



Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

Application No:	DM/24/03146/FPA
Full Application Description:	Erection of 7no. 1-bedroom dwellings and 1no 1 bedroom dwelling to be occupied by onsite manager, and provision of access, landscaping and ancillary works.
Name of Applicant:	Mr Graeme Smith
Address:	Land To The East Of 1 Ladysmock Close Spennymoor DL16 6NZ
Electoral Division:	Tudhoe
Case Officer:	David Richards (Planning Officer) Tel: 03000 261955 Email: david.richards@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSAL

The Site

1. The application site relates to an area of amenity open space to the south of Merrington View and to the east of a residential cul-de-sac (Ladysmock Close) within the town of Spennymoor. A footpath bounds the site to the south and east, with a public right of way crossing through the middle of the site. The site comprises of amenity grassland with two groups of semi-mature trees to the northern boundary with smaller recently planted trees dotted across the remainder of the site.

The Proposal

2. The application seeks planning permission for the erection of 7no 1-bedroom dwellings and 1no dwelling to be occupied by a site manager with associated access, parking and landscaping. The development would comprise of 2no 2-storey buildings, with each building divided into 4 two-storey dwellings. Each dwelling would have its own private garden and one parking space, with two

visitor parking bays proposed. Vehicle access to the development would be from Merrington View to the north.

3. The scheme would be delivered on behalf of Durham County Council and the Single Homelessness Accommodation Programme (SHAP). The dwellings are intended for vulnerable adults aged over 25, who have been rough sleeping or are at risk of rough sleeping, some of whom are expected to have a range of complex needs. One of the dwellings would be occupied by a site manager, who would provide management and support to the residents 24 hours a day, 7 days a week, 365 days a year. Each tenancy would be up to a maximum of 2 years with the aim of moving the tenants into mainstream housing or other suitable housing with a reduced level of support.
4. The application is being reported to South and West Planning Committee at the request of Councillor Billy McAloon on the grounds of impact on safety of nearby elderly and disabled residents and loss of green space in accordance with the Council's Scheme of Delegation.

RELEVANT PLANNING HISTORY

5. The following planning applications are relevant to the current application:

There is no relevant planning history relating to the application site.

PLANNING POLICY

National Policy

6. The following elements of the National Planning Policy Framework (NPPF) are considered relevant to this proposal:

7. *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.

8. *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.

9. *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.
10. *NPPF Part 6 Building a Strong, Competitive Economy* - The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.
11. *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.
12. *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.
13. *NPPF Part 10 Supporting High Quality Communications* - The development of high speed broadband technology and other communications networks also plays a vital role in enhancing the provision of local community facilities and services. Local planning authorities should support the expansion of electronic communications networks, including telecommunications and high speed broadband.
14. *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.
15. *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.
16. *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.

17. *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:

18. 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: 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; 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)

19. *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.

20. *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.

21. *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.
22. *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.
23. *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.
24. *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.
25. *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.
26. *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.
27. *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.

28. *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.
29. *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.
30. *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.
31. *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.
32. *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.
33. *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.

34. *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.
35. *Policy 56 (Safeguarding Mineral Resources)* states that planning permission will not be granted for non-mineral development that would lead to the sterilisation of mineral resources within a Mineral Safeguarding Area. This is unless it can be demonstrated that the mineral in the location concerned is no longer of any current or potential value, provision can be made for the mineral to be extracted satisfactorily prior to the non-minerals development taking place without unacceptable adverse impact, the non-minerals development is of a temporary nature that does not inhibit extraction or there is an overriding need for the non-minerals development which outweighs the need to safeguard the mineral or it constitutes exempt development as set out in the Plan. Unless the proposal is exempt development or temporary in nature, all planning applications for non-mineral development within a Mineral Safeguarding Area must be accompanied by a Mineral Assessment of the effect of the proposed development on the mineral resource beneath or adjacent to the site of the proposed development.

Supplementary Planning Documents

36. Development Viability, Affordable Housing and Financial Contributions SPD (2024) – Provides guidance on how CDP Policy 25 and other relevant policies requiring planning obligations for affordable housing or other infrastructure will be interpreted and applied.
37. Trees, Woodlands and Hedges SPD (2024) – Provides guidance on good practice when considering the impacts of development on trees, woodlands, and hedgerows, as well as new planting proposals.
38. Residential Amenity Standards SPD (2023) – Provides guidance on the space/amenity standards that would normally be expected where new dwellings are proposed.
39. Parking and Accessibility SPD (2023) – Provides guidance on parking requirements and standards.

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

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

CONSULTATION AND PUBLICITY RESPONSES

Statutory Consultee Responses:

40. *Town / Parish Council – No comments*
41. *Highways Authority – Access and site layout arrangement considered acceptable and parking provision would be in accordance with the SPD. Requested that visitor parking bays be clearly signed and demarcated and a refuse bin collection point should be provided adjacent to the adoptable footway to accommodate the bins from the dwellings. No objection subject to a condition requiring that: the proposed estate road must be designed and constructed to meet current highway design standards and full engineering details submitted to the LPA for approval.*
42. *Lead Local Flood Authority (Drainage and Coastal Protection) – Drainage strategy is adequate.*

Internal Consultee Responses:

43. *Spatial Policy – Summarised the main policy considerations*
44. *Landscape Section – Planting details have been provided which are acceptable. While hard landscape details have been provided, they are generic and descriptive. Full details should be provided in due course. These could be controlled by condition.*
45. *Arboricultural Officer (Trees) – The Arboricultural method statement is acceptable and provides an adequate tree protection plan for the existing trees on site.*
46. *Recommends a condition be included with any subsequent consent to ensure strict compliance with the arboricultural method statement. The latest landscape plan and management plan need further amends, but updated details can be provided as part of a condition.*
47. *Ecology – The revised landscape plan now achieves a net gain of 10.49% if the retained grassland is enhanced from Modified grassland in poor condition to Other Neutral grassland in moderate condition and 3 extra trees are required in order to attain over 10% gain. The revised plans are acceptable and likely to be achievable if site monitoring is undertaken to prevent misuse of the areas by tenants. All BNG mitigation is within the red line boundary so can be conditioned. A BNG monitoring fee is required for this development.*

48. The landscape management plan is generally acceptable however the removal of cut material from the wildflower areas should be included as smothering of the sward by dead material may hamper maintaining the moderate condition for the BNG monitoring assessments. The applicant has been advised and the updated management plan can be submitted and approved by means of condition.
49. A Biodiversity Gain Plan is required in due course to discharge the BNG condition.
50. Public Rights of Way Section – Section 257 - Diverting and Stopping Up Public Rights of Way will need to be applied for. Need to have confirmation that footpath if diverted will become adopted highway.
51. Environmental Health and Consumer Protection (Nuisance) – The (noise impact assessment) has been prepared by appropriately qualified and competent consultants who have provided a robust report following suitable methodologies. The report establishes the development should be suitable for residential development with appropriate mitigation measures. The results demonstrate a recommended glazing and ventilation scheme will achieve the internal guidance requirements during the daytime and nighttime periods detailed in Table 1. The assessment found that the upper guidance noise level of 55dB LAeq, 16hr in garden areas can be achieved with a barrier of at least 1.2m height as shown in Figure 1.

Considering, the scale of the development and assuming works are kept within suitable hours (via an appropriate condition) during the construction phase, it is not expected that the impact of this phase likely to lead to a breach of the levels stated in the TANS (Technical Advice Notes).

Concerns regarding impact on nearby residential properties during the construction phase and requested a condition for a Construction Management Plan, based on the information submitted with the application and with the addition of the above condition, that the development is unlikely to cause a statutory nuisance.

52. Environmental Health and Consumer Protection (Contamination) – The Phase 2 has identified the need for remedial works. In addition, further trial pitting is required to fully determine the extent of made ground onsite. This can be done as an addendum to the Phase 2 or as part of the Phase 3. Requested condition for a land contamination scheme including a phase 3 remediation strategy and phase 4 verification report.
53. Archaeology – No requirement for any archaeological works or constraints.

External Consultees

54. Police Architectural Liaison Officer (Durham Constabulary) –
No comment

Public Responses:

55. The application has been advertised by site notice and individual notification letters sent to neighbouring properties.
56. The following representations have been received in relation to the application: 12 letters of objection, 1 letter of support.
57. These are summarised under the relevant headings below:

Objections

- Fear of crime and concerns of safety of existing nearby vulnerable elderly and disabled residents and young children
- Concerns over lack of police presence
- Not a suitable location for this type of development and use of empty buildings would be preferable
- Already have a similar facility within Spennymoor and not appropriate to introduce another in the area
- Concerns that the development will negatively impact on the amenities and general peacefulness of the existing area through introducing individuals with potentially problematic backgrounds
- Concerns that Spennymoor already has its fair share of this type of specialist housing
- Noise from residents and other anti-social behaviour
- Loss of trees and amenity open space
- Impact on property values

Support

- Supports additional supported housing for those in need

Elected Members

58. Councillor Billy McAloon

This application has raised many comments from nearby residents many of whom have contacted me. They worry that they along with elderly and disabled people who live in nearby bungalows will feel vulnerable and unsafe perhaps even become threatened by the introduction of more people who have complex social problems into their adjacent locality, not only that but they bemoan the loss of their last remaining small green space which has only recently had some new trees planted. Because of these concerns and the volume of people who have contacted me with those concerns, I propose that this application should be called in to Planning Committee to decide on its viability.

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:

59. The current application proposals relate to the erection of 8no. 1-bedroom dwellings on land at Merrington View, Spennymoor. The proposed housing will be delivered on behalf of Durham County Council. The proposal is part of the council house delivery programme with £1.1m in capital funding and around £0.5m in revenue funding coming from the government's Single Person Homelessness Accommodation Programme (SHAP). The proposal supports the Council's Housing Strategy and the Homelessness Prevention and Rough Sleepers Strategy.
60. The scheme will be developed using Modern Methods of Construction providing high quality energy efficient homes using a local Durham Based Constructor.
61. The scheme will be managed directly by the Council who has engaged a specialist support provider to help support the clients. All potential residents will be assessed by the Council taking account of any views of other professionals who may have been involved with the clients in the past including police, probation, health services and veteran services. Any risks would be assessed with a focus on any risks posed to the staff, the other vulnerable residents in the scheme and the wider community.
62. The development will provide accommodation for 7no. vulnerable adults, aged over 25, who have been rough sleeping, or are at risk of rough sleeping, as part of the UK Government's commitment to end rough sleeping for good. The 8th unit will be occupied by support provider staff who will provide 24/7 support, 365 days a year. This unit will also be used to house the CCTV monitoring equipment for the scheme.
63. The aim of the project is to provide intensive management and support to the residents for a period of up to two years to help them develop life skills with the aim of moving them into mainstream housing or other suitable housing with a reduced level of support. This form of "starter tenancy" will provide accommodation and support to enable the residents to manage and sustain their tenancy successfully.
64. The scheme is situated on a larger area of land within the Council's ownership which is maintained by the Council's Clean and Green Team as part of the annual grounds' maintenance regime.
65. The Homeless Reduction Act (HRA) 2017 extended the statutory duties of local authorities towards people that are homeless or those at risk of becoming homeless. In particular, the duty to prevent homelessness and to assess and provide more meaningful assistance to all people who are eligible and homeless, or threatened with homelessness, irrespective of their priority need status. Locally, the number of people who have approached Durham County Council when they require housing advice, are homeless or at risk of being homeless has remained broadly consistent over the last three years, with 7,846

people presenting in 2021/22 compared to 7,497 in 2019/20. There is a demonstrable need for the type of accommodation proposed within this application.

66. Spennymoor was identified following a data led exercise in conjunction with a Homeless Advisor at MHCLG which established the need for this type of supported accommodation within the South of the County.
67. The availability of a suitable site was also a factor in determining the specific location within Spennymoor.
68. The site forms part of wider amenity green space allocation in the County Durham Open Space Needs Assessment, which includes all of the grassland and woodland between Merrington View and the Spennymoor Bypass. The proposals will result in a small loss of this open space (around 0.2ha), but it is considered that the benefits of the scheme, providing accommodation for those who are homeless, or at risk of homelessness, outweighs this minimal loss. There will be a financial contribution made to improve other areas of open space in the wider area.
69. As part of the proposals, the mature trees along Merrington View will be retained, and the newly planted trees across the site will be retained where possible, or transplanted, either on the site, or within the local area. The proposals will also achieve an on-site biodiversity net gain of 10%, in line with the mandatory requirements.
70. The planning application has demonstrated that the development proposals fully comply with the development plan, national planning guidance and there are no material considerations that indicate planning permission should be restricted. We therefore respectfully request that the Council resolves to grant full planning permission without delay for what is clearly a sustainable form of development, which is in line with NPPF and the Development Plan.

PLANNING CONSIDERATION AND ASSESSMENT

71. 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.
72. 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.
73. In this context, it is considered that the main planning issues in this instance relate to the Principle of Development, Locational Sustainability, Landscape and Visual Impact Highway Safety Issues, Design and Layout, Residential Amenity, Ecology and Biodiversity Net Gain, Drainage and Flood Risk, Ground

Conditions and Land Stability, Planning Obligations, Other Matters, and Public Sector Equality Duty.

Principle of Development

74. 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.
75. 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.
76. NPPF Paragraph 61 confirms the Government's objective of significantly boosting the supply of homes, and further asserts that 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.
77. Within this context of establishing need, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. These groups should include (but are not limited to) those who require affordable housing (including Social Rent); families with children; looked after children; older people (including those who require retirement housing, housing with-care and care homes); students; people with disabilities; service families; travellers; people who rent their homes and people wishing to commission or build their own homes.
78. Paragraph 73 recognises that small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built out relatively quickly. Furthermore, to promote the development of a good mix of sites local planning authorities should: support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes.
79. The application proposes 7no 1-bedroom dwellings as part of a supported housing scheme providing accommodation for vulnerable adults aged over 25, who have been rough sleeping or are at risk of rough sleeping. In addition 1no 1 bedroom dwelling would provide accommodation for an on-site manager to provide supervision and support.

80. County Durham Plan (CDP) policy 6 (development on unallocated sites) supports the development of sites which are not allocated in the Plan or in a Neighbourhood Plan which are either (i) within the built-up area; or (ii) outside the built-up area (except where a settlement boundary has been defined in a neighbourhood plan) but well-related to a settlement, 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 services unless it has been demonstrated that they are no longer viable; or
 - 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.
81. In respect of criterion a, adjacent land comprises residential and amenity open space, and so in principle, residential development would be compatible and not prejudicial to adjacent land uses. Impact on the residential amenity and character and appearance of the area is considered in detail in the relevant sections below.
82. Regarding criterion b, the proposals would not result in any coalescence, ribbon or inappropriate backland development.

83. Regarding criterion c, the development site forms part of the wider designated amenity green space as allocated in the Open Space Needs Assessment. The proposal would not be considered to result in the loss of any heritage value but the impacts on recreation and ecological value are considered in detail below.
84. Regarding criterion d, Spennymoor is recognised as a large town under Policy 9 of the CDP, and this site is located close to the town centre. 8no. dwellings is considered to be development of an appropriate scale which is consistent to the role and function of Spennymoor.
85. Criteria e and f are considered in relevant sections below. There would be no loss to a neighbourhood facility so no conflict with criterion g. In respect of criterion h, the application site is located in Flood Zone 1 and a drainage strategy is submitted in support of the application, which has been determined to be acceptable by DCC Lead Local Flood Authority. The application also proposes that each dwelling would benefit from solar PV panels and electric vehicle charging points.
86. Criterion i and j are not considered relevant to this application.
87. Policy 15 confirms that the Council will support the provision of specialist housing for older people, vulnerable adults and people with disabilities where:
 - i. the development is in an appropriate location with reference to the needs of the client;
 - j. it is designed to meet the particular requirements of residents;
 - k. appropriate measures will be in place to ensure access for emergency vehicles and safety measures such as fire escapes; and
 - l. satisfactory outside space, highway access, parking and servicing can be achieved
88. Criteria k and l are discussed below in the relevant sections of the report. Regarding criterion i, the development would be in an existing residential area, but in close proximity to services within Spennymoor town centre which is considered appropriate for the needs of the client. The properties are also design for single occupancy, with outdoor amenity space, with accommodation for on site management, which is considered to meet with requirements of criterion j. Regarding criterion k, in particular, fire escapes, the development would be required to comply with Building Regulations.

Loss of open space

89. NPPF Paragraph 103 recognises 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, and can deliver wider benefits for nature and support efforts to address climate change.

90. NPPF Paragraph 104 states that existing open space, sports and recreational buildings and land, including playing fields and formal play spaces, should not be built on unless:
- a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
 - b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
 - c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.
91. CDP Policy 26 requires development to maintain and protect, and where appropriate improve, the county's green infrastructure network. This will in turn help to protect and enhance the county's natural capital and ecosystem services. Development proposals should incorporate appropriate Green Infrastructure (GI) that is integrated into the wider network, which maintains and improves biodiversity, landscape character, increases opportunities for healthy living and contributes to healthy ecosystems and climate change objectives. Furthermore, development proposals will not be permitted that would result in the loss of open space or harm to green infrastructure assets unless the benefits of the development clearly outweigh that loss or harm and an assessment has been undertaken which has clearly shown the open space or land to be surplus to requirements. Where valued open spaces or assets are affected, proposals must incorporate suitable mitigation and make appropriate provision of equivalent or greater value in a suitable location. Where appropriate there will be engagement with the local community.
92. In addition, development proposals should provide for new green infrastructure both within and, where appropriate, off-site, having regard to priorities identified in the Strategic GI Framework. Proposals should take opportunities to contribute to existing green infrastructure projects in the locality including those identified in the Infrastructure Delivery Plan. Proposals for new residential development 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 secured through planning obligations towards the provision of new open space, or the improvement of existing open space elsewhere in the locality.
93. The site is identified in the County Durham Open Space Needs Assessment (OSNA) as amenity green space (ref: OSNAA177). As identified, the proposal would result in the loss of part of a larger area of this open space, and objectors and the County Councillor raised concerns regarding this loss of open space.
94. The area of open space that would be lost would be approximately 0.2 hectares out of a total area of approximately 2.9 hectares that covers the application site

and the area of land south of this and Ladysmock Close. This designated OSNA open space extends to the north east of the site, running to the south of Merrington View and covering a further 1 hectare of open space. The remaining approximate 3.7 hectares of open space would be unaffected by the proposal.

95. The OSNA identifies that there is an under supply of Amenity Green Space within the Mid Durham area, shown on in the table below extracted from the OSNA. The Mid Durham area covers an extensive part of the County (approximately 9000ha), stretching from Cornforth settlement by the A1M, taking in the settlements of Ferryhill, Chilton, Spennymoor, Crook and Willington to the edge of Tow Law by the A68. The OSNA also outlines access standards for County Durham for the various typologies. The access standards for Amenity Green Space sets out that they should be no more than 480 metres away from residents or no more than a 10 minutes walking time.

Table 2 Existing supply of green space across Mid Durham assessment area

Typology	Existing Provision (ha)	Existing Provision (ha/1000)	Required Provision (ha)	Required Provision (ha/1000)	Supply (ha)	Supply (ha/1000)	Overall Supply
Allotments	93.23	1.50	55.87	0.9	+37.36	+0.60	Sufficient Supply
Amenity Green Space	66.79	1.08	93.12	1.5	-26.33	-0.42	Under Supply
Park and Recreation Ground (combined)	75.39	1.21	86.91	1.4	-11.52	-0.19	Under Supply
Play Space (Children)	2.6	0.04	3.10	0.05	-0.50	-0.01	Under Supply
Play Space (Youth)	1.26	0.02	2.48	0.04	-1.22	-0.02	Under Supply

96. It is acknowledged that there would be a loss of amenity green space as a result of the development, however this would be a relatively small section of the overall area of open space this relates to in the immediate area. As noted above, the Mid Durham area covers an extensive area of the county, and the noted undersupply relates to this wider area. By comparison, at this part of Spennymoor it is considered that there exists a good supply of quality open green space in the local area. For instance, Daisy Fields Sport Ground (approximately 6.45 hectares) lies approximately 130 metres to the south of the A688 accessed via public footpath directly from the site (4-minute walk approximately), and Bessemer Park (approximately 2.45 hectares) lies approximately 400 metres to the northeast (8-minute walk approximately). Existing and future residents would therefore still have access to significant amounts of open space nearby in line with the County Durham Access standards outlined above.
97. Furthermore, the scheme would retain or relocate as many of the existing trees as possible including the areas of semi-mature trees along the northern boundary of Merrington Way, which would be retained, whilst a proportion of the younger trees for relocating would be planted on the other side of the road, north of Merrington Way. Overall the extent of retained and replanted trees

would provide some mitigation for the new build in this location. In addition to this, the wider benefits of the scheme should be taken into consideration in respect of providing a specialist form of housing through the Government funded Single Homelessness Accommodation Programme (SHAP).

98. In addition to the above, the OSNA was undertaken to provide a robust assessment of needs and deficiencies of open space in order to establish local provision standards. 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. Schemes between 1 to 19 dwellings should provide an off-site contribution towards GI/open space provision instead of seeking on-site provision. Therefore, a contribution is required to be made for off-site provision which is discussed in more detail in the relevant section of the report.
99. Whilst the loss of some of the Amenity Green Space is acknowledged and regrettable, this is mitigated to an extent by the proposed landscaping plans, the large areas of remaining amenity green space both adjacent to the site and located nearby, the replanting of the removed trees, the open space financial contribution payment, and the wider benefits of providing specialist housing for vulnerable adults. This is considered in more detail in the 'planning balance' section of the report below.

Locational Sustainability

100. Policy 6 supports development that 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.
101. There are footpaths connecting the site to the nearby town centre, thereby walking and cycling would be realistic options. Public transport is also available from the town centre with services linking north to Durham City as well as to other settlements (Bishop Auckland and Newton Aycliffe). The development would therefore be considered to be in a sustainable location and in accordance with Policy 6.

Landscape and Visual Impact

102. NPPF Paragraph 135 advises that planning decisions should ensure that developments will function well and add to the overall quality of the area over its lifetime; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; and are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).
103. NPPF Paragraph 136 advises that trees make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees

elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible.

104. 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.
105. CDP Policy 39 advises that proposals for new development will be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals will be expected to incorporate appropriate measures to mitigate adverse landscape and visual effects.
106. Furthermore, CDP Policy 40 advises that proposals for new development will not be permitted that would result in the loss of, or damage to, trees of high landscape, amenity or biodiversity value unless the benefits of the proposal clearly outweigh the harm. Where development would involve the loss of ancient or veteran trees it will be refused unless there are wholly exceptional reasons, and a suitable compensation strategy exists. Proposals for new development will be expected to retain existing trees where they can make a positive contribution to the locality or to the development, maintain adequate stand-off distances between them and new land-uses, including root protection areas where necessary, to avoid future conflicts, and integrate them fully into the design having regard to their future management requirements and growth potential. Where trees are lost, suitable replacement planting, including appropriate provision for maintenance and management, will be required within the site or the locality.
107. The existing site forms part of a larger area of amenity green space which includes groups of semi-mature trees and other more recently planted trees dotted around the site. The majority of these newly planted trees would have to be removed to accommodate the development. Objectors have raised concern regarding the loss of these newly planted trees.
108. It is proposed to transplant the new trees off-site to other locations within the vicinity. Details have been submitted that clarify that a total of 18 sapling trees would be removed and a detailed plan provided specifying their relocation within close proximity to the site, no further than approximately 300 metres. A programme of works has been indicated for the trees to be replanted within this planting season and should permission be granted, a Grampian condition would be applied for the works to be undertaken in line with the details provided. The groups of mature trees adjacent to Merrington View would be retained. Landscaping details have been submitted and the scheme proposes newly planted trees, hedges and grassland.
109. DCC Tree Officer and DCC Landscape Officer were consulted on the application. The Landscape Officer commented that the planting details would be acceptable but the hard landscaping details are generic and descriptive and

full details would need to be provided in due course. These can be secured by a planning condition. The Tree Officer assessed the latest landscape and management plan and considers that further amendments are required. From comments received this may impact on the number of trees and the species of trees to be provided on site, with a potential that a reduction of 4/5 trees out of 15 on site may be needed to ensure that existing trees and other new trees can suitably flourish. These details can however be secured by a planning condition.

110. The loss of trees is regrettable however, the scheme provides compensation for this with the proposed additional planting, and that removed trees would be planted elsewhere in close proximity, a plan of which has been submitted to clarify this. The development would be set back approximately 9.5 metres from Merrington View with the retained trees also providing some good screening of the site maintaining the pleasant verdant character of Merrington View. Considering the wider benefits of the scheme, and that no objections are raised by DCC Landscape and Tree Officers, subject to inclusion of conditions, the development would be in accordance with the NPPF Section 12 and CDP Policies 6, 29, 39, and 40.

Highway Safety Issues

111. Policy 6 supports development that would not be prejudicial to highway safety or have a severe residual cumulative impact on network capacity. Policy 15 requires that satisfactory highway access, parking and servicing can be achieved CDP Policy 21 requires all new development to provide safe and adequate access. This displays broad accordance with Paragraph 115 of the NPPF which requires new development to provide safe and suitable access to the site. Paragraph 116 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
112. Vehicle access to the site would be from the adopted road Merrington View. The access would be formed with 6 metre radii and the road would be 5.5 metres in width, and footways would be provided on each side. The access would be further extended in the form of a 6-metre-wide private shared drive. There would be 8 no. allocated spaces and 2 no. non-allocated spaces all formed perpendicular to the road centre line. This quantum would be in accordance with the DCC Parking & Accessibility SPD. Adequate space would be provided between pairs of parking bays to accommodate the opening of doors to assist people with mobility issues. On this basis, DCC Highways Authority raised no objection subject to the visitor bays being clearly signed and demarcated, a refuse bin collection point provided adjacent to the adoptable footway constructed with a hardened surface and of sufficient size, and cycle parking details, which can all be secured by planning conditions. The Highways Authority also requested conditions requiring that: the proposed estate road must be designed and constructed to meet current highway design standards and full engineering details be submitted to and approved by the LPA, and that the road is constructed in accordance with the submitted and approved plans prior to the development being brought into use.

113. The footpath adjacent to the Merrington View carriageway is now proposed to be reduced in width to 1.5 metres to assist in preserving the tree root zone following discussions with the DCC Tree Officer. Whilst this is less than the desired 1.8 metres width it would be acceptable in the specific location.
114. Subject to the above conditions, the development would not cause an unacceptable impact on highway safety and would be in accordance with NPPF part 9 and CDP Policies 6, 15 and 21.

Design and Layout

115. NPPF Paragraph 131 confirms that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
116. NPPF Paragraph 135 advises that planning decisions should ensure that developments will function well and add to the overall quality of the area over its lifetime; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; and are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
117. CDP Policy 6 supports development which is appropriate in terms of scale, design, layout, and location to the character, function, form and setting of the settlement.
118. Policy 29 requires all development to achieve well designed buildings and places having regard to supplementary planning documents and other local guidance documents where relevant, and: create buildings and spaces that are adaptable to changing social, technological, economic and environmental conditions and include appropriate and proportionate measures to reduce vulnerability, increase resilience and ensure public safety and security; minimise greenhouse gas emissions, by seeking to achieve zero carbon buildings and providing renewable and low carbon energy generation, and include connections to an existing or approved district energy scheme where viable opportunities exist. Where connection to the gas network is not viable, development should utilise renewable and low carbon technologies as the main

heating source; 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 and contribute towards healthy neighbourhoods and consider the health impacts of development and the needs of existing and future users, including those with dementia and other sensory or mobility impairments.

119. The development would comprise of two separate groups of 4 dwellings with vehicle access from Merrington View. A public footpath which currently crosses the site would be slightly redirected and provide pedestrian access from Merrington View and the public footpath to the south. Off-street parking for both occupiers and visitors would be provided in between the two groups of dwellings. Each dwelling would have its own private garden with communal green space surrounding the dwellings. Boundary treatments would comprise of a 1.5m high close boarded vertical timber fencing with 300mm trellis on top around the edge of the garden with a 1.8m high close boarded vertical timber fence between each plot. Materials proposed include red brick 'Ivanhoe Westminster', buff brick 'Ivanhoe Cream Buff' and 'Calderdale light grey' roof tiles, which are annotated on a plan, which can be secured by condition.
120. The design and layout of the development is considered to be in keeping with the surrounding area, and the proposed planting and landscaped areas would create an attractive frontage to Merrington View and the adjacent footpaths.
121. Regarding measures to reduce greenhouse gas emissions, the development proposes both solar panels to each dwelling and electric vehicle charging points for each dwelling, the details of which can be secured by means of condition.
122. Policy 15 (addressing housing needs) required development of 5 units or more, 66% of dwellings must be built to Building Regulations Requirement M4 (2) (accessible and adaptable dwellings) standard, to meet the needs of older people and people with disabilities. The floor plans indicate that the dwellings would comply with this standard and therefore could be secured by a planning condition.
123. Overall, the development would be considered to be suitably laid out and the design and materials would be in keeping with the surrounding area. Therefore it would be in accordance with the NPPF Part 12 and CDP Policy 6 and 29.

Residential Amenity

124. Paragraph 135 of the NPPF aims to ensure that developments create places that have a high standard of amenity for existing and future users. Furthermore paragraph 187 states that planning policies and decisions should contribute to and enhance the natural and local environment by: preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability.

125. Policy 15 requires development for specialist housing to meet the particular requirements of residents and provide satisfactory outside space. Policy 29 requires development to provide high standards of amenity and privacy and minimise the impact of development on the occupants of existing adjacent and nearby properties.
126. Policy 31 of the CDP outlines that development will be permitted where there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions. Proposals which will have an unacceptable impact such as through overlooking, visual intrusion, visual dominance or loss of light, noise or privacy will not be permitted unless satisfactory mitigation measures can be demonstrated whilst ensuring that any existing business and/or community facilities do not have any unreasonable restrictions placed upon them as a result.
127. The Residential Amenity Standards SPD advises that all new development, including new dwellings, will have some bearing on neighbouring properties and it is important to ensure that the impact does not result in a significant loss of privacy, outlook or light for occupiers of new dwellings and existing dwellings. The design and layout of new development should ensure that reasonable privacy and light is provided for surrounding residents and occupiers, particularly in relation to residential use and enjoyment of dwellings and private gardens. A minimum distance of 21.0m between habitable room windows, where either dwelling exceeds single storey, and a minimum of 18.0m between habitable room windows and both dwellings are single storey, will usually be required to protect the privacy, outlook and residential amenity of habitable room windows. Where a main facing elevation containing a habitable room window is adjacent to a gable wall which does not contain a habitable room window, a minimum distance of 13.0m shall be provided where either dwelling exceeds single storey or 10.0m where both dwellings are single storey. In some circumstances distances may also be relaxed having regard to the character of an area. Shorter distances than those stated above could be considered in those urban areas typified by higher densities.
128. Further to the above, the SPD advises that new residential housing developments should incorporate usable, attractively laid out and private garden space conveniently located in relation to the property, or properties, it serves. It should be of an appropriate size, having regard to the size of the dwelling and character of the area. The length of gardens will generally be dictated by the minimum separation distancing standards, however they should be no less than 9m in length when measured from the rear elevation to the rear boundary, unless site specific circumstances allow for an alternative solution, and it is deemed that privacy and amenity would not be adversely affected.
129. Each dwelling would have its own private garden with a depth of approximately 5 metres from the front elevation and width of 7 metres. Whilst this garden length would be below the above standard, this takes into account the short-term nature of the occupancy and would provide a more manageable area for the tenants taking into account their complex needs. There is also remaining

open space adjacent to the dwellings and other nearby open space as discussed above which occupiers could use.

130. Regarding separation distances, adequate distances would be achieved between proposed dwellings. In respect of properties on Ladysmock Close to the west there would be a separation distance of approximately 13 metres to the rear elevation of 1 and 2 Ladysmock Close. The west elevation of the proposed dwellings closest to Ladysmock Close would have two small kitchen windows facing these properties, however there is an area of existing landscaping separating the site preventing overlooking. Furthermore, whilst the windows would serve a kitchen, this is considered a secondary window, as the main dining/living space would be served by another larger window on the other elevation. Separation distances would be met for other dwellings to the north on Bamburgh Parade. On this basis, the development would not cause a loss of privacy to existing or future residents.
131. Regarding internal space of the dwellings, the bedrooms and overall floorspace would meet the National Described Space Standard (NDSS). Proposed storage space would be below the NDSS, however given the nature of the development and the short-term occupancy it's unlikely that there would be the same demand for storage as a standard dwelling.
132. The applicant has submitted a noise impact assessment prepared by appropriately qualified and competent consultants. The assessment highlighted that the most significant noise source affecting the development during the day and night would be from road traffic on the A688. Other noise sources included more intermittent traffic on the smaller surrounding network roads. The report has established that the development would be suitable for residential development with appropriate mitigation measures. The results demonstrate a recommended glazing and ventilation scheme would achieve the internal guidance requirements during the daytime and nighttime periods detailed in Table 1 of the report. The assessment found that the upper guidance noise level of 55dB LAeq, 16hr in garden areas can be achieved with a barrier of at least 1.2m height as shown in Figure 1. The mitigation measures detailed in the report would be conditioned to ensure compliance with these agreed noise levels.
133. DCC Environmental Health Nuisance Action Team was consulted and subject to the appropriate mitigation measures being installed and a condition for a construction management plan, raised no objection to the development. They also confirm subject to the above, the development would unlikely cause a statutory nuisance. In this instance, officer's consider that a full construction management plan would not be proportionate to the scale of the development proposed. However, construction hours would be controlled by condition.
134. Some objectors have raised concerns that residents of the dwellings could cause noise and disturbance to neighbouring residents. Objectors have also said that the development would cause an increase in crime or a fear of crime, particularly as many nearby residents are elderly, disabled and vulnerable. In

addition, as there is already a similar facility within Spennymoor, it would not be appropriate to introduce another in the area.

135. Planning policies and decisions must reflect relevant international obligations and statutory requirements. Relevant here is Section 17 of the Crime and Disorder Act 1998 which places a duty on the local authority in the exercise of its functions to have due regard to the likely effect of the exercise of those functions on, and the need to do all it reasonably can to prevent crime and disorder in its area and the misuse of drugs, alcohol and other substances. Whilst this is a qualified duty, crime and the fear of crime is capable of being a material planning consideration. A planning balance between the established need for the proposal and these issues, therefore, needs to be considered.
136. In relation to the fear of crime this needs to be objectively justified, have some reasonable basis and must relate to the use of the land, in planning terms, and not be based on assumptions alone. Paragraph 135f) of the NPPF states that planning decisions should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
137. Fear of crime can have a detrimental impact upon residential amenity and an individual's quality of life. Where the fear of crime is considered a material consideration this must be supported by robust evidence, and each application must be considered on its own merits and specific circumstances, avoiding generalisations.
138. Whilst the concerns raised by nearby residents are noted, it is proposed that one of the units would be utilised by the support provider to provide on-site management and support of the residents 24 hours a day, 365 days of the year. The unit utilised by the support provider would be fitted with CCTV monitoring equipment to monitor the scheme and Durham County Council has procured a specialist support provider to provide effective management of the project and to resolve any issues with regard to the conduct of clients. The Council Homelessness Prevention Team would make all referrals into the project to ensure a full assessment of the individual circumstances be determined and a personal housing support plan to be developed. The maximum any one client would be housed in the scheme would be two years. A tenant management plan has been submitted with the application which outlines, amongst other things, that residents would be subject to a licence agreement setting out clear terms and conditions regarding their occupants and conduct during their time with the project. Where any breach of the licence occurs, a warning would be issued to the resident, and where any breach of licence persists, the occupant would be asked to leave the scheme. Compliance with the management plan would be secured by planning condition. It should also be noted that Durham Constabulary was consulted and made no comments on the application. Without robust evidence that the proposal would cause crime or a fear of crime, limited weight can be given to the concerns raised and this alone would not be sufficient to sustain a reason for refusal. In this instance, the applicant proposes

a sound and robust management plan and procedures to deal with any issues should they arise.

139. Regarding the existence of the nearby facility 'The North Eastern', whilst the concerns are noted, there is no policy requirement to limit the number of facilities in one particular area. The LPA assess such proposals against policy 15 in relation to addressing housing needs, including those associated with specialist housing. Primary considerations in this regard include ensuring that the proposed site is suitably located with access to services for future occupiers and that this is suitably designed to meet particular requirements of future residents with access to outdoor space amongst other things. The proposals are assessed against these criteria, along with other relevant planning policies to determine the suitability of the site.
140. Overall, the development would not have a detrimental impact on the residential amenity of neighbouring properties and would provide adequate internal space and external amenity space for future occupiers. It would therefore be in accordance with the NPPF Part 12 and 15 and CDP Policies 6, 15, 29, and 31.

Ecology and Biodiversity Net Gain

Biodiversity Net Gain

141. From the 2nd of April 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 unless falling under one of the listed exemptions. This application was valid from the 21.11.2024 and so is legally required to deliver biodiversity net gains of at least 10%.
142. In addition to 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.
143. The application is supported by a Biodiversity Net Gain Assessment (BNGA) and a completed version of DEFRA's Biodiversity Metric updated on the 20 January 2025. The information sets out that the development would result in a 10.49% gain in habitat units with all trading rules satisfied. The submitted information has been reviewed by the Council's Ecologist who has indicated that the details are acceptable and likely to be achievable if site monitoring is undertaken to prevent misuse of the areas by tenants. All of the BNG mitigation is within the red line boundary so can be secured by condition. The BNGA also stipulates provision for acquiring off site credits in the event that a shortfall in units results through minor amends to the landscape scheme. This provision is acceptable and can be dealt with through condition as part of the Biodiversity Net Gain Plan. Therefore, the application fulfils the requirements of Schedule

14 of the Environment Act 2021 (as inserted into Schedule 7A of the Town and Country Planning Act 1990), CDP Policy 41 and NPPF Paragraphs 187 d) and 193 d).

144. The granting of planning permission would be subject to the standard biodiversity gain condition which requires the developer to submit and agree a Biodiversity Gain Plan with the Local Planning Authority. Planning conditions are normally imposed on the grant of planning permission under section 70 (1) and section 72 of the Town and Country Planning Act 1990. However, the biodiversity gain condition has its own separate statutory basis as a planning condition under Paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 and would be included separately to the list of conditions recommended by Officers on the decision notice.
145. In addition to this, monitoring of BNG is also required as part of any approved plan and further conditions will be applied for details of this through a Habitat Management and Monitoring Plan (HMMP). Alongside this, a BNG monitoring fee is also payable which would need to be completed prior to the issuing of any planning permission. Subject to this, the proposals are considered to accord with requirements set out in policy and regulations.

Ground Conditions and Land Stability

146. NPPF Paragraph 180 requires sites to be suitable for their proposed use taking account of ground conditions and any risks arising from land instability and contamination.
147. CDP Policy 32 requires sites to be suitable for use taking into account contamination and unstable land issues.
148. A Phase 1 Desk Study, Phase 2 Site Investigation, and Ground Gas Risk Assessment have been submitted with the application. DCC Land Contamination Officer has reviewed the documents and highlighted that the Phase 2 has identified the need for remedial works. In addition, further trial pitting is required to fully determine the extent of made ground onsite. This can be done as an addendum to the Phase 2 or as part of the Phase 3. Therefore, a land contamination scheme (Phase 3) and verification report (phase 4) are required, and these can be secured by conditions.

Drainage and Flood Risk

149. NPPF Paragraph 181 advises that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere.
150. 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.

In terms of surface water, surface water run-off must be managed in the following order:

1. To an infiltration or soak away system
 2. To a watercourse open or closed
 3. To a surface water sewer
 4. To a combined sewer
151. The application site is not within flood zones 2 or 3 and so a Flood Risk Assessment is not required. A drainage strategy has been submitted which states that surface water flows are proposed to discharge at no greater than the restricted rate of 3.5l/s. Parking areas would also be constructed in permeable paving. The Lead Local Flood Authority has confirmed this is adequate. In terms of foul water, the applicant has stated that this is disposed of using a mains sewer which is in accordance with Policy 36.
152. In consideration of the above, the development would not cause an increase in flood risk or have an adverse impact on water quality in accordance with the NPPF Part 14 and CDP Policies 6, 35 and 36.

Planning Contributions

153. 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.
154. Policy 25 goes on to state that developers will be required to enter into Planning Obligations which are necessary to make the development acceptable, directly related to the development, and fairly and reasonably related in scale and kind to the development, in order to secure the mitigation that is necessary for a development to be acceptable in planning terms. In this regard, CDP Policy 25 reflects NPPF Paragraphs 55 and 57.

Affordable Housing Provision

155. Policy 15 confirms that to contribute towards meeting the needs of the county's existing and future residents all qualifying new housing proposals are required to provide a percentage of Affordable Housing. Affordable housing will be sought on sites of 10 or more units and in line with the set percentages contained within the policy. In designated rural areas, schemes of between 6 and 9 units are to provide a financial contribution towards the delivery of affordable housing. Usually this would be secured by s106 agreement, however as Durham County Council is the applicant, the council is unable to enter into a legal agreement with itself.

156. In this case, however, the scheme comprises entirely of affordable housing, as it proposed as stock for the Single Homelessness Accommodation Programme (SHAP) which aims to deliver homes and support services for people sleeping rough or at risk of this. SHAP intend to provide supported housing, Housing First and housing-led accommodation for those adults experiencing multiple disadvantage with a history of rough sleeping or who are at risk of homelessness. A requirement of SHAP is that rent must be set at Affordable or Social Rent levels and must be compliant with the Regulator of Social Housing's Rent Standard.
157. The NPPF is clear that the Government has an objective of significantly boosting the supply of homes, and stresses the importance of ensuring that a sufficient amount and variety of land can come forward where it is needed, and that the needs of groups with specific housing requirements are addressed. It goes on to state that the different groups in the community who will need housing includes housing with care. In recognition of this, the proposal will be in accordance with Government policy and exceed the requirements of Policy 15 in terms of affordable housing provision.
158. In lieu of a section 106 agreement in this case, a different mechanism is required by means of planning condition to secure the housing to its proposed affordable housing use. In the event that the properties should be lost to SHAP, permission would be required to amend or remove the condition, providing an opportunity at that point in time to secure policy requirements for affordable housing, be it through a contribution or retention of an agreed number of units. On this basis, it is considered that the proposals comply with relevant policies on affordable housing within the CDP and NPPF.

Public Open Space Provision

159. 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. Schemes between 1 to 19 dwellings should provide an off-site contribution towards GI/open space provision instead of seeking on-site provision.
160. A scheme of 7 units would generate at least 11.5 people ((7no. units x 1.5) based on 2021 census data of average (2.2 persons per dwelling) household size in Co. Durham, recalibrated to take account of the scheme proposed (1-bed properties) and recognising that some properties will be single occupancy and others may also include couples. The contribution would be $11.5 \times \text{£}790.50 = \text{£}9486$. Usually, this contribution would be secured by either a Unilateral Undertaking or S106 Agreement, however as the applicant is Durham County Council, the Council is unable to enter into a legal agreement with itself. Therefore the contribution would be secured by an internal transfer of funds, and should members be minded to approve the application, this payment would be secured prior to the issuing of any decision granting planning permission.

Planning Obligations Summary

161. 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.
162. 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. These being that matters specified are necessary to make the development acceptable in planning terms, are directly related to the development, and are fairly and reasonably related in scale and kind to the development. In this case for the reasons set out above, the planning obligations would meet these tests.

Other Matters

Broadband Connection

163. Policy 27 states that new residential and commercial development should be served by a high-speed broadband connection. This will need to be directly accessed from the nearest exchange and threaded through resistant tubing to enable easy access to the cable for future repair, replacement and upgrading. Where it can be demonstrated that this is not appropriate, practical or economically viable, developers will be encouraged to provide appropriate infrastructure to enable future installation. This could be secured by a planning condition.

Other Issues Raised

164. Property values are not a material planning consideration.

Planning Balance

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

Loss of open space

166. The proposed development would lead to the loss of an area of open space designated as amenity green space in the County Durham Plan. Policy 26 states that proposals will not be permitted that would result in the loss of open space or harm to green infrastructure assets unless the benefits of the development clearly outweigh that loss or harm and an assessment has been undertaken which has clearly shown the open space or land to be surplus to requirements.
167. As outlined above there is an under supply of Amenity Green Space within the wider Mid Durham area, therefore there would be conflict with the above policy. Whether the scheme would result in unacceptable harm in the context of CDP

Policy 26 depends in part upon whether the benefits it would deliver are considered capable of outweighing the identified harm.

Benefits

168. The following benefits of the proposal should be weighed against the policy conflict identified above to allow for a detailed assessment of the planning balance:

Sustainability

169. The development would be in a sustainable location close to Spennymoor town centre within walking distance of services within the town and public transport links to Bishop Auckland, Durham, Newcastle etc. The occupiers of the dwellings or staff would therefore not be reliant on private cars. Furthermore, each dwelling would have solar panels and electric vehicle charging points. The overall development is considered sustainable, and this should be afforded significant weight in the planning balance.

Environmental

170. Existing semi-mature trees to the north of the site would be retained. The newly planted trees would be relocated to other landscaped areas within the surrounding housing development. A detailed landscaping plan has been submitted which includes planting details, which proposes newly planted trees, native hedgerows and an area of neutral grassland. The dwellings would be set back from Merrington View, retaining the pleasant green frontage. Trees are also proposed along the southern boundary of the site, softening the impact of the development on the public footpath. The development would also provide on-site biodiversity net gain of 10.49% which can be secured by appropriate planning conditions listed below. This exceeds the policy requirement relating to biodiversity net gain and attracts moderate weight.
171. A further benefit of the scheme would be the creation of a footpath on Merrington View connecting the existing footpath that ends to the north of Ladysmocks Close to the footpath which connects Merrington View with the footpath to the south, therefore avoiding the needs for pedestrians to either walk on the road or cross over to the other side. Whilst the new footpath would provide moderate benefits, this alone would be insufficient to outweigh the harm and policy conflict identified.

Social

172. The proposed housing would be delivered as part of the council house delivery programme with £1.1m in capital funding and around £0.5 m in revenue funding coming from the Government's Single Person Homelessness Accommodation Programme (SHAP). The development would provide accommodation for 7no vulnerable adults who have been rough sleeping or are at risk of rough sleeping as part of the UK Government's commitment to end rough sleeping for good.

173. The Homelessness Reduction Act 2017 places duties on local authorities to intervene earlier to prevent homelessness and to take reasonable steps to relieve homelessness for all eligible applicants, not just those that have priority need under the Act. In Durham, the number of people that approach the Council when they require housing advice, are homeless or at risk of being homeless has remained broadly consistent over the last three years, with 7,846 people presenting in 2021/22 compared to 7,497 in 2019/20. There is therefore a demonstrable need for this type of accommodation and should be afforded significant weight.
174. The assessment of the planning harm of the development against its benefits is a fine balance as the weight attributed to each conflict and benefit will differ given the site-specific material considerations.
175. Whilst mindful of the degree of harm afforded to the concerns regarding loss of open space, on balance, it is considered that the sustainability and ecological benefits of the proposal and the wider benefits of developing the site for specialist housing, particularly in the context of the government funding granted for this type of development and the identified need for this type of housing within County Durham, sufficiently outweighs the harm caused by the development. Therefore, the identified harm to open space is considered justified in this instance.
176. The concerns of objectors in respect of crime, fear of crime and quality of life are acknowledged. However, it is considered that there is no evidential basis of these concerns, and as discussed, the proposed management plan and with the presence of an on-site manager, there would be processes and preventative measures in place to ensure that any issues arising would be robustly dealt with. On that basis there would be no harm identified in the planning balance.

CONCLUSION

177. 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.
178. The development is for the erection of 7no 1-bedroom dwellings and 1no dwelling to be occupied by an onsite manager. The development would be within the existing built-up area of Spennymoor in a sustainable location but would result in the loss of some amenity green space and some recently planted trees. This loss of amenity space and trees would be mitigated to an extent by the proposed replanting of all the recently planted trees, and the planting of additional trees and other landscaping onsite. Further to this the close proximity of other existing public open spaces, and the wider benefits of providing specialist housing through the government funded Single Homelessness Accommodation Programme (SHAP) provides further noted mitigation and benefits. In addition, an off-site contribution to open space would

be required. In this instance, it is concluded that the principle of the development is acceptable in planning terms and would accord with the aims of CDP policies 6 and 15.

179. When assessed against other relevant policies in the development plan, it is not considered that the development would result in significant harm to the character of the area, that could not be mitigated. In addition, there are not considered to be any significant adverse impacts in terms of residential amenity, highway safety, ecology, flood risk, ground contamination, subject to the conditions outlined below.
180. While objections to the application are acknowledged, for the reasons discussed within this report they are not considered sufficient to sustain refusal of the application. Considering the above, the application is reported to the Committee with a recommendation to approve the application, subject to conditions.

Public Sector Equality Duty

181. 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.
182. 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 following:

Payment by Internal Transfer of funds for:
Open Space contributions of £9486
Biodiversity Net Gain Monitoring Fees of £2485

And the following conditions:

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

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

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

Plan	Drawing No.	Date Received
Proposed Site Plan	ZZ-DR-A-0002 Rev. P05	20/01/25
Boundary Treatment & External Hard Landscaping	ZZ-DR-A-0003 Rev. P05	20/01/25
Site Location Plan	ZZ-DR-A-0001 Rev. P01	20/11/24
Proposed Floor Plans and Elevations 1B2P	ZZ-DR-A-0004 Rev. P02	20/11/24
Preliminary Drainage Strategy	24-025-900 Rev. P2	20/11/24

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies 6, 15, 26, 29, 31 and 40 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.

- No development shall commence, other than site clearance and diversion of an NPG cable through the site, until plans showing full engineering details of the estate road have been submitted to and approved in writing by the local planning authority. The estate road shall be designed and constructed to meet current highway design standards.

The development shall not be brought into use until the estate roads have been constructed in accordance with the submitted and approved plans.

Reason: In the interest of highway safety in accordance with NPPF Part 9, and CDP Policy 21.

- Parking spaces serving each dwelling and visitor parking bays as detailed on the approved site plan ZZ-DR-A-0002 Rev. P05, shall be retained and used for parking, and be retained in perpetuity.

Reason: To ensure satisfactory provision is maintained in the interests of highways safety.

- No development shall commence other than site clearance and diversion of an NPG cable through the site, 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.

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

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

7. The Biodiversity Gain Plan shall be prepared in accordance with the Biodiversity Net Gain Assessment prepared by Arbtech, dated 20.01.2025.

Reason: To ensure the Biodiversity Gain Plan submitted for approval accords with the biodiversity information submitted with the planning application and that the development delivers a biodiversity net gain in accordance with Schedule 7A of the Town and Country Planning Act 1990 and Policy 41 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

8. No development shall commence until a Habitat Management and Monitoring Plan (HMMP) has been prepared in accordance with the approved Biodiversity Gain Plan and has been submitted to and approved in writing by the Local Planning Authority. The HMMP shall include:

(a) a non-technical summary;

(b) the roles and responsibilities of the people or organisation(s) delivering the HMMP;

(c) the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;

(d) the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the practical completion of the development or the first occupation of the development, whichever is the sooner; and

(e) the monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the Local Planning Authority.

Reason: To ensure the proposed habitat creation and/or enhancements are suitably managed and monitored to ensure development delivers a biodiversity net gain in accordance with Schedule 7A of the Town and Country Planning Act 1990 and Policy 41 of the County Durham Plan and Part 15 of the National Planning Policy Framework. Required to be pre-commencement to ensure the habitat creation and/or enhancements can be suitably delivered before any existing habitats are affected.

9. Notice in writing shall be given to the Local Planning Authority when:

(a) the approved HMMP has been implemented; and

(b) the habitat creation and enhancement works as set out in the HMMP have been completed.

Reason: To ensure the proposed habitat creation and/or enhancements are carried out so the development delivers a biodiversity net gain in accordance with Schedule 7A of the Town and Country Planning Act 1990 and Policy 41 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

10. The development shall not be occupied or brought into use until such time that:

(a) the habitat creation and enhancement works set out in the approved HMMP have been completed; and

(b) a completion report, evidencing the completed habitat enhancements, has been submitted to, and approved in writing by the Local Planning Authority.

Reason: To ensure the proposed habitat creation and/or enhancements are carried out so the development delivers a biodiversity net gain in accordance with Schedule 7A of the Town and Country Planning Act 1990 and Policy 41 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

11. The created and/or enhanced habitat(s) specified in the approved HMMP shall be managed and maintained in accordance with the approved HMMP.

Reason: To ensure the proposed habitat creation and/or enhancements are appropriately managed and maintained for the required 30 year period so the development delivers a biodiversity net gain in accordance with Schedule 7A of the Town and Country Planning Act 1990 and Policy 41 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

12. Monitoring reports shall be submitted to the Local Planning Authority in writing in accordance with the methodology and frequency specified in the approved HMMP.

Reason: To ensure the proposed habitat creation and/or enhancements are appropriately managed and maintained for the required 30 year period development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990 and Policy 41 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

13. 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 in accordance with the approved details prior to the occupation of the part of the development to which the connection relates.

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, and to comply with the requirements of Policy 27 of the County Durham Plan.

14. The development hereby approved shall not be occupied until details of all external cycle storage, to be compliant with the Council's most recent parking standards, have been submitted to and approved in writing by the Local Planning Authority. The external cycle storage provision shall be installed and made available for use in accordance with the approved details prior to the first occupation of the development to which it relates and retained thereafter.

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

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

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

16. The development hereby approved shall carried out in accordance with section 6 (tree protection measures) and section 7 (post-construction considerations) of the Arboricultural Method Statement prepared by Elliot Consultancy Ltd received 20th January 2025.

Reason: To ensure the development is carried out in accordance with the appropriate best practice guidance to enable the long term retention of trees on site, in the interests of protecting the character and appearance of the area and to comply with Policies 29 and 40 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.

17. No development shall commence on site until the works for trees to be removed and replanted as detailed within the email sent from Emily Edwards to the LPA dated 10 February 2025, have been undertaken in accordance with these details.

Reason: To ensure the development respects and positively responds to the character and appearance of the area and to comply with Policy 29 and 40 of the County Durham Plan, Part 12 of the National Planning Policy Framework

18. Notwithstanding tree works approved under Condition 16, no development shall proceed above damp proof course until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. 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;

-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.

19. 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.

20. Prior to the occupation of the dwelling(s), a scheme compliant with the Council's Parking and Accessibility Standards SPD relating to the installation of electric vehicle charging points (EVCP) shall be submitted to and approved in writing by the Local Planning Authority. The EVCP(s) shall be installed prior to the occupation of the development to which it relates and retained thereafter.

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

21. 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. The scheme shall include the number, location, dimensions, and technical specification of the photovoltaic panels to be installed. Prior to the first occupation of the development, the photovoltaic panels shall be installed in accordance with the approved details and retained thereafter.

Reason: To minimise carbon emissions in accordance with Policy 29 c) of the County Durham Plan.

22. Notwithstanding information provided as part of the application, the development shall not be occupied until details of the surface treatment and construction of all hard surfaced areas has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the hard surfaced areas shall be constructed in accordance with the approved details prior to the development being first occupied or brought into use.

Reason: To ensure the development relates acceptably to the character of the surrounding area in accordance with Policy 29 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.

23. A minimum of 5 dwellings shall be built to a standard which meets the requirements set out in M4(2) of the Building Regulations 2010 Approved Document Part M: Access to and use of building (as amended) or any updated version of replacement document.

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

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

24. The external materials of the development shall consist entirely of those detailed within the application form and shown on drawing noZZ-DR-A-0003 REV. P05 entitled Boundary Treatment and External Hard landscaping.

Reason: To ensure the development relates acceptably to the character and appearance of the surrounding area and to comply with Policy 29 of the County Durham Plan and Part 12 of the National Planning Policy Framework.

25. The development shall not be occupied until the noise mitigation measures as outlined in the noise impact assessment received by the LPA on 20 November 2024 prepared by Apex have been fully installed. The measures shall thereafter be retained and maintained for the life of the development.

Reason: In the interest of residential amenity in accordance with the Policy 29 and 31 of the County Durham Plan and Part 12 and 15 of the National Planning Policy Framework.

26. The proposal shall be carried out in accordance with the Management Plan submitted 16 January 2025.

Reason: To protect the amenity of neighbouring residents and the future occupants to ensure that a satisfactory form of development is obtained, in accordance with Policy 15 and 29 of the County Durham Plan.

27. Seven of the eight housing units hereby approved shall be used only for the purposes of accommodating adults over 25 years of age who are homeless or at risk of homelessness, in line with the Management Plan approved under condition 26, and for no other purpose falling within Class C3 of the Town and Country Planning (Use Classes) Order 1987. The remaining single unit shall be occupied solely for the purposes of management of the seven units in line with the Management Plan approved under Condition 26 and shall remain so for the lifetime of the development.

Reason: In the interests of securing affordable housing requirements in accordance with policy 15 of the County Durham Plan and Para, 61 and 63 of the NPPF and protection of amenities of the area in line with policy 29 of the CDP.

28. In undertaking the development that is hereby approved:

No external construction works, works of demolition, deliveries, external running of plant and equipment shall take place other than between the hours of 0800 to 1800 on Monday to Friday and 0730 to 1400 on Saturday.

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

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

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

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

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)

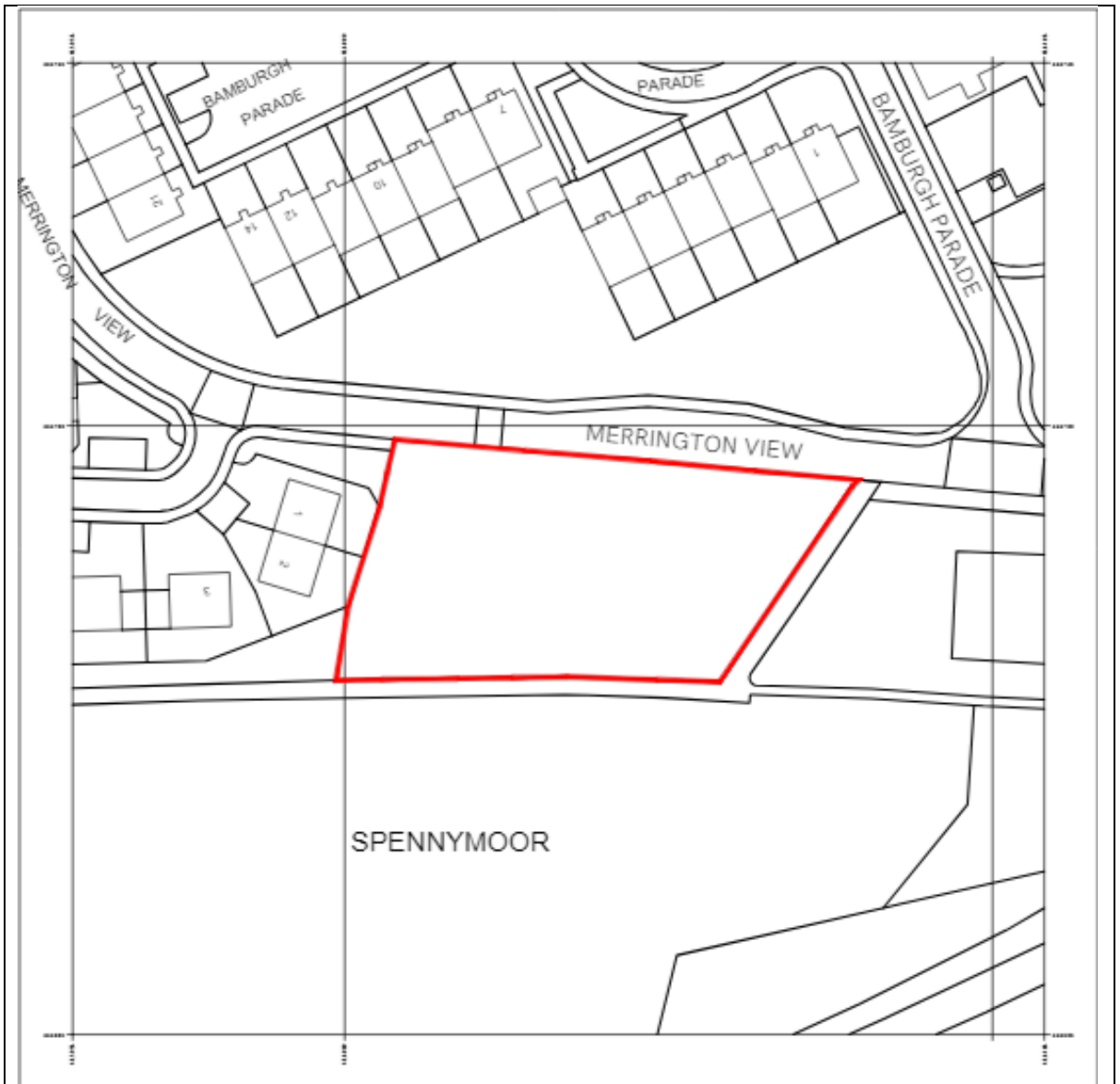
o Parking and Accessibility SPD (2023)

o Durham County Council Open Space Needs Assessment (2018)

Statutory consultation responses

Internal consultation responses

External consultation responses



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<p>Planning Services</p>	<p>Erection of 7no. 1-bedroom dwellings and 1no 1 bedroom dwelling to be occupied by onsite manager, and provision of access, landscaping and ancillary works.</p>	
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