

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	DM/14/01195/OUT
FULL APPLICATION DESCRIPTION:	Outline application for up to 282 dwellings with all matters reserved except for access (Amended Description April 2024).
NAME OF APPLICANT:	Durham County Council
SITE ADDRESS:	North East Industrial Estate, Stephenson Road, Peterlee, Durham
ELECTORAL DIVISION:	Peterlee East
CASE OFFICER:	Callum Harvey Senior Planning Officer Tel. 07393 469 380 Callum.Harvey@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site predominately comprises vacant land following clearance of previous commercial and industrial units, and also comprises a vehicle repair business, a coach depot, and various small vacant commercial units. The existing buildings within the site are of some age and in poor condition. The vacant areas of land also feature extensive scrub which has developed due to a lack of maintenance.
2. The application site forms part of the Peterlee North East Industrial Estate. The 19 hectare site is located within the built form of the settlement, and is accessed from Stephenson Road to the northwest via Armstrong Road. To the north is Thorpe Road with Horden Cemetery and agricultural fields beyond; to the east are residential dwellings along Smillie Road; to the south is a large area of public open space with Eden Lane Park beyond; and to the west are residential dwellings along Eden Lane.
3. At the western edge of the site are two large buildings occupied by a food manufacturing business known as Kookaburra, which are enclosed to the north, east and south by the application site red line boundary. The existing access to the

Kookaburra site from Armstrong Road to the west would be maintained under the current proposal.

4. Officers note this application was received in 2014, and the County Durham Plan was adopted in 2020. The site is designated as a housing commitment in the County Durham Plan, as officers had considered in April 2019, during the preparation of the Plan, that permission would likely be granted for 390 dwellings. As a committed housing site, the delivery of 390 dwellings at this site was envisaged during the Plan period. This is discussed in greater detail later in this report.
5. The site is not within an Area of Higher Landscape Value, the closest being approximately 180m to the north located between the settlements of Peterlee and Easington Colliery.
6. The site is located within the Low Risk Coal Area as identified by the Coal Authority. The site does not lie within the surface mined coal resource area or the mineral safeguarding area as defined in the County Durham Plan. There are no known mineshafts within or adjacent to the site, with the nearest approximately 1km to the east at Horden as identified by the Coal Authority.
7. There are no above-ground designated heritage assets within or adjacent to the site, with the nearest listed building being the Grade II* listed Horden Hall, a C17th manor house located approximately 150m northeast of the edge of the site. Easington Village Conservation Area is located approximately 1.4km northwest of the site.
8. In respect of below-ground designated heritage assets, immediately south of the site is the Yoden Medieval Settlement which is a Scheduled Monument. Historic England's listing describes the monument as including the earthworks and buried remains of Yoden medieval village, which lies on the magnesian limestone plateau of East Durham.
9. The site falls within Flood Zone 1 as identified by the Environment Agency, which is the lowest risk area of fluvial (river) flooding. There are some small pockets of land across the site which are at High and Medium Risk of pluvial (surface water following rainfall) flooding, located at the eastern and central areas of the site.
10. The site is not covered by a Tree Preservation Order.
11. There are no ecological designations within the site, with the nearest being the Horden Dene Local Wildlife Site (LWS) located approximately 180m north of the site. Warren House Gill Grassland, also a LWS, is located approximately 700m to the northeast. The Durham Coast Special Area of Conservation (SAC) is located approximately 1km to the east. The Yoden Village Quarry Site of Special Scientific Interest (SSSI) is located approximately 300m to the southeast.
12. The open space to the south of the site, above the Scheduled Monument described above, is designated in the County Durham Plan as a Potential Alternative Green Space Mitigation Site which is linked to the current proposal. That land is in the ownership of the Town Council.

The Proposal

13. This application seeks outline planning permission for up to 282 dwellings, with all matters reserved except for access.

14. The main access is proposed from the A1086/Thorpe Road to the north, with a secondary access proposed from Armstrong Road to the west, adjacent to the Kookaburra premises.
15. If Members are minded to approve this application, a future application(s) would be required seeking approval for the remaining 'reserved' matters, which are:
 - Appearance;
 - Landscaping;
 - Layout; and
 - Scale.
16. The current application has been submitted by the County Council. In the event Members are minded to approve this application, a housebuilder/developer would then be invited to deliver the site, and submit a future application(s) for the Reserved Matters once a scheme has been designed.
17. Due to the proposal being an outline application with all matters reserved expect access, few details of the proposal are required at this stage. The application is supported by an updated Site Masterplan (Revision P04), received July 2024. The updated document indicates up to 282 dwellings across four Phases, with the first phase in the northwest corner. The numbering of the phases indicates housing would first be delivered in the northwest corner of the site, before proceeding clockwise to the northeast corner, then to the southeast corner, and then to the southwest corner which is adjacent to the Kookaburra premises.
18. A large proportion of the application site is now proposed as Conservation Grassland, which is intended to offset the ecological impact of developing the site. This is discussed in greater detail later in this report.
19. The current application is being reported to the County Planning Committee as the proposal is for more than 200 dwellings, whilst the site is also more than 4 hectares in area.
20. This application had initially sought permission for up to 390 dwellings. Officers had considered that initial proposal to be acceptable, and had recommended approval to the County Planning Committee on 1st July 2014, subject to the completion of a Section 106 Agreement. Members of that Committee went with officers' recommendation and were Minded to Grant permission subject to the completion of the Section 106 Agreement. Unfortunately, the agreement was not subsequently completed, and the application has since remained pending.
21. In the time since the 2014 committee, the site has mostly remained vacant. Some vacant buildings have also been removed since 2014.

PLANNING HISTORY

22. Numerous planning permissions have been considered over a period of around 60 years for various developments associated with industrial and commercial uses. It is considered that none of those permissions are of relevance to the consideration and determination of the current application for housing.

PLANNING POLICY

NATIONAL POLICY

23. The following elements of the National Planning Policy Framework (NPPF) are considered relevant to this proposal:
24. *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.
25. *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.
26. *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.
27. *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.
28. *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.
29. *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.
30. *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.
31. *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.

32. *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.
33. *NPPF Part 15 – Conserving and enhancing the natural environment.* Planning policies and decisions should contribute to and enhance the natural and local environment.
34. *NPPF Part 16 – Conserving and enhancing the historic environment.* Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

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

NATIONAL PLANNING PRACTICE GUIDANCE:

35. 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; neighbourhood planning; noise; open space, sports and recreation facilities, public rights of way and local green space; planning obligations; travel plans, transport assessments and statements; 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 (October 2020)

36. *Policy 1 – Quantity of Development.* Outlines the levels of employment land and housing delivery considered to be required across the Plan period.
37. *Policy 6 – Development of Unallocated Sites.* States the development on sites not allocated in the County Durham Plan or in a 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 accords with all relevant Development Plan policies, and a number of stated criteria.
38. *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 and 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. The Policy states that on sites with 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). In line with the requirements in Table 8 of the Plan, any contribution above 10% should be provided as affordable housing for rent. The Policy goes on to state that where it can be evidenced by the applicant to the Council's satisfaction that this tenure mix would make the required affordable housing contribution unviable or that alternative affordable housing products are required to meet local needs, then proposals for an alternative tenure mix as proposed by the applicant will be considered.

39. *Policy 19 – Type and Mix of Housing.* 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 and the opportunity to facilitate self build or custom build schemes.
40. *Policy 21 – Delivering Sustainable Transport.* States that all development shall deliver sustainable transport by (in part) ensuring that any vehicular traffic generated by new development, following the implementation of sustainable transport measures, can be safely accommodated on the local and strategic highway network and does not cause an unacceptable increase in congestions or air pollution and that severe congestion can be overcome by appropriate transport improvements.
41. *Policy 25 – Developer Contributions.* States that new development will be approved where any mitigation necessary to make the development acceptable in planning terms is secured through appropriate planning conditions or planning obligations.
42. *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.
43. *Policy 29 – Sustainable Design.* Requires all development proposals to achieve well designed buildings and places having regard to advice within Supplementary Planning Documents (SPDs) and sets out detailed criteria which sets out that where relevant development is required to meet including; making a positive contribution to an area's character and identity; provide adaptable buildings; minimise greenhouse gas emissions and use of non-renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; providing suitable landscape proposals; provide convenient access for all users; adhere to the Nationally Described Space Standards (subject to transition period).
44. *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.
45. *Policy 32 – Despoiled, Degraded, Derelict, Contaminated and Unstable Land.* States [in part] that development will not be permitted unless the developer can demonstrate that 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.

46. *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.
47. *Policy 36 – Water Infrastructure.* Advocates a hierarchy of drainage options for the disposal of foul water. Applications involving the use of non-mains methods of drainage will not be permitted in areas where public sewerage exists. New sewage and waste-water infrastructure will be approved unless the adverse impacts outweigh the benefits of the infrastructure. Proposals seeking to mitigate flooding in appropriate locations will be permitted though flood defence infrastructure will only be permitted where it is demonstrated as being the most sustainable response to the flood threat.
48. *Policy 39 – Landscape.* States that 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 and that development affecting valued landscapes will only be permitted where it conserves, and where appropriate enhances, the special qualities of the landscape, unless the benefits of the development in that location clearly outweigh the harm.
49. *Policy 40 – Trees, Woodlands and Hedges.* States that proposals will be expected to retain existing trees where they can make a positive contribution to the locality or to the development, maintain adequate standoff distances between them and new land-uses, including root protection areas where necessary, to avoid future conflicts, and integrate them fully into the design having regard to their future management requirements and growth potential.
50. *Policy 41 – Biodiversity and Geodiversity.* States that proposals 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.
51. *Policy 42 – Internationally Designated Sites.* States that development that has the potential to have an effect on internationally designated site(s), (including all development within 0.4 kilometres of the sites, as shown on Map B of the policies map document), either individually or in combination with other plans or projects, will need to be screened in 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. 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.
52. *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.

53. *Policy 44 – Historic Environment.* States that great weight will be given to the conservation of all designated assets and their settings (and non-designated heritage assets of archaeological interest that are demonstrably of equivalent significance to scheduled monuments)(164). Such assets should be conserved in a manner appropriate to their significance, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. This aligns with Chapter 16 of the NPPF.

NEIGHBOURHOOD PLAN:

54. The site does not fall within a designated Neighbourhood Plan area.

The above represents a summary of those policies considered relevant. The full text, criteria, and justifications can be accessed at: <http://www.durham.gov.uk/article/3266/Development-Plan-for-County-Durham> (Adopted County Durham Plan)

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

55. *Highways* – Advise that the application is supported by a comprehensive Transport Assessment which has been updated and replaced following updates to the proposed Site Masterplan. The updated Transport Assessment includes the reduction from 390 dwellings to 282 dwellings.
56. The modelling in respect of the surrounding road network does indicate that the improvement works identified for the Essington Way / Thorpe Road junction (signalisation), and the Essington Way / Stephenson Road / Lowhills Road mini-roundabouts are required to accommodate the additional traffic. Whilst these mitigation works are already identified in the previous permission for development at the Lowhills site to the northwest of the current site, reference 5/PL/2013/0106, it is a concern that those highway improvement works may not come to fruition via that permission. Conditions are therefore recommended to require the works identified for those three junctions to be implemented by this development, should this development come to fruition first.
57. Additional conditions are also recommended in relation to the three proposed access points from this development onto the surrounding road network.
58. Subject to the above conditions the Highways officer has no objection to the principle of this development.
59. Further details relating to the internal highway layout and car parking provision would be assessed under a subsequent Reserved Matters application.
60. *Drainage & Coastal Protection (Lead Local Flood Authority)* – Whilst noting that the application is for outline permission with all matters reserved except access, it has

been some time since their previous comments relating to this development, and therefore policies and national standards in relation to taking a responsible approach to sustainable drainage solutions have changed considerably.

61. The Drainage officer advises that the design of the surface water drainage systems should comply with Policy 35 of the County Durham, which requires space to be set aside for the management of surface water, whilst SuDS must be an intrinsic part of the development of the site. The proposal should also comply with Policy 36 of the County Durham Plan, and with subsequent sub-sections of Section 5 of the Plan, which relate to Flood Risk and Sustainable drainage Systems. These requirements should be read in conjunction with the Design Code as set out in Building for a Healthy Life Design Tool.
62. The Drainage officer also advises that a Surface Water Drainage Strategy is required, and they have advised what site features should be considered and which other guidance should also be considered.
63. *Northumbrian Water* – Refer to previous comments provided in 2014, which advise no objection subject to the then-submitted and considered Flood Risk Assessment and Drainage Strategy forming part of the approved documents.

INTERNAL CONSULTEE RESPONSES:

64. *Spatial Policy* – offer key policy observations. The Spatial Policy officer notes that the site is a housing commitment in the County Durham Plan, adopted in 2020, in recognition that the current application benefitted from a committee resolution to grant permission. The housing commitment is for up to 390 dwellings.
65. Whilst the site is a housing commitment, the Spatial Policy officer advises that the current re-assessment of the application will need to be considered against Policy 6 of the County Durham Plan.
66. They note that the site was deemed as suitable for housing development in the County's Strategic Housing Land Availability Assessment (SHLAA) which formed part of the evidence base for the County Durham Plan (CDP). They also note that the site is Previously Developed Land.
67. Regarding housing mix, the Spatial Policy officer advises that 10% of proposed dwellings are required to be bungalows, with 66% required to accord with M4(2) standards. Regarding affordable housing provision, 10% of dwellings are required to be affordable units.
68. Advice is also provided in respect of open space provision, financial contributions and viability.
69. In respect of viability, the Spatial Policy officer has worked with its retained viability assessment partner (CP Viability (CPV)) to review the updated submission by the Council's Corporate Property and Land (CPaL) Team. Previous viability comments made in January 2023 related to when the scheme was for 390no. dwellings. A fundamental change since Jan 2023 is that the number of proposed units have reduced from to 282.
70. CPV advise that the values used in the submitted Viability Assessment to calculate the site's land value, the development's sales value, the development's construction costs, and other assumptions, are sound. The proposal would lead to a deficit of minus

£4,106,041; meaning the proposed development would be unviable if the relevant planning policies and requirements were fully applied.

71. CPV advise that there could be scope for savings in the abnormal costs, which would help improve the outcome of the viability assessment. However, this would put an upward pressure on the site's land value, which would then offset any gains made.
72. To conclude, CPV do agree with the submitted Viability Assessment that there is a reasonable argument in this instance for reducing or removing planning policy contributions as a means of ensuring the scheme has the best chance of being delivered.
73. *Affordable Housing* – Note that this is an outline application. Whilst 10% of total dwellings are required to be affordable housing, no details of the proposed number, type, tenure or location of these units have been submitted at this stage.
74. *Education* – based on methodology set out in the Council's adopted 'Securing Developer Contributions towards Education Provision in County Durham' document, the proposed development of 282 dwellings would produce 20 Nursery age pupils, 73 pupils of primary school age, 37 pupils of secondary age, 6 post 16 pupils and 3 SEND pupils.
75. In relation to Primary School pupils, there would be sufficient space at the following Primary Schools, which are located within 2 miles of the site, to accommodate the pupils generated by the development:
 - Acre Riff Infant Academy
 - Easington C of E Primary
 - Howletch Lane Primary

Therefore, no contribution would be required to facilitate the provision of additional teaching accommodation.

76. In relation to Secondary School pupils, there would be sufficient space at the following Secondary Schools, to accommodate the pupils generated by the development whilst maintaining a 5% surplus:
 - Easington Academy
 - Dene Academy

Therefore, no contribution would be required to facilitate the provision of additional teaching accommodation.

77. *Access & Rights of Way* – note there are no registered public rights of way in the vicinity of this development site, and therefore make no comment.
78. *Sustainable Travel* – note that the application is for outline planning permission with all matters reserved except access, therefore a Travel Plan is not required at the stage. A Travel Plan would be required under a subsequent Reserved Matters application.
79. *Public Health* – note that the application is for outline planning permission with all matters reserved except access, therefore a Health Impact Assessment is not required at the stage. A Health Impact Assessment would be required under a subsequent Reserved Matters application.
80. *Design and Conservation* – refer to the comments provided through the internal Design Review process. The Design Review concluded that the proposal received 4 'Green',

0 'Amber', 0 'Red' and 2 'Unknown' scores. A subsequent Reserved Matters application would be assessed against relevant Design Review criteria.

81. *Archaeology* – No objection subject to recommended conditions.
82. *Landscape* – No objection, the baseline landscape of the site is of low sensitivity and the proposed development includes landscape and visual mitigation such that landscape and visual effects from the proposed change would be minimal, provided that landscape proposals are properly implemented and maintained.
83. Given the age of the Tree report, this should be updated as trees have likely grown within and adjacent to the site since 2014.
84. *Arboricultural (Trees)* – Note the submitted Arboricultural Impact Assessment (tree report) was previously undertaken in 2014, therefore this will need to be updated to reflect any changes since.
85. The AIA also contains recommendations in respect of development, such as provision of an arboricultural method statement to detail all tree works/trees to be retained/design and construction methods near retained trees etc and a detailed tree protection plan.
86. *Ecology* – In relation to protected species, the Ecology officers notes the updated Preliminary Ecological Appraisal (PEA), and the updated bat survey report, both by E3 Ecology, updates previous survey work undertaken for the original planning permission. These reports are sufficient to inform the current outline application.
87. The PEA assesses the habitats present on the site and the potential for other protected or notable species that could be present on the site. The site is considered unsuitable or of low value to great crested newts, badger, red squirrel, otter, water vole and white clawed crayfish. Precautionary working method statements are recommended for amphibians, reptiles, and hedgehogs, which can be secured by condition.
88. The survey finds that most structures on site are heavily vandalised and are of low to negligible suitability for bats, however, in line with national guidance, bat activity surveys of some buildings are recommended to fully inform any demolition. As developers for this site have yet to be appointed, and final layout plans are unavailable, the Ecology officer is happy that the requirement for activity surveys is reserved for subsequent detailed or reserved matters planning applications when any bat mitigation can be more clearly determined and incorporated into the final design.
89. The survey also considers the potential for breeding birds and concludes that the species likely to use the site are generally typical of suburban habitats such as gardens, parks, housing etc. The exception to this is the UK birds red list species ringed plover where there is a low risk that the species could breed on the site. A checking survey is recommended to establish whether this species breeds on the site. As the actual development of this site is some time away, the Ecology officer is happy for the surveys for this species to be included in summer breeding bird surveys to inform the subsequent detailed or reserved matters planning applications, when any mitigation can be more clearly determined and incorporated into the final design.
90. The PEA also proposes ecological enhancements that include provision of integrated bird breeding units in the new dwellings and the installation of bat and bird boxes on retained trees on the site. These details can be secured under a future reserved matters applications once the final housing layout designs are known.

91. The site is considered suitable for several UK biodiversity Action Plan priority species of butterfly, and dingy skipper has previously been recorded on site. The areas of habitat that are most suitable for these species are the grassland habitats in the southern section of the site, however as these areas are to be retained, mitigation and compensation measures to benefit these species can be incorporated into the final design. This can be secured by condition.
92. The habitat survey considers parts of the areas identified as 'conservation grassland' on the layout plan to meet the criteria for Open Mosaic Habitats on Previously Developed Land (a UK Biodiversity Action Plan priority habitat), and the received indicative layout plan has been revised to exclude these areas from development and retain them as part of the open space element. Retaining and enhancing this habitat is consistent with the Biodiversity Gain Hierarchy as it avoids adverse effects of the development on high distinctiveness habitats.
93. In respect of Biodiversity Net Gain (BNG), the Ecology officer notes that detailed development plans are unavailable at present, therefore the indicative plans have been used for the BNG assessment by E3 Ecology. The assessment assumes a 70% development and 30% vegetated gardens split in the housing cells, and the open spaces to comprise 70% amenity grassland, 20% SuDS and 10% footpaths. This can be secured under a future reserved matters application.
94. The assessment concludes an indicative loss of 10.85 habitat units (-12.62%) and a gain of 4.89 hedgerow units (+ 2946.22%) for the development. This level of detail is sufficient to inform the application at present and confirms that off-site habitat compensation measures are likely to be required for any future detailed planning applications in order to achieve 'a' BNG. This can be secured by a legal agreement.
95. In respect of Habitat Regulations, the Ecology officer notes that County Durham has several European protected wildlife sites, designated, and protected under legislation. The sites in County Durham form part of a wider National Site Network (NSN Sites). NSN sites are of exceptional importance in respect of rare, endangered, or vulnerable natural habitats and species within the European Community.
96. The Ecology officer notes that application is supported by an updated Habitat Regulations Screening Assessment, dated June 2024, which identifies the site as being in close proximity to the Durham Coast SAC, Teesmouth and Cleveland Coast Special Protection Area, and the Northumbria Coast SPA. The applicant has proposed various improvements to additional green infrastructure in an existing open space to the south of the application site to encourage use by residents by providing an enjoyable natural environment for recreation. Proposals for the alternative recreation area consist of a series of new footpaths and upgrading of existing footpaths to provide improved circular walking routes along with improved open space and signage, all within easy reach of the site which would improve links from the proposed residential development to the recreational space.
97. The Ecology officer notes this approach was agreed with the local authority as part of this outline planning application in 2014 and is consistent with the Supplementary Planning Document and the Habitats Regulations Assessment of the County Durham Plan.
98. The Ecology officer advises that, providing the access and landscape enhancements are implemented in accordance with the indicative landscape plan, the project is unlikely to increase the recreational use of the nearby Special Protection Areas and Special Area of Conservation. This can be secured by a legal agreement.

99. *Environmental Health and Consumer Protection (Air quality)* – advises that they have assessed the updated Odour and Air Quality Assessment, dated May 2024.
100. The assessment demonstrates that the operational phase of the development, i.e. once the development is occupied, will not have a significant impact upon air quality, and the Environmental Health officer agrees with this conclusion.
101. The assessment demonstrates that the construction phase of the development will not have a significant impact upon air quality, providing the recommended mitigation measures are followed during that phase. The Environmental Health officer agrees with this conclusion and recommends the measures be secured by a condition.
102. *Environmental Health and Consumer Protection (Nuisance Action)* – advises that they have assessed the updated Odour and Air Quality Assessment and the updated Noise Impact Assessment, both dated May 2024.
103. The assessments demonstrate that, subject to mitigation measures, occupiers of the development would not be adversely affected by existing adjacent land uses. The Environmental Health officer agrees with this conclusion and recommends the measures be secured by condition.
104. The assessment also demonstrates that, subject to mitigation measures, neighbouring land uses including occupiers of neighbouring dwellings would not be adversely affected by the proposed development. The Environmental Health officer agrees with this conclusion and recommends the measures be secured by condition.
105. *Environmental Health and Consumer Protection (Contaminated Land)* – advises that they have assessed the submitted reports and historical maps with respect to land contamination. The Environmental Health officer advises that they are satisfied with the conclusions drawn in the investigative report, and recommend the use of condition to secure further details to be submitted and approved.
106. *Business Durham* – Had previously commented in June 2014 by supporting the application, and offered to assist the business affected by the works should permission be granted.

EXTERNAL CONSULTEE RESPONSES:

107. *NHS* – no objection subject to a financial contribution of £136,206 toward increasing GP surgery capacity. The sum can be secured by a Section 106 Agreement.
108. *Police Architecture Liaison* – no objection. Advice provided on design and layout of the development.

PUBLIC RESPONSES:

109. The application has been advertised in the local press (the Northern Echo), by site notice, and through neighbour notification letters sent to 210 individual properties as part of the planning procedures.
110. Due to the age of the application, public consultation was first carried out in May 2014, then officers reconsulted in January 2024 and May 2024 to enable the public to be notified of the changes to the proposal and to allow them to consider the most up-to-date site masterplan and supporting documents.

111. 106 objections have been received; 89 of which have been received from 68 different properties, with a further 17 received from no given address.
112. The 2014 Committee report for this application noted that the local Member at the time, Councillor Bennett, had offered his full support to the proposals.
113. Two letters have been received from the neighbouring business Kookaburra Limited; in 2014 and in 2024. Kookaburra are a food manufacturer who continue to operate on the perimeter of the application site. In 2014 they commented that they were satisfied that, in principle, the housing development will not adversely impact the operation of their premises. The company was equally comfortable that the separation to be created between the premises and the nearest proposed housing was sufficient to reduce to a minimum the likelihood of any harm or nuisance being caused to future residents by the continued operation of their premises. In that light, Kookaburra Limited was generally supportive of the Council's objectives and did not wish to object to the planning application, subject to being consulted at the subsequent reserved matters stage. A further comment has been received from them in 2024, re-iterating their 2014 comments. By way of an update they wish to highlight they directly employ 150 people, the majority of whom live in the immediate vicinity of the application site. They are performing strongly and their premises have undergone significant investment since 2014. They have no objection to the proposal provided their operations, including vehicle trips from their staff, visitor and deliveries/trading, are not disrupted.
114. A further letter had been received from NTE Limited in 2014, a company who previously operated within the application site. Officers note the company was dissolved in 2022, and the premises has since been demolished.
115. Two letters of objection have been received from the same neighbouring property on Eden Lane, both received in 2024. Whilst the neighbouring resident acknowledges the need for affordable housing, they raise the following concerns:
 - Potential use of Eden Lane and the estate beyond to the west of the site as a rat run onto Essington Way;
 - Impact on capacity of local road network;
 - Impact on shops;
 - Impact on GP surgeries;
 - Impact on dentists;
 - Loss of green space and landscaping, and subsequent visual impact of new housing.

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

APPLICANT'S STATEMENT:

116. In order to meet the needs and aspirations of present and future residents of County Durham and to deliver a thriving economy the County Durham Plan proposes a net minimum of 24,852 new homes of mixed type, size and tenure over the period 2016 to 2035 (1,308 new homes per year). The site at North East Industrial Estate, which forms the basis of this application, will contribute 282 housing units towards the identified requirement.
117. The application site comprises 19.8 hectares of brownfield land within the North East Industrial Estate. The majority of the application site is either vacant or underutilised and much of the residual building stock is no longer fit for purpose. The area upon

which the application is based suffers from dereliction and high vacancy rates and is not considered viable for long term employment use.

118. The outline application proposes homes in a mix of housing. The proposal will regenerate an underused industrial estate, significantly improving the quality of the local environment. The scheme provides for the creation of well-planned landscaping and green infrastructure on the site and for the establishment of a link road between the A1086 and Eden Lane. The development will bring significant economic benefits to the local area, with an estimated:
- Construction value of approximately £40 million;
 - 44 permanent construction jobs created through the lifetime of the build;
 - 66 spin-off jobs supported in the supply chain through the construction phase; and
 - £2.4 million additional annual expenditure in the local area, with the potential to support 21 full time equivalent jobs in retail and leisure.
119. Durham County Council are liaising with landlords and tenants affected by the application. Neither the operations of Kookaburra Limited, nor the operations of other major employers will be affected.
120. In summary, the development proposed within the application will make a significant contribution to housing requirements, create a number of valuable economic benefits, and regenerate a substantial area of underutilised land.

PLANNING CONSIDERATIONS AND ASSESSMENT

Background

121. This application had initially sought permission for up to 390 dwellings. Officers had considered that initial proposal to be acceptable, and had recommended approval to the County Planning Committee on 1st July 2014, subject to the completion of a Section 106 Agreement, in line with officers' recommendation. Unfortunately, the agreement was not subsequently completed, and the application has since remained pending.
122. In the time since the 2014 committee, the site has mostly remained vacant. Some vacant buildings have also been removed since 2014. Due to a lack of use, the site has accumulated greater ecological value which subsequently needed to be considered and addressed before officers could further review the application. Viability constraints have also been a key consideration for officers in the interim. The Council has also since adopted the County Durham Plan in 2020.

Assessment

123. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that if regard is to be had to the development plan, decisions should be made in accordance with the development plan unless material considerations indicate otherwise. In accordance with advice within the National Planning Policy Framework (NPPF), the policies contained therein are material considerations that should be taken into account in decision making. Other material considerations include representations received. In this context, it is considered that the main planning issues in this instance relate to the principle of development, agricultural land and soil resource, type and mix of housing, addressing housing need, layout and design, trees and hedgerows, residential amenity, highway safety, public rights of way, ecology, surface water and

foul drainage, heritage and archaeology, contaminated land and coal mining risk, energy efficiency, planning contributions, other matters and public sector equality duty.

Principle of Development

124. 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.
125. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means:
- c) approving development proposals that accord with an up-to-date development plan without delay; or
 - d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or,
 - ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
126. In light of the recent adoption of the CDP the Council has an up-to-date development plan. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means approving development proposals that accord with an up-to-date development plan without delay (Paragraph 11 c). Accordingly, Paragraph 11(d) of the NPPF is not engaged.
127. Policy 1 of the County Durham Plan (CDP) states that in order to meet the needs and aspirations of present and future residents of County Durham, and to deliver a thriving economy, the following levels of development are proposed up to 2035:
- a. 300 hectares of strategic and general employment land for office, industrial and warehousing purposes; and
 - b. a net minimum of 24,852 new homes of mixed type, size and tenure over the period 2016 to 2035 (1,308 new homes per year).
128. Officers note this application was received in 2014, and the County Durham Plan was adopted in 2020. The site is designated as a housing commitment in the County Durham Plan, as officers had considered in April 2019, during the preparation of the Plan, that permission would likely be granted for 390 dwellings. As a committed housing site, the delivery of 390 dwellings at this site was envisaged during the Plan period and was factored into the County's housing delivery during the Plan period (2020 to 2035). Paragraphs 4.20 and 4.21 of the County Durham Plan do however state that "*It is possible that some of these commitments will not come forward during the Plan period for a variety of reasons*", and the preparation of the Plan included an assumption that 12% of dwellings on the large-site housing commitments would not come forward during the Plan period.
129. In order to meet the above housing need of the County, the CDP has allocated a number of sites for housing development under CDP Policy 4. However because this

is a committed housing site in the County Durham Plan it is not allocated for housing development under Policy 4. Therefore Policy 6, as set out earlier in this report, is a key consideration.

130. Officers note that in order for criteria a) to j) to be applicable, the site first either needs to be within the built up area or if outside of it, considered well-related to the settlement. Paragraph 4.110 of the CDP explains that when assessing whether a site is well-related to a settlement, the physical and visual relationship of the site to the existing built-up area of the settlement will be a key consideration. Paragraph 4.111 goes on to state that the Council wants to ensure that new development does not detract from the existing form and character of settlements and will not be harmful to their surroundings. In determining whether a site is appropriate for new development, the relationship with adjacent buildings and the surrounding area will be taken into account along with the current use of the site and compatibility of the proposal with neighbouring uses.
131. Turning next to the criteria under Policy 6 of the CDP, in relation to criteria a), the proposal is compatible with, and is not prejudicial to, any existing, allocated or permitted use of adjacent land. The proposal therefore accords with criteria a), subject to detailed consideration of amenity impacts as discussed later in this report.
132. Regarding Policy 6 b), the proposal does not contribute to coalescence with neighbouring settlements, would not result in ribbon development, or inappropriate back land development. The proposal therefore accords with criteria b).
133. Regarding Policy 6 c), the proposal does not result in the loss of open land that has recreational, ecological or heritage value; or result in the loss of open land which contributes to the character of the locality which cannot be adequately mitigated or compensated for. The proposal therefore accords with criteria c).
134. Regarding Policy 6 d), it is noted that the current application for up to 282 dwellings, with all matters reserved except for access. As there is no detail at this stage, officers are not able to fully consider whether the proposal would be appropriate in terms of scale, design, layout, and location to the character, function, form and setting of, the settlement. However, it is considered that up to 282 dwellings could be accommodated within this site whilst according with these requirements, as shown on indicative plans accompanying the application. These detailed requirements would be considered under a subsequent Reserved Matter(s) application should Members be minded to grant permission for the current application. It is considered that the current application does not conflict with criteria d).
135. Regarding Policy 6 e), as noted earlier in this report the Highways officer has no objection. Subject to recommended conditions, it is considered the proposal would not have a severe residual cumulative impact on network capacity, or lead to a highway safety impact. The proposal therefore accords with criteria e).
136. Regarding Policy 6 f), the site is within an acceptable actual walking distance of bus stops along Thorpe Road to the north of the site, which provide frequent connections on to Easington, Peterlee, Horden, aswell as direct connections to Sunderland and Hartlepool. The bus stops also provide direct connections to Durham, however this is a less frequent service. It is noted that the majority of services and amenities are beyond 800m actual walking distance from the site. The implications of this are discussed in greater detail later in this report.

137. Regarding Policy 6 g), the proposal does not result in the loss of a settlement's or a neighbourhood's valued facilities or services, therefore the proposal accords with criteria g).
138. Regarding Policy 6 h), officers are mindful that this is an outline application, therefore energy efficiency measures would be considered under the subsequent Reserved Matters application(s). As discussed later in this report, submission of a Drainage Strategy can be secured under the subsequent Reserved Matters application(s) ensuring the proposal would not lead to an increased risk of surface water flooding within the site or elsewhere. For these reasons the current application does not conflict with Policy 6 h).
139. Regarding Policy 6 i), officers consider the site to be Previously Developed Land (PDL) as defined by the NPPF. The proposal accords with Policy 6 i).
140. For the various reasons set out above, the current application does not conflict with Policy 6 criteria a) – e), g) and h) of the CDP. Criteria f) is discussed in greater detail below.

Sustainability

141. Turning next to sustainability, Policy 6 f) as previously discussed covers public transport and footpath connectivity considerations. Policy 21 of the CDP provides greater clarity on what is required in respect of sustainability.
142. Policy 21 first requires the transport implications of development to be addressed as part of any planning application, where relevant this could include through Transport Assessments, Transport Statements and Travel Plans. The Highways officer has no objection following receipt of an updated Transport Assessment, as they consider that the proposal would not lead to an unacceptable adverse impact on the local road network. Therefore the proposal does not conflict with the first part of Policy 21.
143. Policy 21 then states that all development shall deliver sustainable transport by:
 - a. delivering, accommodating and facilitating investment in safe sustainable modes of transport in the following order of priority: those with mobility issues or disabilities, walking, cycling, bus and rail transport, car sharing and alternative fuel vehicles;
 - b. 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;
 - c. ensuring that any vehicular traffic generated by new development, following the implementation of sustainable transport measures, can be safely accommodated on the local and strategic highway network and does not cause an unacceptable increase in congestion or air pollution and that severe congestion can be overcome by appropriate transport improvements;
 - d. ensuring the creation of new or improvements to existing routes and facilities do not cause unacceptable harm to the natural, built or historic environment.
 - e. Criteria e. of Policy 21 is not applicable as the proposal is not in the vicinity of level crossings.
144. Turning first to criteria a) and b), it is noted that these criteria prioritise pedestrian connectivity ahead of cycling and bus transport. Officers are mindful of the CIHT's Planning for Walking (2015) guidance which states under Section 6.4:
"Building Sustainable Transport into New Developments (DfT, 2008) gives the following advice on pedestrian catchment areas: Traditional compact town layouts: Walking neighbourhoods are typically characterised as having a range of facilities

within 10 minutes' walking distance (around 800 metres). However, the propensity to walk or cycle is not only influenced by distance but also the quality of the experience; people may be willing to walk or cycle further where their surroundings are more attractive, safe and stimulating. Developers should consider the safety of the routes (adequacy of surveillance, sight lines and appropriate lighting) as well as landscaping factors (indigenous planting, habitat creation) in their design. The power of a destination determines how far people will walk to get to it. For bus stops in residential areas, 400 metres has traditionally been regarded as a cut-off point and in town centres, 200 metres (DOENI, 2000). People will walk up to 800 metres to get to a railway station, which reflects the greater perceived quality or importance of rail services."

145. The centre of the site is less than 400m actual walking distance from the nearest bus stops along Thorpe Road to the north of the site, which provide frequent connections on to Easington, Peterlee, Horden, as well as direct connections to Sunderland and Hartlepool. The bus stops also provide direct connections to Durham, though it is noted that this is a less frequent service. Officers consider the site and the proposed development benefit from acceptable public transport connections.
146. However, Officers note the shortest walking routes to most of the nearest amenities from the centre of the site are beyond 800m.
147. The insufficient walking distances to the nearest services and amenities leads to occupiers of the development being reliant on their private vehicles for their day-to-day needs. As a result the proposal conflicts with criteria a) and b) of Policy 21. Whilst the bus route connections within 400m of the site are acceptable, the pedestrian connectivity concerns would remain, resulting in conflicts with criteria a) and b).
148. Regarding criteria 21 c), as mentioned earlier in this report, the Highways officer has no objection subject to conditions. The proposal does not lead to a conflict with criteria c) of Policy 21.
149. Regarding criteria 21 d), in the event the proposal under a future Reserved Matter(s) application sought to provide lit footpaths, the implications on the natural and built environment would need to be carefully considered. Due to the distance from identified designated heritage assets it is considered that lighting design measures would ensure the proposal would not lead to an unacceptable heritage impact.
150. As set out above, the proposal conflicts with Policy 6 f) and within Policy 21 of the CDP due to insufficient pedestrian connections from the centre of the development to the nearest facilities and amenities. The resulting harm is considered against the public benefits of the proposal in the 'Planning Balance' section later in this report.

Agricultural Land and Soil Resource

151. The site is not in agricultural use and was formerly an industrial estate.
152. It is considered that the proposal would not lead to a loss of notably valued agricultural land, or lead to a loss of valued soils, and would therefore not conflict with Policy 14 of the County Durham Plan or with Paragraph 174 b) of the NPPF.

Type and Mix of Housing

153. Paragraph 5.187 of the CDP recognises that the County has an imbalanced housing stock in relation to type and mix. CDP Policy 19 therefore 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 and the opportunity to facilitate self-build or custom-build schemes. Paragraph 60 of the NPPF states that 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. The overall aim should be to meet as much of an area's identified housing need as possible, including with an appropriate mix of housing types for the local community.

154. The current application is outline with the matters of Appearance, Landscaping, Layout and Scale reserved for consideration under a future application(s). The type and mix of housing would be considered under that future application(s).

Addressing Housing Need

Affordable Housing Provision

155. Policy 15 of the CDP establishes the requirements for developments to provide on-site affordable housing, the circumstances when off-site affordable housing would be acceptable, the tenure and 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. The Policy states that on sites with 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). In line with the requirements in Table 8 of the Plan, any contribution above 10% should be provided as affordable housing for rent. The Policy goes on to state that where it can be evidenced by the applicant to the Council's satisfaction that this tenure mix would make the required affordable housing contribution unviable or that alternative affordable housing products are required to meet local needs, then proposals for an alternative tenure mix as proposed by the applicant will be considered.
156. The site is within the low viability area as identified in the County Durham Plan. Major-scale residential developments in this area are required to provide at least 10% of dwellings as affordable housing. Therefore a 282 dwelling development would be required to provide 28 affordable homes.
157. The Affordable Housing officer has been consulted and notes that this is an outline application. Whilst 10% of total dwellings are required to be affordable housing, no details of the proposed number, type, tenure or location of these units have been submitted at this stage. These details could be secured through an Affordable Housing Statement, which can be secured via a legal agreement.
158. Subject to the required information being secured via a legal agreement, the proposal would provide a sufficient number of affordable housing for a development of this scale. The type and tenure of those affordable homes could be considered under a future Reserved Matters application(s) and through the Affordable Housing Statement.
159. However, this application is supported by a Viability Assessment which concludes that the proposed development would not be viable in the event Affordable Housing provision and other contributions were secured. Consequently, the application is not seeking to enter a legal agreement to secure the 10% Affordable Housing provision. The subsequent issue with the lack of affordable housing provision will be considered in greater detail during the Planning Balance section of this report.

160. The lack of Affordable Housing provision leads to the proposal conflicting with Policies 15 and 25 of the County Durham Plan, and with Part 5 of the NPPF.

Meeting the Needs of Older People and People with Disabilities

161. CDP Policy 15 also aims to meet the needs of older people and people with disabilities, achieving this in two ways.

162. The first part is that 66% of the units on schemes of 5 units or more need to be accessible and adaptable to meet the needs of older people and people with disabilities. This is achieved by adhering to Building Regulations Requirement M4(2) (accessible and adaptable dwellings) standard.

163. Based on the proposed 282 dwellings, 186 would be required to be built to M4(2) standard. The provision of sufficient M4(2) standard dwellings can be secured by condition.

164. The second part of CDP Policy 15 requires a minimum of 10% of the total number of dwellings on the site to be of a design and type that increases the housing options of older people. This means it has to be built as a suitable product from the outset, so that it is available at the point of first occupation (i.e. now/immediately) to meet the needs of older people. These properties should also 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.

165. A 282 dwelling development would be required to provide at least 28 of the appropriate housetypes listed above. No details of the proposed number, type, tenure or location of these units have been submitted at this stage, however this can be secured by condition.

166. Subject to the recommended condition it is considered that the proposal would provide a sufficient number of appropriate homes to meet the needs of older people and people with disabilities for a development of this scale. The type and tenure of those affordable homes would be considered under a future Reserved Matters application(s).

167. The current application would not conflict with CDP Policy 15 or with Paragraph 63 of the NPPF.

Layout and Design

168. Policy 29 of the CDP 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. Parts 12 and 15 of the NPPF also seek to promote good design, while protecting and enhancing local environments. Paragraph 130 of the NPPF also states that planning decisions should aim to ensure developments function well and add to the overall quality of the area and establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit.

169. A Building for Life Supplementary Planning Document (2019) (BfL SPD) has been adopted by the Council, and this is a key document used in the assessment of Major

scale housing developments which is referred to in Policy 29 of the County Durham Plan. In recognition of national planning advice and to achieve high quality housing developments, the Council has adopted an internal Design Review process to assess schemes against the Building for Life 12 (BfL 12) Standards. The BfL SPD formalises the review process and establishes the guidelines and standards for its operation and is linked to the Sustainable Design Policy (29) in the County Durham Plan. The scoring is based on a traffic light system with the aim of the proposed new development to secure as many “Greens” as possible, minimise the number of “Ambers” and avoid “Reds”. The more “Greens” achieved the better the development will be, “Ambers” are usually concerns that can be raised to “Green” with revisions, whereas a “Red” gives a warning that a particular aspect needs strong reconsideration. CDP Policy 29 states that schemes with one or more Red scores will not be acceptable and will be refused planning permission unless there are significant overriding reasons.

170. The current application is outline with the matters of Appearance, Landscaping, Layout and Scale reserved for consideration under a future application(s). The layout and overall design of the development, and subsequent impact on open space provision and technical matters, would be considered at that stage.
171. The application site predominately comprises vacant land following clearance of previous commercial and industrial units, and also comprises a vehicle repair business, a coach depot, and various small vacant commercial units. The existing buildings within the site are of some age and in poor condition. The vacant areas of land also feature extensive scrub which has developed due to a lack of maintenance. It is considered that the careful development of the site would lead to a notable improvement in its appearance, and would the character of the surrounding area.
172. The updated Site Masterplan indicates up to 282 dwellings across four Phases, with the first phase in the northwest corner. The numbering of the phases indicates housing would first be delivered in the northwest corner of the site, before proceeding clockwise to the northeast corner, then to the southeast corner, and then to the southwest corner which is adjacent to the Kookaburra premises. A large proportion of the application site is now proposed as Conservation Grassland, which is intended to offset the ecological impact of developing the site. The proposed layout indicates a notable amount of landscaping on-site, the precise extent and detail of which would be considered under a subsequent Reserved Matters application. The indicated layout would provide sufficient separation from neighbouring housing and commercial developments.
173. The application as currently presented would not lead to a conflict with Policies 6, 29 or 39 of the County Durham Plan or with Part 12 of the NPPF.

Trees and Hedgerows

174. In respect of trees, CDP Policy 40 states that proposals for new development will not be permitted that would result in the loss of, or damage to, trees of high landscape, amenity or biodiversity value unless the benefits of the proposal clearly outweigh the harm. Where development would involve the loss of ancient or veteran trees it will be refused unless there are wholly exceptional reasons and a suitable compensation strategy exists. Proposals for new development will be expected to retain existing trees where they can make a positive contribution to the locality or to the development, maintain adequate stand-off distances between them and new land-uses, including root protection areas where necessary, to avoid future conflicts, and integrate them fully into the design having regard to their future management requirements and growth potential. Where trees are lost, suitable replacement planting, including appropriate provision for maintenance and management, will be required within the

site or the locality. Where applications are made to carry out works to trees in Conservation Areas or that are covered by a Tree Preservation Order, they will be determined in accordance with the council's Tree Management Policy Document (or any subsequent revisions).

175. In respect of hedgerows, CDP Policy 40 goes on to state that proposals for new development will not be permitted that would result in the loss of hedges of high landscape, heritage, amenity or biodiversity value unless the benefits of the proposal clearly outweigh the harm. Proposals for new development will be expected to retain existing hedgerows where appropriate and integrate them fully into the design having regard to their management requirements. Where any hedges are lost, suitable replacement planting or restoration of existing hedges, will be required within the site or the locality, including appropriate provision for maintenance and management.
176. Paragraph 136 of the NPPF states that trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change.
177. It is noted that no trees within or adjacent to the site are protected by a Tree Preservation Order (TPO).
178. The application is supported by an Arboricultural Impact Assessment (AIA) dated April 2014, which makes a number of recommendations following a survey of the trees across the site. The Council's Trees officer has been consulted and given the age of this report they have required an updated tree survey to be carried out, as the trees within and adjacent to the site may have changed.
179. Given that this is an outline application on previously developed land, the majority of which is still hard standing, and given that no trees which could be affected by the development are covered by a TPO, on balance and in this particular instance it is considered that the updated AIA can be secured under a future reserved matters application.
180. The proposal as currently presented does not conflict with Policy 40 of the County Durham Plan or with the NPPF in respect of impact on existing trees.

Residential amenity

181. Paragraph 180 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of air or noise pollution. Development should, wherever possible, help to improve local environmental conditions such as air quality and water quality. Paragraph 191 of the NPPF states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. Paragraph 192 of the NPPF advises that planning decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement. Paragraph 193 of the NPPF advises that planning decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs).

182. CDP Policies 29 and 31 outline that developments should provide high standards of amenity and privacy, minimise the impact of development upon the occupants of existing adjacent and nearby properties, and not lead to unacceptable levels of pollution. The Policies are informed by Parts 12 and 15 of the NPPF, which 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 including noise pollution.
183. The Environmental Health and Consumer Protection (Air quality) officer has been consulted and advises that they have assessed the updated Odour and Air Quality Assessment, dated May 2024.
184. The assessment demonstrates that the operational phase of the development, i.e. once the development is occupied, will not have a significant impact upon air quality, and the Environmental Health officer agrees with this conclusion.
185. The assessment demonstrates that the construction phase of the development will not have a significant impact upon air quality, providing the recommended mitigation measures are followed during that phase. The Environmental Health officer agrees with this conclusion and recommends the measures be secured by a condition.
186. The Environmental Health and Consumer Protection (Nuisance Action) officer has also been consulted and they advise that they have assessed the updated Odour and Air Quality Assessment and the updated Noise Impact Assessment, both dated May 2024.
187. The assessments demonstrate that, subject to mitigation measures, occupiers of the development would not be adversely affected by existing adjacent land uses. The Environmental Health officer agrees with this conclusion and recommends the measures be secured by condition.
188. The assessment also demonstrate that, subject to mitigation measures, neighbouring land uses including occupiers of neighbouring dwellings would not be adversely affected by the proposed development. The Environmental Health officer agrees with this conclusion and recommends the measures be secured by condition.
189. In respect of separation distances, it is noted that the current application is outline with the matters of Layout and Scale reserved for consideration under a future application(s). The layout and overall design of the development, and subsequent impact on amenity of dwellings within the site and on amenity of neighbouring dwellings adjacent to the site, would be considered at that stage. The Council's Residential Amenity Standards Supplementary Planning Document would be a key material consideration.
190. Consideration would also be given to the size of the proposed gardens across the site, which provide private amenity space for occupiers of the development, in line with then Council's Residential Amenity Standards Supplementary Planning Document which expects rear garden depths to be 9m in length subject to site and plot specific considerations.
191. Subject to conditions recommended by the Environmental Health officer, the proposal as currently presented would ensure an acceptable level of amenity for occupiers of the development. The proposal would also preserve the amenity of occupiers of neighbouring dwellings, as well as the amenity of other existing neighbouring land

uses. The proposal accords with CDP Policies 29 and 31 and with Sections 12 and 15 of the NPPF.

Highway Safety

192. The application seeks to construct up to 282 dwellings as indicated on the submitted illustrative masterplan. Three access points are proposed; the main access would be from the A1086 / Thorpe Road to the north, with a second access onto Yoden Road and Eden Lane to the southwest, and a third access onto Stephenson Road via Armstrong Road to the northwest
193. Paragraph 114 of the NPPF states that when assessing proposals, it should be ensured appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location. It should also be ensured that safe and suitable access to the site can be achieved for all users; that the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and that any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
194. Paragraph 115 of the NPPF then states that development should only be refused on transport grounds where the residual cumulative impacts on development are severe. Policy 21 of the County Durham Plan outlines that development should not be prejudicial to highway safety or have a severe cumulative impact on network capacity. It also expects developments to deliver well designed pedestrian routes and sufficient cycle and car parking provision.
195. As set out earlier in this report, the Highways officer has no objection in respect of highway safety or in respect of cumulative impact on the surrounding road network, subject to recommended conditions which include securing off-site highways works at key junctions in the nearby area, in order to avoid a severe cumulative impact on the local network's capacity.
196. This application is supported by a Viability Assessment which concludes that the proposed development would not be viable in the event off-site highways works and other contributions were secured. However, officers are mindful of Paragraph 5.253 of the County Durham Plan, which states that "*There should be no instances where essential site specific infrastructure and mitigation cannot be secured because of viability concerns. However in these situations where the infrastructure is an essential prerequisite to enable the site to be developed, a scheme will be deemed unacceptable in planning terms.*" It is considered that the off-site highways works, which are sought by the Highways officer following the conclusions of the submitted Transport Assessment, are essential to ensure the local road network can safely accommodate the vehicle trips generated by this development. Therefore, notwithstanding the viability concerns with this development, officers are still seeking to secure the off-site highways works by condition.
197. In regards to the internal highway layout design and parking provision, it is noted that the current application is outline with the matters of Layout and Scale reserved for consideration under a future Reserved Matters application. The layout and overall design of the development, and subsequent impact on internal road layout and parking provision would be considered at that stage. The Council's Parking and Accessibility Supplementary Planning Document would be a key consideration.

198. Electric Vehicle charging points are required to be proposed at each dwelling. Officers note that EV charging point provision is already required under Part S of Building Regulations following an update in 2021.
199. Turning to the representations received from the public, the adjacent premises at Kookaburra to the west of the site advise that they have no objection to the proposal provided their operations, including vehicle trips from staff, visitor and deliveries/trading, are not disrupted. The applicant is in ongoing discussions with the operator of that premises to ensure their use of Armstrong Road and Stephenson Road, which are adopted highway, are not impeded during the construction works.
200. Two letters of objection have also been received from a neighbouring property to the west of the site, raising concerns that the proposed access from the southwest of the site onto Yoden Road and Eden Lane would create a rat run from the development onto Essington Way to the west, via the existing housing estate. Officers are mindful of the proposed number of dwellings, which has been reduced from 390 down to 282. Officers also note that the proposed development would be served by three access points, therefore not all of the vehicle trips generated by the development would use the subject proposed access onto Yoden Road and Eden Lane. The Highways officer has considered the Transport Assessment Addendum accompanying the updated Site Masterplan and has advised that the proposal would not lead to an unacceptable adverse impact on the capacity of the local road network, including the subject housing estate to the west of this site.
201. Subject to recommended conditions, the proposal would not lead to an unacceptable highway safety impact and would not lead to a severe cumulative impact on the capacity of the local highway network. The proposal does not conflict with Policies 6 or 21 of the County Durham Plan, or with Part 9 of the NPPF.

Travel Plan

202. The Sustainable Travel officer has been consulted and they advise that a Travel Plan is required. Given that this is an outline application on previously developed land, on balance instance it is considered that the Travel Plan can be secured by condition.

Public Rights of Way

203. Part 8 of the NPPF seeks to promote healthy communities with a key reference being towards the protection and enhancement of public rights of way and access. CDP Policy 26 states that development will be expected to maintain or improve the permeability of the built environment and access to the countryside for pedestrians, cyclists and horse riders. Proposals that would result in the loss of, or deterioration in the quality of, existing Public Rights of Way (PROWs) will not be permitted unless equivalent alternative provision of a suitable standard is made. The Policy goes on to state that where diversions are required, new routes should be direct, convenient and attractive, and must not have a detrimental impact on environmental or heritage assets.
204. The Access & Rights of Way officer has been consulted and they note there are no registered public rights of way in the vicinity of this development site, and therefore make no comment.
205. The proposed works would not have an adverse impact on the registered public right of way network, and would not conflict with Policy 26 of the County Durham Plan or with Part 8 of the NPPF in respect of registered public rights of way.

Ecology

206. Part 15 of the NPPF seeks to ensure that developments protect and mitigate harm to biodiversity interests, and where possible, improve them.
207. Paragraph 186 of the NPPF sets out the Government's commitment to halt the overall decline in biodiversity by minimising impacts and providing net gains where possible and stating that development should be refused if significant harm to biodiversity cannot be avoided, mitigated or, as a last resort, compensated for. CDP Policy 41 reflects this guidance by stating that proposals 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. CDP Policy 43 states that 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. The Policy also considers protected species and their habitats.
208. The presence of protected species is a material consideration in planning decisions as they are a protected species under the Wildlife and Countryside Act 1981 and the European Union Habitats Directive and the Conservation of Habitats and Species Regulations 2017 (as amended). The Habitats Directive prohibits the deterioration, destruction or disturbance of breeding sites or resting places of protected species. Natural England has the statutory responsibility under the regulations to deal with any licence applications but there is also a duty on planning authorities when deciding whether to grant planning permission for a development which could harm a European Protected Species to apply three tests contained in the Regulations in order to determine whether a licence is likely to be granted. These state that the activity must be for imperative reasons of overriding public interest or for public health and safety, there must be no satisfactory alternative, and that the favourable conservation status of the species must be maintained. Brexit does not change the Council's responsibilities under the law.
209. There are no ecological designations within the site, with the nearest being the Horden Dene Local Wildlife Site (LWS) located approximately 180m north of the site. Warren House Gill Grassland, also a LWS, is located approximately 700m to the northeast. The Durham Coast Special Area of Conservation (SAC) is located approximately 1km to the east. The Yoden Village Quarry Site of Special Scientific Interest (SSSI) is located approximately 300m to the southeast.
210. The open space to the south of the site, above the Scheduled Monument described above, is designated in the County Durham Plan as a Potential Alternative Green Space Mitigation Site which is linked to the current proposal. That land is in the ownership of the Town Council.
211. In the time since this application was brought to the July 2014 County Planning committee, the site has mostly remained vacant. Some vacant buildings have also been removed since 2014. Due to a lack of use, the site has accumulated greater ecological value which needed to be considered and addressed before officers could support the application.
212. The Ecology Officer has been consulted and their full comments are set out earlier in this report. They note the proposed conservation grassland areas shown on the indicative site masterplan, and the subsequent reduction from up to 390 dwellings to up to 282 dwellings.

Protected Species

213. The Ecology officer notes the updated Ecology report dated February 2024, and the appended Biodiversity Net Gain details. Following the assessment and conclusions in the report the Ecology officer has no objection to the proposal, subject to additional surveys and details of mitigation measures being secured by recommended conditions. It is noted that the proposal could potentially impact protected species, however the updated surveys would enable officers to consider those impacts and secure mitigation measures where necessary. The Ecology officer has advised that they are comfortable with securing those updated details under a subsequent Reserved Matters application in the event Outline permission were granted.
214. Subject to the measures recommended to be secured by planning conditions, the proposal would not have an adverse impact on protected species, in accordance with Policies 6, 41 and 43 of the County Durham Plan, and with Part 15 of the NPPF.

Biodiversity Net Gain

215. Officers note that the application was received in 2014, before the statutory requirement for 10% Biodiversity Net Gain was introduced in April 2024. Therefore this proposal is only required to demonstrate 'a' net gain of biodiversity, in accordance with Policy 41 of the County Durham Plan.
216. The Ecology officer notes the submitted information and considers the level of detail is sufficient to inform the current outline planning application. The submission confirms that off-site habitat compensation measures are likely to be required for any future detailed planning applications in order to achieve a biodiversity net gain. The precise impact of the proposal could be considered under future Reserved Matters applications in the event Members approve the current application.
217. However, this application is supported by a Viability Assessment which concludes that the proposed development would not be viable in the event the Biodiversity Net Gain measures and other contributions were secured. Consequently, the application is not seeking to enter a legal agreement to secure the required Biodiversity Net Gain measures. Whilst officers note that 10% Biodiversity Net Gain is not a legal requirement for this application, securing 'a' Biodiversity Net Gain is still required under Policy 41 of the County Durham Plan. The application therefore leads to a conflict with Policy 41 and with Part 15 of the NPPF. This will be considered further during the Planning Balance section of this report.

Habitat Regulations Assessment

218. The Durham Coast Special Area of Conservation (SAC) is located approximately 1km to the east. The application is supported by an updated Habitat Regulations Screening Assessment dated 21st June 2024.
219. Policy 42 of the County Durham Plan, as set out earlier in this report, is the key policy consideration.
220. The Ecology officer has been consulted and notes that County Durham has several European protected wildlife sites, which are designated and protected under legislation. The sites in County Durham form part of a wider National Site Network (NSN Sites). NSN sites are of exceptional importance in respect of rare, endangered, or vulnerable natural habitats and species within the European Community.

221. The Ecology officer notes that application is supported by an updated Habitat Regulations Screening Assessment, dated June 2024, which identifies the site as being in close proximity to the Durham Coast SAC, Teesmouth and Cleveland Coast Special Protection Area, and the Northumbria Coast SPA. The application proposes various improvements to additional green infrastructure in an existing open space to the south of the application site to encourage use by residents by providing an enjoyable natural environment for recreation. Proposals for the alternative recreation area consist of a series of new footpaths and upgrading of existing footpaths to provide improved circular walking routes along with improved open space and signage, all within easy reach of the site which would improve links from the proposed residential development to the recreational space.
222. The Ecology officer notes this approach was agreed with the Local Planning Authority as part of this outline planning application when it was originally considered in 2014, and is consistent with the Supplementary Planning Document and the Habitats Regulations Assessment of the County Durham Plan.
223. The Ecology officer advises that, providing the access and landscape enhancements are implemented in accordance with the indicative landscape plan, the project is unlikely to increase the recreational use of the nearby Special protection Areas and Special Area of Conservation. These measures could be secured by a legal agreement.
224. This application is supported by a Viability Assessment which concludes that the proposed development would not be viable in the event the off-site mitigation measures and other contributions were secured. However, officers are also mindful that these off-site measures are a legal requirement which cannot be overcome by viability concerns, therefore the application is still required to provide the measures despite the viability concerns.
225. Subject to the off-site mitigation described above being secured by a legal agreement the proposal would accord with Policy 42 of the County Durham Plan and with the NPPF.

Surface Water and Foul Drainage

226. Part 14 of the NPPF directs Local Planning Authorities to guard against flooding and the damage it causes. Protection of the water environment is a material planning consideration and development proposals, including waste development, should ensure that new development does not harm the water environment. Paragraph 180 of the NPPF advises that planning decisions should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of water pollution. Development should, wherever possible, help to improve local environmental conditions such as water quality.
227. Paragraph 173 of the NPPF states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment it can be demonstrated that it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate, and any residual risk can be safely managed.
228. CDP Policies 35 and 36 relate to flood water management and infrastructure. CDP Policy 35 requires agreement of flood risk and use of sustainable drainage systems

with all development proposals required 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. It is not reasonable for development proposals to mitigate separate existing issues. Policy 35 also states that for major developments such as the current proposal, the management of water must be an intrinsic part of the overall development.

229. Policy 36 addresses the disposal of foul water in the consideration of development proposals, and the hierarchy of drainage options that must be considered and discounted for foul water. National advice within the NPPF and PPG with regard to flood risk advises that a sequential approach to the location of development should be taken with the objective of steering new development to flood zone 1 (areas with the lowest probability of river or sea flooding). When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where a sequential test and some instances exception test are passed, informed by a site-specific flood risk assessment.
230. The site falls within Flood Zone 1 as identified by the Environment Agency, which is the lowest risk area of fluvial (river) flooding. There are some small pockets of land across the site which are at High and Medium Risk of pluvial (surface water following rainfall) flooding, located to at the eastern and central areas of the site.
231. The Drainage Officer has been consulted and they have requested an updated Drainage Strategy which includes provision of integrated SuDS features throughout the site, given the age of the previous drainage details received in 2014.
232. Officers note that this is an outline application on previously developed land, whilst the majority of site comprises hard standing; on balance and in this particular instance it is considered that the Drainage Strategy can be secured under a future reserved matters application. The integrated SuDS features details would be considered once details of the Landscaping, Layout and Scale of the proposal have been submitted.
233. Northumbrian Water have also been consulted on the proposed surface water and foul drainage solution. Whilst they had no objection to the previous drainage details received in 2014, they would need to be consulted on the updated Drainage Strategy under a future Reserved Matters application.
234. Subject to a recommended condition securing an updated Drainage Strategy under a subsequent Reserved Matters application, it is considered that the current application would not lead to an increased surface water flood risk within the site or elsewhere. The proposal therefore does not conflict with Policies 6, 35 and 36 of the County Durham Plan and with Paragraphs 173 and 175 of the NPPF.

Heritage and Archaeology

235. In assessing the proposed development regard must be had to the statutory duty imposed on the Local Planning Authority under the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character and appearance of a conservation area. In addition, the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a statutory duty that, when considering whether to grant planning permission for a development which affects a listed building or its setting, the decision maker shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. If harm is found this gives rise to

a strong (but rebuttable) statutory presumption against the grant of planning permission. Any such harm must be given considerable importance and weight by the decision-maker.

236. Part 16 of the NPPF requires clear and convincing justification if development proposals would lead to any harm to, or loss of, the significance of a designated heritage asset. CDP Policy 44 seeks to ensure that developments should contribute positively to the built and historic environment and seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets.
237. There are no above-ground designated heritage assets within or adjacent to the site, with the nearest listed building being the Grade II* listed Horden Hall, a C17th manor house located approximately 150m northeast of the edge of the site. Easington Village Conservation Area is located approximately 1.4km northwest of the site.
238. The Design and Conservation Officer has not raised concerns in relation to designated heritage assets.
239. It is considered that the proposed development would not have an adverse impact on above-ground heritage assets, therefore there would be no conflict with CDP Policies 10 or 44 or with Part 15 of the NPPF in this respect, or with Section 66 of the Planning (Listed Buildings and Conservation Areas) Act.

Archaeology

240. In respect of Archaeology, Paragraph 200 of the NPPF states that where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, Local Planning Authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.
241. Footnote 68 of the NPPF states that non-designated heritage assets of archaeological interest, which are demonstrably of equivalent significance to scheduled monuments, should be considered subject to policies for designated heritage assets. Therefore Paragraphs 200, 206 and 207 the NPPF are applicable, which require any harm to or loss of such assets to require clear and convincing justification. This is reflected in Policy 44 of the CDP.
242. The Archaeology officer has been consulted and they have no objection subject to further details being secured by condition. It is considered that the proposal would cause no harm to heritage assets or to archaeological remains, therefore there would be no conflict with Policy 44 of the County Durham Plan or with Part 16 of the NPPF, or with the Listed Building and Conservation Areas Act.

Contaminated Land and Coal Mining Risk

243. Part 15 of the NPPF (Paragraphs 124, 180, 189 and 190) requires the planning system to consider remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land where appropriate. Noting that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner. CDP Policy 32 states that development will not be permitted unless the developer can demonstrate that the site is suitable for the proposed use, and that the proposal does not result in unacceptable risks which would adversely impact on the environment, human health and the amenity of local communities.

244. The site is located within the Low Risk Coal Area as identified by the Coal Authority. The site does not lie within the surface mined coal resource area or the mineral safeguarding area as defined in the County Durham Plan. There are no known mineshafts within or adjacent to the site, with the nearest approximately 1km to the east at Horden as identified by the Coal Authority.
245. The site was previously contained various premises and therefore has potential historic contaminated land constraints.
246. The Coal Authority have not been consulted given that the site is not in a High Risk Area and given the distance from the nearest known mineshaft.
247. The Environmental Health and Consumer Protection (Contaminated Land) officer has been consulted they advise that they have no objection subject to recommended conditions securing further investigations and mitigation measures.
248. Subject to recommended conditions, the proposal would not result in unacceptable risks which would adversely impact on the environment, human health and the amenity of local communities. The proposal would therefore not conflict with Policies 6, 10 or 32 of the CDP or with Part 15 of the NPPF in this respect.

Energy Efficiency

249. CDP Policy 29 requires proposals to minimise greenhouse gas emissions, by seeking to achieve zero carbon buildings and providing renewable and low carbon energy generation, and include connections to an existing or approved district energy scheme where viable opportunities exist. Where connection to the gas network is not viable, development should utilise renewable and low carbon technologies as the main heating source. The Policy goes on to require proposals 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.
250. CDP Policy 29 also refers specifically to reducing CO2 emissions for new buildings based upon building regulations requirements at the time the County Durham Plan was adopted in 2020, however Part L of the Building Regulations has since been revised in 2021, and the levels now required exceed that of Policy 29 of the CDP. The applicant will be required to accord with those Building Regulations which would be enforced outside the Planning process. These Building Regulations require a further 31% reduction in carbon emissions over previous 2013 Building Regulations.
251. Officers note that EV charging point provision is already required under Part S of Building Regulations following an update in 2021.
252. The current application is outline with the matters of Appearance, Landscaping, Layout and Scale reserved for consideration under a future application(s). The energy efficiency measures for dwellings would be considered under a future Reserved Matter(s) application,
253. The application as currently presented would be an energy efficient form of development which would not conflict with Policy 29 of the County Durham Plan or with Parts 9, 12 and 14 of the NPPF in this respect.

Broadband

254. 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.
255. Paragraph 118 of the NPPF states that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections. Policies should set out how high quality digital infrastructure, providing access to services from a range of providers, is expected to be delivered and upgraded over time; and should prioritise full fibre connections to existing and new developments (as these connections will, in almost all cases, provide the optimum solution).
256. In considering this policy requirement, due the location of the development within the settlement of Peterlee, there would be existing high-speed broadband availability in the area to comply with CDP Policy 27. Details of broadband provision can be secured by condition in accordance with CDP Policy 27 and Paragraph 118 of the NPPF.

Planning Contributions

257. CDP Policy 25 states that new development will be approved where any mitigation necessary to make the development acceptable in planning terms is secured through appropriate planning conditions or planning obligations. Such mitigation will relate to the provision, and/or improvement, of physical, social and environmental infrastructure taking into account the nature of the proposal and identified local or strategic needs. Policy 25 goes on to state that developers will be required to enter into Planning Obligations which are directly related to the development and fairly and reasonably related in scale and kind to the development, in order to secure the mitigation that is necessary for a development to be acceptable in planning terms. Policy 25 reflects Paragraphs 55 and 57 of the NPPF.
258. CDP Policy 25 requires planning applications which do not propose policy compliant levels of affordable housing and/or obligations necessary to mitigate the impact of development to be supported by a robust viability assessment. Any viability assessment accompanying a planning application should refer back to the assessment that informed the Plan and provide evidence of what has changed since then.

Affordable Housing

259. If planning permission were to be granted, a Section 106 agreement would be required to secure the following provision in accordance with CDP Policy 15:
- 28 affordable dwellings
260. However, as discussed later in this report, this application is supported by a Viability Assessment which concludes that the proposed development would not be viable in the event the requested affordable housing contribution, and other contributions were secured. This is in accordance with Policy 25 of the CDP and consequently, the application is not seeking to enter a legal agreement to secure the requested Affordable Housing contribution. This implications of this are discussed in greater detail during the Planning Balance section of this report.

Education

261. The Education officer advises that no contributions are being sought toward increasing the capacity of the nearest Primary or Secondary schools, due to sufficient existing capacity for the projected pupils numbers which would be generated by the proposed 282 dwellings.
262. The Education officer has also suggested a contribution of £251,940 to mitigate the potential of the development to create a likely demand from 3 SEND pupils. This requirement was not identified in the pre-application discussions with the developer, and the national governmental direction that from August 2023 contributions for SEND pupil provision is sought from new development has yet to be formalised into supplementary planning policy that would formally allow this to be secured has not yet been adopted. Regardless, 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 the request at this time is considered unreasonable, failing the tests set out to secure Planning obligations as outlined above.

Healthcare

263. The NHS has been consulted and advise that a contribution of £136,206 is required toward increasing local GP surgery capacity to accommodate the development. The sum can be secured by a Section 106 Agreement.
264. However, as discussed later in this report, this application is supported by a Viability Assessment which concludes that the proposed development would not be viable in the event the requested NHS contribution, and other contributions were secured. This is in accordance with Policy 25 of the CDP and consequently, the application is not seeking to enter a legal agreement to secure the requested Education contribution. This implications of this are discussed in greater detail during the Planning Balance section of this report.

Public Open Space Provision

265. CDP Policy 26 requires proposals for new residential development 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). The OSNA sets out the most up to date position in respect to open space provision across the county and provides a formula for calculating requirements on a site-specific basis.
266. Using the OSNA's methodology, it is noted that a scheme of 282 dwellings would lead to 620 persons occupying the development, at 2.2 persons per household. At 1000 persons per hectare of open space, the following open space would normally be expected on-site for a 282 unit scheme:
- Amenity/ Natural Green Space: 9,306 sq.m.
 - Equipped Play Space for Children: 310 sq.m.
 - Play Space for Youths: 248 sq.m.
 - Allotments: 5,584 sq.m.
 - Parks and Recreation: 8,685 sq.m.
267. Officers are mindful that the matters of Layout and Landscaping are reserved under this application. On-site provision of the above open space can be secured by condition.

268. However, as discussed later in this report, this application is supported by a Viability Assessment which concludes that the proposed development would not be viable in the event the requested On-site Open Space Provision contribution, and other contributions were secured. This is in accordance with Policy 25 of the CDP and consequently, the application is not seeking to enter a legal agreement to secure the requested On-site Open Space Provision contribution. This implications of this are discussed in greater detail during the Planning Balance section of this report.

County Council Land

269. Part of the application site includes land owned by the County Council. Where a site is in the ownership of the County Council, the planning obligations which are required to mitigate the impact of the development cannot be secured in respect of the County Council's land as the County Council cannot enter into a legal agreement with itself. While planning conditions should not ordinarily be used to secure financial contributions, the Planning Practice Guidance advises that in exceptional circumstances a negatively worded condition requiring a planning obligation or other agreement to be entered into before certain development can commence may be appropriate, where there is clear evidence that the delivery of the development would otherwise be at serious risk.

270. However in this instance it is noted that not all of the site is in the ownership of the County Council. Therefore officers are still able to secure contributions by a legal agreement relating to the land within the site which is not owned by the County Council.

Summary of Planning Contributions

271. The lack of required Affordable Housing, Healthcare, On-site Open Space, and Biodiversity Net Gain provisions leads to conflicts with Policies 15, 26 and 41 of the County Durham Plan and with the NPPF.

Viability

272. This application is also supported by a Viability Assessment which concludes that the proposed development would not be viable in the event Affordable Housing provision and other contributions were secured. Consequently, the application is not seeking to provide:

- 10% Affordable Housing, equating to 28 dwellings;
- On-site Open Space Provision;
- Healthcare contribution of £136,206 toward increasing local GP surgery capacity;
- and
- 'A' Biodiversity Net Gain.

273. Officers are mindful of National Planning Practice Guidance (NPPG), which advises that Local Plans should set out the contributions expected from development. The NPPG advises that Local Plans should set out the levels and types of affordable housing provision required, along with other infrastructure (such as that needed for education, health, transport, flood and water management, green and digital infrastructure).

274. The contributions expected of the currently proposed development, in accordance with the County Durham Plan, are set out earlier in this report.

275. NPPG goes on to advise that the role for viability assessments is primarily at the Plan making stage. However, officers note that this site was not allocated for development

in the County Durham Plan, therefore it did not undergo a viability assessment during the preparation of the County Durham Plan. Instead, a viability assessment has been submitted as part of this application.

276. NPPG advises that where up-to-date policies have set out the contributions expected from development, planning applications that fully comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. Policy compliant in decision making means that the development fully complies with up-to-date Plan policies.
277. NPPG then advises that the weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and viability evidence underpinning the plan is up to date, and site circumstances including any changes since the Local Plan was brought into force, and the transparency of assumptions behind evidence submitted as part of the viability assessment.
278. Policy 25 of the CDP also provides guidance in these circumstances, stating: *“Planning applications which do not propose policy compliant levels of affordable housing and/or obligations necessary to mitigate the impact of development will need to be supported by a robust viability assessment. Any viability assessment accompanying a planning application should refer back to the assessment that informed the County Durham Plan and provide evidence of what has changed since then. In order to ensure that the mitigation and any associated benefits of a scheme are secured and sustainable development achieved, review mechanisms and/or an overage payment clauses may be built into Planning Obligations to ensure that contributions can be periodically reviewed to reflect any changes in circumstances or market conditions seeking to ensure that where market conditions have improved, the scheme can deliver all requirements in full.”*
279. As set out earlier in this report, the Spatial Policy officer has been consulted and they have worked with the retained viability assessment partner (CP Viability (CPV)) to review the updated Viability Assessment submission. Their comments are set out in full earlier in this report, which conclude that CPV do agree with the submitted Viability Assessment that there is a reasonable argument in this instance for reducing or removing planning policy contributions as a means of ensuring the scheme has the best chance of being delivered. Therefore the proposal does not conflict with Policy 25 of the County Durham Plan.
280. In line with Policy 25 of the County Durham Plan and with NPPG, officers have given the findings of the submitted Viability Assessment weight when considering the harm that would be created as a result of this application not providing the required contributions, and subsequent conflicts with Policies 15, 26 and 41 the County Durham Plan. This balancing act is set out below.

Planning Balance

281. As discussed in the above assessment, the proposal conflicts with Policy 6 f) and within Policy 21 of the CDP due to insufficient pedestrian connections from the centre of the development to the nearest facilities and amenities. The proposal also conflicts with Policies 15, 26 and 41 of the County Durham Plan due to a lack of Affordable Housing provision, On-site Open Space provision, and Biodiversity Net Gain mitigation respectively.

282. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that if regard is to be had to the development plan, decisions should be made in accordance with the development plan, unless material considerations indicate otherwise. This exercise is often referred to as the 'balancing act'.

Pedestrian Connectivity

283. Turning first to the harm identified, it is considered that the lack acceptable pedestrian connections to the nearest amenities, leading to an unsustainable form of development where occupiers would be dependent on their private vehicles for their day-to-day needs, leads to a significant degree of harm given the CDP's and the NPPF's emphasis on promoting sustainable development.
284. Turning next to the submitted benefits of the development, officers are mindful that the development would provide 282 dwellings, however given the Council's comfortable housing land supply position, the benefits of providing additional housing are given very little weight.
285. Officers recognise the economic benefits during the construction and occupation of the development. A 282 dwelling scheme would deliver benefits of a notable scale, though not of significant scale, therefore the benefits are afforded only little weight.
286. Officers also recognise that the site is Previously Developed Land. Paragraph 123 of the NPPF encourages both Plan making and decision taking to make as much use as possible of previously developed or 'brownfield' land. The site is also within the built form of the settlement, as opposed to an incursion into open countryside. The benefits of developing this site are therefore afforded moderate weight in the planning balance.
287. Officers are mindful of the degree of harm afforded to the sustainability concerns with this development. However, on balance, it is considered that the cumulative benefits of developing this site for the proposed quantum of development sufficiently outweighs the harm caused by the development. Therefore, the proposed departure from Policies 6f) and 21 of the County Durham Plan is considered justified.

Planning Contributions and Viability

288. This application is also supported by a Viability Assessment which concludes that the proposed development would not be viable in the event Affordable Housing provision and other contributions were secured. Consequently, the application is not seeking to provide:
- 10% Affordable Housing, equating to 28 dwellings;
 - On-site Open Space Provision;
 - Healthcare contribution of £136,206 toward increasing local GP surgery capacity; and
 - 'A' Biodiversity Net Gain;
289. Given that the above leads to a missed opportunity to provide affordable housing in a County which has an identified need during the County Durham Plan period; and that the proposal leads to a loss of Biodiversity; and given that the lack of a Healthcare contribution and lack of on-site Open Space Provision would lead to the proposal not sufficiently mitigating the impacts of occupiers of the development; the proposal leads to a significant degree of harm given the CDP's and NPPF's requirements in these respects.
290. However, as discussed earlier in this report, Policy 25 of the CDP envisages the current circumstances, and supports an application when it is supported by an acceptable Viability Assessment. As discussed earlier in this report, following

consultation with an independent partner, officers consider the submitted Viability Assessment is acceptable, therefore there is no conflict with Policy 25 of the CDP. Officers therefore give favourable weight to the proposal in this respect.

291. On balance, given that the proposal does accord with Policy 25 of the CDP, it is considered that the departure from Policies 15, 26 and 41 of the CDP as a result of the lack of contributions is justified.

Summary of the Balancing Act

292. As explained above, the identified concerns with the proposal, and identified departures from the County Durham Plan and NPPF, are considered justified in this instance and therefore officers support the application.

Public Sector Equality Duty

293. 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.
294. In this instance, officers have assessed all relevant factors and do not consider that there are any equality impacts identified. Accordingly, no changes to the proposal were required to make it acceptable in this regard.

CONCLUSION

295. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions.
296. This application had initially sought permission for up to 390 dwellings. Officers had considered that initial proposal to be acceptable, and had recommended approval to the County Planning Committee on 1st July 2014, subject to the completion of a Section 106 Agreement. Members of that Committee went with officers' recommendation and were Minded to Grant permission subject to the completion of the Section 106 Agreement. Unfortunately, the agreement was not subsequently completed, and the application has since remained pending.
297. In the time since the 2014 committee, the site has mostly remained vacant. Some vacant buildings have also been removed since 2014. Due to a lack of use, the site has accumulated greater ecological value which needed to be considered and addressed before officers could support the application. Viability constraints have also been a key consideration for officers. The Council has also since adopted the County Durham Plan in 2020.
298. The proposed development has generated some public interest, with 2 letters of objection having been received. Concerns expressed regarding the proposal have been taken into account by officers.

299. The site is a housing commitment in the County Durham Plan, is Previously Developed Land, and is within the built up area of the settlement of Peterlee. The site also benefits from acceptable public transport connections via the bus stops to the north on Thorpe Road. Officers note that the centre of the site is beyond 800m actual walking distance of the nearest facilities and amenities, however for the reasons set out in the Planning Balance section of this report, in this particular instance it is considered that the principle of developing the site for housing is acceptable.
300. Ecological matters are a key consideration for this site, and as explained in the above report the Ecology officer has no objection subject to details being secured at a future Reserved Matter(s) application, and subject to securing further mitigation measures by a legal agreement.
301. Viability is also a key consideration for this site. As discussed earlier in the report the application is not seeking to make a number of contributions which are required by the County Durham Plan, however following the balancing act it is considered that the proposed departure from the County Durham Plan is justified, and officers support this application despite the lack of required affordable housing, biodiversity net gain, healthcare and open space provision contributions.
302. As explained in the above report, the proposal is acceptable, subject to recommended conditions and a legal agreement in respect of the offsite recreational area required to mitigate the impact of the development upon the heritage coast. Officers therefore recommend this application be granted planning permission.

RECOMMENDATION

303. That the application be **APPROVED** subject to a S106 planning obligation to secure the provision & retention of an offsite recreational open space area and the following conditions:

Reserved Matters

- 1) Approval of the details of Appearance, Landscaping, Layout and Scale (hereinafter called "the reserved matters") shall be obtained in writing from the Local Planning Authority before any development is commenced other than remediation works.

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

Timescales for Submission of Reserved Matters and Commencing Works

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

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

Approved Plans

3) The development hereby approved shall be carried out in strict accordance with the following approved plans:

SLP-01 - Site Location Plan, received 06.05.2014

60513-DCC-ZZ-ZZ-DR-A-1001 Revision P04 – Site Masterplan, received 10.07.2024

Transport Assessment Addendum Version 1.0, by Fore, received 10.07.2024

Preliminary Ecological Appraisal & Bat Survey Revision R06, by E3 Ecology, received 28.02.2024

Biodiversity Net Gain Assessment Revision R02, by E3 Ecology, received 28.02.2024

Environmental Noise Assessment Report, by AECOM, received 10.05.2024

Odour and Air Quality Assessment Revision 1, by AECOM, received 16.05.2024

Reason: To define the consent and ensure that a satisfactory form of development is obtained and in accordance with Policies 6, 15, 19, 21, 25, 26, 29, 31, 32, 35, 36, 39, 40, 41, 43, 44 and 45 of the County Durham Plan.

Construction Management Plan

4) Prior to the commencement of each phase of development, or part thereof, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority for each build. 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.

Each management strategy shall include a plan indicating which part of the development the strategy covers.

Each 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(s) shall also be adhered to throughout the construction period and the approved measures shall be retained for the duration of the construction works.

Reason: In the interests of amenity of occupiers of the development and amenity of neighbouring land uses in accordance with Policies 29 and 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.

Working Hours

5) In undertaking the development that is hereby approved:

i) 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.

ii) 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.

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

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

Reason: In the interests of amenity of occupiers of the development and amenity of neighbouring land uses in accordance with Policies 29 and 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

Noise

6) Prior to the occupation of each dwelling, all relevant sound attenuation measures detailed in the hereby approved Environmental Noise Assessment Report, prepared by AECOM reference 60717026 dated 9 May 2024, shall be fully implemented, and shall be permanently retained thereafter.

Reason: In the interests of amenity of occupiers of the development and amenity of neighbouring land uses in accordance with Policies 29 and 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

Air Quality

7) The development shall be carried out in accordance with the mitigation measures set out in Section 6 of the hereby approved Odour and Air Quality Assessment Revision 1 by AECOM, reference 60717026 dated May 2024.

Reason: In the interests of amenity of occupiers of the development and amenity of neighbouring land uses in accordance with Policies 29 and 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

Dust

8) The development shall be carried out in accordance with the dust mitigation measures set out in Section 6 of the hereby approved Odour and Air Quality Assessment Revision 1 by AECOM, reference 60717026 dated May 2024.

Reason: In the interests of amenity of occupiers of the development and amenity of neighbouring land uses in accordance with Policies 29 and 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

Ecology

9) Reserved matters applications for each phase, or part thereof, for the matter of Layout shall include details of bat activity surveys in accordance with the recommendations set out in the hereby approved 'Preliminary Ecological Appraisal & Bat Survey' Revision R06, dated 22.02.2024.

The development shall then be carried out in accordance with any subsequently approved mitigation measures.

Reason: In the interest of conserving protected species and in the interest of biodiversity, in get accordance with Policies 41 and 43 of the County Durham Plan and Chapter 15 of the National Planning Policy Framework.

10) Reserved matters applications for each phase, or part thereof, for the matter of Layout shall include details of summer breeding bird surveys, including a checking survey for Ring Plover, in accordance with the recommendations set out in the hereby approved 'Preliminary Ecological Appraisal & Bat Survey' Revision R06, dated 22.02.2024.

The development shall then be carried out in accordance with any subsequently approved mitigation measures.

Reason: In the interest of conserving protected species and in the interest of biodiversity, in accordance with Policies 41 and 43 of the County Durham Plan and Chapter 15 of the National Planning Policy Framework.

11) Reserved matters applications for each phase, or part thereof, for the matters of Landscaping and Layout shall include details of mitigation measures (and where necessary compensation measures) in respect of species of butterfly and dingy skipper, in accordance with the recommendations set out in the hereby approved 'Preliminary Ecological Appraisal & Bat Survey' Revision R06, dated 22.02.2024.

The details shall be submitted to the Local Planning Authority for consideration and written approval. The development shall then be carried out in accordance with any subsequently approved mitigation measures.

Reason: In the interest of conserving protected species and in the interest of biodiversity, in accordance with Policies 41 and 43 of the County Durham Plan and Chapter 15 of the National Planning Policy Framework.

12) Reserved matters applications for each phase, or part thereof, for the matters of Appearance and Scale shall include details of integrated bird breeding units within new dwellings, in accordance with the recommendations set out in the hereby approved 'Preliminary Ecological Appraisal & Bat Survey' Revision R06, dated 22.02.2024.

The development shall then be carried out in accordance with any subsequently approved mitigation measures.

Reason: In the interest of conserving protected species and in the interest of biodiversity, in accordance with Policies 41 and 43 of the County Durham Plan and Chapter 15 of the National Planning Policy Framework.

13) Reserved matters applications for each phase, or part thereof, for the matter of Landscaping shall include details of installation of bat and bird boxes on retained trees across the site, in accordance with the recommendations set out in the hereby approved 'Preliminary Ecological Appraisal & Bat Survey' Revision R06, dated 22.02.2024.

The development shall then be carried out in accordance with any subsequently approved mitigation measures.

Reason: In the interest of conserving protected species and in the interest of biodiversity, in accordance with Policies 41 and 43 of the County Durham Plan and Chapter 15 of the National Planning Policy Framework.

14) Prior to commencement of the development, details of precautionary working method statements in relation to amphibians, reptiles and hedgehogs shall be submitted to and approved in writing by the Local Planning Authority, in accordance with the recommendations set out in the hereby approved 'Preliminary Ecological Appraisal & Bat Survey' Revision R06, dated 22.02.2024.

The development shall then be carried out in accordance with any subsequently approved mitigation measures.

Reason: In the interest of conserving protected species and in the interest of biodiversity, in accordance with Policies 41 and 43 of the County Durham Plan and Chapter 15 of the National Planning Policy Framework. Required to be pre-commencement to ensure the conservation of protected species during the entirety of the works.

Highways

15) No development above 'DPC' level to any dwelling shall take place until details of improvements to the 2 no. bus stops in the vicinity of the Cemetery on the A1086 Thorpe Road shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of sustainable development and minimising traffic generation from the development, in accordance with Policies 6 and 21 of the County Durham Plan and with Parts 2 and 9 of the National Planning Policy Framework.

16) Prior to the occupation of the first dwelling, the bus stop improvements to the 2 no. bus stops in the vicinity of the Cemetery on the A1086 Thorpe Road shall be completed in association with the construction of the protected right turn lane on the A1086 Thorpe Road.

Reason: In the interests of sustainable development and minimising traffic generation from the development, in accordance with Policies 6 and 21 of the County Durham Plan and with Parts 2 and 9 of the National Planning Policy Framework.

17) No development shall take place until a highways improvement scheme for the staggered roundabout junctions at C145 Essington Way / Lowhills Road / Stephenson Road has been submitted to and approved in writing by the Local Planning Authority.

The approved highway improvement scheme shall then be completed and made operational prior to occupation of the 100th dwelling.

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

18) No development shall take place until a signalisation arrangement and detailed signal strategy for the C145 Essington Way / A1086 Thorpe Road junction has been submitted to and approved in writing by the Local Planning Authority.

The approved signalisation and any signal timing arrangements shall then be completed and made operational prior to occupation of the 100th dwelling.

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

19) No development shall take place until details of the protected right turn lane on the A1086 Thorpe Road have been submitted to and approved in writing by the Local Planning Authority.

The approved protected right turn lane arrangement shall then be completed prior to any residential traffic from this site accessing directly out onto the A1086 Thorpe Road.

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

20) No development shall take place until details of the Yoden Road / Eden Lane / Site Access junction improvements have been submitted to and approved in writing by the Local Planning Authority.

The approved detail shall then be completed prior to the occupation of any dwelling that might access the site from the direction of Yoden Road / Eden Lane.

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

21) Prior to the opening of the Armstrong Road connection with the Yoden Road / Eden Lane junction, details of traffic calming to Eden Lane, between the junctions of Yoden Road and Ellison Road, shall be submitted to and approved in writing by the Local Planning Authority.

The approved traffic calming scheme shall then be completed prior to the opening of the Armstrong Rd connection with the Yoden Road / Eden Lane junction.

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

22) Prior to the occupation of the 50th dwelling, or any proposed dwelling that would take vehicular access from the south west of the site from the Yoden Road / Eden Lane junction, whichever is first, the new section of highway between the Yoden Road / Eden Lane junction and Armstrong Road shall be completed and be operational.

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

Travel Plan

23) The first reserved matters application for a phase, or part thereof, for the matter of layout shall include a Travel Plan (conforming to the National Specification for Workplace Travel Plans, PAS 500:2008, Bronze level) comprising immediate, continuing or long-term measure to promote and encourage alternatives to single occupancy car use. The submitted details shall include mechanisms for monitoring and review over the life of the development and timescales for implementation. The Approved Travel Plan shall thereafter be implemented, monitored and reviewed in accordance with the approved details.

Reason: To reduce reliance on the private motor car and to promote sustainable transport methods in accordance with Policy 21 of the County Durham Plan and Part 9 of the National Planning Policy Framework.

Health Impact Assessment

24) Reserved matters applications for each phase, or part thereof, for the matter of Scale shall include details of a Health Impact Assessment.

The development shall then be carried out in accordance with the approved details.

Reason: To ensure a form of development which promotes the health of occupiers, in accordance with Policy 29 of the County Durham Plan and with Chapter 8 of the National Planning Policy Framework.

Surface Water Drainage Strategy

25) Reserved matters applications for each phase, or part thereof, for the matters of Landscaping, Layout and Scale shall include an updated Surface Water Drainage Strategy.

The development shall then be carried out in accordance with the approved details.

Reason: To ensure the provision of integrated sustainable drainage system (SuDS) features across the development, to and to ensure the proposed development would not lead to an increased surface water flood risk within the site or elsewhere, in accordance with Policies 35 and 36 of the County Durham Plan and with Part 14 of the National Planning Policy Framework.

Arboricultural Impact Assessment

26) Reserved matters applications for each phase, or part thereof, for the matters of Landscaping, Layout and Scale shall include an updated Arboricultural Impact Assessment and accompanying Tree Protection Plan.

The development shall then be carried out in accordance with the approved details.

Reason: To ensure the retention and protection of trees of value throughout the works, in accordance with Policies 29, 39 and 40 of the County Durham Plan and with Parts 12 and 15 of the National Planning Policy Framework.

Archaeology

27) No development shall commence until a Written Scheme of Investigation setting out a phased programme of archaeological work in accordance with 'Standards For All Archaeological Work In County Durham And Darlington' has been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work will then be carried out in accordance with the approved scheme of works.

Reason: To safeguard any archaeological interest in the site, in accordance with Policy 44 of the County Durham Plan and with Chapter 16 of the National Planning Policy Framework. Required to be a pre-commencement condition as the archaeological investigation/mitigation must be devised prior to the development being implemented.

28) No part of an individual phase of the development, as set out in the agreed programme of archaeological works, shall be occupied until the post investigation assessment for that phase has been completed in accordance with the approved Written Scheme of Investigation. The provision made for analysis, publication and dissemination of results, and archive deposition, shall be confirmed in writing to, and approved by, the Local Planning Authority.

Reason: To comply with Paragraph 205 of the National Planning Policy Framework, which requires the developer to record and advance understanding of the significance of heritage assets, and to ensure information gathered becomes publicly accessible.

Contaminated Land

29) Prior to the commencement of development, a Phase 2 site investigation shall be carried out, which shall include a sampling and analysis plan. If the Phase 2 identifies any unacceptable risks, a Phase 3 remediation strategy shall be produced and where necessary include gas protection measures and method of verification.

Details of the Phase 2 investigation, and of the Phase 3 remediation details where necessary, shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

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

30) 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 with Part 15 of the National Planning Policy Framework. Required to be pre-commencement to ensure that the development can be carried out safely.

Meeting Housing Needs of Older People and People with Disabilities

31) Reserved matters applications for each phase, or part thereof, for the matter of Layout shall include details of at least 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 or replacement document, and 10% of properties designed for older persons.

Reason: In the interests of meeting the needs of older people and people with disabilities and to comply with Policy 15 of the County Durham Plan and Part 5 of the National Planning Policy Framework.

Bicycle Storage

32) Reserved matters applications for each phase, or part thereof, for the matter of Layout shall include details of bike storage.

Reason: To ensure that sustainable transport modes are encouraged in accordance with Policies 21, 22, 29 and 31 of the County Durham Plan and Parts 8, 9 and 15 of the National Planning Policy Framework.

Finished Floor Levels

33) No development, other than site investigations, archaeological investigations, topsoil strip, grouting and remediation works, shall commence until precise details of site levels together with Finished Floor Levels of each property have been 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: In the interest of the appearance of the development, the amenity of occupiers of the development, and the amenity of neighbouring dwellings, in accordance with Policies 10, 29, 31 and 39 of the County Durham Plan and with the National Planning Policy Framework.

Broadband

34) Prior to the construction of the first dwelling, details of the 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 and the National Planning Policy Framework.

Retention of Garages and Drives

35) Before the dwelling(s) hereby approved are occupied those with garage(s) and hardstanding(s)/drive(s) shall be constructed and made available for use, 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.

Number of Approved Dwellings

36) Notwithstanding the details submitted, this permission relates to a maximum of 282 dwellings on the site.

Reason: In order to define the consent and precise number of dwellings approved.

Water Infrastructure Build Out Programme

37) 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.

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
- Statutory, internal and public consultation responses
- The National Planning Policy Framework
- National Planning Practice Guidance Notes
- County Durham Plan (2020)
 - Residential Amenity Standards SPD (2023)
 - Parking and Accessibility SPD (2023)
 - Trees and Hedgerows SPD (2024)
 - Durham County Council Open Space Needs Assessment (2018)
- CIRIA The SuDS Manual (2015)
- CIHT Better Planning, Better Transport, Better Places (August 2019)



Planning Services

DM/14/01195/OUT

Outline application for up to 282 dwellings with all matters reserved except for access (Amended Description April 2024).

North East Industrial Estate, Stephenson Road, Peterlee, Durham

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Comments

Date July 2024

Scale Not to Scale