



Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

Application No:	DM/21/03890/FPA
Full Application Description:	Detailed planning application for the erection of 53no. 2, 3 and 4 bedroom two-storey dwellings with associated works
Name of Applicant:	Mr Chris Dodds
Address:	Land To The South Of Dean Road, Ferryhill, DL17 8ES
Electoral Division:	Ferryhill
Case Officer:	George Spurgeon (Principal Planning Officer) Tel: 03000 261 959 Email: george.spurgeon@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSAL

The Site

1. The application site comprises a parcel of approximately 2.47ha of agricultural land located to the southern edge of Ferryhill. The site comprises greenfield land in an arable use and is located directly to the south of a site granted outline planning permission for residential development of up to 161 dwellings in 2019, of which 60 dwellings have since been built out. To the north of these, are the older residential properties on Dean Road and Southside. Located to the west of the site lies the A167 with open countryside beyond. Open countryside is present to the south, with a grassed field and dwellings at Dean Park to the east. The site slopes down from the north towards the south east.
2. The site is not covered by any national or local landscape designations. An Area of Higher Landscape Value (AHLV) is located within 1km to the west and 1.65km to the east of the site. A hedgerow is located along the western, southern and eastern boundaries of the site.

3. The site falls within Flood Zone 1 as identified by the Environment Agency, which is the lowest risk area of fluvial (river) flooding. The site is identified as being at low risk of surface water flooding and is located entirely outside a Coalfield Development High Risk Area, as identified by the Coal Authority.
4. There are no Public Rights of Way (PRoW) within the site, with the closest being footpath no.7 90m to the east which leads to Dean Park to the east and Dean Road to the north.
5. There are no ecological designations within the site, with the closest being the Carrs and Thrislington Plantation SSSI approximately 500m and 1.4km to the east. Ferryhill Cut and Ferryhill Stell & Grassland Local Wildlife sites are located approximately 1.3km and 1.7km to the east of the site.
6. There are no designated heritage assets within the site, with the closest being the Grade II* listed building of Little Chilton Farmhouse 630m to the south east of the site. The Grade II listed buildings of the Church of St Luke and associated former vicarage, Manor House and associated statue and walls, and three war memorials within Ferryhill town Centre, are located approximately 900m to the north.

The Proposal

7. The application seeks full planning permission for the erection of 53 dwellings, in the form of 5no. two bed bungalows, 7no. two bed dwellings, 30no. three bed dwellings, and 11no. four bed dwellings, across 11 house types. This includes the delivery of 5no. affordable homes in the form of 3no. two bed and 2no. three bed properties. The application has been amended from its original submission where 62 dwellings were proposed.
8. An area of public open space is proposed to be created to the south west, including an area of children's play space, and south of the site, accommodating a SUDs basing and swale. Existing boundary vegetation is to be retained and strengthened.
9. The existing vehicular access from the A167 serving the existing development to the north is proposed to be utilised. 136no. in-curtilage car parking spaces plus 13no. visitor parking bays are proposed.
10. The application is being reported to the South West Area Planning Committee in accordance with the Council's Scheme of Delegation as it constitutes major residential development with a site area under 4ha.

RELEVANT PLANNING HISTORY

11. Outline planning permission for up to 161 dwellings on land to the north of the application site was approved under application reference DM/16/02426/OUT on the 25th of June 2019. An application for the approval of the reserved matters (DM/19/03945/RM) for 60 of these dwellings to the western portion of the site

was subsequently approved on the 21st of April 2020 and has since been built out. A further application for the approval of the reserved matters (DM/21/03783/RM) for 100 dwellings on the eastern portion of the outline site was approved on the 21st of May 2024. Condition 3 requiring a signed copy of the final nutrient neutrality credit certificate was discharged under application DM/24/01754/DRC, with there being no other conditions requiring to be discharged.

PLANNING POLICY

National Policy

12. The following elements of the National Planning Policy Framework (NPPF) are considered relevant to this proposal:
13. *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.
14. *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.
15. *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.
16. *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.
17. *NPPF Part 7 Ensuring the Vitality of Town Centres* - Planning policies should be positive, promote competitive town centre environments and set out policies for the management and growth of centres over the plan period.
18. *NPPF Part 8 Promoting Healthy and Safe Communities* - The planning system can play an important role in facilitating social interaction and creating healthy,

inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.

19. *NPPF Part 9 Promoting Sustainable Transport* - Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
20. *NPPF Part 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.
21. *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.
22. *NPPF Part 15 Conserving and Enhancing the Natural Environment* - Conserving and enhancing the natural environment. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from Page 73 pollution and land stability and remediating contaminated or other degraded land where appropriate.

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

National Planning Practice Guidance:

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

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

Local Plan Policy:

The County Durham Plan (CDP)

24. *Policy 1 (Quantity of Development)* outlines the levels of employment land and housing delivery considered to be required across the plan period.
25. *Policy 6 (Development on Unallocated Sites)* states the development on sites not allocated in the Plan or Neighbourhood Plan, but which are either within the built-up area or outside the built up area but well related to a settlement will be permitted provided it: is compatible with use on adjacent land; does not result in coalescence with neighbouring settlements; does not result in loss of land of recreational, ecological, or heritage value; is appropriate in scale, design etc to character of the settlement; it is not prejudicial to highway safety; provides access to sustainable modes of transport; retains the settlement's valued facilities; considers climate change implications; makes use of previously developed land and reflects priorities for urban regeneration.
26. *Policy 10 (Development in the Countryside)* states that development will not be permitted unless allowed for by specific policies in the Plan or Neighbourhood Plan or unless it relates to exceptions for development necessary to support economic development, infrastructure development or development of existing buildings. The policy further sets out 9 General Design Principles for all development in the Countryside.
27. *Policy 14 (Best and Most Versatile Agricultural Land and Soil Resources)* states that development of the best and most versatile agricultural land will be permitted where it is demonstrated that the benefits of the development outweigh the harm, taking into account economic and other benefits. All development proposals relating to previously undeveloped land must demonstrate that soil resources will be managed and conserved in a viable condition and used sustainably in line with accepted best practice.
28. *Policy 15 (Addressing Housing Need)* establishes the requirements for developments to provide on-site affordable housing, the circumstances when off-site affordable housing would be acceptable, the tenure mix of affordable housing, the requirements of developments to meet the needs of older people and people with disabilities, and the circumstances in which the specialist housing will be supported.
29. *Policy 19 (Type and Mix of Housing)* advises that on new housing developments the council will seek to secure an appropriate mix of dwelling types and sizes, taking account of existing imbalances in the housing stock, site characteristics, viability, economic and market considerations and the opportunity to facilitate self build or custom build schemes.
30. *Policy 21 (Delivering Sustainable Transport)* requires all development to deliver sustainable transport by: delivering, accommodating and facilitating investment

in sustainable modes of transport; providing appropriate, well designed, permeable and direct routes for all modes of transport; ensuring that any vehicular traffic generated by new development can be safely accommodated; creating new or improvements to existing routes and assessing potential increase in risk resulting from new development in vicinity of level crossings. Development should have regard to Parking and Accessibility Supplementary Planning Document.

31. *Policy 25 (Developer Contributions)* advises that any mitigation necessary to make the development acceptable in planning terms will be secured through appropriate planning conditions or planning obligations. Planning conditions will be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Planning obligations must be directly related to the development and fairly and reasonably related in scale and kind to the development.
32. *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.
33. *Policy 27 (Utilities, Telecommunications and Other Broadcast Infrastructure)* requires all residential and commercial development to be served by a high-speed broadband connection, where this is not appropriate, practical or economically viable developers should provide appropriate infrastructure to enable future installation.
34. *Policy 29 (Sustainable Design)* requires all development proposals to achieve well designed buildings and places having regard to SPD advice and sets out 18 elements for development to be considered acceptable, including: making positive contribution to areas character, identity etc.; adaptable buildings; minimising greenhouse gas emissions and use of non-renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; and suitable landscape proposals. Provision for all new residential development to comply with Nationally Described Space Standards.
35. *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.

36. *Policy 32 (Despoiled, Degraded, Derelict, Contaminated and Unstable Land)* requires that where development involves such land, any necessary mitigation measures to make the site safe for local communities and the environment are undertaken prior to the construction or occupation of the proposed development and that all necessary assessments are undertaken by a suitably qualified person.
37. *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.
38. *Policy 36 (Water Infrastructure)* advocates a hierarchy of drainage options for the disposal of foul water. Applications involving the use of non-mains methods of drainage will not be permitted in areas where public sewerage exists. New sewage and wastewater infrastructure will be approved unless the adverse impacts outweigh the benefits of the infrastructure. Proposals seeking to mitigate flooding in appropriate locations will be permitted though flood defence infrastructure will only be permitted where it is demonstrated as being the most sustainable response to the flood threat.
39. *Policy 39 (Landscape)* states that proposals for new development will only be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals are expected to incorporate appropriate mitigation measures where adverse impacts occur. Development affecting Areas of Higher landscape Value will only be permitted where it conserves and enhances the special qualities, unless the benefits of the development clearly outweigh its impacts.
40. *Policy 40 (Trees, Woodlands and Hedges)* states that proposals for new development will not be permitted that would result in the loss of, or damage to, trees, hedges or woodland of high landscape, amenity or biodiversity value unless the benefits of the scheme clearly outweigh the harm. Proposals for new development will be expected to retain existing trees and hedges or provide suitable replacement planting. The loss or deterioration of ancient woodland will require wholly exceptional reasons and appropriate compensation.
41. *Policy 41 (Biodiversity and Geodiversity)* states that proposal for new development will not be permitted if significant harm to biodiversity or geodiversity resulting from the development cannot be avoided, or appropriately mitigated, or as a last resort, compensated for.
42. *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.

Supplementary Planning Documents

43. Development Viability, Affordable Housing and Financial Contributions SPD (2024) – Provides guidance on how CDP Policy 25 and other relevant policies requiring planning obligations for affordable housing or other infrastructure will be interpreted and applied.
44. Trees, Woodlands and Hedges SPD (2024) – Provides guidance on good practice when considering the impacts of development on trees, woodlands, and hedgerows, as well as new planting proposals.
45. Residential Amenity Standards SPD (2023) – Provides guidance on the space/amenity standards that would normally be expected where new dwellings are proposed.
46. Parking and Accessibility SPD (2023) – Provides guidance on parking requirements and standards.
47. County Durham Building for Life SPD (2019) – Provides guidance on the application of the Building for Life standards and the Design Review process referenced in CDP Policy 29 to ensure well-designed major residential development proposals.

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

Neighbourhood Plan:

48. The application site is not located within an area where there is a Neighbourhood Plan to which regard is to be had. Whilst a neighbourhood area has been approved which includes the application site, the making of a neighbourhood plan is still at an early stage with no draft submission of policies or formal consultation on these undertaken to date.

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>

CONSULTATION AND PUBLICITY RESPONSES

Statutory Consultee Responses:

49. *Ferryhill Town Council* – No response received.

50. *Highways Authority* – Raise no objections subject to driveway lengths being revised and various conditions.
51. *Lead Local Flood Authority (Drainage and Coastal Protection)* – Advise that the principle of the Surface Water Drainage Strategy is acceptable.
52. *The Coal Authority* – Raises no objections, concurring with the conclusions reached in the supporting Geoenvironmental Appraisal.
53. *Natural England* – Raise no objections, subject to a condition to secure a copy of the final Nutrient Neutrality Credit Certificate.

Internal Consultee Responses:

54. *Spatial Policy* – Confirm that the site is not a housing commitment within the Plan. Advise that Ferryhill is well positioned adjacent to the A167 with good access to Spennymoor, Durham City, Chilton and Newton Aycliffe.
55. *DCC Active Travel* – Provide guidance on the services and facilities available nearby and the quality of the walking route connecting to these. Raise concerns over the lack of services within 800m of the site.
56. *Affordable Housing* – Raise no objections to the type and location of the affordable units, but require an open market valuation to confirm the discount level of the discount market sale properties.
57. *Design and Conservation* – Consider that whilst the development would not be of a distinctive character, it would relate well to earlier phases of the development to the north with an enhanced character area featuring house type with contemporary elevations proposed along the main vehicular route considered to be appropriate and reflective of the previous phase.
58. *Landscape Section* – Raise no objections to the proposed development in its amended form due to the provision of an adequate structural landscape buffer to the south west and south of the site.
59. *Arboricultural Officer (Trees)* – Confirm their satisfaction with the submitted information and that there will be minimal impacts on existing trees and hedgerows. New planting is proposed to mitigate against the loss of two trees and sections of existing hedgerow which is deemed acceptable.
60. *Ecology* – Seek clarifications that the biodiversity net gain metrics are based on the most up to date landscaping proposals but raise no fundamental concerns subject to a legal agreement to secure the delivery of biodiversity enhancements off-site.
61. *Environmental Health and Consumer Protection (Nuisance)* – Raise no objections subject to conditions to secure adherence to the submitted details.

62. *Environmental Health and Consumer Protection (Air Quality)* – Generally indicate their satisfaction with the submitted information and advise that there are unlikely to be any significant effects from road traffic emissions.
63. *Environmental Health and Consumer Protection (Contamination)* – Recommend a condition to secure adherence to the proposed remedial measures and to secure a verification report.
64. *Archaeology* – Raise no objections as an archaeological evaluation has been undertaken and no significant remains were identified.
65. *Public Rights of Way Section* – Advise that there are no public rights of way crossing the site, but that opportunities should be sought to improve rights of way, with Chilton footpath 3 located to the south of the site and Ferryhill footpath 7 to the east.
66. *Education Provision Lead Officer* – Request financial contributions of £170,184 to facilitate the provision of additional secondary school teaching accommodation.

External Consultees

67. *Police Architectural Liaison Officer (Durham Constabulary)* – Provide advice on principles to design out crime.
68. *NHS North East and North Cumbria Integrated Care Board* – Request financial contributions of £25,599 to go towards increasing GP surgery capacity.

Public Responses:

69. The application has been advertised in the local press (Northern Echo), by site notice, and individual notification letters sent to neighbouring properties. 2 letters of objection and 1 letter neither objecting nor supporting the application have been received. These are summarised below:
 - Previously developed land should be prioritised over greenfield sites,
 - There is a low demand for housing in the area,
 - Residents would have to travel to local amenities,
 - The junction from the A167 is not capable of safely accommodating the additional traffic that would be generated by the development,
 - Concerns over construction traffic gaining access to the site from Southside,
 - The lack of a safe pedestrian crossing to connect the development to Dean Bank Park to the west of the A167,
 - Loss of privacy,
 - There are high levels of anti-social behaviour in the area,
 - Schools, Doctors surgeries, and Dentists in the settlement are already oversubscribed,
 - Reference is made to the site comprising Green Belt land; however, it should be noted that the site lies entirely outside of the Green Belt.

70. Following the receipt of amended plans reducing the number of dwellings proposed from 62 to 53, a further 3 letters of objection were received. These are summarised below:

- Increased demand on local infrastructure, including the drainage system, medical and social care, schools, fire and police services,
- Additional traffic,
- Trees should be protected,
- Potential subsidence,
- The loss of a view,
- Empty homes should be upgraded before new homes built.

Elected Members

71. No comments from Councillors received.

The above is not intended to repeat 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>

Applicants Statement:

72. The site provides a sustainable development opportunity and would contribute to the provision of a mix of housing size, types and affordability in Ferryhill, particularly promoting family housing and appropriate dwellings which allow people to stay in their local community. The proposals aim to deliver quality new homes to local people in addition to providing much needed new housing in this location. Gleeson have an ethos of providing high-quality, low-cost homes, predominantly targeting first time buyers and those looking to advance onto the property ladder. Therefore, we are conscious of affordability for a couple who are on the national living wage when setting all open market values, ensuring that a couple can afford to purchase a property on all of our developments.

73. This planning application has considered all relevant planning policy matters in respect of the proposal bringing forward residential development. At a national, regional and local planning policy level, there remains a priority for development in urban areas to which this site would accord, as well as addressing the housing shortage faced at all levels. The site is fully compliant with the adopted County Durham Local Plan, as well as satisfying all the components of the CDLP Policy 6. The development will also fully comply with Local Policy and contribute towards meeting the needs of the county's existing and future residents by providing 100% space standard dwellings, 66% M4(2) compliant dwellings and meeting the needs of older people and people with disabilities by providing bungalows. In addition, 10% (5no.) of units on the site will also be designated as affordable homes, secured through a S106 Agreement, in the form of Discount Market Sale and First Homes ensuring affordability across all levels.

74. Additionally, the site will integrate well into the locality through design proposals and density accords with National Planning Policy. The Applicants have undertaken considerable dialogue with architects, local residents, consultants and relevant officers at the Council to ensure that the scheme not only delivers high quality design, but also responds to the aspirations of the local community. The scheme has sensitively designed to ensure its well related to the existing settlement of Ferryhill, with sizeable landscape buffers to screen the development and create a strong settlement edge as well as ample, usable open space on site. Indeed, the proposals have been amended through the formal planning submission process, to take into account of the comments made and ensure the visions of the development remained in line with Planning Officers.
75. The site lies on the edge of a residential area in close proximity to services and facilities including access to sustainable travel options such as bus services and footpath links. There is ready access to local amenities, schools and employment sites, making the development socially sustainable.
76. Development of the site will bring a number of direct social and economic benefits directly to Ferryhill and the surrounding area, including:
- A selection of 53no. high quality new homes including 5no. bungalows and 5no. affordable units.
 - A health contribution towards improvements to Ferryhill and Chilton Medical Practice.
 - Provision of open space on site as well as a financial contribution towards improving the quality of the existing facilities and open space within the area.
 - A financial contribution to facilitate the provision of additional secondary school teaching accommodation within the Ferryhill Electoral Division.
77. The value of the community is crucial to Gleeson and this is demonstrated through the Community Matters Programme. Gleeson understand the importance of involving the community before and during the construction of a development and leaving a legacy once the works are complete. Community engagement is a crucial part of the development process, and Gleeson will work closely with the local schools to make an impact in a positive way by promoting strong community ties and inspiring the future generations. We want to inspire the younger generation with our presence in the area and be part of the learning of local school children. In addition, through the Community Matters Programme, Gleeson are committed to provide 'Local Jobs for Local People' and offer priority of employment to those living within 2 miles of each site, ensuring that the benefit of jobs and spend go to directly to the local community.

PLANNING CONSIDERATION AND ASSESSMENT

78. 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.

79. 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, along with advice set out in the Planning Practice Guidance notes. Other material considerations include representations received.
80. In this context, it is considered that the main planning issues in this instance relate to the Principle of Development, Locational Sustainability, Design and Layout, Landscape and Visual Impact, Highway Safety Issues, Residential Amenity, Drainage and Flood Risk, Ecology and Biodiversity Net Gain, Ground Conditions and Land Stability, Planning Obligations, Other Matters, and Public Sector Equality Duty.

Principle of Development

81. 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 NPPF Paragraph 12. The CDP was adopted in October 2020 and provides the policy framework for the County up until 2035 and is therefore considered up to date.
82. NPPF Paragraph 11c requires applications for development proposals that accord with an up to date development plan to be approved without delay. NPPF Paragraph 12 states that where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.
83. CDP Policy 1 sets out the quantum of development to meet the needs for housing over the Plan period. A large proportion of the housing need consists of already committed sites, including sites that already have planning permission.
84. The application site is not allocated for housing by CDP Policy 4 and is not included as a housing commitment. The 160 dwellings approved under application reference DM/16/02426/OUT do form part of the Council's housing commitments as the permission had been granted at the time the CDP was going through the Examination in Public (EiP). This includes the western part of that site which has been developed by Partner Construction for Livin, with the eastern part having received reserved matters approval earlier this year.
85. Whilst the CDP proposals map appears to include the current application site as a housing commitment, this is a discrepancy arising from the land to the south of Dean Road being assessed as one site under the Strategic Housing

Land Availability Assessment (SHLAA) under reference 7/FH/037, incorporating the red line boundary from application DM/16/02426/OUT and the current application. The SHLAA assessment was undertaken prior to the submission of the current application, with the site boundaries from this assessment being used within the CDP proposals map. This gives the impression that the land which is subject to this application had permission at the time of the adoption of the CDP. However, this was not the case. For clarity, the land which relates to this application site did not have planning permission at the time of the adoption of the CDP and so does not form part of a housing commitment.

86. The SHLAA assessment concluded that *'This site offers a developable extension to a small town in a consolidated manner. The highway access is achievable and the landscape impact can be mitigated providing existing mature trees are retained as part of the development.'* Consequently, the site scored a suitability rating of green which indicates that the site is considered suitable for housing. This is subject to compliance with the relevant national and local planning policies.
87. The application site comprises a parcel of approximately 2.47ha of agricultural land located outside of Ferryhill and within the open countryside. Therefore, CDP Policy 10 is relevant which seeks to direct development towards the main built up area in the first instance, but is permissible towards development in the countryside where allowed for by specific policies in the Plan, relevant policies within an adopted neighbourhood plan relating to the application site, or where the proposal relates to one or more listed exceptions.
88. In this instance, there is no adopted neighbourhood plan relating to the application site. The exceptions contained within CDP Policy 10 relate to economic development, infrastructure development, and the development of existing buildings. The exceptions do not cover new residential development, as is proposed by this application. Footnote 54 to CDP Policy 10 identifies that such relevant specific policies include "development on unallocated sites" which brings into play CDP Policy 6.
89. CDP Policy 6 recognises that in addition to the development of specifically allocated sites, there will be situations where future opportunities arise for additional new development, this includes windfall housing sites. The policy sets out that the development of sites which are not allocated in the Plan which are either (i) in the built up area; or (ii) outside the built up area but well related to a settlement will be permitted provided the proposal accords with all relevant development plan policies and:
 - a. is compatible with, and is not prejudicial to, any existing, allocated or permitted use of adjacent land;
 - b. does not contribute to coalescence with neighbouring settlements, would not result in ribbon development, or inappropriate backland development;

- c. does not result in the loss of open land that has recreational, ecological or heritage value, or contributes to the character of the locality which cannot be adequately mitigated or compensated for;
 - d. is appropriate in terms of scale, design, layout, and location to the character, function, form and setting of, the settlement;
 - e. will not be prejudicial to highway safety or have a severe residual cumulative impact on network capacity;
 - f. has good access by sustainable modes of transport to relevant services and facilities and reflects the size of the settlement and the level of service provision within that settlement;
 - g. does not result in the loss of a settlement's or neighbourhood's valued facilities or services unless it has been demonstrated that they are no longer viable;
 - h. minimises vulnerability and provides resilience to impacts arising from climate change, including but not limited to, flooding;
 - i. where relevant, makes as much use as possible of previously developed (brownfield) land; and
 - j. where appropriate, it reflects priorities for urban regeneration.
90. The County Durham Plan defines 'the built up area' as land contained within the main body of existing built development of a settlement or is within a settlement boundary defined in a Neighbourhood Plan. Areas falling outside this definition will be regarded as countryside. The supporting text to this policy at Paragraph 4.110 advises that when assessing whether a site is well-related, the physical and visual relationship of the site to the existing built-up area of the settlement will be a key consideration.
91. The application site is physically connected to the approved dwellings at Dean Road to the north (construction has yet to begin but the developer advises this is expected to start imminently) and framed by those at Dean Park to the east, with open countryside to the south and to the west beyond the A167. Therefore, as the site is bordered by housing on one side and land with an unimplemented permission for housing to another side (which is expected to be implemented imminently by the same developer) the scheme is considered to meet the initial purpose of CDP Policy 6. However, a more detailed assessment, including against the criteria of the policy, will be undertaken under the Locational Sustainability and Landscape and Visual Impact headings below.
92. As above, the application needs to be assessed against the detailed criteria within CDP Policy 6 as well as the general principles for all development in the countryside set out by CDP Policy 10. The development would not result in the loss of any facilities or services and so there is no conflict with criterion g) of CDP Policy 6.

93. In terms of criterion i), objectors raised concerns over the loss of a greenfield site, commenting that development should be located on previously developed land first. However, the policy does not provide a moratorium against development upon any greenfield site and it is difficult to see where new housing could be delivered in the town itself to diversify the housing stock. Whilst comments have been received suggesting that existing housing stock should be upgraded before new housing is built, this is not a policy requirement and the application must be judged on its own merits. Therefore, the application would not warrant refusal solely on this basis.
94. In terms of criterion j), the scheme would deliver additional residential development that would help to diversify the housing stock at Ferryhill. Therefore, it is considered that the application does not conflict with criterion j).
95. A more detailed analysis of the impacts of the development, including against the remaining criteria of CDP Policy 6 and the general design principles of CDP Policy 10, is undertaken under the relevant headings below.

Locational Sustainability

96. CDP Policy 21 requires all development to deliver sustainable transport by facilitating investment in safe sustainable modes of transport, 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. The Policy requires all development to have regard to the policies set out in the County Durham's Strategic Cycling and Walking Delivery Plan and, where possible, contribute to the development of a safe strategic cycling and walking network and in particular the routes set out in Local Cycling and Walking Infrastructure Plans.
97. In addition, criterion f) of CDP Policy 6 requires the development of unallocated sites to have good access by sustainable modes of transport to relevant services and facilities and to reflect the size of the settlement and the level of service provision within that settlement.
98. Criterion p) of CDP Policy 10 does not permit development in the countryside where it would be solely reliant upon unsustainable modes of transport, with new development in countryside locations not well served by public transport expected to exploit any opportunities to make a location more sustainable including improving the scope for access on foot, by cycle or by public transport.
99. These policies are in line with the following sections of the NPPF. NPPF Paragraph 96 seeks for planning decisions to aim to achieve healthy, inclusive and safe places and beautiful buildings which include street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, that are safe and accessible.

100. NPPF Paragraph 109 advises that the planning system should actively manage patterns of growth and that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. However, it acknowledges that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and advises that this should be taken into account in both plan-making and decision-making.
101. In addition, NPPF Paragraph 114 states that appropriate opportunities to promote sustainable transport modes should be taken, whilst NPPF Paragraph 116 a) advises that priority should first be given to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use. Part b) also seeks to ensure that the needs of people with disabilities and reduced mobility are addressed in relation to all modes of transport.
102. Criteria a) and b) of CDP Policy 21 specifically prioritise pedestrian connectivity ahead of cycling and bus transport. In this regard, attention is drawn to the guidance contained within the CIHT's Planning for Walking (2015) 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.”*
103. Criterion a) of CDP Policy 21 requires all development to deliver, accommodate and facilitate investment in safe sustainable modes of transporting in the following order of priority:
- those with mobility issues or disabilities,
 - walking,
 - cycling;
 - then bus and rail transport
104. The shortest actual walking routes to the nearest facilities and amenities from the centre of the residential part of the site are as follows:

Within the Recommended 800m distance / 10 minute walk time

- Londis store at the BP Petrol Station approximately 630m away to the north, accessed from the A167 and Dean Road.
- All Saints Church 720m away to the north, accessed from Dean Road.

Beyond the Recommended 800m distance / 10 minute walk time

- All Saints Community Centre 820m away to the north, accessed from Dean Road.
 - Ferryhill Ladder Community Centre 920m away to the north.
 - Higginbottom Pharmacy 1.2km away to the north.
 - Dean Bank Primary and Nursery school 1.2km away to the north.
 - The western and eastern edges of the town centre boundary are 1.1km to 1.5km away to the north. Services available here include a B&M store, a Co-op food store, Westmount Dentists, a Doctors Surgery, Boots Pharmacy, a library, and various public houses, retail and hot food takeaway units.
 - Dean Bank Park and Ferryhill Athletic Football Club 1.3km away to the west.
 - Dean Bank Convenience store 1.5km to the north west.
 - Broom Cottages Primary and Nursery School, Ferryhill Sports and Education Centre 1.6km to the east, accessed from Broom Road.
105. Based on the above, there is no convenience store selling fresh fruit and veg, Primary School, GP surgery, or Post Office within an 800m walking distance of the site.
106. In terms of the walking route to access amenities, there is a continuous lit roadside footpath along the A167, although the footpath slopes up steeply towards the north. A wide junction at the entrance to Dean Road from the A167 after the BP Petrol Station would also need to be navigated without the aid of dropped kerbs or a dedicated pedestrian crossing. Dropped kerbs are present to the north side of Dean Road 50m to the east, although the vehicular entrance to the Petrol Station would still need to be navigated.
107. Whilst most amenities are located in excess of a walking distance / time of 800m / 10 minutes, it should be noted that Ferryhill is ranked 12th in the Settlement Study with a score of 187.9 and is identified as having a large town centre by CDP Policy 9, indicating that there are a range of shopping and employment opportunities available here, although this in itself does not establish that this particular site on the edge of the settlement is a sustainable location for development and each application must be judged on its own merits.
108. Acknowledging the guidance set out in the aforementioned Planning for Walking document that '*the power of a destination determines how far people will walk to get to it*', it is considered that whilst most amenities lie beyond the recommended 800m distance or 10 minute walk time, given the range of amenities available within the town centre this would be an appealing destination that would not require significant onward journeys to meet

prospective residents everyday needs. Therefore, prospective residents may be willing to walk further than the recommended 800m distance or 10 minute walk time to access the range of amenities within the town centre.

109. In terms of public transport options, there are bus stop located within 400m of the bus stops located on the A167 via a footpath opposite Plot 137 or the vehicular access in between Plots 101-151. A more direct informal grassed path also provides access to the side of Plot 130, although this may not be suitable for all users.
110. The Arriva No.7 provides access from Darlington to Durham via Newton Aycliffe, Ferryhill and Spennymoor. Services to Durham run at regular intervals from 6am to midnight Monday to Friday, 7:40am to midnight on Saturdays, and 9:07am to midnight on Sundays. Services run every 15 to 20 minutes during peak daytime hours Monday to Friday and hourly from 7pm, 20 to 30 minutes during peak daytime hours on Saturdays and hourly from 7pm, and half hourly until 6pm on Sundays and hourly after this.
111. In particular, bus services provide direct access to the bus station in Durham City within a 30 minute overall journey time, the large employment site at Chilton Industrial Estate (41.5ha) of which the entrance lies approximately 850m away from the bus stop amounting to a 15 minute overall journey time, and Newton Aycliffe town centre and Business Park within a 30 minute bus ride. These are significant destinations within the County that prospective residents would have frequent and direct bus services to connect to.
112. Therefore, whilst most amenities lie beyond the recommended 800m distance or 10 minute walk time, in this instance the regular bus services available nearby which provide direct access into Ferryhill town centre, as well as Durham City and employment sites at Chilton and Newton Aycliffe, are acknowledged and considered to be significant, representing a genuine sustainable transport option for prospective residents so as to realistically reduce dependency on the private car. It is also noted that financial contributions of £36,200 were secured as part of outline application DM/16/02426/OUT to go towards improving the cycle infrastructure within the electoral division, which would be available for the benefit of the future occupants of the dwellings proposed in this application. Taking all of this into account in what is a finely balanced decision, the proposed development is considered to be physically well related to the settlement of Ferryhill and is not considered to conflict with CDP Policy 6 f) or Policy 21, or Part 9 of the NPPF in this instance.

Design and Layout

113. Criterion d) of CDP Policy 6 requires development on unallocated sites to be appropriate in terms of scale, design, layout and location to the character and setting of the settlement.
114. CDP Policy 29 outlines that development proposals should contribute positively to an area's character, identity, heritage significance, townscape and landscape

features, helping to create and reinforce locally distinctive and sustainable communities.

115. Parts 12 and 15 of the NPPF also seek to promote good design, while contributing to and enhancing the natural and local environment by (amongst other things) recognising the intrinsic character and beauty of the countryside and optimise the potential use of the site. Specifically, NPPF Paragraph 135 states that planning decisions should aim to ensure developments function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, are sympathetic to local character and the surrounding built environment and landscape setting, and establish or maintain a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit.
116. The scheme has been amended to accommodate a substantial area of public open space to the south of the site which would feature a SUDs basin and a swale whilst providing an appropriate landscape buffer for the edge of settlement location. An enhanced character area is also proposed, comprising contemporary house types featuring larger window openings to the front elevations of the dwellings along the main vehicular route along the east of the site and to the dwellings to the north which face onto the open space associated with the approved development to the north. All of the dwellings are proposed to be finished in grey or black upvc windows and doors to ensure a cohesive approach. Materials are proposed to consist of red or buff brick with dark grey or red concrete roof tiles, to match the development to the north. The 359 Clifden house type has been designed as a corner turning unit and would be positioned on key corner Plots 119, 124, 129, and 145.
117. The scheme would have a density of 29.7 dwellings per hectare (dph), which is lower than the net density of 33.1 dph of the approved Gleeson development to the north. This is considered to be appropriate to maximise the effective use of land in line with Part 11 of the NPPF whilst respecting the character and appearance of the surrounding area given the position of the site relative to Ferryhill.
118. Boundary treatments are proposed to comprise 1.8m high timber fencing which would be stepped in from the highway. A hedgerow is proposed to be planted along the eastern perimeter of the site to provide an appropriate edge of settlement boundary, with the vegetation along the western and southern boundaries proposed to be retained.
119. A Building for Life Supplementary Planning Document (2019) (BfL SPD) has been adopted by the Council. In recognition of national planning advice and to achieve high quality housing developments the Council has adopted an in-house 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.

120. At the initial consideration of the application by the internal Design Review Panel, the scheme received 4 “reds”, 6 “amber” and 2 “green” scores. At the final consideration of the application by the internal Design Review Panel, the scheme received 3 “reds”, 6 “amber” and 3 “green” scores.
121. “Red” scores were received in relation to the following areas:
122. Question two relates to services and facilities, and concerns were raised that the Londis store at the BP Petrol Filling Station would be the only shop available for prospective residents within an 800m distance or 10 minute walk time.
123. The SPD seeks to plan development so that everyday facilities and services are located within a short walk of people’s homes, advising that the layout of a development and the quality of connections it provides can make a significant impact on walking distances and people’s travel choices. It goes on to advise that access to facilities should be provided through the provision of safe, convenient and direct paths or cycle routes, with consideration given to whether there are any barriers to pedestrian/ cycle access (for example, busy roads with a lack of crossing points) and how these barriers can be removed or lessened.
124. As discussed under the Locational Sustainability heading above, whilst the lack of services and facilities within 800m of the site is acknowledged, Ferryhill town centre is considered to represent a destination that may encourage prospective residents to walk further given the range of services and facilities available here without the requirement for further onward journeys. Significantly, the site is well served by public transport to larger settlements and key employment sites.
125. The development proposes to create a formal footpath connecting the cul-de-sac opposite Plot 137 to the central spine road of the existing built out development to the north west to provide a more direct walking route to the A167 (where frequent bus services to larger town centres and employment destinations are available) that would be suitable for all users, as well as an informal grass path to connect the west of the site to the existing informal grass path to the south of the existing built out development. A direct route is then available to access the town centre.
126. In this instance, the development is considered to provide a layout that would encourage walking, cycling or using public transport to reach a range of services and facilities. Significantly there are frequent and direct bus services connecting to larger settlements and employment sites. In this context, whilst a finely balanced judgement, it is considered that the application would not

warrant refusal on this basis. A condition is recommended to secure the creation of the footpaths as well as a phasing strategy for their completion.

127. Question six relates to working with the site and its context, and whilst it was acknowledged that a suitable landscape buffer would be provided to the southern edge of the site, with the existing vegetation along the south western and western boundaries proposed to be retained and strengthened, concerns were raised that the eastern boundary was to be demarcated by rear gardens and timber fencing which would not be outward-facing and would poorly address the settlement edge.
128. In response to these concerns, amended plans have been received to show the planting of a native species hedgerow along the eastern boundary of the site. Considering that views of the site from the east are limited, this is considered to be sufficient to overcome the red score awarded by the Design Review panel and that the scheme instead warrants an amber score.
129. Question seven relates to creating well defined streets and spaces, and similar concerns were raised to those discussed above, in that the eastern edge of the site poorly addresses the settlement. As above, it is considered that this concern has been satisfactorily addressed through the submission of an amended plan showing a hedgerow to be planted along the eastern boundary and so the scheme now warrants an amber score.
130. Other “Amber” scores were received in relation to the following areas:
 - Public transport – concerns were raised that the informal grass path connecting the west of the site to the A167 would not be suitable for all users;
 - Character – whilst the development would not be of a distinctive character, it would relate well to earlier phases of the development to the north and an enhanced character area featuring house type with contemporary elevations is proposed along the main vehicular route;
 - Streets for all;
 - Public and private spaces – whilst the surface water drainage strategy was considered to be acceptable in principle, street trees along the main vehicular route are proposed to be planted within private gardens where they may be removed by prospective residents.
131. The scheme also scored amber in relation to question 4 meeting local housing requirements, as at the time it was presented to the panel no floor plans had been provided for the house types 351, 359, and 361 and so it was not possible to assess whether they complied with the Nationally Described Space Standards (NDSS). These plans have since been provided and these house types, along with all the other proposed, would comply with the NDSS. Therefore, it is considered that the scheme now warrants a green score.
132. The scheme scored amber in relation to question 8 wayfinding as whilst an enhanced character area was introduced along the main vehicular route, at the time of consideration by the panel elevation drawings for the contemporary

house types were not available. Following receipt of these, it is considered that the enhanced character area would sufficiently aid prospective residents in navigating their way through the site. It is noted that the contemporary house type elevations are in line with those approved at the Gleeson site to the north granted planning permission earlier this year, to which the scheme scored green. Therefore, the scheme is considered to warrant a green score in relation to this question.

133. "Green" scores were received in relation to the following areas:

- Connections, as a formal footpath is proposed to connect the cul-de-sac opposite Plot 137 to the central spine road of the existing built out development to the north west to provide a more walking route to the A167, as well as an informal grass path to connect the west of the site to the existing informal grass path to the south of the existing built out development. The applicant has explored the possibility of connecting to PRow no.7 to the east but advised that this is not feasible due to the requirement to cross third party land. It is noted that the phase of development to the north does provide a connection to this PRow and given the constraints the lack of a connection directly from the current application site is accepted in this instance, with the scheme considered to have maximised connections to its surroundings.
- Parking, as sufficient in-curtilage car parking spaces, and visitor bays, have been provided, with spaces well integrated with street frontages.
- External storage, as all rear gardens would be at least 9m long to provide sufficient external amenity space for future residents of the proposed dwellings.

134. Following the receipt of an amended plan showing a hedgerow located along the eastern site boundary, elevation drawings for the contemporary house types, and the floor plans for house types 351, 359, and 361, it is considered that the scheme would be capable of scoring 1 "red", 6 "amber", and 5 "green" scores. The one remaining red score relates to the lack of services and facilities within 800m of the site, however given the range of services and facilities available within the town centre and more significantly the proximity and the frequency and destinations served by bus services, the prospective residents are considered to benefit from a genuine choice of sustainable transport modes so as to realistically reduce dependency on the private car. This context is considered to be sufficient to override the red score in this instance and so there is no conflict with CDP Policy 29.

Landscape and Visual Impact

135. Criterion d) of CDP Policy 6 requires development on unallocated sites to be appropriate in terms of scale, layout and location to the character, function, form and setting of the settlement.

136. CDP Policy 10 at part l) seeks to protect townscape qualities, including important vistas and the intrinsic character and beauty of the wider countryside. Part o) seeks to avoid development that would impact adversely upon the

setting, townscape qualities, or form of a settlement which cannot be adequately mitigated or compensated for.

137. CDP Policy 39 states proposals for new development will be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals would be expected to incorporate appropriate measures to mitigate adverse landscape and visual effects.
138. CDP Policy 40 seeks to avoid the loss of existing trees and hedgerows unless suitable replacement planting is provided, stating that proposals for new development that would result in the loss of, or damage to, trees of high landscape, amenity or biodiversity value will not be permitted unless the benefits of the proposal clearly outweigh the harm.
139. Parts 12 and 15 of the NPPF promotes good design and sets out that the planning system should contribute to and enhance the natural and local environment by (amongst other things) recognising the intrinsic character and beauty of the countryside and optimise the potential use of the site.
140. The site is not covered by any national or local landscape designations. Landscape features on the site comprise boundary hedgerows and 13 trees. The proposed development would require the removal of two individual trees (T7 and T8) along with a sections of hedgerow G1 and 2, located on the western and southern boundaries. The remainder of the trees and hedges at the site boundaries would be retained. The landscape plan submitted identifies significant new tree planting across the site which is considered to adequately mitigate the loss of the two trees and small sections of boundary hedge. These details are considered to be acceptable.
141. Accordingly, there is no conflict with CDP Policy 40. A condition is recommended to secure adherence to the submitted Tree Protection Plan to ensure the retention of trees and hedgerows during the construction phase.
142. The application site is bordered by housing on two sides, by the dwellings at Dean Road to the north and those at Dean Park to the east, with open countryside to the south and to the west beyond the A167. The site does not extend beyond the hedgerow demarcating the southern boundary of the field it comprises or that to the east, extending only a short distance beyond the south of the dwellings at Dean Park. The proposed layout has been amended to provide a substantial landscaping buffer along the south of the site to minimise the extent to which the built form of the development would extend beyond the properties at Dean Park. A field lies between the site and the A167 which provides a frame that marks the settlement edge in this direction. Therefore, it is considered that the proposed development lies outside, but in a position visually well related to, the settlement of Ferryhill.
143. The main views of the development would be from the A167. The majority of the existing vegetation along the western boundary of the site is proposed to be retained and strengthened with additional planting to help screen views of

the development. The landscaping proposed is considered to be appropriate for the edge of settlement location to help assimilate the development into its surroundings and provide an attractive new settlement boundary, in accordance with CDP Policy 6 d), Policy 10 l) and o), and Policy 29 l). The loss of the field through the introduction of urban built form is not considered to cause unacceptable landscape harm in the context of CDP Policy 39, given the proposed layout and landscaping.

Highway Safety Issues

144. CDP Policy 21 outlines that development should not be prejudicial to highway safety or have a severe cumulative impact on network capacity, expecting developments to deliver well designed pedestrian routes and sufficient cycle and car parking provision. Similarly, CDP Policy 29 advocates that convenient access is made for all users of the development together with connections to existing cycle and pedestrian routes. Criteria e) and q) of CDP Policy 6 and Policy 10 do not permit development where it would be prejudicial to highway safety.
145. The NPPF sets out at Paragraph 114 that safe and suitable access should be achieved for all users. In addition, NPPF Paragraph 115 states that development should only be refused on transport grounds where the residual cumulative impacts on development are severe.
146. Objections have been received regarding the suitability of the proposed access and the proposed development generating additional traffic.
147. The site would be accessed from the A167 via the existing junction serving the dwellings approved under the previous application relating to the dwellings to the north. No concerns are raised regarding the additional traffic that would be generated by the proposed development adversely affecting the capacity of the surrounding highway network. Speed tables have been introduced at junctions to help maintain lower vehicle speeds throughout the development.
148. The application has been amended so that the internal estate road would be 5.5m wide in accordance with the Council's Parking and Accessibility SPD 2023. All Plots are served by at least 2 in curtilage car parking spaces, with the 4 beds served by a detached garage or an integral garage, each with an internal dimension of 6m by 3m. 13 visitor parking bays are proposed to be spread throughout the site. Sufficient car parking provision is proposed. The Housing Layout Plan has been amended to ensure that driveway lengths are within appropriate parameters to avoid cars being parked and overhanging the adopted highway.
149. Conditions are recommended to secure the installation of the parking spaces and electric vehicle charging points and external storage for Plots without garages, adherence to the submitted Construction Management Plan, and the removal of permitted development rights for garage conversions.

150. Detailed Engineering Layout drawings for the site have been submitted as part of the application. The engineering detail will be assessed through the Technical Approval process of the Section 38 application before the estate road would become adopted by the Council. This could be added as an informative in the event of an approval.
151. Overall, the proposed development is not considered to adversely affect highway safety and would make sufficient car parking provision, according with CDP Policies 6 e), 10 q), and 21, as well as Part 9 of the NPPF.

Residential Amenity

152. Parts 12 and 15 of the NPPF require that a good standard of amenity for existing and future users be ensured, whilst seeking to prevent both new and existing development from contributing to, or being put at unacceptable risk from, unacceptable levels of pollution.
153. CDP Policy 31 seeks to safeguard the amenity of existing and future occupants in terms of overlooking, visual intrusion, visual dominance, loss of light, noise, and privacy. Criterion a) of Policy 6 also seeks to ensure that the development of unallocated sites is compatible with, and is not prejudicial to, any existing, allocated or permitted use of adjacent land, whilst criterion r) of Policy 10 is not permissible towards development that would impact adversely upon residential or general amenity.
154. In addition, CDP Policy 29 states that all new residential development will be required to comply with the Nationally Described Space Standards (NDSS). The applicant has confirmed that all of the proposed dwellings have been designed to comply with the NDSS.
155. A Residential Amenity Standards Supplementary Planning Document (RASSPD) has also been adopted by the Council, which recommends that dwellings benefit from gardens which are at least 9m long. Generally, the dwellings would feature a rear garden at least 9m in length, ensuring the future occupants would benefit from a sufficient amount of external amenity space. Whilst not all of the dwellings would feature garages, a cycle store is proposed to the rear gardens of Plots without garages. A condition is recommended to secure the installation of these storage areas.
156. The RASSPD also advocates minimum separation distances of 21m between primary habitable room windows which are adjacent to each other where either building exceeds a single storey, and a minimum of 18m between primary habitable room windows which are adjacent to each other and both buildings are single storey. Where a main facing elevation containing a primary habitable room window is adjacent to a gable wall which does not contain a primary habitable room window, a minimum distance of 13m shall be provided where either building exceeds a single storey or 10m where both buildings are single storey. Generally, these distances would be achieved, ensuring that the future residents would benefit from sufficient levels of light, outlook, and privacy. The

proposed dwellings would be located in excess of 21m from any existing dwelling.

157. The application is supported by a Noise Assessment which concludes that no mitigation measures are required to achieve the relevant noise levels from within the dwellings and their rear gardens. This has been reviewed by the Council's Environmental Health Officer who has concurred with these conclusions and raised no objections to the application.
158. The application is supported by a Construction Management Plan to which the Council's Environmental Health Officer has indicated their satisfaction with the details contained within. A condition is recommended to secure adherence to this Plan.
159. Overall, the proposed development is not considered to adversely affect any existing residents whilst providing suitable living conditions for the future occupiers of the new dwellings, in terms of noise, light, outlook, and privacy, according with CDP Policies 6, 10, 29 and 31, Parts 12 and 15 of the NPPF, as the Residential Amenity Standards SPD.

Drainage and Flood Risk

160. Part 14 of the NPPF seeks to resist inappropriate development in areas at risk of flooding, directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere. Paragraph 173 advises that when determining planning applications, Local Planning Authorities should ensure that flood risk is not increased elsewhere and that where appropriate applications should be supported by a site-specific flood-risk assessment. Paragraph 169 goes on to advise that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate.
161. CDP Policies 35 and 36 relate to flood water management and infrastructure. Policy 35 requires development proposals to consider the effects of the scheme on flood risk and ensure that it incorporates a Sustainable Drainage System (SUDs) to manage surface water drainage. Development should not have an adverse impact on water quality. Policy 36 seeks to ensure that suitable arrangements are made for the disposal of foul water.
162. In addition, criteria h) of CDP Policy 6 and s) of CDP Policy 10 both require development to minimise vulnerability and provide resilience to impacts arising from climate change, including flooding.
163. The site is located entirely within Flood Zone one which indicates that there is a low probability of it flooding. In addition, the site does not lie within an area identified as being at high risk of surface water flooding. The application is supported by a Flood Risk Assessment and Drainage Strategy. The Assessment identifies that the site is at low risk of fluvial (river), groundwater, surface water, and sewer flooding.

164. The Assessment identifies that the soils beneath the site consist of slowly permeable soil types which would not be suitable for infiltration. Therefore, in accordance with the hierarchy of preference, the application proposes to discharge surface water runoff to an unnamed watercourse to the south east, via permeable paved driveways, a swale, and an attenuation basin.
165. Whilst a resident has raised concerns regarding the impact of the proposed development upon the existing drainage system, the Lead Local Flood Authority have indicated their satisfaction with the principle of the proposed drainage strategy, advising that sufficient attenuation and treatment of surface water runoff would be provided. A condition is recommended to secure adherence to the DS.
166. The application proposes to discharge foul water to the existing sewer network, which accords with the hierarchy of preference set out by CDP Policy 36.
167. Overall, the proposed development would not increase flood risk on site or elsewhere according with CDP Policy 35 and 36, and Part 14 of the NPPF.

Ecology and Biodiversity Net Gain

Impact on Protected Species and their Habitats

168. There are no ecological designations within the site with the closest being the Carrs and Thrislington Plantation SSSI approximately 500m and 1.4km to the east. Ferryhill Cut and Ferryhill Stell & Grassland Local Wildlife sites are located approximately 1.3km and 1.7km to the east of the site.
169. CDP Policy 43 relates to protected species and nationally and locally protected sites. Part 15 of the NPPF seeks to ensure that developments protect and mitigate harm to biodiversity interests, and where possible, improve them.
170. In addition, criterion c) of CDP Policy 6 is not permissible towards the development of unallocated sites where it would result in the loss of open land that has ecological value which cannot be adequately mitigate or compensated for.
171. The application is supported by an Ecological Impact Assessment (EclA) commissioned in 2021 and a Biodiversity Net Gain Statement and Assessment where an updated walkover survey was completed in 2024. The Assessments identifies that the site is of low or local value to bats, reptiles, badgers, hedgehogs, hares, and common toads. The site provides foraging opportunity for several bird species, including Linnet and Yellowhammer which are on the UK red list, and Dunnock which are on the UK amber list. Appropriate habitats for bird species exist near to the site and the proposed development is not considered to adversely affect at risk species, subject to the recommendations within the EclA, which include working outside bird nesting season and installing bird boxes to the proposed dwellings. Due to the limited scrub or woodland present on the site it is not considered to provide suitable habitats for

Great Crested Newts (GCN) and the boundary hedgerow along the south of the site is proposed to be retained.

172. Overall, the EclA concludes that the site is of a low ecological value and would not directly impact on any protected species. This has been reviewed by the Council's Ecologist who has indicated their satisfaction with the submitted details. A condition is recommended to secure adherence to the recommendations within the EclA.

Biodiversity Net Gain

173. From the 12th of February 2024 the requirements of Schedule 14 of the Environment Act 2021, as inserted into Schedule 7A of the Town and Country Planning Act 1990, apply to all planning applications for major development unless falling under one of the listed exemptions. This application was valid from the 22nd of September 2023 and so is not legally required to deliver biodiversity net gains of at least 10%.
174. Notwithstanding the above, CDP Policy 41 seeks to secure net gains for biodiversity and coherent ecological networks, and NPPF Paragraph 180 d) advises that planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity. NPPF Paragraph 186 d) also advises that opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.
175. The application is supported by a Biodiversity Net Gain Statement and Assessment and a completed version of DEFRA's Biodiversity Metric. The information sets out that the development would result in a 54.1% loss in habitat units, through the loss of grassland, with an overall loss in low distinctiveness modified grassland that means the trading rules would not be met. A 5.5% gain in hedgerow units would be achieved. In accordance with the biodiversity gain hierarchy, it is accepted that it would not be possible to achieve a net gain through on-site habitat creation and enhancements only, and the applicant does not own land nearby to utilise biodiversity net gain purposes. Therefore, to overcome this loss the applicant proposes to purchase biodiversity credits from a third part provider to deliver biodiversity enhancements off-site.
176. The submitted information has been reviewed by the Council's Ecologist who has indicated their satisfaction with the details provided. Therefore, the application fulfils the requirements of, CDP Policy 41 and NPPF Paragraphs 180 d) and 186 d). This is subject to a legal agreement under Section 39 of the Wildlife and Countryside Act 1981 to secure details of a detailed Biodiversity Management and Monitoring Plan for the areas of on-site habitat creation and a scheme to secure details of off-site habitat creation.
177. Subject to conditions, the proposed development would not adversely affect any protected species or their habitats and would be capable of achieving

biodiversity net gains, according with CDP Policies 41 and 43, and Part 15 of the NPPF.

Nutrient Neutrality

178. Under the Conservation of Habitats and Species Regulations 2017 (as amended) (Habitat Regs), the Local Planning Authority must consider the nutrient impacts of any development proposals on habitat sites and whether those impacts may have an adverse effect on the integrity of a habitats site that requires mitigation, including through nutrient neutrality. In this respect Natural England have identified that the designated sites of the Teesmouth & Cleveland Coast Special Protection Area/Ramsar (SPA) is in unfavourable status due to excess Nitrogen levels within the River Tees.
179. In this instance, the application seeks full planning permission for 53 dwellings. The erection of 53 dwellings in this location would ultimately give rise to additional loading of nitrogen into the Tees catchment. Given the advice provided by Natural England, it is likely that in combination with other developments, the scheme would have a significant effect on the designated SPA/RAMSAR sites downstream both alone and in-combination. The Habitat regulations therefore require the Authority to make an 'Appropriate Assessment' of the implications of the development on the designated sites in view of the site's conservation objectives. Where an adverse effect on the site's integrity cannot be ruled out, and where there are no alternative solutions, the plan or project can only proceed if there are imperative reasons of over-riding public interest (IROPI) and the necessary compensatory measures can be secured.
180. Nutrient Neutrality advice is provided by Natural England, including the provision of a Neutrality Methodology. This requires a nutrient budget to be calculated for all types of development that would result in a net increase in population served by a wastewater system including residential development that would give rise to new overnight accommodation. In utilising the nutrient budget calculator produced by Natural England, mitigation is identified as being required in order to achieve Nutrient Neutrality. The total annual nitrogen load to mitigate is 53.67kg TN/year. The application has been successful in reserving 57.56 credits from Natural England and has supplied its provisional certificate as part of the planning application.
181. The Nutrient Neutrality Budget Calculator has been reviewed by the Ecology Team who are satisfied that a greater number of credits than is required have been reserved by the development via Natural England in order to mitigate the proposals impact upon the Teesmouth and Cleveland Coast Special Protection Area/Ramsar to an acceptable level. The applicant has submitted a Shadow HRA Assessment which has been reviewed by the Council's Ecologist and Natural England who have indicated their satisfaction with the details contained within. The LPA has undertaken its own HRA which Natural England have indicated their agreement to, as statutory consultee on this matter, and so the LPA has fulfilled its responsibilities under the Conservation of Habitats and Species Regulations 2017 (as amended).

182. Subject to a condition to secure the submission of the completed final Nutrient Neutrality Certificate from Natural England prior to the commencement of the development, the proposal would be in accordance with Policies 41 and 42 of the County Durham Plan and Part 15 of the NPPF. The Authority can also satisfy itself under its obligations under the Conservation of Habitats and Species Regulations 2017 (as amended) and ensure that protected sites would not be adversely affected by the development.

Planning Contributions

183. 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.
184. CDP Policy 25 goes on to state that developers will be required to enter into Planning Obligations which are necessary to make the development acceptable, 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. In this regard, CDP Policy 25 reflects NPPF Paragraphs 55 and 57.

Affordable Housing Provision

185. CDP Policy 15 states that affordable housing will be sought on sites of 10 or more units, for 25% of units in the highest value areas to 10% in the lowest. On sites of 10 or more units, 10% of the homes provided should be for affordable home ownership (starter homes, discount market sale housing and other affordable routes to home ownership). Any contribution above 10% should be provided as affordable housing for rent. As this site is within a low value area, this development would require a total of 5no. affordable units for home ownership. These are indicated to be provided in the form of 3no. two bed dwellings and 2no. three bed dwellings.
186. The Council's Affordable Housing Team have advised that there is a need for bungalows and two and three bed dwellings in the area and consider the affordable units to be well distributed throughout the site. They recommend that the affordable units are provided in the form of Discount Market Sale products, which the applicant has agreed to. Therefore, the requirement of CDP Policy 15 are met.

Public Open Space Provision

187. CDP Policy 26 outlines that new residential developments will be required to make provision for open space to meet the needs of future residents having regard to the standards of open space provision set out in the Open Space Needs Assessment (OSNA). Where it is determined that on-site provision is not

appropriate, the Council will require financial contributions to be secured through planning obligations towards the provision of new open space, or the improvement of existing open space elsewhere in the locality. Paragraph 98 of the NPPF highlights that access to a network of high-quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities. Paragraph 130 requires amongst other things that developments function well and optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space).

188. The Council's Open Space Needs Assessment (OSNA) 2018 is considered the most up to date assessment of need. It identifies the five typologies (allotments; amenity/natural greenspace; parks, sports and recreation grounds; play space (children) and play space (youth)), sets out requirements for public open space on a population pro rata basis and whether provision should be either within the site, or through a financial contribution towards offsite provision, in lieu taking into consideration factors such as the scale of the development, existing provision within suitable walking distances and the level of contribution sought.
189. Using the OSNA's methodology, it is noted that a scheme of 53 dwellings would lead to 116.6 persons, at 2.2 persons per household. The following open space would normally be expected on-site for a 53 unit scheme:
 - Amenity/ Natural Green Space: 2,000m²
 - Non-equipped Children's Play Space: 58.3m²
190. The site layout demonstrates that large areas of green space (equating to around 4,750m²) would be provided on site fulfilling and significantly exceeding the amenity / natural green space requirement. In addition, 58.3m² of non-equipped children's play space is proposed adjacent within the amenity green space to the south of the site. A condition would be required to secure details of the maintenance and management of the areas of public open space provided on site.
191. In terms of off-site provision, the following would normally be expected via off-site contributions for a 53 unit scheme, unless the 50% discount applies:
 - Allotments: £31,482.
 - Parks and Recreation: £117,532.80.
 - Play Space (Youth): £7,928.80
192. In terms of allotments, whilst there is a sufficient supply within the surrounding area the closest to the application site are located 350m to the east of the site at Bertha Street Allotments, which is within the distance of 480m recommended by the OSNA. Therefore, the 50% reduction applies and only £15,741 is sought as an off-site contribution.
193. The OSNA identifies a shortfall in the amount of open space falling within the parks and recreation and youth play space typologies in the Mid Durham area in which the application site lies.

194. The closest park and recreation ground to the site lies 500m to the west in the form of Dean Bank Recreation Ground, which lies within the recommended 600m or 12–13-minute straight line walk distance. Therefore, the 50% discount applies, and only £58,766.40 is sought as an off-site contribution.
195. The closest youth play space lies approximately 700m to the west within Dean Bank Recreation Ground, which is within the recommended 720m distance. Therefore, the 50% discount applies, and only £3,964.40 is sought as an off-site contribution.
196. Overall, a total of £78,471 would be required to be secured via a Section 106 agreement to go towards the improvement and/or expansion of existing local public open spaces in these typologies to mitigate the impacts of use by additional residents.
197. Subject to a Section 106 agreement and a condition, the proposed development would be capable of providing a sufficient quantity and quality of public open space for existing and future residents, according with the requirements of CDP Policy 26 and Part 8 of the NPPF.

Education

198. NPPF Paragraph 97 recognises the need for planning decisions to ensure an integrated approach when considering the location of new housing and to plan positively for the provision and use of community facilities and local services. It is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Paragraph 99 goes on to advise that it is important that a sufficient choice of school places is available to meet the needs of existing and new communities.
199. Residents have raised concerns that schools in the settlement are already oversubscribed.
200. The Council's Education Provision Lead Officer has advised that the development is located within the Ferryhill local school place planning area of which Dean Bank, Broom Cottages, Ferryhill Station, and Cleves Cross Primary Schools could serve the development based on a 2 mile safe walking distance. In relation to secondary schools, the development is located within the West Durham local school place planning area, with the nearest school to the proposed the development being Ferryhill School which is located approximately 2.3km away.
201. Based on the projected rolls of the schools, taking into account the likely implementation timeframe of the development, build rates and other committed there would be sufficient space to accommodate the pupils of primary school age generated by the development in existing local primary schools whilst maintaining a 5% surplus. Therefore, no contributions are required for additional primary teaching accommodation.

202. However, there would not be sufficient space to accommodate pupils of secondary school age generated by the development in local secondary schools whilst maintaining a 5% surplus. A development of 53 dwellings would be expected to generate 7no. additional secondary school pupils and so in order to mitigate the impact a financial contribution of £170,184 would be required to facilitate the provision of additional teaching accommodation.

Health Care

203. Residents have also raised concerns that doctors' surgeries in the settlement are already at capacity.
204. The closest GP practice to the site is the Ferryhill and Chilton Medical Group GP which is located approximately 1.3km away from the centre of the site. The NHS North East and North Cumbria Integrated Care Board have confirmed that this practice falls within the Sedgefield North Primary Care Network which are at full capacity and would require additional space to deliver their services to an increased number of patients. Therefore, they recommend that a financial contribution of £25,599 would be required to provide additional / extended accommodation to mitigate the impact of the development and provide additional capacity for local GP surgeries. This figure is calculated using the NHS Property Service build cost rate of £3,000 per square metre.

Planning Obligations Summary

205. NPPF Paragraph 55 states that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.
206. Under the provisions of Section 106 of the Town and Country Planning Act 1990 (as amended) the applicant has agreed to provide five affordable homes and make financial contributions of £78,471 to go towards the provision of improved public open space, £170,184 to facilitate the provision of additional secondary school teaching accommodation, and £25,599 to go towards increasing GP surgery capacity, all within the Ferryhill Electoral Division.
207. NPPF Paragraph 57 and Paragraph 122 of the Community Infrastructure Levy Regulations 2010 set out three planning tests which must be met in order for weight to be given to a planning obligation. The contributions sought are considered to be necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the development. The planning obligations sought accord with these three tests.

Other Matters

Meeting the Needs of Older People and People with Disabilities

208. CDP Policy 15 also states that in order to meet the needs of older people and people with disabilities, on sites of 5 units or more, 66% of dwellings must be built to Building Regulations Standard M4(2) (accessible and adaptable dwellings) standard. The applicant confirms that 35no. dwellings have been designed to comply with Building Regulations Standard M4(2) which equates to 66%, meeting the requirements of Policy 15. A condition is recommended to secure details of a verification report to ensure that at least 35no. dwellings (66%) are built to the M4(2) standard.
209. Policy 15 also sets out that on sites of 10 units or more a minimum of 10% of the total number of dwellings on the site will be required to be of a design and type that will increase the housing options of older people. In this instance, 5no. bungalows are proposed. This meets the requirements of Policy 15.

Ground Conditions and Land Stability

210. CDP Policy 32 requires sites to be suitable for use taking into account contamination and unstable land issues. NPPF Paragraph 189 requires sites to be suitable for their proposed use taking account of ground conditions and any risks arising from land instability and contamination. A resident has raised concerns regarding potential subsidence arising as a result of the proposed development.
211. The application is supported by a Phase 1 Geoenvironmental Appraisal which identifies that there is no requirement for ground gas protection measures, but identifies a hotspot of contamination in the south west corner of the site and proposes remedial works to address this. The Council's Environmental Health Contaminated Land Officer has reviewed the submitted information and indicated their satisfaction with the details. They recommend a condition to secure adherence to the remedial measures and to secure a verification report. Subject to this condition, the site is considered to be suitable for residential development, according with CDP Policy 32 and NPPF Paragraph 189.

Archaeology

212. CDP Policy 44 states that in determining applications which would affect a known or suspected non-designated heritage asset with an archaeological interest, particular regard will be given to ensuring that archaeological features are generally preserved in situ or if justified appropriately excavated and recorded with the results fully analysed and made publicly available.
213. The application is supported by a Written Scheme of Investigation (WSI) and an Archaeological Evaluation which includes the results of a trial trenching exercise. The reports identify no significant archaeological remains and so no further information is required.

Measures to Minimise Carbon Emissions

214. Criterion c) of Policy 29 requires all development to minimise greenhouse gas emissions, by seeking to achieve zero carbon buildings and providing

renewable and low carbon energy generation. Where connection to the gas network is not viable, development should utilise renewable and low carbon technologies as the main heating source.

215. Criterion d) of Policy 29 requires all development to minimise the use of non-renewable and unsustainable resources, including energy, water and materials, during both construction and use by encouraging waste reduction and appropriate reuse and recycling of materials, including appropriate storage space and segregation facilities for recyclable and non-recyclable waste and prioritising the use of local materials.
216. In addition, NPPF Paragraph 164 advises that in determining planning applications, Local Planning Authorities should give significant weight to the need to support energy efficiency and low carbon heating improvements to existing buildings, both domestic and non-domestic (including through installation of heat pumps and solar panels where these do not already benefit from permitted development rights).
217. The application is supported by an Energy Assessment Report which includes SAP calculations for the predicted energy consumption and carbon emissions of the proposed dwellings and proposes indicative specifications building fabrics which are shown to comply with or exceed the requirements of Part L of the Building Regulations.
218. A Sustainability Statement has also been provided which confirms that an Air Source Heat Pump is also shown to be installed to each Plot, and that a fabric first approach is proposed with internal insulation to be installed which would exceed the levels required by building regulations.
219. Subject to a condition to secure adherence to the measures contained within the document, the application complies with the sustainability aims of CDP Policy 29.

Broadband Connection

220. CDP Policy 27 states that all new residential development should be served by a high speed broadband connection. This will need to be directly accessed from the nearest exchange and threaded through resistant tubing to enable easy access to the cable for future repair, replacement and upgrading. Where it can be demonstrated that this is not appropriate, practical or economically viable, developers will be encouraged to provide appropriate infrastructure to enable future installation. No details of how the dwellings will be served by a high speed broadband connection have been submitted with the application, however Ofcom's mobile and broadband checker indicates that ultrafast broadband speeds are available in the area. A condition would be recommended to secure further details of how the applicant proposes to provide broadband connection to the new dwellings.

Loss of Agricultural Land

221. CDP Policy 14 states that the development of the best and most versatile agricultural land, will be permitted where it is demonstrated that the benefits of the development outweigh the harm, taking into account economic and other benefits.
222. The application is supported by an Agricultural Land Classification Report which identifies the site as grade 3b agricultural land. Therefore, the land is not considered to represent the best and most versatile (BMV) agricultural land. Accordingly, this matter is not a decisive factor in determining the application.
223. Whilst the development would not be located on previously developed land, the CDP does not provide a moratorium against development upon any greenfield site and there is not considered to be any conflict with criterion i) of CDP Policy 6.

Other Issues Raised

224. A resident has raised concerns over high levels of anti-social behaviour in the area. In this regard, Durham Constabulary have been consulted and provide general advice for designing out crime and do not raise any concerns over anti-social behaviour in the area. Concerns over existing problems of anti-social behaviour in the area are not the responsibility of the developer to resolve and given the comments from the Police it is not considered that the prospective residents of the proposed development would suffer from a fear of crime.
225. A resident raised concerns over construction traffic gaining access to the site from Southside. The application is supported by a Construction Management Plan which confirms that construction traffic will enter and exit the site from the existing vehicular access from the A167 and not from Southside. A condition is recommended to secure adherence to this document.
226. A resident raised a concern regarding the lack of a safe pedestrian crossing to connect the development to Dean Bank Park to the west of the A167. In this regard, there are two pedestrian refuge islands within the A167 to the north of the site entrance which would aid pedestrians looking to cross this road.
227. A concern was raised regarding the loss of a view over the field. This is not a material planning consideration. Nevertheless, neighbouring residents are considered to continue to have sufficient outlook following the development, with the second phase of the approved development to the north located closer to the properties at Southside and Dean Road than the development proposed in the current application.

CONCLUSION

228. 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.

229. In this instance, it is concluded that the site occupies a position outside, but well related to, the settlement of Ferryhill.
230. It is accepted that there are few amenities within 800m or a 10 minute walk time resulting in the scheme scoring red when assessed against Question 2 Services and Facilities of the Council's Building for Life SPD. However, acknowledging that the destination can encourage people to travel further depending on the level of service provision, it is noted that Ferryhill has a town centre defined as a large town centre by CDP Policy 9 which would not require prospective residents to make onward journeys to access their everyday shopping needs. Significantly, bus stops are located within 400m of the site where access to nearby larger settlements and employment sites can be made. Whilst a finely balance decision, the proposed development is not considered to conflict with CDP Policy 6 f), 10p), or 21 or Part 9 of the NPPF in this instance.
231. The scheme has been amended to incorporate a suitable buffer to the southern and western boundaries to help assimilate the development into the surrounding landscape and screen key views from the A167. Therefore, the proposed development is considered to accord with CDP Policy 6 d), 10 o) and l), 29 l), 39 and 40.
232. The proposed development is not considered to adversely affect highway safety, to provide good levels of amenity for existing and future residents, to suitably manage flood risk, to conserve protected species and deliver biodiversity net gains in accordance with CDP Policies 21, 31, 32, 35, 36, 41, and 43. Subject to conditions, the proposed development would also comply with CDP Policies 15, 27, 29 and 32.
233. Therefore, the application is recommended for approval, subject to the completion of Section 106 and 39 legal agreements and conditions as set out below.

Public Sector Equality Duty

234. 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.
235. In this instance, officers have assessed all relevant factors and do not consider that there are any equality impacts identified.

RECOMMENDATION

That the application be **APPROVED** subject to the completion of a legal agreement under Section 106 of the Town and County Planning Act 1990 (as amended) to secure the following:

- The provision of 10% affordable homes in the form of five dwellings for home ownership.
- Financial contributions of £78,471 to go towards the provision of new and improvement of existing public open space within the Ferryhill Electoral Division.
- Financial contributions of £170,184 to facilitate the provision of additional secondary school teaching accommodation within the Ferryhill Electoral Division.
- Financial contributions of £25,599 to go towards increasing GP surgery capacity in the Ferryhill Electoral Division.

And subject to the completion of a legal agreement under Section 39 of the Wildlife and Countryside Act to secure the following:

- The submission of a Habitat Creation Management and Monitoring Plan to secure the long term management and maintenance of biodiversity enhancements on site.

And subject to the following conditions:

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

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

2. The development hereby approved shall be carried out in accordance with the following plans:

- Site Location Plan 2004.01.01 Rev B
- Housing Layout 2004.04.01 Rev Q
- Affordable Housing 2004.09.01 Rev C
- Boundary Treatments 2004.06.01 Rev P
- Adoption Plan 2004.09.02 Rev C
- Detailed Landscaping Proposals 5075/2, 5075/3, 5075/4, 5075/5 (all Rev B)
- Flood Risk Assessment and Drainage Strategy AE/FRADS/20100-South Rev 4
- Engineering Layout D003 Rev 5
- Southern Basin Details D205 Rev 6
- Adoptable Manhole Schedule D207 Rev 4
- Flood Routing Plan D209 Rev 4
- Proposed Long Sections Sheet 3 D302 Rev 7
- Proposed Long Sections Sheet 4 D303 Rev 6

- Proposed Highway Construction Details D700 Rev 5
- Drainage Construction Details D701 Rev 3
- SUDs Identification Plan D502 Rev 4
- EV Charging Point Details NSD251 Rev B
- 450mm High Knee Rail Fence NSD122
- 1800mm High Close Boarded Timber Fence SD-100 Rev F
- Permeable Block Paving Detail NSD715
- 2/3 Bed Shed Details SD705
- Sales Garage Details SD704 Rev E
- 3x6m Detached Single Garage Details SD1700 Rev D
- 3x6m Detached Single Garage Details SD1701 Rev D
- Contemporary 250 21-250-C-0001 C02
- Contemporary 254 21-254-C-0001 C01
- Contemporary 350 21-350-C-0001 C05
- Contemporary 351 21-351-C-0001 C04
- Contemporary 360 21-360-C-0001 C04
- Contemporary 355 21-355-C-0001 C06
- Contemporary 450 21-450-C-0001 C03
- Contemporary 454 21-454-C-0001 C05
- Urban 250 21-250-U-0001 C03
- Urban 254 21-254-U-0001 C03
- Urban 350 21-350-U-0001 C05
- Urban 351 21-351-U-0001 C04
- Urban 355 21-355-U-0001 C07
- Urban 353 21-353-U-0001 C04
- Urban 359 21-358/9-U-0001 C03
- Urban 360 21-360-U-0001 C04
- Urban 361 21-361-U-0001 C08
- Urban 450 21-450-U-0001 C03
- Urban 454 21-454-U-0001 C07

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies 6, 10, 15, 19, 21, 25, 26, 27, 29, 31, 32, 35, 36, 39, 40, 41, and 43 of the County Durham Plan and Parts 2, 4, 5, 6, 8, 9, 12, and 15 of the National Planning Policy Framework.

3. No development shall commence until a completed Final Nutrient Neutrality Mitigation Credit Certificate has been submitted to and approved in writing by the Local Planning Authority.

Reason: To mitigate the developments' impact in relation to protected species and their habitat in accordance with Policy 42 of the County Durham Plan and Part 16 of the NPPF.

4. No development shall commence until a scheme to secure the delivery of a biodiversity net gain has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the scheme shall be fully implemented prior to the first occupation of any dwelling.

Reason: To provide biodiversity net gains in accordance with Policy 41 of the County Durham Plan and Part 15 of the NPPF.

5. No development other than demolition, 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. Thereafter, the development 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.

6. No development above damp proof course shall commence until such time as a scheme detailing the means of broadband connection to the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of ducting and cabling to be installed, and the entry point of such ducting and cabling into the site. Thereafter, the means of broadband connection to the site shall be carried out prior to the practical completion of the estate road, and prior to the occupation of any dwelling to which the connection relates, and in accordance with the approved details.

Reason: To ensure the development is served by an appropriate broadband connection and to ensure its installation takes place at a suitable time within the construction phase, in accordance with the requirements of Policy 27 of the County Durham Plan.

7. The footpath link opposite Plot 137 and the connection to the informal grassed path to the west of the site located to the south of Plot 130 shall be constructed as shown on Proposed Housing Layout 2004.04.01 rev Q. The connections shall be made available for use in accordance with a phasing strategy to be submitted to and approved by the Local Planning Authority prior to the first occupation of any dwelling. Thereafter, the connections shall be maintained for the lifetime of the development.

Reason: To achieve a well designed development that encourages walking and cycling in accordance with Policies 21, 26 and 29 of the County Durham Plan.

8. Before the development is first occupied or brought into use, a management plan containing details for the ongoing management and monitoring for all areas of public open space within the site, including details of a cutting schedule, shall

be submitted to and approved in writing by the Local Planning Authority. The management plan shall include details of the arrangements for its implementation and thereafter shall be carried out as approved.

Reason: To ensure the appropriate management of the areas of public open space within the site, for the benefit of users and in the interests of the appearance of the area, and to comply with Policies 26 and 29 of the County Durham Plan and Parts 8 and 12 of the National Planning Policy Framework.

9. A minimum of 35 dwellings shall be built to a standard which meets the requirements set out in M4(2) of the Building Regulations 2010 Approved Document Part M: Access to and use of building (as amended) or any updated version of replacement document.

A verification report compiled by a suitably competent person demonstrating that the relevant dwellings have been constructed to achieve Buildings Regulations M4(2) standard shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the dwelling(s) to which the report relates.

Reason: To ensure the development complies with the requirements of Policy 15 of the County Durham Plan to meet the needs of older people and people with disabilities.

10. No site clearance, preparatory work, or development shall take place, nor any site cabins, materials or machinery brought on site, until the tree and hedge protection fencing, and any other protection measures, contained within the submitted Tree Protection Plan prepared by Biodiverse and dated September 2024, have been erected on site in accordance with these approved details. Fencing shall be placed as indicated on the approved plan and comprise a vertical and horizontal framework of scaffolding, well braced to resist impacts, and supporting temporary welded mesh fencing panels or similar in accordance with British Standard BS 5837 2012 Trees in Relation to Design, Demolition and Construction – Recommendations (or in an equivalent British Standard if replaced).

There shall be no access, storage, parking, excavation of trenches, or alteration of ground levels within the root protection area of any tree or hedge to be retained. If any access is required into the root protection area of any tree or hedge this shall only take place where in accordance with the approved details.

No removal of limbs of trees or other works shall be carried out to any tree or hedge to be retained on site during the construction phase of the development unless in accordance with an approved method statement.

The fencing, and any other protection measures, shall be retained for the duration of the construction works.

Reason: To ensure the development is carried out in accordance with the appropriate best practice guidance to enable the long term retention of trees

and hedges on site, in the interests of protecting the character and appearance of the area and to comply with Policies 29 and 40 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.

11. The development shall take place in accordance with the Construction Management Plan dated 14.10/2021.

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

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

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

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

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

12. The development shall be carried out in accordance with the submitted Sustainability Statement 1139_SUS_001 dated 18/09/24.

Reason: To ensure the development meets sustainability standards and minimises the generation of carbon emissions, in accordance with Policy 29 of the Durham County Plan.

13. The development shall take place in accordance with the details of materials shown on Housing Layout 2004.04.01 rev Q.

Reason: To ensure the development appears in keeping with the appearance of the area and to comply with Policy 29 of the County Durham Plan and Part 12 of the National Planning Policy Framework.

14. The electric vehicle charging points shown on Housing Layout 2004.04.01 rev Q and EV Charging Point Details NSD251 Rev B shall be installed prior to the occupation of the dwelling to which it relates and retained thereafter.

Reason: To minimise carbon emissions in accordance with Policies 21 and 29 of the County Durham Plan.

15. The car parking spaces serving each dwelling detailed on Housing Layout 2004.04.01 rev Q shall be constructed and made available for use prior to the first occupation of that dwelling and thereafter retained for the lifetime of the development. The visitor parking bays shall be constructed and made available for use prior to the first occupation of the final dwelling.

Reason: To ensure the development is served by a sufficient amount of car parking spaces in the interests of highway safety and in accordance with Policy 21 of the County Durham Plan and the Council's Parking and Accessibility Standards SPD 2023.

16. The development hereby approved shall be carried out in accordance with the Flood Risk Assessment and Drainage Strategy AE/FRADS/20100-South Rev 4

Reason: To ensure the appropriate management of surface water runoff to prevent the risk of flooding on site or elsewhere in accordance with Policies 6 h), 10 s), and 35 of the County Durham Plan and Part 14 of the National Planning Policy Framework.

17. The development hereby approved shall be carried out in accordance with the recommendations contained within Section 5 Recommendation of the submitted Ecological Impact Assessment V2 prepared by Biodiverse.

Reason: To conserve protected species and their habitat and biodiversity in accordance with the objectives of Policy 43 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

18. The land shown as public open space on Housing Layout 2004.04.01 rev Q shall be laid out in accordance with that plan as public open space. The public open space shall be made available for use in accordance with a phasing strategy to be submitted to and approved by the Local Planning Authority prior to the first occupation of any dwelling. Thereafter, the land shall not be used for any purpose other than as public open space.

Reason: to ensure the development is served by a sufficient amount of public open space for the benefit of nearby residents and in the interests of the character and appearance of the area, and to comply with Policies 26 and 29 of the County Durham Plan and Parts 8 and 12 of the National Planning Policy Framework.

19. All required remediation works shall be carried out in accordance with the approved remediation strategy. If the remediation strategy identifies the need for a Phase 4 Verification report, the development shall not be brought into use until such time as a Phase 4 Verification report relating to that part of the development has been submitted to and approved in writing by the Local Planning Authority.

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

20. Prior to the first occupation of Plots 101-102, 114-116, 130-131, 134-135, 138-139, 141-142, 149, and 152-153 the external storage shown on the plan titled 2/3 Bed – Code Shed Details shall be installed and made available for use and retained thereafter.

Reason: To encourage sustainable transport modes of travel in accordance with Policy 21 of the County Durham Plan and Part 9 of the National Planning Policy Framework.

21. The approved landscape works shall be carried out in the first planting season following the occupation of the building(s) or the practical completion of the development, whichever is the sooner. Any approved replacement tree or hedge planting shall be carried out within 12 months of the felling or removal of any existing tree or hedge. All landscape planting shall be maintained for a minimum of five years. Any trees or plants which are removed, die, fail to become established, or become seriously damaged or diseased within a period of five years from the completion of the development shall be replaced in the next planting season with others of a similar size and species to those originally planted. Replacement planting will be subject to the same conditions.

Reason: To ensure the approved landscaping scheme is implemented so that the development respects and positively responds to the character and appearance of the area and to comply with Policy 29 of the County Durham Plan and Part 12 of the National Planning Policy Framework.

22. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order) the garage/car parking space(s) hereby permitted shall be retained as such and shall not be used for any purpose other than the garaging of private motor vehicles associated with the residential occupation of the property and ancillary domestic storage without the grant of further specific planning permission from the Local Planning Authority.

Reason: To retain garage/car space for parking purposes in accordance with Policy 21 of the County Durham Plan and the Council's Parking and Accessibility Standards SPD 2023.

23. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order), no development under Schedule 2 Part 1 Class AA shall take place without the grant of further specific planning permission from the Local Planning Authority.

Reason: In the interest of the visual amenity of the area and to ensure sufficient levels of amenity for future residents, in accordance with Policy 29 of the County Durham Plan and Part 12 of the National Planning Policy Framework.

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documents

National Planning Policy Framework

National Planning Practice Guidance Notes

County Durham Plan (2020)

- o Trees, Woodlands and Hedges SPD (2024)

- o Development Viability, Affordable Housing and Financial Contributions SPD

(2024)

- o Residential Amenity Standards SPD (2023)

- o Parking and Accessibility SPD (2023)

- o County Durham Plan Strategic Housing Land Availability Assessment

(2019)

- o County Durham Building for Life SPD (2019)

- o County Durham Settlement Study (2018)

- o Durham County Council Open Space Needs Assessment (2018)

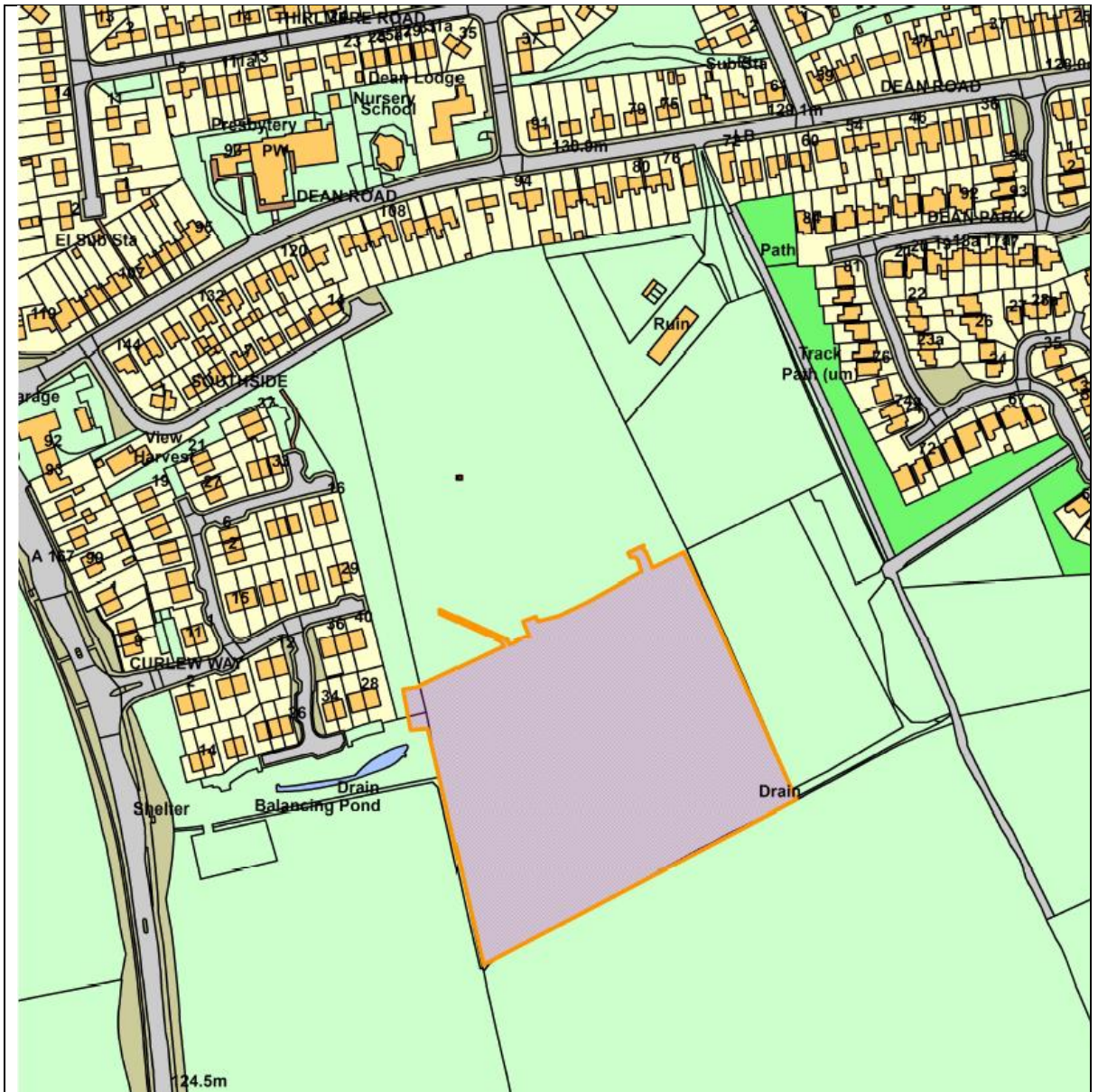
CIHT Better Planning, Better Transport, Better Places (2019)

CIRIA The SuDS Manual (2015)

Statutory consultation responses

Internal consultation responses

External consultation responses



<p>Planning Services</p>	<p>Detailed planning application for the erection of 53no. 2, 3 and 4 bedroom two-storey dwellings with associated works</p>	
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	<p>Date:</p>	<p>12th of November 2024</p>