



Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

Application No:	DM/23/03169/FPA
Full Application Description:	Construction of 42 no. bungalows (as amended)
Name of Applicant:	Karbon Homes Limited & Durham Aged Mineworkers' Housing Association
Address:	Land West of Petrol Filling Station, Bank Top Terrace, Trimdon Village, TS29 6PW
Electoral Division:	Trimdon and Thornley
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 predominately greenfield land, with an area of brownfield land situated at the site entrance (east). The site measures approximately 2.10ha in total and is located west of Salters Lane (B1278), north of Trimdon Village and existing residential development at Tees View and Skerne Avenue.
2. The site is bound by low-level vegetation to the west and an existing play park, accessible from Skerne Avenue which is itself located to the south. The area of brownfield land to the east consists of two bungalows constructed on a former Petrol Station, with the previous forecourt now functioning as associated parking area. Agricultural land lies beyond the application site to the north, in which direction the land slopes steeply down.
3. The B1278 Salters Lane is a two-way single carriageway road that runs in a north-south direction with a 30mph speed limit within the vicinity of the site, which changes to a derestricted (60mph) to the north.

4. The application site is not covered by any landscape, ecological or heritage designations.

The Proposal

5. The application seeks full planning permission for the erection of 42 no. single-storey, 2-bedroom, affordable bungalows which will be shared between Karbon Homes and Durham Aged Mineworkers' Homes Association (DAMHA). Key provisions as described by the applicant include 100% affordable bungalows on site, all of which are allocated as Affordable Rent. The bungalows would be constructed from a limited palette of materials comprising a mix of brick and render to elevations and tile pitched roofs.
6. The site layout in its revised form proposes a mix of semi-detached dwellings and short terraced rows all arranged in blocks. Shared resident gardens are provided to central dwellings which would be under DAMHA management. The remaining properties would be managed by Karbon Homes.
7. A singular, new, point of access from Salters Lane is proposed to provide vehicle access to all dwellings. In total, 72 parking spaces are provided on-site, including 17 visitor parking bays. Off-site highway improvements are also proposed, with a revised arrangement of the junction of Salters Lane (B1278) and an unclassified road (UNC 36.3).
8. Structural landscaping is proposed along the northern boundary of the site, with a SuDS Basin to be provided on the lower land level further to the north of the main site.
9. The application is being reported to the South West 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

The following planning applications are relevant to the current application:

- 7/2005/0431/DM – Change of use of land for storage of building supplies and motor vehicles (retrospective) at Trimdon Service Station Bank Top Bungalows Trimdon, Trimdon Station TS296PW. Withdrawn application
- 7/2004/0768/DM – Residential development consisting of 7 dwellings (outline application) at Bank Top Trimdon Service Station Bank Top Terrace Trimdon Village. Refused on the 7 February 2005.

PLANNING POLICY

National Policy

10. The following elements of the National Planning Policy Framework (NPPF) are considered relevant to this proposal:
11. *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.
12. *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.
13. *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.
14. *NPPF Part 8 Promoting Healthy and Safe Communities* - The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
15. *NPPF Part 9 Promoting Sustainable Transport* - Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
16. *NPPF Part 11 Making Effective Use of Land* - Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.
17. *NPPF Part 12 Achieving Well-Designed Places* - The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.

18. *NPPF Part 14 Meeting the Challenge of Climate Change, Flooding and Coastal Change* - The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.
19. *NPPF Part 15 Conserving and Enhancing the Natural Environment* - Conserving and enhancing the natural environment. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from 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:

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

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

Local Plan Policy:

The County Durham Plan (CDP)

21. *Policy 1 (Quantity of Development)* outlines the levels of employment land and housing delivery considered to be required across the plan period.
22. *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.

23. *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.
24. *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.
25. *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.
26. *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.
27. *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.
28. *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.
29. *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.

30. *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.
31. *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.
32. *Policy 31 (Amenity and Pollution)* sets out that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and that they can be integrated effectively with any existing business and community facilities. Development will not be permitted where inappropriate odours, noise, vibration and other sources of pollution cannot be suitably mitigated against, as well as where light pollution is not suitably minimised. Permission will not be granted for sensitive land uses near to potentially polluting development.
33. *Policy 32 (Despoiled, Degraded, Derelict, Contaminated and Unstable Land)* requires that where development involves such land, any necessary mitigation measures to make the site safe for local communities and the environment are undertaken prior to the construction or occupation of the proposed development and that all necessary assessments are undertaken by a suitably qualified person.
34. *Policy 35 (Water Management)* requires all development proposals to consider the effect of the proposed development on flood risk, both on-site and off-site, commensurate with the scale and impact of the development and taking into account the predicted impacts of climate change for the lifetime of the proposal. All new development must ensure there is no net increase in surface water runoff for the lifetime of the development. Amongst its advice, the policy advocates the use of SuDS and aims to protect the quality of water.
35. *Policy 36 (Water Infrastructure)* advocates a hierarchy of drainage options for the disposal of foul water. Applications involving the use of non-mains methods of drainage will not be permitted in areas where public sewerage exists. New sewage and wastewater infrastructure will be approved unless the adverse impacts outweigh the benefits of the infrastructure. Proposals seeking to mitigate flooding in appropriate locations will be permitted though flood defence infrastructure will only be permitted where it is demonstrated as being the most sustainable response to the flood threat.

36. *Policy 39 (Landscape)* states that proposals for new development will only be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals are expected to incorporate appropriate mitigation measures where adverse impacts occur. Development affecting Areas of Higher landscape Value will only be permitted where it conserves and enhances the special qualities, unless the benefits of the development clearly outweigh its impacts.
37. *Policy 40 (Trees, Woodlands and Hedges)* states that proposals for new development will not be permitted that would result in the loss of, or damage to, trees, hedges or woodland of high landscape, amenity or biodiversity value unless the benefits of the scheme clearly outweigh the harm. Proposals for new development will be expected to retain existing trees and hedges or provide suitable replacement planting. The loss or deterioration of ancient woodland will require wholly exceptional reasons and appropriate compensation.
38. *Policy 41 (Biodiversity and Geodiversity)* states that proposal for new development will not be permitted if significant harm to biodiversity or geodiversity resulting from the development cannot be avoided, or appropriately mitigated, or as a last resort, compensated for.
39. *Policy 42 (Internationally Designated Sites)* states that development that has the potential to have an effect on internationally designated sites, either individually or in combination with other plans or projects, will need to be screened in the first instance to determine whether significant effects on the site are likely and, if so, will be subject to an Appropriate Assessment.

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

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

40. *Policy 43 (Protected Species and Nationally and Locally Protected Sites)* development proposals that would adversely impact upon nationally protected sites will only be permitted where the benefits clearly outweigh the impacts whilst adverse impacts upon locally designated sites will only be permitted where the benefits outweigh the adverse impacts. Appropriate mitigation or, as a last resort, compensation must be provided where adverse impacts are expected. In relation to protected species and their habitats, all development likely to have an adverse impact on the species' abilities to survive and

maintain their distribution will not be permitted unless appropriate mitigation is provided or the proposal meets licensing criteria in relation to European protected species.

Supplementary Planning Documents:

41. *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.
42. *Residential Amenity Standards SPD (2023)* – Provides guidance on the space/amenity standards that would normally be expected where new dwellings are proposed or existing dwellings are to be extended.
43. *Parking and Accessibility SPD (2023)* – Provides guidance on minimum parking requirements on development sites to ensure sufficient parking is parking, this also includes requirements for Electric Vehicle Charging Points at places of employment, supermarkets and other retail development. The guidelines have been designed to encourage the use of more sustainable modes of travel including walking, cycling and use of public transport.
44. *Trees, Woodland and Hedges SPD (2024)* – Sets out guidance to ensure that trees, woodlands and hedges are fully considered as part of the planning process, so that the multiple benefits they provide can be experienced by the residents of, and visitors to, the county. It provides background information and guidance on protecting features through the development process so that they can be integrated into new development including new planting. It also provides information on Tree Preservation Orders and trees in Conservation Areas.
45. *Development Viability, Affordable Housing and Financial Contributions SPD (2024)* – Sets out the approach to deciding and ensuring developer contributions for new development (such as housing). It recognises that developments that include an increase in new housing can affect the physical, social and environmental surroundings due to the increased demand for services and increased use of facilities as a result of the additional people. By ensuring developers provide financial contributions, the effects can be reduced and, where possible, bring positive benefits for the local area.

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

Neighbourhood Plan:

46. The application site is not located within an area where there is a Neighbourhood Plan in force.

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>

Statutory Consultee Responses:

47. *Town / Parish Council* – None received.
48. *Highways Authority* – Advise that the scheme does not accord with the Council's Parking and Accessibility SPD and request that the layout be amended to increase the provision of parking.
49. Also request a traffic management scheme and the extension of the footpath at the site entrance to the south. Advise that the anticipated additional traffic flows arising from the development could be safely accommodated on the existing surrounding highway network.
50. *Lead Local Flood Authority and Drainage and Coastal Protection* – Indicate their satisfaction with the principle of the proposed drainage strategy subject a condition to secure final design details.
51. *Natural England* – At the time of writing, comments on the Council's Habitats Regulation Assessment have not been received. However, these are expected prior to the date of the committee meeting and no issues are anticipated given the submission by the applicant of a Nutrient Neutrality Provisional Credit Certificate which is countersigned by Natural England.

Internal Consultee Responses:

52. *Spatial Policy* – Advise that the proposed scheme could, based on the viability information provided, make the required financial Green Infrastructure contribution of £66,112.20.
53. *Design and Conservation* – Advise that the proposed architectural approach is appropriate but raise concern over the density of the development in this edge of settlement location.
54. *Landscape Section* – Advise that the structural landscaping along the northern site boundary has been increased to an acceptable width.
55. *Arboricultural Officer (Trees)* – Advise that the impact of the proposals upon existing trees would be acceptable but raise concerns over the species and positioning of some of the proposed tree planting.
56. *Ecology* – Raise no objections as net gains in biodiversity would be achieved on-site and have undertaken a Habitats Regulations Assessment confirming that the required amount of credits has been secured, evidenced through the submission of a provisional nutrient neutrality credit certificate from Natural England.
57. *Public Rights of Way Section* – Advise that there are no recorded PRowS within the red line boundary of the site and that the path along the northern site boundary at present has no formal status though may have acquired public rights through long usage.

58. *Environmental Health and Consumer Protection (Nuisance)* – Raise no objections subject to a condition to secure adherence to the submitted Construction Management Plan. Advise that the development is unlikely to cause a statutory nuisance.
59. *Environmental Health and Consumer Protection (Contamination)* – Advise that a Phase 3 Remediation Strategy and Phase 4 Verification Report is required, to be secured via a suitably worded condition.
60. *Archaeology* – Advise that an appropriate archaeological evaluation has been undertaken and recommend a condition to secure a Watching Brief.
61. *Affordable Housing* – Request that further information regarding the need for the number of bungalows proposed in this location is provided.
62. *Education Provision Lead Officer* — Request no financial contributions.

External Consultees

63. *Police Architectural Liaison Officer (Durham Constabulary)* – Provide general advice on principles to design out crime.
64. *Northumbrian Water* – No response received.
65. *Environment Agency* – No response received.
66. *NHS North East and North Cumbria Integrated Care Board* – Request financial contributions of £20,289 to go towards increasing GP surgery capacity.

Public Responses:

67. The application has been advertised in the Northern Echo by site notice and individual notification letters sent to neighbouring properties. It should be noted that this includes a re-consultation exercise and some repeated representations or from the same property. 5 letters of objection have been received raising the following concerns:
 - Residential Amenity: Concerns that the proposed bungalows are too close to existing properties. Concern was also raised regard the effect of the proposed boundary treatments on existing properties, stating they were too high and not secure, and anti-social behaviour.
 - Visual Impact: Concerns were raised over the visual impact of the proposed development given its position on a hill, and that the design, appearance and materials proposed are not characteristic of the village.
 - Highways and Access is a significant area of concern for objectors who are concerned with highways safety, risk of accidents, increased traffic, lack of public transport. Objectors commented the proposed access and highways layout were not sufficient and traffic calming measures proposed by the applicant would not be suitable for larger traffic. Additional comments were made about the development's accessibility for older/disabled people –

commenting bungalows wouldn't be suitable on a slope, as may cause issues for people with limited mobility. They felt the location could be worse in winter.

- Services and facilities: Objectors were concerned about the impact of the proposal on healthcare services, school capacity, emergency services and dentists as well as the lack of suitable nearby shops.
- Drainage, Waste and Water: Concerns were raised about the proposals potential effects on water supply, surface and foul water drainage, water pressure, water stores as well as the potential for flooding.
- Amenities: concerns raised relating to the impacts of construction (including dust and noise) and impacts of the development on the electric grid.

Elected Members

68. 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:

69. The application proposes the construction of 42no. Affordable Rented bungalows on behalf of Karbon Homes and Durham Aged Mineworkers' Home Association (DAMHA). The site comprises a mix of green and brownfield land within the context of existing residential development.
70. It is acknowledged that the proposed layout does not include sufficient car parking spaces to meet the SPD requirements. However, we would highlight that the SPD does not specifically consider 100% affordable bungalow housing development, and based on our own experience, an appropriate balance has been struck on parking provision for the proposed development which takes a pragmatic, evidenced based approach to deviate from the SPD requirements, which is allowed for within guidance.
71. Through extensive discussions with Planning Officers and the Local Planning Authority, the scheme has been amended since its original submission to comprehensively respond to both Consultee and Public comments. Working closely with Officers has resulted in a sustainable scheme which provides much needed affordable bungalows within south east Durham.

PLANNING CONSIDERATION AND ASSESSMENT

72. 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.

73. 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.
74. In this context, it is considered that the main planning issues in this instance relate to the Principle of Development, Locational Sustainability, Highway Safety Issues, Landscape and Visual Impact, Design and Layout, Residential Amenity, Drainage and Flood Risk, Ecology and Biodiversity Net Gain, Nutrient Neutrality, Archaeology, Ground Conditions and Land Stability, Planning Obligations and Other Matters.

Principle of Development

75. 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.
76. 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.
77. CDP Policy 1 sets out the quantum of development to meet the needs for housing over the Plan period. A large proportion of the housing need consists of already committed sites, including those sites with planning permission. Notwithstanding that a housing land supply in excess of 5 years can be demonstrated, the CDP does not seek to cap the growth of housing and Paragraph 60 makes it clear that one of the Government's key objectives is to significantly boost the supply of homes.
78. The application site is not allocated for housing by CDP Policy 4, or for any other development, but has been previously assessed under the Strategic Housing Land Availability Assessment (SHLAA) under reference 7/TV/117 where it was given a suitability rating of green but considered not achievable to develop at that time. This indicates that the site is suitable for residential development.
79. The application site comprises a parcel of predominantly agricultural land located on the northern edge of Trimdon Village. The site does not lie within the settlement and so is within the open countryside in planning terms. 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.

80. In this instance, there is no 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. However, footnote 54 to CDP Policy 10 identifies that such relevant specific policies includes “development on unallocated sites” which brings into play CDP Policy 6.
81. This policy 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. CDP Policy 6 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.

82. 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.
83. In this respect, the site comprises a mix of mostly agricultural land with an element of previously developed land formerly used as a petrol station. The site is immediately adjacent to the northern edge of Trimdon and would infill an area between the previously developed part of the site at its eastern end and the existing play facilities to the west. Consequently, the site is considered to meet the initial purpose of CDP Policy 6.
84. The site lies immediately adjacent to existing dwellings and so developing the site for housing is considered to accord with criterion a). There would be no conflict with criterion b).
85. Criterion i) states that where relevant, development should make as much use as possible of previously developed (brownfield) land. Part of the site has previously been developed, and the proposals will bring this part of the site back into use. This element of the Policy seeks to encourage development of previously developed land but does not deter the use of greenfield land.
86. The scheme would result in the loss of any services or facilities and so accords with the aims of criterion g).
87. Criterion j) seeks to reflect priorities for urban regeneration. While the proposed development would primarily see the development of greenfield land on the edge of a rural village, a parcel of previously developed land would also be developed. Therefore, it is considered that the application does not conflict with criterion j).
88. Criteria c), d), e), and h) will be addressed under the relevant headings later in this report.
89. The overarching Policies relevant to consideration of the principle of development must be considered as each of the individual topic areas is assessed in detail, for eventual weighting and conclusion through the 'planning balance' at the end of this report.

Locational Sustainability

90. 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.

91. 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.
92. 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.
93. 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, and to reduce health inequalities between the most and least deprived communities.
94. NPPF Paragraph 110 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.
95. In addition, NPPF Paragraph 115 states that it should be ensured that sustainable transport modes are prioritised taking into account of the vision for the site, the development and its location.
96. NPPF Paragraph 117 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.
97. The County Durham Settlement Study 2018 is an evidence-based document which seeks to provide an understanding of the number and range of services available within the settlements of County Durham. Trimdon is a medium sized village rated as having a settlement score of 35.1 (46th out of 230), reflecting that there is a reasonable range of services within it. However, Trimdon's scoring within the Settlement Study does not establish that this particular site on the edge of the settlement is a sustainable location for development and each application must be considered on its own merits.
98. 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."

99. 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
100. There are numerous facilities and services within the village within reasonable walking distance, including a range of shops on Church Road, a public house, a post office, a pharmacy, and a Co-op, all within an 800m walking distance from the centre of the site. Whilst the topography may present challenges for some of the proposed occupants, the walking route from the site to Church Road is via a continuous lit roadside footpath with dropped kerbs prevalent to aid access by mobility scooter.
101. In terms of public transport options, there are bus stops within 400m of the furthest dwelling within the site where the No.59 connects Durham City to Hartlepool via several local settlements, providing an hourly service from 7am to 7:30pm Monday to Saturday; and the X22 connects Peterlee to Middlesbrough, providing an hourly service from 7:30am to 6pm Monday to Saturday.
102. Taking into account the above, the site is considered to represent a sustainable location for the scale of development proposed, with due regard to the quoted guidance, meeting the requirements of CDP Policies 6 f), 10 p), and 21, as well as Part 9 of the NPPF.

Highway Issues

103. CDP Policy 21 outlines that development should not be prejudicial to highway safety or have a severe cumulative impact on network capacity. It also expects developments to deliver well designed pedestrian routes and sufficient cycle and car parking provision. 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. Detailed Parking and Accessibility advice is set out in the SPD. NPPF Paragraph 115 sets out that safe and suitable access should be achieved for all people. In addition, NPPF Paragraph 116

states that development should only be refused on transport grounds where the residual cumulative impacts on development are severe.

104. The proposed development takes access from the adopted classified road B1278 Salters Lane via a simple junction with 10 metre radii. The road width of 5.5 metres is in accordance with the design standard.
105. The application is supported by a Transport Assessment which has been analysed by the Highways Officer who concurs that the traffic flows generated by the development can be accommodated within the capacity of the surrounding highway network. This document includes a traffic management scheme to mitigate vehicle speeds on the approach to the village which is considered to be appropriate.
106. In addition, a small section of land which formed part of the frontage to the former petrol filling station which does not form part of the adopted highway falls within the proposed site access and will require improvement and the provision of an adoptable footway extending southwards to connect to the existing highway, for the benefit of residents walking into the local centre of the village. Conditions are recommended to secure these.
107. Whilst several objectors have raised concerns over matters of highways safety, including over increased traffic and the proposed access, the application has been carefully considered by the Highways Officer who has advised that the scheme would not have an unacceptable impact upon highway safety and that a refusal reason on these grounds could not be sustained.
108. Subject to conditions this aspect of the proposed development is considered acceptable when considered against the requirements of CPD Policy 21 and Part 9 of the NPPF.

Car Parking

109. The proposed layout proposes the following parking provision; 53 allocated parking spaces, 2 unallocated parking spaces, and 17 visitor parking spaces. This provides a total of 72 parking spaces across the development. The Council's adopted Parking and Accessibility SPD (PASPD) requires a minimum of 84 allocated parking spaces and 11 visitor spaces, which is a total of 95 spaces. This represents an overall shortfall of 23 car parking spaces, and a conflict with the PASPD.
110. The developer initially contended that given the intended age group of the bungalows (over 55's), that all of the proposed dwellings would be bungalows, and the rural location of the site, that they should not be required to comply with the parking standards. However, this was not accepted as no comparable data for a bungalow estate of a similar size was provided, and over 55's still falling within the working age group who may travel by car to work and receive visitors even if not working. Furthermore, whilst Trimdon benefits from a range of services and sustainable transport options to these, it still represents a relatively rural location with prospective residents considered likely to have at least one car, if not two.

111. Following this, the developer advised that in order to meet the parking standards they would need to reduce the number of units which would make the scheme unviable to deliver. Viability information was subsequently provided and considered by the Council, and it is accepted that in this particular instance it would not be possible to deliver the scheme with the typically required amount of car parking.
112. In this regard it is noted that Paragraph 4.3 of the PASPD advises that, '*In certain circumstances which can be evidenced, for example, for reasons of sustainability, design or viability, a deviation from these guidelines may be considered*'.
113. Ultimately, whether the shortfall of car parking provision can be accepted should be considered in the planning balance, which is undertaken in the conclusion.

Landscape and Visual Impact

114. CDP Policy 10 l) seeks to protect townscape qualities, including important vistas and the intrinsic character and beauty of the wider countryside. Criterion 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.
115. CDP Policy 6 c) is not permissible towards development that would result in the loss of open land that contributes to the character of the locality which cannot be adequately mitigated or compensated for. It is noted that the informal footpath along the northern site boundary would be retained.
116. CDP Policy 39 states proposals for new development will be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals would be expected to incorporate appropriate measures to mitigate adverse landscape and visual effects.
117. 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.
118. Parts 12 and 15 of the NPPF promote 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.
119. The site is not covered by any national or local landscape designations. Landscape features on the site comprise a small number of trees primarily located within boundary hedgerows and are to be retained with the removal of four trees and minor pruning works proposed. The Council's Arborist is satisfied that the proposed development could be undertaken without adversely affecting these landscape features. Accordingly, there is no conflict with CDP Policy 40. It is recommended that a condition be imposed to secure adherence to the submitted Arboricultural report.

120. The proposed development would extend the settlement northwards and so a key issue in the determination of this application is whether the development of the site would be a natural extension to the settlement or whether it would unacceptably affect the landscape character of the countryside.
121. Amendments to the scheme have been made, including strengthening the structural landscaping on the northern boundary. In addition, visualisations showing the impact of the proposed development in longer distance views at both construction and once the structural landscaping were to become established have been submitted to illustrate the impact of the proposed development.
122. Residents have raised concerns over the visual impact of the proposed development given its position on a hill. Whilst the site occupies an elevated position visible when travelling south along the B1278 when leaving Trimdon Grange and UNC 36.3, given the scale of the development which comprises only bungalows and the structural landscaping, the development is not considered to have a significant visual impact.
123. It is noted that the Council's Arborist has raised a number of concerns over the information shown on the Detailed Landscape Plan, including over the suitability of species shown to be planted in small spaces within close proximity to driveways and dwellings, the tree staking design, and the lack of planting specification details. Therefore, a condition is recommended to secure appropriate details in this regard.
124. Overall, whilst the proposals would cause some localised landscape harm through the loss of the agricultural land, the mitigation proposed in the form of the structural landscaping along the northern site boundary is considered to be suitable and appropriate. Therefore, the proposed development is not considered to cause unacceptable landscape harm in the context of CDP Policy 39 and, subject to conditions, accords with CDP Policies 6 d), 10 l) and o), 39, and 40, as well as Parts 12 and 15 of the NPPF.

Design and Layout

125. 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.
126. 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.

127. 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.
128. At the final consideration of the application by the internal Design Review Panel, the scheme received 6 “reds”, 3 “amber” and 3 “green” scores.
129. Red” scores were received in relation to the following:
- Connections – Concerns were raised that part of the informal footpath along the northern site boundary lies outside the control of the applicant. However, the applicant has since confirmed that this lies under the control of the Parish Council and that following discussions with them the footpath is to be retained. Therefore, this concern is considered to have been addressed and should instead score green.
 - Character – Whilst the architectural approach and structural landscaping is considered to be acceptable, concerns were raised over the density of the development. The scheme would have a net density of approximately 30.8 dwellings per hectare (dph). Whilst such a density is usually expected in and around town centres, as well as locations where there is good access to facilities and frequent public transport services, lower densities are typically expected in edge of settlement locations to ensure good design and that the development that is compatible with its surroundings and character. However, compared to two storey dwellings with an approximate density of 31.4 dwellings per hectare at Skerne Avenue/Tees View to the south of the site the proposed density can be considered, on balance, acceptable to the existing site context by creating a new settlement edge that steps down in scale to single-storey bungalows, compared to the predominantly two-storey adjacent dwellings along Skerne Avenue and Tees View. Therefore, an amber score is considered more suitable in relation to this question.
 - Working with the site and its context – Concerns were raised that the development does not take advantage of existing topography. Generally, development is expected to work with contours of the land rather than against them, with the site sloping steeply down towards the north in this instance. However, the scheme has been designed to comprise bungalows and to feature an appropriate structural landscaping buffer along its northern boundary to help assimilate the development from views on the southern approach to the village. Consequently, it is considered that an amber score is more appropriate.

- Car Parking – Concerns were raised that there is an under provision of 23 car parking spaces against the requirements of the PASPD. This remains a red score.
- Public and private spaces – Concerns were raised that there is insufficient treatment of surface water runoff from the carriageway. The Lead Local Flood Authority have since indicated their satisfaction with the proposed Drainage Strategy which will be discussed further under the relevant heading below. Therefore, it is considered that the scheme should score amber in relation to this question.
- External storage and amenity space – Whilst a timber shed has been added within each rear garden concerns were raised that the rear gardens to 15 Plots are below the 9m length required by the Council’s Residential Amenity Standards SPD, restricting the use of the rear garden for external amenity space. This remains a red score.

130. “Amber” scores were received in relation to

- Meeting local housing requirements – The Council’s Affordable Housing Officer requested further information to demonstrate the need for the number of bungalows proposed in this location but no such evidence was provided.
- Creating well defined streets and spaces & Streets for all – Concerns were raised that insufficient car parking provision is made which may lead to increased on-street parking that affects the ability to use streets as social spaces.

131. “Green” scores were received in relation to Facilities and Services; Public Transport; and Wayfinding.

132. It is considered that following amendments to the scheme it should now receive 2 “reds”, 6 “amber” and 4 “green” scores.

133. CDP Policy 29 n) requires all major new residential development to secure as many greens as possible, whilst minimising the number of ambers, and that schemes with one or more red will not be acceptable and will be refused planning permission unless there are significant overriding reasons.

134. The remaining red scores relate to insufficient car parking provision and inadequate rear garden lengths. As considered under the heading above, the applicant has demonstrated to the Council’s satisfaction that in this instance they would be unable to deliver a viable policy compliant scheme. Whether this amounts to a significant reason overriding the red score will be discussed in the planning balance at the end of this report. The rear garden lengths are discussed further under the Residential Amenity heading below.

Residential Amenity

135. 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.

136. 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.
137. 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.
138. 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. As discussed above, 15 Plots would feature a rear garden below this minimum length. The applicant has advised that the provision of shorter gardens has been designed to suit the intended occupants by providing smaller gardens with lower maintenance requirements, although no corroborating evidence has been provided. This conflict will be considered further in the planning balance at the end of the report.
139. 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 to both existing and proposed dwellings.
140. Residents have raised concerns over the gap between the fencing and retaining walls to the southern Plots, as well as potential occurrences of anti-social behaviour arising from the development. The properties are to be rented out by Karbon Homes and DAMHA who would ultimately be responsible for maintaining the land and so this is not a material consideration in the determination of this planning application. Furthermore, the Police have not raised any objections to the application regarding potential anti-social behaviour and it is envisaged that this would be effectively managed by the applicant. A condition is recommended to secure final details of the retaining walls.
141. The application is supported by a Noise Assessment which identifies road traffic noise as the main source of noise that could impact upon the living conditions of the future occupiers of the proposed development. Enhanced glazing and ventilation is proposed to be installed to the ground and first floor habitable rooms of 6no. Plots in order to achieve suitable internally audible noise levels. Environmental Health have reviewed the Noise Assessment and concurred with its conclusions. A condition is recommended to secure adherence to the mitigation measures proposed.

142. Residents have raised concern over disruption during the construction phase of the development. A condition is recommended to secure details of a final Construction and Environmental Management Plan (CEMP).
143. 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, and Parts 12 and 15 of the NPPF. The conflict with the minimum rear garden lengths set out by the RASSPD will be considered in the planning balance.

Drainage and Flood Risk

144. 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.
145. 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.
146. In addition, criterion h) of Policy 6 and s) of Policy 10 both require development to minimise vulnerability and provide resilience to impacts arising from climate change, including flooding.
147. The site is not located within a flood zone or an area identified as being at high risk of surface water flooding. The application is supported by a Flood Risk Assessment and Drainage Strategy.
148. The submitted information identifies that the soils beneath the site consist of clay which would not be suitable for infiltration. The closest watercourse is the River Skerne 400m to the north. Therefore, the application proposes to discharge surface water to this via a culvert via a roadside swale along the northern boundary, permeable paving and an attenuation basin beyond the main site on a lower level to the north. This accords with the hierarchy of preference set out by CDP Policy 35. The Lead Local Flood Authority have indicated their satisfaction with the principle of this approach, subject to a condition to secure further design details and hydraulic calculations.
149. 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.
150. It is noted that some residents have raised concerns over the impact of the development upon the sewerage system. Ultimately, there is a separate regulatory regime managing water supply systems and it is the responsibility of Northumbrian Water (as the water and sewerage undertaker), to ensure that the network has sufficient capacity, that sewage is not discharged into the sea, and Ofwat (the Water Services Regulation Authority) to ensure that water companies such as Northumbrian Water properly carry out their statutory

functions and to secure the long-term resilience of water companies' water supply and wastewater systems and that they take steps to enable them. With Northumbrian Water not having objected to the application, it is therefore considered to accord with CDP Policy 36 and so does not warrant refusal on these grounds. The homes will also be required to be designed to meet the required water efficiency standards of 110 litres per person per day, which is the maximum set by separate Building Regulations legislation.

151. 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

152. There are no ecological designations within the site, with the closest being Trimdon Grange and Railway Local Wildlife Site (LWS), Captain's Well LWS and Charity Land SSSI located approximately 770m, 810m and 850m away respectively.
153. 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.
154. 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.
155. The application is supported by an Ecological Impact Assessment and Bat Survey which has been reviewed by the Council's Ecology Officer who have indicated their satisfaction with the information provided. Conditions are recommended to ensure adherence to the recommendations within the report, which is sufficient to ensure there would be no adverse impact on protected species.

Biodiversity Net Gain

156. 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%.
157. Notwithstanding the above, CDP Policy 41 seeks to secure net gains for biodiversity and coherent ecological networks, and NPPF Paragraph 187 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 193 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. Therefore, 'a' BNG is still required.

158. The application is supported by a Biodiversity Net Gain Assessment and a completed version of DEFRA's Biodiversity Metric which identifies that the development would achieve a gain in habitat (0.12 or +2.74%) and hedgerow (2.34 or 427.82%) units on site. 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 187 d) and 186 d). As some of proposed habitats are of medium distinctiveness they are considered to be significant and as such need to be secured via a Section 39 legal agreement.
159. Subject to recommended conditions there would be no adverse impact on protected species, whilst 'a' BNG would be secured. The proposal accords with Policies 6 c), 10 l), 41 and 43 of the CDP, and with Part 15 of the NPPF.

Nutrient Neutrality

160. 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.
161. In this instance, the application seeks full planning permission for 42 dwellings, which would ultimately give rise to additional loading of nitrogen into the Tees catchment. Given the advice provided by Natural England, it is likely that in combination with other developments, the scheme would have a significant effect on the designated SPA/RAMSAR sites downstream both alone and in-combination. 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.
162. 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 52.23kg TN/year. The application has been successful in reserving 52.23 credits from Natural England and has supplied its provisional certificate as part of the planning application.
163. The Nutrient Neutrality Budget Calculator has been reviewed by the Ecology Team who are satisfied that the number of credits that 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 LPA has undertaken its own HRA. Whilst at the time of writing Natural England have not confirmed their agreement to this, as statutory consultee on this matter, their comments are expected by the time of the committee and given the mitigation strategy of purchasing credits from Natural England no issues are anticipated to arise.

164. 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.

Archaeology

165. CDP Policy 44 sets out development will be expected to sustain the significance of designated and non-designated heritage assets, including any contribution made by their setting. Development proposals should contribute positively to the built and historic environment and should seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets whilst improving access where appropriate.
166. On site archaeological works have been undertaken. Archaeological features of potential prehistoric or Romano-British date were identified in trenches 1, 2, and 5-8 in the western part of the site, and in trenches 13 and 14 in the south-eastern part of the site. Groundworks associated with the development have the potential to remove or truncate significant archaeological deposits in these areas. A programme of archaeological excavation in order to mitigate the impact of the development on the archaeological resource in the vicinity of trenches 1-8 and of trenches 13 and 14 is required to be conditioned.
167. An essential part of these investigations is the archiving of the findings to advance understanding of heritage assets. A condition is required to achieve this depositing, which is a requirement of Paragraph 205 of the NPPF.

Ground Conditions and Land Stability

168. CDP Policy 32 requires sites to be suitable for use taking into account contamination and unstable land issues. Paragraph 196 of the NPPF requires sites to be suitable for their proposed use taking account of ground conditions and any risks arising from land instability and contamination.
169. Given the sensitive end use of the site, a series of reports have been submitted in support of the application considering the issue of land contamination. Environmental Health Officers have reviewed Solmek Phase 1 Desk Study (2020), Solmek Phase 2 Site Investigation (2021), and Solmek Ground Gas Risk Assessment (2022).
170. The phase 2 has identified that a clean cover system is required in areas of soft landscaping. This should be detailed as part of a remediation strategy. Given this, they recommend a conditional approach to ensure that remedial works are carried out in accordance with agreed strategy and to secure the submission of a Phase 3 (contaminated land scheme) and Phase 4

(verification) report. An informative relating to unforeseen contamination should also be included. The proposal would therefore accord with Policy 32 of the CDP and Paragraph 196 of the NPPF.

Planning Obligations

171. 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.
172. 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 Paragraph 58.

Affordable Housing Provision

173. 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 4no. affordable units for home ownership.
174. The applicant proposes to deliver all 42 dwellings as bungalows for affordable rent and has agreed to secure this through a S106 agreement. Whilst the Council's Affordable Housing Team have advised that due to the lack of DCC held data regarding the amount of people actively seeking an affordable bungalow in the area providing a greater mix of dwellings should be explored, it is considered there may be people seeking affordable housing in the area that are not actively seeking a bungalow whose needs could still be met by a bungalow. Therefore, whilst not fully compliant with CDP Policy 15, this is considered to represent a significant benefit weighing in favour of the application.

Public Open Space Provision

175. 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.

176. 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. The Council's adopted Development Viability, Affordable Housing and Financial Contributions SPD advises that the OSNA sets out the most up to date position in respect to open space provision across the county and provides a formula for calculating requirements on a site-specific basis.
177. Using the OSNA's methodology, it is noted that a scheme of 42 dwellings would lead to 92.4 persons, at 2.2 persons per household.
178. The site layout demonstrates that the policy requirement amount of amenity green space (2000m²) would be provided on site. A condition is recommended to secure details of the maintenance and management of the areas of public open space provided on site.
179. In line with the Council's Developer Contributions SPD, it is considered appropriate and necessary to secure financial contributions of £66,112.20 as part of a Section 106 agreement to provide new and/or to improve existing local public open spaces to mitigate the impacts of use by additional residents.
180. 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

181. NPPF Paragraph 98 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.
182. The Council's Education Provision Lead Officer has advised that the development is located within the Trimdon-Kelloe local school place planning area of which Bluebell Meadow Primary, Fishburn Primary and Deaf Hill Primary could serve the development based on a 2 mile safe walking distance. In relation to secondary schools, the development is located within the Sedgfield local school place planning area, with the nearest school to the proposed the development being Sedgfield Community College.
183. 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.

184. Whilst there would not be sufficient space to accommodate pupils of secondary school age generated by the development in local secondary schools and maintaining a 5% surplus, the Council's Education Provision Lead Officer has advised that the development of 42 dwellings would be expected to create demand for an additional 6 secondary school places. In this regard, the Council's Developer and Contributions SPD sets out that just under 10 houses typically generate one secondary aged pupil.
185. However in this instance, the application proposes a 100% bungalow scheme aimed at people aged over 55, a restriction which is recommended to be secured via condition. The Council's Developer and Contributions SPD states at Paragraph 9.11 that '*exemptions could be agreed for specialist housing, where it can be demonstrated that the likelihood of mitigation for education being required is not needed.*' Whilst it is accepted that people aged 55 and over may have children of secondary school age, this is likely to be much lower than would be the case if solely open market housing were to be provided with no demographic restriction upon occupation. At the time of writing, no data regarding the over 55 demographic having children is available, but the Council's Education Provision Lead Officer has advised that generally this is considered to be low. Therefore, in this instance, given all of the above no financial contribution towards expanded secondary school accommodation has been sought.

Health Care

186. The closest GP practice to the site is Trimdon Colliery Surgery. 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 £20,289 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

187. NPPF Paragraph 56 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. Under the provisions of Section 106 of the Town and Country Planning Act 1990 (as amended) the applicant has agreed to the following;
- The provision of 100% affordable rented bungalows.
 - Financial contribution of £66,112.20 to go towards the provision the improvement of off-site open space and recreational provision within Trimdon and Thornley Electoral Division,

- Financial contribution of £20,289 to go towards increasing GP surgery capacity in the Sedgefield North Primary Care Network

188. NPPF Paragraph 58 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. Therefore, the planning obligations sought accord with these three tests.

Other Matters

Meeting the Needs of Older People and People with Disabilities

189. CDP Policy 15 aims to meet the needs of older people and people with disabilities, achieving this in two ways.
190. The first part is that 66% of dwellings should be built to Building Regulations Requirement M4(2) (accessible and adaptable dwellings) standard unless site specific factors indicate otherwise. The developer has indicated 100% of dwellings units would be constructed to M4(2) thereby exceeding the policy requirements (66%). A condition is proposed to ensure that this is achieved.
191. The second part includes the requirement that on sites of 10 or more units, a minimum of 10% of the units should be designed so as to increase the housing options for older persons and people with disabilities comprising of level access flats and bungalows or housing products which can be shown to meet the specific needs of a multi-generational family. As a 100% bungalow scheme this policy requirement is also exceeded.
192. Subject to the above and the imposition of the suggested condition, it is considered that the proposed mix of housing would significantly contribute to meeting the needs of older people and people with disabilities in accordance with Policy 15 of the CDP and Paragraph 63 of the NPPF.

Measures to Minimise Carbon Emissions

193. 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.
194. 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.
195. In addition, NPPF Paragraph 167 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).

196. The scheme proposes to install solar panels to each bungalow. This would comply with the aims of CDP Policy 29 and NPPF Paragraph 167 and a condition is recommended to secure further details in this regard. A condition is also recommended to secure details of a final Construction and Environmental Management Plan which would be expected to include details to minimise waste through the construction phase of the development.

Broadband Connection

197. CDP Policy 27 outlines that new residential development should be served by a high-speed broadband connection. Part 10 of the NPPF also has similar aims. The developer has confirmed that the site will be served by fibre broadband and a condition can be imposed to secure this.

Loss of Agricultural Land

198. 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.
199. The application is supported by an Agricultural Land Classification report which identifies the entire site to comprise grade 3b agricultural land. Accordingly, the site does not comprise best and most versatile (BMV) agricultural land and this matter is not a decisive factor in determining the application.

CONCLUSION

200. 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.

Harm and Policy Conflict

201. In this instance, it is concluded that the scheme would bring about the following harm:

Under Provision of Car Parking

202. Across the scheme there would be an overall shortfall of 23 car parking spaces, which conflicts with the PASPD.
203. It is acknowledged that the applicant has evidenced that the scheme would be unviable should the number of units be reduced to a level allowing compliance with the parking standards. The PASPD states that deviations from the standards will be considered in certain circumstances, including where issues

over viability can be evidenced. However, the extent of the shortfall is significant and is likely to lead to increased on street parking in the area.

Substandard Rear Garden Lengths

204. The rear garden lengths of 15 Plots would be below the 9m required by the RASSPD, restricting the practical value of these gardens as external amenity areas. The applicant contends that the target demographic desire smaller gardens however no supporting evidence has been provided to demonstrate this. However, it is accepted that prospective residents would be able to choose whether the dwelling would provide a sufficiently sized rear garden for their needs before moving in. Overall, it is considered that this harm should be afforded moderate weight.

Benefits

205. The scheme is considered to deliver the following benefits, which should be weighed against the policy conflict identified above to allow for a detailed assessment of the planning balance:
206. The scheme would deliver 42 bungalows for affordable rent to be managed by Karbon Homes and DAMHA as a registered provider, which is to be secured by a legal agreement. Therefore, the provision of 42 bungalows for affordable rent should be afforded significant weight in favour of the application.
207. The applicant also proposes to Implement a traffic calming scheme, including the realignment of the junction between UNC 36.3 and Salters Lane, the installation of a pedestrian crossing to Salters Lane to aid pedestrians crossing the highway to access the informal footpath to its western side and PRow no.2 to its east, and the installation of dragons teeth slow markings on the approach to the village from the north. This would improve highway and pedestrian safety for existing residents as well as the prospective residents of the proposed dwellings and it is considered that this should be afforded significant weight.
208. The scheme would also deliver a 2.78% gain in habitat units and a 427.82% gain in hedgerow units on site. This exceeds the policy requirement relating to biodiversity net gain, particularly in the hedgerow category, and accordingly it is considered that this should attract moderate weight, noting that much of this is required to achieve an appropriate structural landscape buffer to the new settlement edge.

Conclusion

209. The assessment of the planning harm of the development against its benefits is a fine balance as the weigh attributed to each conflict and benefit will differ given the site specific material considerations.
210. Whilst mindful of the degree of harm afforded to the concerns regarding the shortfall of car parking provision and the potential for additional on street parking in the area arising from the development, the scheme would deliver a traffic calming scheme which would help to improve safety for drivers when egressing the junction from the UNC 36.3 onto Salters Lane and for pedestrians accessing PRow no.2 and the informal footpath along the

northern boundary of the site, which is understood to be popular with dog walkers.

211. The prevalence of sub-standard rear garden lengths is also disappointing, however, as with the under provision of car parking, viability concerns regarding the ability to deliver a policy compliant scheme have been evidenced and are accepted in this instance. In addition, the delivery of 42 bungalows for affordable rent, to be secured by a legal agreement, is considered to be significant and to sufficiently outweigh the harm caused by the development.
212. Overall, the identified harm arising from the under provision of car parking provision and substandard rear garden lengths is considered justified in this instance.

Public Sector Equality Duty

213. 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.
214. 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 the following legal agreements

A Section 106 agreement of the Town and County Planning Act 1990 (as amended) to secure the following:

- The provision of 100% affordable rented bungalows.
- Financial contribution of £66,112.20 to go towards the provision and/or the improvement of off-site open space and recreational provision within Trimdon and Thornley Electoral Division.
- Financial contribution of £20,289 to go towards increasing GP surgery capacity in the Sedgefield North Primary Care Network.

A Section 39 agreement of the Wildlife and Countryside Act to secure a Biodiversity Management and Monitoring Plan as well as long-term management, maintenance and monitoring.

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:

*005-03 -B- Basin GA and Detail
01-01 -E- Engineering Layout Sheet 1 of 2
01-02 001-02 -E- Engineering Layout Sheet 2 of 2
4050-JDDK-DR-1003 RevF Extended Site Plan
4050-JDDK-DR-1004 RevD Materials and Boundaries Plan
4050-JDDK-DR-1008 RevC Noise and Ecology Plan
4050-JDDK-DR-1006 RevE Parking and Refuse Plan
4050-JDDK-DR-1002 RevZ Proposed Site Plan
4050-JDDK-DR-1007 RevD Proposed Site Plan 250
4050-JDDK-DR-1005 Rev D Roof and PV Plan
4050-10-00 Site Location Plan revP1
4050-JDDK-A-DR-2001 revP3 Bungalow Type A
4050-JDDK-B-DR-2002 revP3 Bungalow Type B
4050-JDDK-C-DR-2003 revP3 Bungalow Type C
007-02 - Section 278 Layout
005-05 - Typical Headwall Details
005-04 - Typical Private Details
005-02 -A- Hydrobrake Manhole
005-01 Drainage Construction Details
004-01 -A- Road Construction Details
002-01 -A- Long Section Sheet 1
002-02 -A- Long Section Sheet 2
002-03 -A- Long Section Sheet 3
002-04 -A- Manhole Schedules
Land North of Trimdon - Arboricultural Method Statement inc Impact Assessment - October 2024
2022032 - Trimdon Housing Flood Risk Assessment Rev B
Trimdon Housing - Foul Water Pump Station Technical Document - Rev A02
JN2434-Rep-0001.1 Transport Statement
JN2434-Rep-0002.1 Transport Statement Addendum*

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies 6, 15, 19, 21, 25, 26, 27, 29, 31, 32, 35, 36, 39, 40, 41, 42 and 43 of the County Durham Plan and Parts 2, 4, 5, 6, 8, 11, 12, 14, 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 National Planning Policy Framework. Required to be a pre-

commencement condition to ensure the appropriate mitigation has been secured.

4. No development shall commence until a final Construction and Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include as a minimum but not necessarily be restricted to the following:
 1. A Dust Action Plan including measures to control the emission of dust and dirt during construction taking into account relevant guidance such as the Institute of Air Quality Management "Guidance on the assessment of dust from demolition and construction" February 2014.
 2. Details of methods and means of noise reduction/suppression.
 3. Where construction involves penetrative piling, details of methods for piling of foundations including measures to suppress any associated noise and vibration.
 4. Details of measures to prevent mud and other such material migrating onto the highway from all vehicles entering and leaving the site.
 5. Designation, layout and design of construction access and egress points.
 6. Details for the provision of directional signage (on and off site).
 7. Details of contractors' compounds, materials storage and other storage arrangements, including cranes and plant, equipment and related temporary infrastructure.
 8. Details of provision for all site operatives for the loading and unloading of plant, machinery and materials.
 9. Details of provision for all site operatives, including visitors and construction vehicles for parking and turning within the site during the construction period.
 10. Routing agreements for construction traffic.
 11. Details of the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.
 12. Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works.
 13. Management measures for the control of pest species as a result of demolition and/or construction works.
 14. Detail of measures for liaison with the local community and procedures to deal with any complaints received.
 15. A plan detailing how any asbestos found in the buildings to be demolished is to be managed.

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

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

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

commencement to ensure that the whole construction phase is undertaken in an acceptable way.

5. No development other than demolition, ground clearance and remediation works shall commence until plans showing full engineering details of the proposed estate road and private shared driveways, to demonstrate that it has been designed to meet current highway design standards, and a phasing plan for the implementation of these works, have been submitted to and approved in writing by the Local Planning Authority. The phasing plan shall include details of the phases of highway construction to serve relevant dwellings, along with detailed measures of how the highway will be maintained and managed. Thereafter, the estate road and private shared driveways shall be constructed in accordance with the approved details and timescales.

Reason: To ensure the development is served by a safe and suitable estate road in accordance with Policy 21 of the County Durham Plan and Part 9 of the National Planning Policy Framework.

6. Notwithstanding the details shown on drawing 1959-01e – Detailed Landscaping Proposals, no development other than intrusive site investigations or land remediation works shall commence until a final detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. No tree within the site shall be felled, or hedge removed, until the landscape scheme, including any replacement tree and hedge planting, is approved as above. The landscape scheme shall include accurate plan based details of the following:
 - The location of existing trees and hedges, indicating which are to be retained and any which are to be removed;
 - Planting species, sizes, layout, densities, and numbers, including tree, hedge, and shrub planting, and the creation of seeded or turf areas;
 - Details of planting procedures and specifications;
 - Existing and proposed site levels and contours, including details of the height, positioning and materials for retaining walls;
 - The establishment maintenance regime, including, as a minimum, details of watering, rabbit protection, and tree stakes.

Reason: To ensure 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, Part 12 of the National Planning Policy Framework, and British Standard BS 8545 2014 Trees - From Nursery to Independence in the Landscape - Recommendations.

7. 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.

8. No development shall commence until the measures detailed within the approved Arboricultural Impact Assessment and Method Statement (Dated October 2024) have been implemented in full. Thereafter, the development shall take place in accordance with the approved details.

No construction work shall take place, nor any site cabins, materials or machinery be brought on site until all trees and hedges, indicated on the approved tree protection plan as to be retained, are protected by the approved protection measures.

The protection shall include but not be limited to the erection of fencing, placed as indicated on the plan and comprising a vertical and horizontal framework of scaffolding, well braced to resist impacts, and supporting temporary welded mesh fencing panels or similar approved in accordance with BS.5837:2010.

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

No underground services trenches or service runs shall be laid out in root protection areas, as defined on the Arboricultural Impact Plan contained within Appendix 4 of the submitted Arboricultural Impact Assessment.

Reason: As recommended by the submitted Arboricultural Impact Assessment in the interests of the visual amenity of the area and to comply with Policies 29, 39 and 40 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework. Required to be pre commencement to ensure the retention of trees and hedging that make a positive contribution to the visual amenity of the surrounding area.

9. No development other than demolition, ground clearance and remediation works shall take place until the details of a minimum of 10 bird boxes and 10 bat boxes to be installed on-site has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the bird and bat boxes shall be installed prior to the occupation of any dwelling and retained for the lifetime of the development.

Reason: In the interest of conserving protected species and their habitats in accordance with Policy 43 of the County Durham Plan and Part 15 of the National Planning Policy Framework. Required to be pre-commencement to ensure the conservation of protected species.

10. The development shall be undertaken in accordance with the recommendations contained at Sections E and F within the Ecological Impact Assessment and Bat Survey Report undertaken by E3 Ecology (Version R03).

Reason: In the interest of conserving protected species and their habitats in accordance with Policy 43 of the County Durham Plan and Part 15 of the National Planning Policy Framework. Required to be pre-commencement to ensure the conservation of protected species.

11. No development other than demolition, ground clearance and remediation works shall commence until a scheme for the provision of surface water drainage works in accordance with the principles established in the submitted Flood Risk Assessment and Drainage Strategy (Revision E) have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include, but not be limited to, a Construction Phase Surface Water Management Plan, Construction Details for permeable paved driveways, and hydraulic calculations in digital format together with the engineering layout identifying all cover, invert and floor levels. The development thereafter shall be completed in accordance with the details and timetable agreed.

Reason: To ensure that surface and foul water are adequately disposed of, in accordance with Policy 35 of the County Durham Plan and Parts 14 and 15 of the National Planning Policy Framework.

12. 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.

13. No development or ground works shall take place until a programme of archaeological excavation, as recommended within the Archaeological Evaluation undertaken by Durham University Archaeological Services (dated August 2024), have been undertaken and findings submitted to and approved in writing by the Local Planning Authority.

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

14. No development other than remediation works shall commence until a land contamination scheme has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall be compliant with the YALPAG guidance and include a Phase 3 remediation strategy and where necessary include gas protection measures and method of verification.

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

15. Remediation works shall be carried out in accordance with the approved remediation strategy. The development shall not be brought into use until such time a Phase 4 verification report related to that part of the development has been submitted to and approved in writing by the Local Planning Authority.

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

16. Prior to the first occupation of any of the dwellings, the traffic calming measures detailed at Appendix D of the Transport Statement Addendum J N2434-REP-0002.1 and indicated on drawing 007-02 - Section 278 Layout, including the proposed junction works on Slaters Lane/B1278 north of the site, shall be implemented in full.

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

17. No development above damp-proof course shall commence until such time as details of a scheme to install photovoltaic panels has been submitted and approved in writing by the Local Planning Authority. Thereafter, the photovoltaic panels shall be installed in accordance with the approved details.

Reason: To comply with requirements to minimise greenhouse gas emissions in line with details set out in Policy 29 c) of the County Durham Plan.

18. 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.

19. Prior to the first occupation of any of the dwellings, details of all hard-surfaced areas shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the hard-surfaced areas serving each dwelling shall be constructed in accordance with the approved details prior to the first occupation of that dwelling.

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

20. Prior to the first occupation of any of the dwellings, details of all means of enclosure of the site, including retaining walls, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the enclosures serving each dwelling shall be constructed in accordance with the approved details prior to the first occupation of that dwelling.

Reason: In the interests of the visual amenity of the area and highway safety, to comply with Policies 6 e), 10 q), and 29 of the County Durham Plan and Parts 9, 12 and 15 of the National Planning Policy Framework.

21. The land shown as public open space on 4050-JDDK-DR-1002 RevZ Proposed Site Plan 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.

22. No dwellings shall be occupied until a scheme for the ongoing maintenance of the areas of public open space within the development, as shown on 4050-JDDK-DR-1002 RevZ Proposed Site Plan, has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of appearance of the area in accordance with Policies 26 and 29 of the County Durham Plan and Parts 8 and 12 of the National Planning Policy Framework.

23. A minimum of 28 no 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 that dwelling.

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.

24. No external construction works, works of demolition, deliveries, external running of plant and equipment shall take place other than between the hours of 0800 to 1800 on Monday to Friday and 0800 to 1400 on Saturday. No internal works audible outside the site boundary shall take place on the site other than between the hours of 0800 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 future occupiers from nearby noise sources in accordance with Policy 31 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.

25. All sound attenuation measures detailed at Section 7 of the submitted Noise Assessment NJD Environmental Associates, reference NJD23-0195-002R dated October 2023 shall be fully implemented prior to the first occupation of the dwellings to which they relate and permanently retained thereafter.

Reason: To protect future occupiers from nearby noise sources in accordance with Policy 31 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.

26. Notwithstanding any details of materials submitted with the application, no development shall commence until details of the make, colour and texture of all walling and roofing materials have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be constructed in accordance with the approved details.

Reason: Reason: In the interests of the appearance of the area and to comply with Policy 29 of the County Durham Plan and Part 12 of the National Planning Policy Framework.

27. The car parking spaces, EV charging points, and timber sheds serving each dwelling as detailed on 4050-JDDK-DR-1006 RevE Parking and Refuse Plan 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 detailed on 4050-JDDK-DR-1006 RevE Parking and Refuse Plan shall be constructed and made available for use prior to the first occupation of the final dwelling and retained thereafter.

Reason: To ensure the development is served by a sufficient amount of car parking spaces, EV charging points, and external storage in the interests of

highway safety and in accordance with Policy 21 of the County Durham Plan, the Council's Parking and Accessibility Standards SPD, and the Council's Residential Amenity Standards SPD.

28. The existing informal track, indicated on 4050-JDDK-DR-1002 RevZ Proposed Site Plan, shall be retained in situ.

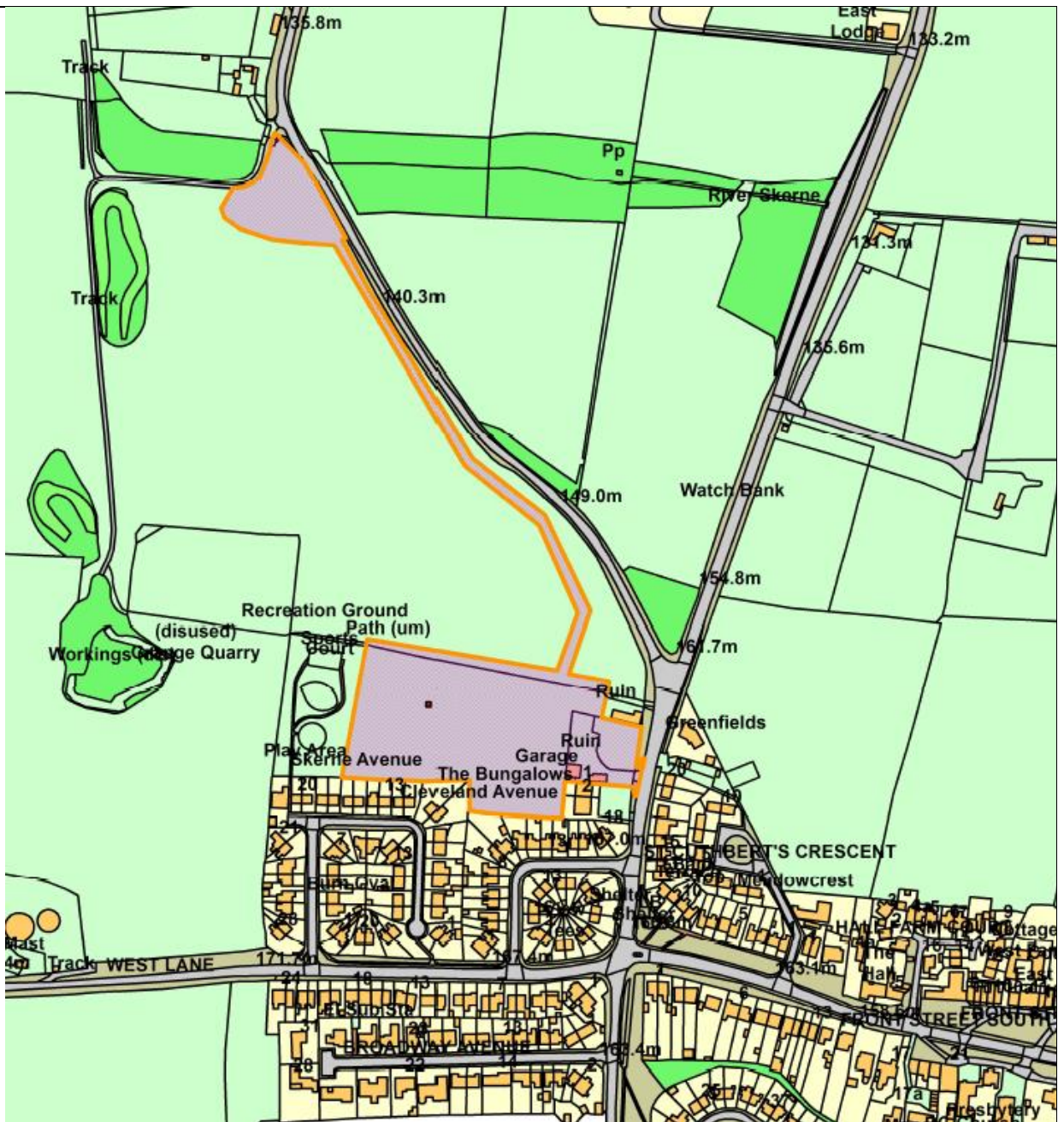
Reason: In the interests of the residential amenity and accessibility of residents to comply with Policy 29 of the County Durham Plan and Part 9 of the National Planning Policy Framework.

29. All of the dwellings hereby permitted shall not be occupied except by a person or persons over the age of 55.

Reason: To accord with the terms of the application and in order to secure affordable housing provision for the over 55s in the area in accordance with Policy 15 of the County Durham Plan.

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



Planning Services

Construction of 42 no. bungalows (as amended)

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