. The principle however of the loss of this countryside area has already been agreed in that the previous permission has been partially implemented.

The site has also previously been considered within the Council's Strategic Housing Land Availability Assessment (SHLAA) (5/SO/15) where one part of the site was given a green classification with another part given an amber classification. The red line boundary of the site does extend slightly further south than the previous applications however the main built-up area of the site is located within the green classification area with the SUDS and Open Space areas falling within the amber classification areas.

Given the above the proposal is considered acceptable in respect of part c of Policy 6.

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

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

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

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

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

Trimdon is a large settlement with many facilities available, including local shops, pubs, school, GPs and a community centre. Measured from the entrance to the site, the nearest bus stops are located around 200m away. Buses are available hourly between the hours of 7-11 Monday to Saturday with a shorter service available on a

Sunday between Peterlee and Middlesbrough and also hourly between the hours of 7-8 between Durham and Hartlepool, Monday to Saturday. In this regard, the proposed development would be well related to necessary facilities and sustainable modes of transport, and it is therefore not considered that future occupiers at the dwellings would be solely reliant on private vehicles as a consequence.

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

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

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

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

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

The site has previously been considered acceptable for residential development and the roadway of the previous consent has now been constructed. The proposal is therefore considered to accord with this aspect of the policy given the extent of development already having taken place on site.

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

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

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

Impact on Residential Amenity

88. CDP Policy 31 seeks to prevent development that would have an unacceptable impact upon the amenity of existing neighbouring residents and only allow development where adequate amenity for future occupiers is provided. Part 11 of the NPPF requires planning decisions to ensure healthy living conditions and emphasises the importance of securing healthy places. Part 15 requires decisions to prevent new development from being put at unacceptable risk from, or being adversely affected by, unacceptable levels of pollution such as noise pollution.

89. Paragraph 191 seeks to ensure that new development is appropriate for its location taking into account the likely effects of pollution on health and living conditions. In terms of noise, Paragraph 191 advises that planning decisions should mitigate and reduce potential adverse impact resulting from noise from new development - and avoid noise giving rise to significant adverse impacts on health and the quality of life. Part 12 also states that proposals create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

90. CDP Policy 29 (Sustainable Design) requires all development proposals to achieve well designed buildings and places having regard to SPD advice and sets out 18 elements for development to be considered acceptable, including: making positive contribution to areas character, identity etc.; adaptable buildings; minimising greenhouse gas emissions and use of non-renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; and suitable landscape proposals. Provision for all new residential development to comply with Nationally Described Space Standards, subject to transition period. Provision for major developments to appropriately consider the public realm in terms of roads, paths, open spaces, landscaping, access and connectivity, natural surveillance, suitable private and communal amenity space that is well defined, defensible and designed to the needs of its users.
91. CDP Policy 29 also require that new major residential development is assessed against Building for Life Supplementary Planning Document, to achieve reductions in CO2 emissions, to be built to at least 30 dwellings per hectare subject to exceptions. It also states that all new residential development should meet Nationally Described Space Standards (NDSS).
92. The dwellings are proposed to be located adjacent to an established residential area with residential properties located to north of the site. The rear elevations of the existing residents face the site, and the development has been designed in a way that rear/side gardens will directly alongside their rear boundaries. A mix of hedging and boundary treatment are currently in place along these rear elevations and a 1.8m high close boarded fence is proposed along the northern boundary of the site.
93. Concern has been raised from one neighbour that the larger houses are very close to existing properties, and this will cause a loss of privacy (in addition to a significantly reduced view).
94. All dwellings are required to meet with the required separation distance as outlined within the Council's Residential Amenity Standards Document, which requires 21 metres between main habitable windows and 13 metres between a habitable window and blank gable wall.
95. In respect of plots 11 and 14 which are the nearest to the existing residents, separation distances of in excess of 17m would remain which more than exceeds the recommended distances between a blank gable and habitable room window. There is a change in land levels and as noted on the levels plans, the difference being up to 3.6m. Given this it is not considered that the proposal would result in any loss of light, overshadowing or overlooking to the existing neighbours, particularly as separation distances are appropriate.
96. In respect of the loss of view which was raised as a point of concern, whilst it is accepted that protection of a private view is not a material planning consideration, an assessment of the submitted site sections in conjunction with boundary treatment already in place, indicates that , it is likely that residents would likely see part of the gable/roofline of plot 14 only with general outlook from the rear of their houses largely retained. It is considered however that a condition should be added for no windows to be added in the future to the gable elevations of these two plots to protect mutual privacy of existing and future occupiers.
97. In respect of distances within the site the majority of the properties meet the recommended 21m or 13m as set out within the Councils SPD, with the exception of distances between plots 9 and 34, 10 and 33 and plots 11 and 14 where 20m will

remain. These however have been orientated to be slightly offset from each other so there is no direct window to window relationship. In addition, the SPD states “habitable room windows that are adjacent to each other across a public highway may not be required to meet these standards”. Given the layout of the properties and the fact that they are only slightly below, it is not considered that a refusal reason could be sustained in this instance.

98. The proposed dwellings are all considered to comply with the NDSS Space Standards and have appropriate garden depths of at least 9m, apart from two of the bungalows which are reduced to 8m to allow access to the rear gardens of the bungalows located within the centre of the terrace of 4, but it is noted that they have a sufficient width, providing an acceptable amount of external amenity space. Overall, the proposals would allow for an appropriate level of living accommodation and outdoor amenity for future residents and therefore accords with Policy 29 of the CDP in this respect.
99. Environmental Health were consulted and raised no objections generally, however during the construction phase the development could lead to a negative impact upon existing residential receptors, due to their close proximity, however it is considered that this can be easily overcome by the submission of a Construction Management Plan which should include information with regards to dust and a restriction on the hours of construction. This will be secured by a pre-commencement condition. A condition regarding hours of construction will also be added to any potential approval.
100. CDP Policy 15 also aims to meet the needs of older people and people with disabilities. On sites of 5 units or more, 66% of dwellings must be built to Building Regulations Requirement M4 (2) (accessible and adaptable dwellings) standard.
101. On sites of 10 units or more, a minimum of 10% of the total number of dwellings on the site are required to be of a design and type that will increase the housing options of older people. These properties should be built to M4(2) standard and would contribute to meeting the 66% requirement set out above. They should be situated in the most appropriate location within the site for older people. Appropriate house types considered to meet this requirement include:
 - level access flats;
 - level access bungalows; or
 - housing products that can be shown to meet the specific needs of a multi-generational family.
102. All units are proposed to comply with M4(2) standards which would more than meet this requirement, and 4 bungalows are proposed which would satisfy the 10% requirement in relation to housing for older people. Detailed plans / document has been provided which has been duly assessed and officers are satisfied that the dwellings suitably meet this requirement. A condition would be included to any approval to ensure the appropriate percentage of M4(2) are provided in line with policy.
103. The proposal, therefore, is considered acceptable in respect of Policies 15, 29 and 31 in respect of residential amenity of both existing and future residents subject to pre-commencement conditions being added.

Scale/Design

104. CDP Policy 29 (Sustainable Design) requires all development proposals to achieve well designed buildings and places having regard to SPD advice and sets out 18 elements for development to be considered acceptable, including: making positive contribution to areas character, identity etc.; adaptable buildings; minimising greenhouse gas emissions and use of non-renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; and suitable landscape proposals.
105. Policy 29(n) of the CDP also states that when assessed against the Building for Life Supplementary Planning Document a development should secure as many greens as possible, whilst minimising the number of ambers. Schemes with one or more red will not be acceptable and will be refused planning permission unless there are significant overriding reasons. CDP Policy 6d states proposal should be appropriate in terms of scale, design, layout, and location to the character, function, form and setting of, the settlement.
106. The proposal was considered at Design Review and scored 5 green, 4 amber and 3 reds initially. The applicant was encouraged to address some of the various outstanding issues to improve on the red scoring. Following amendments to the scheme, which included the introduction of both street tree planting and landscaping improvements to the southern boundary, further consultations were undertaken, and the proposal was re-scored at design review.
107. At the re-score, it achieved 7 green, 5 ambers and no reds. Whilst the amber scores remain, the issues have been addressed to a reasonable point in that a suitable landscaping scheme has been provided which is considered to result in an appropriate new southern boundary to the settlement.
108. Concern has been raised regarding the distribution of the different house types across the site and that they have been positioned in such a way as to maximise volume/density/profit.
109. The proposed development site lies adjacent an established residential area. As detailed above the estate road has already been installed and as such the layout of the site is restricted in this instance to fit with the road layout already constructed. The layout of the properties are acceptable in this instance in that the proposed layout is considered to positively address streets and spaces, and incorporates a mix of parking both to the side and front of dwellings which helps to reduce the visual impact on the street. All dwellings are forward facing either towards the main access road through the site with the exception of the 4 bungalows proposed at the front of the site which face onto Salters Lane and provides a frontage at this point.
110. The design of the dwellings are considered acceptable with the materials proposed are a mix of brown/buff brick in Marshall Darlstone and the roof tiles are dark grey Sandtoft Calderdale which is considered to reflect the material palette noted at other parts of Trimdon Village. Block paving is also proposed for the driveways.
111. In respect of boundary treatments, these range between 500mm and 1.8m high railings/close boarded fencing all of which are considered acceptable and are typical additions to housing developments of this nature.
112. Fencing of 1.8m high close boarded fencing is proposed as the rear boundary of the properties located to the northern and southern boundaries of the site 500m high birds mouth fencing is proposed at the entrance to the site in front of the bungalows

proposed and that of plot 1 as well as around some of the visitor parking areas provided. In areas where retaining walls are required and are more than 0.6m, 1m high railings will be added these which are located forward of the front building line separating the plots only and not along the front curtilage. All front garden areas will remain open and the plots will be separated at the rear by 1.35m high fencing.

113. It is acknowledged that the number of dwellings has increased from the previous application however it is considered that the site can accommodate the increase and that the proposed layout is acceptable. The proposal is not considered to equate to overdevelopment of the site with each property being detached other than the bungalows proposed at the entrance to the site. Given this the dwellings are considered to be appropriately spaced with space between each dwelling and suitable amenity space provided. In addition, there is a larger area of green public open space provided as well as a SUDS area. The proposals would also include a small terrace of bungalows overlooking Salters Lane which provide an active frontage upon entering into the estate.
114. All details of materials, fencing, bin stores and hard standings have been provided and as such no conditions are required to be added for these as they will form part of the approved plans. The proposal is considered acceptable in respect of Policy 29 of the County Durham Plan and Part 12 of the NPPF.

Landscape

115. CDP Policy 6 sets out developments should not contribute to coalescence with neighbouring settlement, should not result in ribbon or inappropriate backland development. The Policy also requires that development should be appropriate in scale, location and form and setting to a settlement.
116. 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.
117. Concern has been raised that the current layout will change the landscape and is not sympathetic to the appearance of the area and could be easily fixed by carrying out minor adjustments.
118. As detailed above the layout of the site is considered appropriate and an appropriate robust landscaping scheme which has been provided which incorporates significant planting to the proposed SUDS area also and is considered to provide a new suitable landscape buffer to what will become the new southern edge of the settlement of Trimdon.
119. A 1.8m high close boarded fence will be located adjacent to the rear boundaries of the properties at Broadway Avenue and the site will then drop down using 1:3 batters to a retaining wall within the rear garden area of those properties along the northern part of the site. Levels will continue to slope across the site (north to south) with a similar approach being proposed to the southern boundary in the form of a 1.8m high close boarded fencing proposed to the rear boundaries of those dwellings which are located to the southern boundary of the site. The site will then step down using 1:3 batters to the new proposed landscape edge.
120. A suitable landscaping scheme has been secured following officer discussions with the agent at the southern part of the site which includes a mix of native woodland and shrub planting and flowering lawn mix. A SUDS area is also proposed which is

to be planted with a mix of meadow mix and pond mix and the open space area will further be enhanced by around 50 native trees. 28 street trees are also proposed to provide tree lined streets. This landscaping approach has been agreed with the Councils Landscape Officers.

121. The proposal therefore is considered acceptable in respect of Policies 39 and 40 of the County Durham Plan and Part 15 of the NPPF.

Highway and Pedestrian Safety

122. CDP Policy 21 requires that all development ensures that any vehicular traffic generated by new development can be safely accommodated and have regard to Parking and Accessibility Supplementary Planning Document. Paragraph 115 of the NPPF states development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
123. Concern has been raised over the increase in traffic due to the number of houses and other developments approved as well as the location of the access.
124. The application was accompanied by a transport statement the content of which has been assessed by the Council's Highways Officers and was considered acceptable. The access road has already been constructed under a previous consent and the access to the site and road layout are considered acceptable. Technical approval has been agreed with the exception of street lighting and as such these plans form part of the approved details. The street lighting would be subject to approval from the adoptions team and as such it is not considered that any further information is required in this instance.
125. It is considered that conditions relating to the roadway being installed to adoptable standards and that parking spaces should also be available prior to the occupation of the dwellings should be added. Appropriate off-street parking for each dwelling has been provided and a suitable number of visitor parking spaces has also been provided which is considered to be appropriately distributed throughout the site, in line with the Council's Parking and Accessibility SPD. In addition, plans have been provided which shows each property is to be provided with an electric vehicle charging point.
126. Taking all the above into consideration, including the content of the transport statement mentioned above, it is considered that the level of traffic generated by the proposals would be safely accommodated on the surrounding road network and internally within the site the proposal meets with the Councils Parking and Accessibility SPD. It is not considered therefore that a highways safety reason could be sustained as the proposal is not considered to cause a severe impact on highway safety as stipulated within paragraph 115 of the NPPF.
127. Subject to the above conditions and informatives which have been requested by the highways officer, the proposal is considered acceptable in respect of Policy 21 of the County Durham Plan and Paragraph 115 of the NPPF.

Sustainability

128. CPD Policy 29 states that all new development should minimise greenhouse gas emissions, by seeking to achieve zero carbon buildings and providing renewable and low carbon energy generation, and include connections to an existing or approved district energy scheme where viable opportunities exist.

129. Information has been provided that clarifies that solar panels would be included on each property and EV charging points would also be installed. And as such the proposal is considered to accord with this aspect of the policy and it is not considered that a condition would be required for further details on this as this will form part of the approved plans. Policy 29(c) is therefore, considered to be met.

Broadband

130. CDP Policy 27 states new residential and commercial development should be served by a high speed broadband connection. This will need to be directly accessed from the nearest exchange and threaded through resistant tubing to enable easy access to the cable for future repair, replacement and upgrading. Where it can be demonstrated that this is not appropriate, practical or economically viable, developers will be encouraged to provide appropriate infrastructure to enable future installation.
131. A broadband plan from Openreach has been provided which is considered acceptable and there is therefore no requirement for a condition seeking these details. The proposals accord with Policy 27 of the CDP in this regard.

Contamination

132. Paragraph 183 of the NPPF advises that planning decisions should ensure a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. In line with this, CDP Policy 32 states that development will not be permitted unless the developer can demonstrate that:
- a. any existing despoiled, degraded, derelict, contaminated or unstable land issues can be satisfactorily addressed by appropriate mitigation measures prior to the construction or occupation of the proposed development;
 - b. the site is suitable for the proposed use, and does not result in unacceptable risks which would adversely impact on the environment, human health and the amenity of local communities; and
 - c. all investigations and risk assessments have been undertaken by an appropriately qualified person.
133. The application has been assessed by the Land Contamination Officer who has assessed the historical maps and the submitted information which included a Dunelm Geoenvironmental Appraisal (2018) and Dunelm Gas Risk Assessment (2018) and they have confirmed that there is no requirement for further land contamination conditions.
134. The proposal therefore is considered acceptable in respect of contaminated land issues in respect of Policy 32 of the County Durham Plan. An informative with respect to unforeseen contamination however will be added.

Drainage

135. CDP Policy 35 (Water Management) requires all development proposals to consider the effect of the proposed development on flood risk, both on-site and off-site, commensurate with the scale and impact of the development and taking into account the predicted impacts of climate change for the lifetime of the proposal. All new development must ensure there is no net increase in surface water runoff for the lifetime of the development. Amongst its advice, the policy advocates the use of SUDS and aims to protect the quality of water.

136. Whilst CDP Policy 36 (Water Infrastructure) advocates a hierarchy of drainage options for the disposal of foul water. Applications involving the use of non-mains methods of drainage will not be permitted in areas where public sewerage exists. New sewage and wastewater infrastructure will be approved unless the adverse impacts outweigh the benefits of the infrastructure. Proposals seeking to mitigate flooding in appropriate locations will be permitted though flood defence infrastructure will only be permitted where it is demonstrated as being the most sustainable response to the flood threat.
137. Durham County Council's Drainage and Coastal Protection Team acting as the Local Lead Flood Authority (LLFA) have assessed the various plans and information submitted in support of the scheme and raise no objection to the proposal. This also includes a timetable for the implementation of works. These will form approved documents of the application. The site proposes a SUDS areas to the south eastern part of the site to manage surface water run off as well as the introduction of permeable block paving driveways. In respect of foul water this will be connected to the existing sewer and it is understood consent has been given by Northumbrian Water in this instance.
138. The proposal, therefore, is considered acceptable in respect of Policies 35 and 36 of the County Durham Plan.

Ecology

139. Part 15 of the NPPF seeks to ensure that when determining planning applications, Local Planning Authorities seek to conserve and enhance biodiversity. CDP Policy 41 seeks to resist proposals for new development which would otherwise result in significant harm to biodiversity or geodiversity, which cannot be avoided, or appropriately mitigated, or, as a last resort, compensated for. Proposals for new development will be expected to minimise impacts on biodiversity by retaining and enhancing existing biodiversity assets and features and providing net gains for biodiversity including by establishing coherent ecological networks.
140. Ecology were consulted for their views on the scheme. They confirmed that the Preliminary Ecological Appraisal report by EcoSurv is sufficient to inform the application and no further surveys are required prior to determination. The survey confirms the site is generally of low ecological value however various precautionary working methods are proposed for the construction phase of the development. Therefore, they recommend that the contents of section 6 of the report (Conclusions and Recommendations) should be conditioned to ensure complete compliance with this. An appropriately worded condition will be included as part of any approval granted.
141. The Biodiversity Net Gain (BNG) Statement confirms the baseline habitats to be modified grassland and a small section of hedgerow. Several new habitats are to be created on the development to ensure BNG is achieved. The proposed habitats are appropriate for the site and successful establishment is likely.
142. The BNG statement also confirms a net gain of +28.55% for habitats and a +246.75% gain for hedgerows. This provides a small surplus of units over the current 10% BNG target however it is acknowledged that this application was received before the mandatory deadline to provide the 10% and as such for the purposes of this scheme, the BNG achieved is acceptable and policy compliant. The developer has stated that they are considering banking the surplus to use for future developments within Co. Durham.

143. A Biodiversity Management and Monitoring Plan (BMMP) has also been submitted which details how the habitats are to be managed. It also includes details of the installation of bat roost units and breeding bird boxes which are required as ecological enhancements. A further plan has been received which shows the location of these and will form part of the approved plans.
144. The BNG Statement and BMMP would need to be secured via an appropriate legal agreement. Overall, this would achieve a biodiversity net gain in accordance with Policies 26 and 41 of the County Durham Plan and Paragraph 180 of the NPPF.

Nutrient Neutrality

145. Under the Conservation of Habitats and Species Regulations 2017 (as amended) (Habitat Regs), the Local Planning Authority must consider the nutrient impacts of any development proposals on habitat sites and whether those impacts may have an adverse effect on the integrity of a habitats site that requires mitigation, including through nutrient neutrality. In this respect Natural England have identified that the designated sites of the Teesmouth & Cleveland Coast Special Protection Area/Ramsar (SPA) is in unfavourable status due to excess Nitrogen levels within the River Tees.
146. In this instance the development proposes the formation of 41 additional dwellings, which would ultimately give rise to additional loading of nitrogen into the Tees catchment. Given the advice provided by Natural England, it is likely that in combination with other developments, the scheme would have a significant effect on the designated SPA/RAMSAR sites downstream both alone and in-combination.
147. The Habitat regulations therefore require the Authority to make an 'Appropriate Assessment' of the implications of the development on the designated sites in view of the sites conservation objectives. Where an adverse effect on the site's integrity cannot be ruled out, and where there are no alternative solutions, the plan or project can only proceed if there are imperative reasons of over-riding public interest (IROPI) and the necessary compensatory measures can be secured.
148. Nutrient Neutrality advice is provided by Natural England, including the provision of a Neutrality Methodology. This requires a nutrient budget to be calculated for all types of development that would result in a net increase in population served by a wastewater system including residential development that would give rise to new overnight accommodation. In utilising the nutrient budget calculator produced by Natural England mitigation is identified as being required.
149. The application has been successful in reserving credits from Natural England and supplied its provisional certificate as part of the planning application. The Nutrient Neutrality Budget Calculator has been reviewed by the Ecology Team who are satisfied that the correct number of credits have been reserved by the development via Natural England in order to mitigate the proposals impact upon the Teesmouth and Cleveland Coast Special Protection Area/Ramsar to an acceptable level. Natural England have also confirmed their acceptance to the scheme subject to full payment being provided for the credits that have been secured.
150. Officers are now in receipt of the final certificate which has been signed by Natural England and confirms the final payment has been secured.
151. The proposal would, therefore, be in accordance with Policies 41 and 42 of the County Durham Plan and Paragraph 186 of the National Planning Policy Framework.

The Authority can also satisfy itself under its obligations under the Conservation of Habitats and Species Regulations 2017 (as amended) and ensure that protected sites would not be adversely affected by the development.

Developer Contributions

152. CDP Policy 25 (Developer contributions) advises that any mitigation necessary to make the development acceptable in planning terms will be secured through appropriate planning conditions or planning obligations. Planning conditions will be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Planning obligations must be directly related to the development and fairly and reasonably related in scale and kind to the development.

Affordable Housing / Mix of Dwellings

153. CDP Policy 15 establishes the requirements for developments to provide on-site affordable housing, the circumstances when off-site affordable housing would be acceptable, the tenure mix of affordable housing, the requirements of developments to meet the needs of older people and people with disabilities and the circumstances in which the specialist housing will be supported.
154. On sites of 10 or more units, affordable housing is expected to amount to 25% of units in the highest value areas to 10% in the lowest. On sites of 10 or more units, 10% of the homes provided should be for affordable home ownership (starter homes, discount market sale housing and other affordable routes to home ownership). Any contribution above 10% should be provided as affordable housing for rent.
155. As this site is within a low value area, this development would require 10% affordable housing, which would result in 4 Affordable home ownership properties being provided.
156. CDP Policy 19 states that on all new housing developments the council will seek to secure an appropriate mix of dwelling types and sizes, taking account of existing imbalances in the housing stock, site characteristics, viability, economic and market considerations. The scheme proposes a mix of 2, 3 and 4 bedroom dwellings including bungalows, which would achieve a good mix of dwelling types and sizes on the site in compliance with this policy.
157. Whilst concern has been raised regarding the number of affordable bungalows being provided not meeting the needs of local people, the number provided does meet policy requirements and as such there would be no policy basis to require further provision. Therefore, Policy 19 of the County Durham Plan is considered to be met.

Open space / Green Infrastructure

158. CDP Policy 26 (Green Infrastructure) states that development will be expected to maintain and protect, and where appropriate improve, the County's green infrastructure network. Advice is provided on the circumstances in which existing green infrastructure may be lost to development, the requirements of new provision within development proposals and advice in regard to public rights of way.
159. In accordance with CDP Policy 26 and having regards to the Council's OSNA, an average occupancy of 2.2 people per dwelling (Co. Durham average household size, 2011 Census). A scheme of 41 units would generate at least 90.2 people (41 x 2.2) based on 2021 census data of 2.2 persons per household.

160. This scheme would fall into the 2nd category of Table 19 where some typologies of open space should also be provided on site, and a contribution sought for the others. The contribution therefore, should be $90.2 \times \text{£}715.50$ ($\text{£}790.50 - \text{£}75.00$) = $\text{£}64,538.10$ with 1,353 sqm of open space to be provided on site. The applicants have exceeded the level of open space that is required to be provided and have also agreed to provide the contribution required.
161. As stated above a PROW currently runs through the site diagonally from north east to south west. Colleagues in our PROW team have confirmed that a separate application to divert Public Right of Way, Trimdon Footpath 6, has been discussed with the developer and the proposed diverted route is considered acceptable subject to the diversion being completed. The diversion will link to the proposed footpaths within the open space area which provides a new link to the east towards Salters Lane.
162. Given this and subject to a Section 106 Agreement being entered into to secure the financial payment in relation to open space, the proposal is considered acceptable in respect of Policy 26 of the County Durham Plan

Education Provision

163. Paragraph 95 of the NPPF confirms that the government places great importance to ensure that sufficient choice of school places is available to meet the needs of existing and new communities and requires LPAs to proactively meet the requirement.
164. The Council's Education Team have confirmed that based on their methodology and in assessing the projected rolls of schools, taking into account the likely implementation of the development, build out rates and other relevant committed development it is anticipated that there will be sufficient space to accommodate the pupils generated by the development in primary schools and no further mitigation is required in this instance. In respect of Secondary Schools however and in order to mitigate the impact of the development a contribution of $\text{£}82,770$ ($5 \times \text{£}16,554$) would be required to facilitate the provision of additional teaching accommodation. Any approval would therefore be subject to the contributions being included and agreed as part of a Section 106 agreement.

Health Contributions

165. Paragraph 34 of the NPPF required Local Authorities to have regard to setting where contributions are necessary within the Local Plan. In this regard CDP Policy 29(f) requires that developments should contribute to healthy neighbourhood and consider the health impacts and needs of the existing and future users.
166. The NHS has confirmed that a payment of $\text{£}19,803$ is required to improve health facilities within the area. Any approval would therefore be subject to the contributions being included and agreed as part of a Section 106 agreement.

Developer contribution conclusion

167. Concern has been raised that the development will add further pressure to the already over-subscribed local schools and GP surgeries and that it is unclear from the application how this would be addressed and there is lack of certainty around the developer contributions.

168. The applicant has agreed to enter into the required Section 106 to secure the payments requested by relevant consultees and identified to mitigate the impact on the development and as such the proposal is considered to be in accordance with Policies 25 and 26 of the County Durham Plan.

Public Sector Equality Duty

169. 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.

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

CONCLUSION

171. The proposals have been assessed against relevant policies and are considered to accord with appropriate criteria and requirements and is acceptable in principle subject to conditions, given the site has been previously approved consent for residential development and the site partially implemented.

172. The proposal is considered to have an acceptable impact upon the character and appearance of the surrounding area/landscape with an appropriate robust landscaping scheme being provided which will create a new settlement edge to the village.

173. The proposal is also considered to be acceptable in respect of residential amenity, highway safety, ecology, flooding and surface water and contaminated land.

174. Limited public interest has been generated by this proposal with concerns raised regarding highway safety and the distribution/position of dwellings across the site being raised however, on balance the concerns raised were not felt to be of sufficient weight to justify refusal of this application.

175. The application is considered to be in accordance with Policies 6, 21, 29, 31, 32, 35, 36, 39, 41 and 44 of the County Durham Plan and Parts 5, 6, 9, 12, 14, 15 and 16 of the NPPF and is therefore, recommended for approval subject to entering into a Section 106 Agreement and various conditions as detailed below.

RECOMMENDATION

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

- S.39 Agreement to secure the long-term management, maintenance and monitoring of the biodiversity land in accordance with a Biodiversity Management and Monitoring Plan (BMMP) and Biodiversity Net Gain.
- A contribution of £19,803 is required towards the NHS
- A contribution of £82,770 is required towards education provision
- Open Space Contributions of £64,538.10
- Affordable Housing provision of 4 dwellings including 1 first home product

and subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

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

Plan	Drawing No.	Date Received
Site location plan 1:1250		22/11/23
Location plan	TRM-LOC-001	22/11/23
Ground Floor Plan (The Palm)	PAL-PD-05	22/03/24
Various plans (The Palm)	PAL-PD-00	22/03/24
First Floor Plan (The Palm)	PAL-PD-10	22/03/24
Various plans (The Willow)	WIL-PD-00	22/03/24
Ground Floor Plan (The Willow)	WIL-PD-05	22/03/24
First Floor Plan (The Willow)	WIL-PD-10	22/03/24
Biodiversity Metric 4.0 Information	Rev 3	22/03/24
Nutrient Credit Certificate		22/04/24
Construction Management Environmental Plan		09/04/24
Bio-Diversity Management and Monitoring Plan		02/04/24
Specification Details		22/03/24
Drainage Calcs		22/04/24
Proposed finished levels	01 (Rev P15)	09/04/24
Proposed drainage layout	05 (Rev P12)	09/04/24
Proposed surface finishes kerb layout/road markings	11 (Rev P8)	09/04/24
Section 104	41 (Rev P9)	09/04/24
Flood flow paths	121 (Rev P2)	09/04/24
Construction surface water management plan	141 (Rev P2)	09/04/24
Street Scenes	OGT-SS-001 (Rev B)	09/04/24
Site layout	TR-SLP-001 (Rev Q)	09/04/24
Section 25A Report		23/02/24
Micro Drainage Calculations		23/02/24
Control and Management of Vibration		23/02/24
Arboricultural Constraints Survey, Impact Assessment, Protection Plan and Method Statement		22/11/23
Preliminary Ecological Assessment		22/11/23
Email confirming materials	81 P4	11/03/24
Suds details	131 (Rev P2)	04/03/24
Proposed catchment plan	SL-ED-001	22/04/24
Enclosures Details	Rev A	23/02/24
Mood board	D356.D.103	23/02/24
Tree Pit Details	SL-EVP-001 (Rev A)	22/03/24
EV Charger Location Plan	CHE-PD-00	22/03/24
Various plans (The Cherry)	BIR-PD-00	22/03/24
Various plans (The Birch)	BIR-PD-05	22/03/24
Ground floor plan (The Birch)	BIR-PD-10	22/03/24
First floor plan (The Birch)	CHE-PD-05	22/03/24
Ground Floor Plan (The Cherry)	CHE-PD-10	22/03/24
First Floor Plan (The Cherry)	DAM-PD-00	22/03/24
Various plans (The Damson)	DAM-PD-05	22/03/24
Ground Floor Plan (The Damson)	DAM-PD-10	22/03/24
First Floor Plan (The Damson)	ELM-PD-00	22/03/24
Various plans (The Elm)	ELM-PD-05	22/03/24

Ground Floor Plan (The Elm)	JUN-PD-00	22/03/24
Various plans (The Juniper)	JUN-PD-05	22/03/24
Ground Floor Plan (The Juniper)	JUN-PD-10	22/03/24
First Floor Plan (The Juniper)	OAK-PD-00	22/03/24
Various plans (The Oak)	LAU-PD-00	22/03/24
Various plans (The Laurel)	LAU-PD-05	22/03/24
Ground Floor Plan (The Laurel)	LAU-PD-10	22/03/24
First Floor Plan (The Laurel)	OAK-PD-05	22/03/24
Ground Floor Plan (The Oak)	OAK-PD-10	22/03/24
First Floor Plan (The Oak)	D356.L.100 (Rev J)	22/03/24
Landscape strategy	ENG/TRIM/001 Rev A	02/04/24
Site Sections	D356.P.101 (Rev H)	08/02/24
Tree and Hedge planting	SL-MCP-001 (Rev B)	28/03/24
POS & MC Plan	SL-PVP-001 (Rev B)	28/03/24
PV Panel Location Plan	SL-MF-001 (Rev C)	28/03/24
Material Finishes Layout	21 Rev P8	28/03/24
Section 38 and 278		01/05/24

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

3. No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include as a minimum but not necessarily be restricted to the following:
 1. A Dust Action Plan including measures to control the emission of dust and dirt during construction.
 2. Details of methods and means of noise reduction/suppression.
 3. Where construction involves penetrative piling, details of methods for piling of foundations including measures to suppress any associated noise and vibration.
 4. Details of measures to prevent mud and other such material migrating onto the highway from all vehicles entering and leaving the site.
 5. Designation, layout and design of construction access and egress points.
 6. Details for the provision of directional signage (on and off site).
 7. Details of contractors' compounds, materials storage and other storage arrangements, including cranes and plant, equipment and related temporary infrastructure.
 8. Details of provision for all site operatives for the loading and unloading of plant, machinery and materials.
 9. Details of provision for all site operatives, including visitors and construction vehicles for parking and turning within the site during the construction period.
 10. Routing agreements for construction traffic.
 11. Details of the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.
 12. Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works.
 13. Management measures for the control of pest species as a result of demolition and/or construction works.
 14. Detail of measures for liaison with the local community and procedures to deal with any complaints received.

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

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

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

4. 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.

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

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

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

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

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

6. In undertaking the development that is hereby approved:

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

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

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

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

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

7. The development shall include 66% of properties built to a standard which meets the requirements set out in M4(2) of the Building Regulations 2010 Approved Document Part M: Access to and use of building (as amended) or any updated version of replacement document.

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

8. No dwellings hereby approved shall be occupied until the estate road leading to that dwelling has been constructed in accordance with the technical details approved by the Councils Adoption Team.

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

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

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

10. The proposal shall be carried out in accordance with all sound attenuation measures detailed in the noise assessment NJD Environmental Associates Noise Assessment reference NJD23-0157-002R dated November 2023. All measures shall be fully implemented prior to the beneficial occupation of the development and permanently retained thereafter.

Reason: In the interests of the residential amenity of future occupants in accordance with policy 31 of the County Durham plan and part 15 of the NPPF.

11. The proposal shall be carried out in accordance with Section 6 (Conclusions and Recommendations) as set out within the Preliminary Ecological prepared by Eco Surv received 22 November 2023.

Reason - In the interests of protected species in accordance with policy 41 of the County Duram Plan and Part 15 of the NPPF.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order), no windows shall be installed in the gable elevations of plots 11 and 14 facing north towards Broadway Avenue without the grant of further specific planning permission from the Local Planning Authority.

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

STATEMENT OF PROACTIVE ENGAGEMENT

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

BACKGROUND PAPERS

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

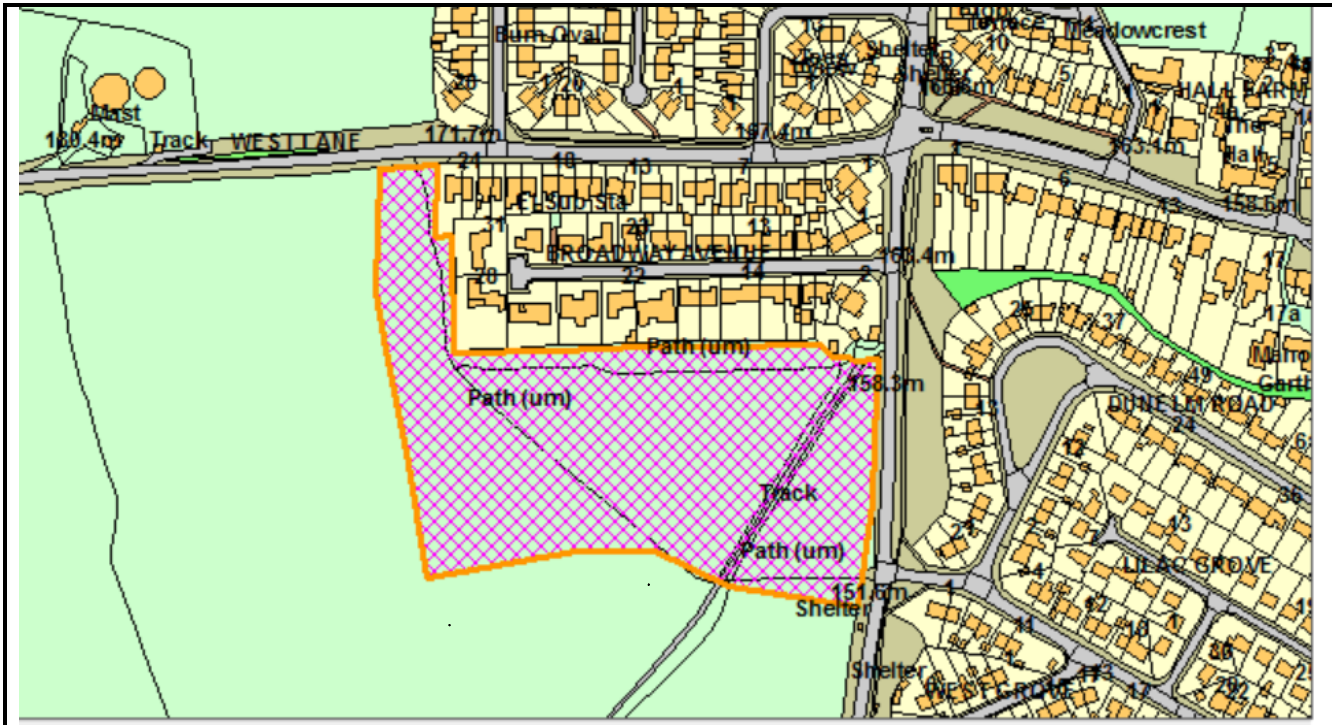
The National Planning Policy Framework (2021)

Residential Amenity Standards Supplementary Planning Document

National Planning Practice Guidance Notes

County Durham Plan

Statutory, internal and public consultation responses



Planning Services

Construction of 41 dwellings with associated works on Land To The South Of Broadway Avenue, Salters Lane, Trimdon, TS29 6PU

Application Reference: DM/23/00532/FPA

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Date: May 2024

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