

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/24/02156/FPA
FULL APPLICATION DESCRIPTION:	Erection of 20 affordable dwellings (Amended Description 28/11/2024)
NAME OF APPLICANT:	Woodside Commercial Developments Limited
SITE ADDRESS:	Land To The South Of 28 Station Road, West Rainton DH4 6SF
ELECTORAL DIVISION:	Sherburn
CASE OFFICER:	Callum Harvey Senior Planning Officer Tel. 07393 469 380 Callum.Harvey@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site comprises an area of grass land measuring 0.62 hectares in area. The site features a slight gradient from the southeast corner down to the northwest corner. To the north lies Station Road with residential dwellings beyond, and to east lies Lambton View with residential dwellings beyond. Lambton View is set upon a higher level than the site, with a well-established hedgerow and a retaining wall located adjacent to the eastern site boundary. To the southeast of the site lie two-and-a-half storey dwellings set upon a higher level of land.
2. The current site forms part of a wider field which benefits extant planning permission for the following:

“Residential development of 150 dwellings, small scale community hub within use classes A1, A2, A3, A4 and A5 of up to 950 sq m and within use class D1 of up to 950 sq m with open space, hard and soft landscaping and associated infrastructure (outline), all matters reserved except access) including off site highway improvements”
3. Outline planning consent was granted for the above in 2015, reference 8/CMA/4/112. Reserved Matters consent for the 150 dwellings was subsequently granted in 2016, reference DM/16/01806/RM. Reserved Matters consent for the community hub was subsequently granted in 2019, reference DM/18/02573/RM.

4. The current site forms the area of the previously approved community hub. To the west and southwest of the current site lies the area benefitting consent for the 150 dwellings; that residential development is already well underway with a number of properties already built and occupied at the time of writing this report. That development is referred to as the Banks development in this report.
5. Given the progress of that adjacent residential development it is considered that the current site no longer lies within the countryside, and now forms part of the built-up area of the settlement of West Rainton.
6. The site was historically in agricultural use, though benefits from an extant consent for a community hub and is now surrounded by residential development. The site is no longer in agricultural use.
7. The site is within the Lower Risk Coal Advice Area. The land to the west of the site is within the Higher Risk Coal Area. The site is also within the surface mined coal resource area as defined in the County Durham Plan. The site is within a mineral safeguarding area for coal.
8. There are no known mineshafts within the site, with the nearest being approximately 70m to the southwest of the site.
9. There are no designated heritage assets within or adjacent to the site, with the nearest listed building or structure being the Grade I listed Former Ebenezer Chapel, a 19th century methodist chapel located on Hall Lane approximately 600m to the northeast of the site. The nearest Conservation Area is Hallgarth Conservation Area approximately 2.5km to the southeast, located to the south of High Pittington.
10. The site falls within Flood Zone 1 as identified by the Environment Agency, which is the lowest risk area of fluvial (river) flooding.
11. No parts of the site lies within a pluvial (surface water following rainfall) flooding area.
12. There are six trees located at the southeastern boundary of the site, though they are not covered by a Tree Preservation Order. To the immediate east of the site lies a well-established hedgerow along the edge of the highway at Lambton View.
13. There are no ecological designations within the site, with the nearest being Moorhouse Wood Local Wildlife Site located approximately 680m to the southwest. The nearest ponds are 280m and 380m respectively to the east and northeast beyond the A690.
14. The site does not lie within a designated area of higher landscape value, the nearest is located approximately 180m to the southwest.
15. The site does not lie within the Green Belt, the nearest being the Durham City Green Belt located approximately 180m to the southwest of the site.

The Proposal

16. The application seeks consent for 20 residential dwellings. All 20 dwellings would be affordable units, of affordable shared ownership tenure. The proposed mix of dwellings is:
 - 12 two-bedroom bungalows;
 - 4 two-bedroom houses; and
 - 4 three-bedroom houses.

17. The application has been submitted by Woodside Commercial Developments Limited, a small residential builder. It is proposed that the affordable units once constructed would be taken on and managed by Heylo Housing who are a Registered Provider.
18. The current application submits that the proposed affordable housing offer would compliment the previous secured affordable units on the adjacent residential development to the west and southwest, which is being developed by Banks Homes. Within that development are 30 affordable units which are a mix of two and three bedroom bungalows and houses; 23 of which are secured as affordable rent, 7 of which are secured as intermediate units. Those 30 affordable units are to be managed by Gentoo Housing Association. The current application submits that the currently proposed 20 shared ownership units would be subject to low rent and low deposit requirements to enable easier entry to home ownership for first time buyers.
19. The current application benefits from lengthy pre-application discussions between the applicant, Officers and Banks Homes. The current application submits that the previously approved commercial hub is no longer feasible, and is therefore not anticipated to come forward. The current application therefore seeks to justify the loss of the commercial hub through the provision of 20 affordable units.
20. The layout of the development comprises a ring with 8 two storey dwellings surrounded by a highway, and 8 bungalows along the northern edge to provide active frontage onto Station Road. A further 4 bungalows are proposed along the eastern edge of the site. Pedestrian access points are proposed at the northern and western edges. To the west of the site is a previously approved area of public open space for the larger Banks development.
21. Vehicular access into the current site would be via the adjacent Banks development to the west, using the previously approved access onto Station Road. This access arrangement aligns with the previously approved access arrangement for the commercial hub upon this site.
22. Private parking bays are proposed at each plot, with an additional 5 visitor parking bays distributed across the site. Each dwelling would benefit from an Electric Vehicle charging point. No garages are proposed.
23. No Sustainable Urban Drainage System (SuDS) basin or swales are proposed. All driveways and private shared surfaces would feature permeable paving.
24. The development would be a mix of single storey and two storey dwellings, each with their own parking areas and private rear gardens. The dwellings would comprise buff brick with white render external elevations, to match the previously approved residential development to the west and southwest. Grey slate roof tiles and white upvc windows are proposed.
25. Boundary treatments would comprise a mix of 1.8m high vertical timber fencing, and vertical timber fencing above a low brick wall upto 1.8m in height.
26. The application indicates that the proposed residential dwellings would be of a sustainable design and would be constructed using sustainable methods. The applicant indicates that air source heat pumps would be installed at every dwelling, and whilst roof-mounted solar panels are not shown at this stage they would be an option for purchasers of the dwellings.
27. In respect of Biodiversity Net Gain (BNG), the current proposal would result in a net loss in habitat biodiversity units of 0.50 units (a 41% loss). The current proposal would

also result in a net gain in hedgerow biodiversity units of 0.64 units (a 159% gain). Overall, the proposal is unable to achieve a 10% BNG on-site, and therefore seeks to purchase additional BNG units from an off-site provider in order to achieve the mandatory 10% BNG.

28. The current application is being reported to the Central and East Area Planning Committee due to the proposal being for more than 9 dwellings. Due to proposal being for less than 200 dwellings, and due to the site being less than 4 hectares in area, it is not being reported to the County Planning Committee.

PLANNING HISTORY

29. The site is subject to the following planning history.

4/97/00184/FPA – Residential development and associated highway access (Outline). Approved July 1997.

4/97/00441/RM – Approval of reserved matters for design and external appearance of proposed dwellings. Approved December 1997.

8/CMA/4/112 – Residential development of 150 dwellings, small scale community hub within use classes A1, A2, A3, A4 and A5 of up to 950 sq m and within use class D1 of up to 950 sq m with open space, hard and soft landscaping and associated infrastructure (outline), all matters reserved except access) including off site highway improvements. Approved August 2015.

DM/16/02739/VOC – Application to vary condition 7 of 8/CMA/4/112 to facilitate 10m landscape buffer to southern boundary and 7m landscape buffer to Station Road. Approved November 2016.

DM/18/02573/RM – Reserved Matters application relating to DM/16/02739/VOC for appearance, landscaping, layout and scale of the community hub. Approved July 2019.

DM/23/00231/S106A – Variation to Section 106 Agreement to amend triggers in relation to delivery of commercial development. Approved June 2023.

DM/24/00707/AD – Display of 1 no. non-illuminated freestanding advertisement board and 6 no. flagpoles (part retrospective). Approved May 2024.

30. The site has also seen a number of non-material amendment and discharge of conditions applications, which are not considered to be relevant in the assessment of the current application.

PLANNING POLICY

NATIONAL POLICY

31. A revised National Planning Policy Framework (NPPF) was published in December 2024. The following elements of the National Planning Policy Framework (NPPF) are considered relevant to this proposal:
32. *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.

33. *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.
34. *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.
35. *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.
36. *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.
37. *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.
38. *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.
39. *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.
40. *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.

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

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

NATIONAL PLANNING PRACTICE GUIDANCE:

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

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

LOCAL PLAN POLICY:

The County Durham Plan (October 2020)

44. *Policy 1 – Quantity of Development.* Outlines the levels of employment land and housing delivery considered to be required across the Plan period.
45. *Policy 6 – Development on Unallocated Sites.* States that development on sites not allocated in the County Durham Plan or in a Neighbourhood Plan, but which are either within the built-up area or outside the built-up area but well related to a settlement, will be permitted provided it accords with all relevant Development Plan policies, and:
 - a. 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;
 - 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.
46. *Policy 9 – Retail Hierarchy and Town Centre Development.* States that the Council will protect and enhance the County's hierarchy of retail centres, as defined in the Policy. The Policy states that new town centre development across all of the County's centres will be supported where it will improve choice and bring about regeneration and environmental improvements. The Policy also states that in all other locations outside of those identified in the retail hierarchy, the loss of essential shops and services will be resisted. The Policy goes on to cover town centre boundaries, district centres, primary shopping areas, residential uses within defined centres, and the evening economy.
47. *Policy 14 – Best and Most Versatile Agricultural Land and Soil Resources.* States that development of the best and most versatile agricultural land will be permitted where it is demonstrated that the benefits of the development outweigh the harm, taking into account economic and other benefits.
48. *Policy 15 – Addressing Housing Need.* Establishes the requirements for developments to provide on-site affordable housing, the circumstances when off-site affordable housing would be acceptable, the tenure and mix of affordable housing, the requirements of developments to meet the needs of older people and people with disabilities, and the circumstances in which the specialist housing will be supported. The Policy states that on sites with 10 or more units, 10% of the homes provided should be for affordable home ownership (starter homes, discount market sale housing and other affordable routes to home ownership). In line with the requirements in Table 8 of the Plan, any contribution above 10% should be provided as affordable housing for rent. The Policy goes on to state that where it can be evidenced by the applicant to the Council's satisfaction that this tenure mix would make the required affordable housing contribution unviable or that alternative affordable housing products are required to meet local needs, then proposals for an alternative tenure mix as proposed by the applicant will be considered.
49. *Policy 19 – Type and Mix of Housing.* States that on all new housing developments the Council will seek to secure an appropriate mix of dwelling types and sizes, taking account of existing imbalances in the housing stock, site characteristics, viability, economic and market considerations and the opportunity to facilitate self build or custom build schemes.
50. *Policy 21 – Delivering Sustainable Transport.* States that all development shall deliver sustainable transport by (in part) ensuring that any vehicular traffic generated by new development, following the implementation of sustainable transport measures, can be safely accommodated on the local and strategic highway network and does not cause an unacceptable increase in congestions or air pollution and that severe congestion can be overcome by appropriate transport improvements.

51. *Policy 25 – Developer Contributions.* States that new development will be approved where any mitigation necessary to make the development acceptable in planning terms is secured through appropriate planning conditions or planning obligations.
52. *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.
53. *Policy 29 – Sustainable Design.* Requires all development proposals to achieve well designed buildings and places having regard to advice within Supplementary Planning Documents (SPDs) and sets out detailed criteria which sets out that where relevant development is required to meet including; making a positive contribution to an areas character and identity; provide adaptable buildings; minimise greenhouse gas emissions and use of non-renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; providing suitable landscape proposals; provide convenient access for all users; adhere to the Nationally Described Space Standards (subject to transition period).
54. *Policy 31 – Amenity and Pollution.* Sets out that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and that they can be integrated effectively with any existing business and community facilities. Development will not be permitted where inappropriate odours, noise, vibration and other sources of pollution cannot be suitably mitigated against, as well as where light pollution is not suitably minimised. Permission will not be granted for sensitive land uses near to potentially polluting development. Similarly, potentially polluting development will not be permitted near sensitive uses unless the effects can be mitigated.
55. *Policy 32 – Despoiled, Degraded, Derelict, Contaminated and Unstable Land.* States [in part] that development will not be permitted unless the developer can demonstrate that the site is suitable for the proposed use, and does not result in unacceptable risks which would adversely impact on the environment, human health and the amenity of local communities.
56. *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.
57. *Policy 36 – Water Infrastructure.* Advocates a hierarchy of drainage options for the disposal of foul water. Applications involving the use of non-mains methods of drainage will not be permitted in areas where public sewerage exists. New sewage and waste-water infrastructure will be approved unless the adverse impacts outweigh the benefits of the infrastructure. Proposals seeking to mitigate flooding in appropriate locations will be permitted though flood defence infrastructure will only be permitted where it is demonstrated as being the most sustainable response to the flood threat.
58. *Policy 39 – Landscape.* States that proposals for new development will be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views and that

development affecting valued landscapes will only be permitted where it conserves, and where appropriate enhances, the special qualities of the landscape, unless the benefits of the development in that location clearly outweigh the harm.

59. *Policy 40 – Trees, Woodlands and Hedges.* States that proposals will be expected to retain existing trees where they can make a positive contribution to the locality or to the development, maintain adequate standoff distances between them and new land-uses, including root protection areas where necessary, to avoid future conflicts, and integrate them fully into the design having regard to their future management requirements and growth potential.
60. *Policy 41 – Biodiversity and Geodiversity.* States that proposals for new development will not be permitted if significant harm to biodiversity or geodiversity resulting from the development cannot be avoided, or appropriately mitigated, or as a last resort, compensated for.
61. *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.
62. *Policy 44 – Historic Environment.* States that great weight will be given to the conservation of all designated assets and their settings (and non-designated heritage assets of archaeological interest that are demonstrably of equivalent significance to scheduled monuments)(164). Such assets should be conserved in a manner appropriate to their significance, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. This aligns with Chapter 16 of the NPPF.
63. *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

64. The following Supplementary Planning Documents (SPDs) form part of the development plan in County Durham:
65. County Durham Design Code SPD (2024) - provides local design guidance to help developers create well-designed schemes that fit in well with their context and setting.

The SPD is supported by Settlement Character Studies and includes examples of design coding for the different types of settlement found in County Durham.

66. 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.
67. 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.
68. Residential Amenity Standards SPD (2023) – Provides guidance on the space/amenity standards that would normally be expected where new dwellings are proposed.
69. Parking and Accessibility SPD (2023) – Provides guidance on parking requirements and standards.
70. County Durham Building for Life SPD (2019) – Provides guidance on the application of the Building for Life standards and the Design Review process referenced in CDP Policy 29 to ensure well-designed major residential development proposals.

NEIGHBOURHOOD PLAN:

71. The application site is not within a designated Neighbourhood Plan area.

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

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

72. *West Rainton and Leamside Parish Council* – support the proposed development. Councillors noted the increasing demand and need for affordable homes in reaching its decision. The inclusion of 12 bungalows in the proposed scheme was particularly welcomed.
73. *Highways* – Have no concerns in respect of the proposed access arrangement, or in respect of vehicle trips from the development on the capacity of the local road network.
74. In respect of car parking, concerns have been raised with the designated parking bays for Plot 17 being located in front of Plots 11 and 12 instead of in front of Plot 17. Concerns have also been raised in respect of insufficient parking provision for Plots 11 and 12. Concerns have also been raised with an insufficient margin width around the edges of the visitor parking bays located along the western site boundary.
75. In respect of highway design, they have raised some concerns which would need to be addressed through the technical approval process under the Highways Act. This is separate from the Planning process, and the highway layout is acceptable in Planning terms.

76. The Highways officer also advises the retaining walls along the rear gardens of Plots 13, 14, 15 and 16 must remain the responsibility of the landowner regardless of whether they support the highway.
77. *Drainage & Coastal Protection (Lead Local Flood Authority)* – Advise that following receipt of amended plans and an updated Flood Risk Assessment and Drainage Strategy, they have no concerns. No conditions are recommended.
78. *Northumbrian Water* – No response received.

INTERNAL CONSULTEE RESPONSES:

79. *Spatial Policy* – offer key policy observations in relation to the proposed development.
80. They advise that the key issue for this proposal is whether the loss of the community hub as part of the delivery of this scheme is justified. They highlight the importance of the previously approved community hub during officers' assessment of the previous development for 150 dwellings, given the limited range of amenities and services in West Rainton. They advise that robust evidence would be required before officers could consider the proposed loss of the community hub to be justified.
81. The Spatial Policy Officer notes that all of the proposed dwellings are to be affordable units, which is welcomed.
82. The Spatial Policy officer notes that 10% of total dwellings are required to be homes suitable for older people, equating to 2 units. The proposed 12 single story bungalows exceeds this requirement, which is welcomed.
83. Advice is also provided in respect of Policy requirements in relation to National Described Space Standards (NDSS), M4(2) standards, design, transport and highways, green infrastructure, and developer contributions.
84. *Affordable Housing* – Advise that whilst the provision of 20 affordable units is welcomed, though they have sought further evidence from the applicant that there is a need for 20 affordable shared ownership tenure units in this local area. They note the supporting letter from the registered provider Heylo - whilst the letter gives assurances that this tenure of affordable units will be in demand and states that they have provided the product throughout the North East, the application has not clearly demonstrated whether this proposed affordable housing tenure is meeting *local* need.
85. The affordable housing officer therefore suggests that further evidence of demand in the local area be provided before they can support the delivery of 20 affordable shared ownership tenure units.
86. *Access and Rights of Way* – Advise that there are no registered public rights of way affected by this proposal, and little scope for improvements to the wider network arising from it. Therefore no concerns are raised and no conditions are recommended.
87. *Archaeology* – raise no concerns. They note the submitted evaluation does not locate any archaeological features within the site, therefore no further work is required and no conditions are recommended.
88. *Design and Conservation* – Have provided advice separate from the internal Design Review process, as the application has not been taken to internal Design Review given its small scale.

89. The Urban Design officer notes that the proposed layout shows the development is outward-facing, positively addressing the street to the north, and positively addressing the open space to the west which is proposed as part of the wider development. Initial concerns regarding parking and landscaping have been addressed. They note the proposed housetypes and external materials reflect those proposed as part of the wider development to the west and southwest. Therefore they have no concerns with the amended scheme.
90. *Landscape* – Note that the principle of developing this site has previously been established. Landscape and visual effects would remain highly localised and as previously predicted would not exceed moderate and adverse, given that there is existing housing to the north-east and south-east, with recently built new dwellings to the northwest and southwest of the site.
91. In respect of the detailed layout of the proposal, following initial concerns they advise that the amended landscaping scheme has reduced the perception of a car dominated street scene. They note the lack of on-site public open space, though also note the immediately adjacent public open space to the west as previously secured under the Banks development for 150 dwellings on adjacent land to the west and southwest.
92. In respect of proposed tree planting within the site, they advise that where space for root growth is restricted the design should allow for optimal soil volumes below ground to sustain the trees in the longer term. Where trees are close to construction the use of root barriers may need to be considered.
93. *Ecology* – Advise that the proposal's intention to purchase off-site biodiversity units to deliver mandatory 10% BNG is sound. They also have not raised concerns in respect of protected species.
94. *Education* – advise that, based on the methodology set out in the Council's adopted Securing Developer Contributions towards Education Provision in County Durham, the proposed development of 20 dwellings would produce 1 Nursery age pupils, 5 pupils of primary school age, 3 pupils of secondary age, 0 post-16 pupils, and 0.2 SEND pupils.
95. They advise that in order to mitigate the impact of the development, a contribution of £88,385 (5 pupils x £17,677) would be required toward Primary Schools.
96. They also advise that in order to mitigate the impact of the development, a contribution of £88,385 (5 pupils x £17,677) would be required toward Secondary Schools.
97. They also advise that in order to mitigate the impact of the development on SEND provision, they advise a contribution of £16,796 (0.2 x £83,980) would be required.
98. *Environmental Health and Consumer Protection (Air Quality)* – Advise that the received Air Quality Assessment and Construction Management Plan are sufficient. They recommend that the mitigation measures for dust control within the Air Quality Assessment be secured by condition.
99. *Environmental Health and Consumer Protection (Contaminated Land)* – Advise that no further surveys are required. No conditions are recommended.
100. *Environmental Health and Consumer Protection (Nuisance Action)* – Advise that the received Noise Impact Assessment and Construction Management Plan are sufficient.

They recommend that the mitigation measures for noise control within the Noise Impact Assessment be secured by condition.

101. *Sustainable Travel* – Have not responded.

EXTERNAL CONSULTEE RESPONSES:

102. *Coal Authority* – Have responded with no concerns, given that the site is not within the Higher Risk Coal Area. No concerns are raised with the nearby mineshaft. No conditions are recommended.

103. *NHS* – Have responded with no comment due to the scale of the development.

104. *Police Architecture Liaison* – Have provided standard advice in relation to secured by design measures.

PUBLIC RESPONSES:

105. The application has been advertised in the local press (the Northern Echo), by site notice, and through neighbour notification letters sent to 27 individual properties.

106. 12 objections have been received raising the following concerns:

- Loss of previously approved commercial / community hub and subsequent loss of a supermarket/convenience store, and subsequent loss of facilities for employment, training and learning opportunities for residents;
- The proposed dwellings are in addition to the 150 dwellings previously approved on adjacent land;
- The proposed affordable units are in addition to the 30 affordable units previously approved on adjacent land;
- Perception of crime relating to affordable housing;
- Poor design and visual impact;
- Loss of privacy / overlooking for neighbouring residents;
- Overshadowing / loss of light toward neighbouring residents;
- Overdevelopment of the site leading to a cramped layout and insufficient gardens;
- Capacity of the local road network;
- Pollution created by additional vehicle movements;
- Disruption during the construction period such as dust, noise and vehicle movements;
- Loss of recreational land and impact on well-being of local residents;
- Loss of biodiversity;
- Encroachment of site into neighbouring property's land.

107. 1 letter of support has also been received from the owner/operator of an existing retail store in the village, raising the following points:

- West Rainton is a small settlement and the creation of a new retail store would harm existing businesses;
- An existing retail store in the village plans to be refurbished in the future, and already sells fresh produce;
- There are already a range of retail stores within walking distance and within a 10 minute bus journey;
- A new retail store would create more traffic.

108. Officers have also been made aware of an online petition, which at the time of writing this report has 277 signatures. Officers are unable to verify whether all of the signatories reside in West Rainton. The petition is titled: "We request a minimum to have at least 1 type of express Shop to Cathedral Meadows", which refers to the previous Banks development known as Cathedral Meadows, and referring to the currently proposed loss of a community hub. The petition states the following: "The Village of West Rainton Is crying out for an Express Shop, that can provide the Village with fresh produce and the everyday essentials people need. The majority of West Rainton residents have to drive to either Houghton le Spring or Gilesgate to do their weekly shop. Having an Express shop such as Morrisons or Sainsbury's would definitely benefit the residents of West Rainton because you cannot always get what you want from the shop which is already in the village. The village is growing rapidly and the residents of West Rainton needs a decent size shop where they can purchase everything they need. Also, a new shop on the new housing estate of Cathedral Meadows, Station Road, will be a short walk from our doctors surgery and our local Chemist. We also have a local hairdressers and deli, so a new express shop will be in the perfect setting and could even create more jobs within West Rainton."

ELECTED MEMBERS:

109. Councillor David Hall has submitted the following comments: -

"If minded to grant I would like to call this into committee in relation to concerns about safe crossings for this new housing (and the existing grant of houses as this is essentially an amendment to the original application) to the main village amenities across what is currently a 40mph road on Station Road. I have requested this road be made a 30mph with suitable accessible crossing. If not part of the overall scheme, or agreed to be done by DCC or others in some way, I will have to request committee add this crossing, and so need for a 30mph zone, as an amendment to any grant.

I have no other objections to this application at present so hopefully everyone can sort out a safe crossing, which presumably would need a 30mph road."

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

APPLICANT'S STATEMENT:

110. This development of shared ownership affordable homes has been designed to contribute towards the demand for affordable homes in County Durham. Durham Council's Strategic Housing Market assessment in 2018 identified the need for 15,883 affordable homes in County Durham between 2016 and 2035. Within this figure 1,854 are required within the Central area, which includes West Rainton.

111. By way of background this site is part of a larger landscape led development which is currently under construction by Banks Homes. This application site, comprising 20 shared ownership affordable homes was originally proposed as a commercial development, and has been marketed for that purpose, without success, since 2014. More recently the leading Estate Agents, Savills, were appointed to try to find interested commercial operators and as you will have read in their report dated June 2024, and their updated Retail Demand update report dated 27th November 2024, there is no interest from retailers, primarily because there are not enough "chimney pots" in West Rainton. When in conjunction with Durham Highways Department we delivered the junction improvements on the A690, and the housing development by Banks Homes was underway we hoped the position might change, however this turned out not to be the case. There is no Retail demand for the commercial development

site, which already has the benefit of a reserved matters consent, and therefore after consultation with Durham's Planning Department it was agreed that affordable housing would benefit the community, we came forward with the current proposal.

112. Before we submitted the planning application, we applied through the Council's preapplication planning process, and the design and application you see before you were prepared after taking cognisance of all the points of the various Council's departments, including Housing. The development comprises shared ownership, 12 two-bedroom bungalows, and 8 two- and three-bedroom houses, and is being provided by Heylo Housing Association. This is a high-quality proposal with a mix of houses that meet National Space standards and Energy Efficient targets. Every home will have heating via air source heat pumps, and customers who buy the houses will have an optional extra of having solar panels on the roof. The number of properties provided exceed the Council's normal requirement for bungalows, and these properties are situated along the site boundaries of Station Road and Lambton View, to minimise the impact on adjacent homes. In March 2025 Councillor Bell advised us that a resident thought that there may be an interest from Sainsbury's, we again contacted Sainsburys who again confirmed they were not interested, and a formal statement confirming this in writing will be provided in due course.
113. Prior to the planning application being submitted I attended West Rainton Parish Councils Annual General Meeting in May 2024, and presented these proposals. They acknowledged the site had been marketed for commercial development for years and were supportive of the idea of shared ownership affordable homes.

PLANNING CONSIDERATIONS AND ASSESSMENT

114. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that if regard is to be had to the development plan, decisions should be made in accordance with the development plan unless material considerations indicate otherwise. In accordance with advice within the National Planning Policy Framework (NPPF), the policies contained therein are material considerations that should be taken into account in decision making. Other material considerations include representations received. In this context, it is considered that the main planning issues in this instance relate to the principle of development, addressing housing needs, residential amenity, layout and design, trees and hedgerows, highway safety, ecology, surface water and foul drainage, heritage and archaeology, contaminated land and coal mining risk, planning contributions, agricultural land and soil resources, safeguarding mineral resources, travel plan, public rights of way, energy efficiency and broadband.

Principle of Development

115. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The County Durham Plan (CDP) is the statutory development plan and the starting point for determining applications as set out in the Planning Act and reinforced at Paragraph 12 of the NPPF. The CDP was adopted in October 2020 and provides the policy framework for the County up until 2035 and therefore is up to date.

116. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means:
- c) approving development proposals that accord with an up-to-date development plan without delay; or
 - d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or,
 - ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
117. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means approving development proposals that accord with an up-to-date development plan without delay (Paragraph 11 c). Accordingly, Paragraph 11(d) of the NPPF is not engaged.

Housing Land Supply

118. Policy 1 of the County Durham Plan (CDP) states that in order to meet the needs and aspirations of present and future residents of County Durham, and to deliver a thriving economy, the following levels of development are proposed up to 2035:
- a. 300 hectares of strategic and general employment land for office, industrial and warehousing purposes; and
 - b. a net minimum of 24,852 new homes of mixed type, size and tenure over the period 2016 to 2035 (1,308 new homes per year).
119. The County Council can currently demonstrate a 5.97 year housing land supply, which clearly exceeds the County's 5 year housing land supply requirement due to the County Durham Plan not being more than five years old. Whilst officers note that demonstrating sufficient housing land supply is a minimum requirement and not a ceiling, the ability to clearly demonstrate sufficient housing land supply is of substantial weight in the decision-making process and is an important material consideration in the event that a conflict with the County Durham Plan is identified.

Unallocated site

120. In order to meet the housing need of the County, the CDP has allocated a number of sites for housing development under CDP Policy 4. The site subject to this application is not one of those allocated for residential development in the CDP. It is however a committed site in the CDP, as the wider Banks development benefitted from planning permission at the time of the preparation and adoption of the CDP.
121. The site is within the built form of West Rainton, therefore Policy 6 of the CDP applies. Policy 6 states that development on sites not allocated in the County Durham Plan or in a Neighbourhood Plan, but which are either within the built-up area or outside the built-up area but well related to a settlement, will be permitted provided it accords with all relevant Development Plan policies, and conforms with criteria (a) to (j) of the Policy.

122. Officers note that in order for criteria a) to j) to be applicable, the site first needs to be considered well-related to the settlement. Paragraph 4.110 of the CDP explains that when assessing whether a site is well-related to a settlement, the physical and visual relationship of the site to the existing built-up area of the settlement will be a key consideration. Paragraph 4.111 goes on to state that the Council wants to ensure that new development does not detract from the existing form and character of settlements and will not be harmful to their surroundings. In determining whether a site is appropriate for new development, the relationship with adjacent buildings and the surrounding area will be taken into account along with the current use of the site and compatibility of the proposal with neighbouring uses.
123. Officers are mindful that the site is surrounded to the north, east and southeast by existing residential dwellings, and to the southwest and west by dwellings under the extant consent for the Banks Homes development which is currently being built out. The site is therefore considered to be within the settlement.
124. In terms of physical relationship to the settlement, the site is in close proximity to bus stops which are served by frequent, direct connections to Durham City, whilst the site is also in acceptable walking distances to a range of amenities and services as discussed later in this report. The site is well related to the settlement in a physical sense.
125. Officers have also considered the proposal against the relevant criteria under Policy 6:
126. Regarding Policy 6 a), officers note the existing dwellings to the north, east and south. The site is adjacent to a housing development which is currently under construction, located to the west and southwest. Whether the proposal leads to statutory nuisance or an unacceptable impact on amenity of residents in respect of either noise or odour will be considered later in this report.
127. Regarding Policy 6 b), the proposal does not contribute to coalescence with neighbouring settlements, and would not result in ribbon development or inappropriate back land development. The proposal therefore accords with Policy 6 b).
128. Regarding Policy 6 c), the site is open land though is in private ownership, whilst the proposal would not lead to a loss of land of recreational value. Whether the proposal leads to ecological, heritage or landscape amenity impacts is considered later in this report.
129. Regarding Policy 6 d), whether the proposal is appropriate in terms of scale, design, layout, and location to the character, function, form and setting of the settlement will be considered later in this report.
130. Regarding Policy 6 e), whether the proposal leads to a highway safety impact will be considered later in this report.
131. Regarding Policy 6 f), whether the site is a sustainable location for development will be considered later in this report.
132. Regarding Policy 6 g), the proposal would not result in the loss of valued existing facilities or services. The proposed loss of the previously approved though not as yet constructed community hub at the site is discussed later in this report.

133. Regarding Policy 6 h), whether the proposal minimises vulnerability and provide resilience to impacts arising from climate change, including but not limited to, flooding, will be considered later in this report.
134. Regarding Policy 6 i), the proposal would not include the re-use of Previously Developed Land, therefore the proposal does not gain support from Policy 6 i).
135. Regarding Policy 6 j), the proposal does not reflect priorities for urban regeneration, therefore the proposal does not gain support from Policy 6 j).

Locational Sustainability

136. Policy 21 of the CDP provides clarity on what the CDP requires in respect of sustainability, with Policy 21 considering more than just public transport connections. Policy 6 f) build upon these areas and cover public transport connection considerations.
137. Policy 21 of the CDP requires the delivery of sustainable transport by facilitating investment in safe sustainable modes of transport, providing appropriate, well designed, permeable and direct routes for walking, cycling and bus access, so that new developments clearly link to existing services and facilities together with existing routes for the convenience of all users. The Policy requires all development to have regard to the policies set out in the County Durham's Strategic Cycling and Walking Delivery Plan and, where possible, contribute to the development of a safe strategic cycling and walking network and in particular the routes set out in Local Cycling and Walking Infrastructure Plans. It also requires development to have regard to the Parking and Accessibility Supplementary Planning Document. Policy 22 of the CDP supports modal shift and sustainable transport improvements.
138. Policy 21 first requires the transport implications of development to be addressed as part of any planning application, where relevant this could include through Transport Assessments, Transport Statements and Travel Plans. This is discussed in the highway safety section of this report.
139. Turning first to criteria a) and b) of Policy 21, it is noted that these criteria prioritise pedestrian connectivity ahead of cycling and bus transport. Officers are mindful of the CIHT's Planning for Walking (2015) guidance which states under Section 6.4:
"Building Sustainable Transport into New Developments (DfT, 2008) gives the following advice on pedestrian catchment areas: Traditional compact town layouts: Walking neighbourhoods are typically characterised as having a range of facilities within 10 minutes' walking distance (around 800 metres). However, the propensity to walk or cycle is not only influenced by distance but also the quality of the experience; people may be willing to walk or cycle further where their surroundings are more attractive, safe and stimulating. Developers should consider the safety of the routes (adequacy of surveillance, sight lines and appropriate lighting) as well as landscaping factors (indigenous planting, habitat creation) in their design. The power of a destination determines how far people will walk to get to it. For bus stops in residential areas, 400 metres has traditionally been regarded as a cut-off point and in town centres, 200 metres (DOENI, 2000). People will walk up to 800 metres to get to a railway station, which reflects the greater perceived quality or importance of rail services."
140. Officers are also mindful of more recent guidance by Active Travel England in their Standing Advice Note: Active Travel and Sustainable Development (June 2024). The document states that:

“The government’s ambition is for England to be a great walking and cycling nation, supporting a shift in the way people across England think about undertaking short journeys within towns and cities. The aim is for walking, wheeling (trips made by wheelchair and mobility scooters) and cycling to be seen as the most convenient, desirable and affordable way to travel.” In respect of pedestrian access to local amenities, the document states: *“A mix of local amenities should be located within an 800m walking and wheeling distance (using well-designed routes) of all residential properties or staff entrances for workplace facilities. Trip lengths to key amenities should be derived from isochrone maps using an appropriate point within the application site, rather than straight-line distances from site boundaries or main access points. Footpaths/ways to local amenities should conform to the National Design Guide standards of being safe, direct, convenient and accessible for people of all abilities, which includes but is not limited to routes that:*

- have a minimum width of 2m, with limited pinch points no less than 1.5m;*
- are step-free;*
- have a smooth, even surface;*
- have seating at regular intervals;*
- are uncluttered;*
- have good natural surveillance and clear lines of sight;*
- have street lighting;*
- have wayfinding; and*
- have crossing points suitable for the speed and traffic flow of the road(s).”*

141. In relation to cycling accessibility, the document states that:

“Off-site cycling infrastructure to a range of local amenities, and town centres, railway stations, employment areas and the National Cycle Network as appropriate, should be coherent, direct, safe, comfortable and attractive in line with the five core design principles and geometric requirements in LTN 1/20. The development should not be reliant on shared use routes in full or intermittently, which conflicts with the government’s clear position in paragraph 1.6.1 (2) of LTN 1/20 that cycles must be treated as vehicles and not as pedestrians. Where on-road provision would be utilised, there should be sufficient protection from motor traffic in accordance with the suitability and segregation standards in LTN 1/20.” In relation to access to public transport, the document states: *“Most buildings within the application site should be within 400m of a high-frequency bus stop or 800m of a rail/light station or tram stop, with appropriate facilities. Local bus stops should have good natural surveillance and provide seating, lighting, shelter, real-time passenger information and raised bus borders or specialist kerbs. Local rail stations should provide cycle parking, including spaces for non-standard cycles footpaths/ways to public transport nodes should conform to the design standards.”*

142. The centre of the site is adjacent to the nearest bus stops located on Lambton View and Station Road. Subject to the footpaths within the proposed site being adequately lit and surfaced, the entire route to the bus stops would be adequately lit and surfaced. The route would also benefit from natural surveillance. The actual walking distance is within the 400m standard established by the CIHT guidance and Active Travel England (ATE) guidance referenced above.

143. Turning next to the routes which serve the subject stops on The Avenue, the 20 and 20A routes provide at least one service per hour seven days a week, with as many as three services per hour Monday to Friday. These services provide frequent, direct connections into Durham City and into Sunderland.

144. Due to the short distance to the nearest bus stops in accordance with the relevant CIHT and ATE guidance, and the destinations the buses provide frequent direct

connections to, it is considered that the development would benefit from attractive, convenient and desirable public transport connections.

145. Notwithstanding the public transport connections to this site, officers also note that Policy 21 a) requires proposed development to deliver, accommodate and facilitate investment in safe sustainable modes of transporting in the following order of priority:
 - those with mobility issues or disabilities,
 - walking,
 - cycling;
 - then bus and rail transport.
146. Turning now to those higher priority modes of transport, an 800m standard for pedestrian connections to the nearest facilities and amenities is established by the CIHT guidance and ATE guidance referenced above. Officers note the shortest actual walking routes to the nearest facilities and amenities from the centre of the residential part of the site are:
 - The Storehouse Pharmacy on Lambton View, approx. 70m actual walking distance to the northeast;
 - GP surgery on Woodland View, approx. 290m actual walking distance to the north;
 - West Rainton Primary School on Benridge Bank, approx. 350m actual walking distance to the northwest;
 - Costcutter convenience store and post office, approx. 570m actual walking distance to the northwest.
147. The above list shows that the site is within 800m actual walking distance of a range of services and amenities, using lit routes which benefit from natural surveillance. It is considered sufficient services and amenities are within a convenient walking distance, increasing their attractiveness to occupiers of the development.
148. The above connections can also be used by cyclists.
149. Due to the attractive, convenient and desirable pedestrian, cycling and public transport connections as described above, there is clear opportunity to use these modes of transport in place of the private car, therefore occupiers of the development would not be dependant on their private cars to meet their day-to-day needs. Consequently, the location of the proposed development is considered well related to the settlement, and is a sustainable location.
150. As a result of the above assessment of the application site, the proposal accords with criteria a) and b) of Policy 21 of the CDP; as well as with Policy 6 f) of the CDP.
151. Regarding criterion 21 c), as mentioned earlier in this report, the Highways officer has no concerns with the proposed access arrangement, whilst the vehicle trips which would be generated by this development is considered low and can be accommodated on the local road network without the need for mitigation. They advise that the proposal would not be detrimental to road safety, and that there is no issue with regard to cumulative impact on the road network, therefore the application is considered acceptable in Highways terms and the proposal accords with CDP Policy 21 c).
152. Regarding criterion 21 d), it is considered that the proposed footpath connections would not harm the natural, built or historic environment, therefore the proposal accords with CDP Policy criterion 21 d).

153. Regarding criterion 21 e), the site is not in close proximity to a railway level crossing, therefore CDP Policy 21 e) is not applicable.

Loss of Community Hub

154. The site is not located within a town centre or a primary shopping area as identified in the CDP.

155. Policy 9 of the CDP states that in all locations outside of those identified in the County's retail hierarchy, the loss of essential shops and services will be resisted.

156. Officers note that Part 7 of the NPPF is only applicable where a proposal is seeking to create new town centre uses such as retail units. The proposal is for 20 affordable dwellings, therefore Part 7 of the NPPF is not applicable in the consideration of this application.

157. Paragraph 96 of the NPPF states that planning decisions should aim to achieve a healthy, inclusive and safe places, which promote social interaction including opportunities for meetings between people who might not otherwise come into contact with each other – for example through mixed-use developments; and which enable and support healthy lives, through both promoting good health and preventing ill-health – for example through the provision of local shops.

158. Paragraph 98 of the NPPF states that to provide the social, recreational and cultural facilities and services a community needs, planning decisions should plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments. Paragraph 98 seeks to guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs.

159. Officers are mindful that there is an extant planning permission for a 'community hub' at the application site. The community hub has not yet been constructed.

160. Detailed Reserved Matters consent, reference DM/18/02573/RM, was granted in July 2019 for the following:

- One building (known as Unit B) with a floorspace of 460sq.m., in what was formerly D1 Use Class (Clinics, health centres, creches, day nurseries, day centres); and
- Two further buildings (known as Units A and C) with a combined floorspace of 1,050sq.m., in what was formerly A1, A2, A3 and A5 Use Classes (shops, financial and professional services, cafes, restaurants, pubs, and takeaways).

161. Officers are mindful that the above Use Classes were updated in 2020 following a change in legislation, to the following:

- Clinics, health centres, creches, day nurseries, day centres, shops, financial and professional services, cafes and restaurants are all now Use Class E; whilst
- Pubs and takeaways are now Sui Generis Use Class.

162. The principle of the community hub was established through the granting of outline consent for both the hub and for 150 dwellings in 2015, reference 8/CMA/4/112. In the officer report to Members of the County Committee in June 2014, officers advised that the community hub helped ensure that proposal would be a sustainable mixed-use development.

163. Officers are conscious of the range of the current local facilities and amenities within 800m actual walking distance of the centre of the site, and of the regular bus links to Durham City and Sunderland using stops adjacent to this site. Therefore, had the original outline application for 150 dwellings been considered at the current moment in time, the site would have been deemed a sustainable location for a development of 150 dwellings, therefore at the current moment in time a community hub would not have been deemed necessary to make such an application acceptable.
164. Notwithstanding this, officers are mindful of the representations received from the public when objecting to the current application, which raise concerns with the proposed loss of a community facility which could include one or several retail units, or a pub, or another service such as a café or day centre/nursery. Whilst the community hub has not yet been constructed, its perceived loss to the local community is still a material consideration.
165. Turning to the current application, the developer for the 150 dwelling scheme had approached officers some time before the current application was submitted, raising concerns with the lack of interest from potential occupiers/operators in the community hub due to viability concerns. One example is the initial aspirations for a local GP surgery to relocate to the hub did not come to fruition. Officers responded to those initial discussions advising that robust evidence of the lack of interest in the hub would be required as part of a formal planning application, along with a high-quality replacement development which maximised public benefits.
166. The current application was submitted in August 2024, and seeks to replace the previously approved community hub with 20 affordable dwellings. The application submits that the proposed affordable dwellings would help address a County-wide need, given that the County Durham Plan establishes a single, County-wide housing market area. The tenure and mix of these affordable units are considered in greater detail later in this report. Officers are mindful that this is a sustainable location for development, where affordable housing delivery is supported.
167. The application submits that the viability of the community hub is reliant upon a retail store as an 'anchor unit'. If a retail unit could not be established then this would deter interest in other potential occupiers/operators such as a café. Establishing a retail anchor unit is a well-known concept when master planning community hubs, as retail units draw in regular footfall throughout the day and throughout the week, upon which other uses such as a café would draw from to ensure that business is viable. Officers therefore consider that whether a viable retail unit could be accommodated within the community hub is a key material consideration.
168. Turning first to large scale retail units comparable to an ASDA, Tesco or Morrisons supermarket, officers are mindful that a retail unit of this size could not be accommodated within a site only 0.62 hectares in area.
169. Turning next to medium scale retail units comparable to an Aldi or Lidl, the applicant has submitted evidence of marketing the site via a well-established national chartered surveyor. Whilst the proximity to the A690 and passing traffic is a positive attractor to the site, the application submits that the site would still not be large enough for a medium scale retail unit and associated car parking and loading areas. Further to this, potential retailers have raised concerns that the settlements of West Rainton and East Rainton do not benefit from sufficient populations to sustain a new medium scale retail unit on this site. The proximity to a large Tesco at Houghton-le-Spring and another large Tesco at Dragonville had also been noted by potential retailers. For the above reasons the application submits that there is a lack of interest in establishing a medium scale retail unit at this site, and officers accept that submission.

170. Turning next to small scale retail units comparable to a convenience store, the applicant has submitted further evidence of marketing the site via a well-established national chartered surveyor. The application submits that most of the potential operators of a small scale retail unit are 'brands', which operate on a franchise model, therefore they are operated by local individuals who take on the financial risk. The challenge of delivering a store for one of these operators brings with it viability risks; fundamentally, a franchisee operator will not commit to a long-term lease (likely a maximum 10 years), but they are also more constrained on the rental level they will pay and also offer a far weaker financial covenant strength to that of an established national retailer. This then has a significant impact on the viability outcome. As the lease income offers less security and heightened risk to an investor, they expect a higher return, which can only be achieved through paying less at the outset. Ultimately, the value of the store let on this basis is far less than what might have expected, yet the cost of delivering it will not vary. The application submits that the level of engagement has been poor following the marketing of the site, with only one party expressing interest in a small unit of circa 2,500 sq.ft / 232 sq.m. However given the financial viability risks summarised above, that party's interest has fallen away. For the above reasons, the application submits that there is a lack of interest in establishing a small scale retail unit at this site, and officers accept that submission.
171. Given the above considerations, the County Council are left with the clear likelihood that the previously approved community hub will not come to fruition, and the site would remain an undeveloped parcel of land in private ownership, which would have the potential to become an eye sore if left unmanaged by the landowner. Whilst the loss of the community hub is regrettable, as highlighted in the representations received from the public, the subsequent harm from that loss is reduced by the justification submitted under this application. It is considered that sufficient justification has been provided to form part of the planning balance in regard to the proposed new housing that forms part of this application.
172. During pre-application discussions with the applicant, officers were seeking a replacement development with demonstrable public benefits – a standard market housing scheme was not invited by officers. In response to those discussions, the applicant has submitted a scheme for 20 affordable units, comprising 12 bungalows and 8 two storey dwellings. The applicant has also secured interest from a Registered Provider to take on the long term management of the dwellings. Officers recognise the benefits of affordable housing delivery, over and above the benefits of market housing delivery, in sustainable locations, and officers also recognise the benefits of delivery of 12 bungalows on a site where only 2 would normally be required. These merits of this proposal attract weight in favour of this application.

Summary of the Principle of Development

173. The site is not allocated for housing in the County Durham Plan, though it is within the settlement, and is a sustainable location for development.
174. The proposal would lead to the loss of a community hub; whilst planning permission has been granted, it is not yet been constructed. Officers accept the application's submission that a new retail store is not viable in this location, therefore the County Council are left with the likelihood that the previously approved community hub will not come to fruition.
175. The proposed provision of 20 affordable dwellings, 12 of which are bungalows, is welcomed and afforded weight in favour of the proposal.

176. The acceptability of the proposal is still dependant on a number of other matters as discussed below.

Addressing Housing Need

Type and Mix of Housing

177. Paragraph 5.187 of the CDP recognises that the County has an imbalanced housing stock in relation to type and mix. CDP Policy 19 therefore states that, on all new housing developments, the Council will seek to secure an appropriate mix of dwelling types and sizes, taking account of existing imbalances in the housing stock, site characteristics, viability, economic and market considerations and the opportunity to facilitate self-build or custom-build schemes. Paragraph 60 of the NPPF states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed, and that land with permission is developed without unnecessary delay. The overall aim should be to meet as much of an area's identified housing need as possible, including with an appropriate mix of housing types for the local community.

178. The application seeks consent for 20 residential dwellings. The proposed mix is:

- 12 two-bedroom bungalows;
- 4 two-bedroom houses; and
- 4 three-bedroom houses.

179. Officers have considered the proposed mix of dwellings, and consider it acceptable. The provision of 12 single storey bungalows as opposed to the policy requirement of 2 is welcomed.

Meeting the Needs of Older People and People with Disabilities

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

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

182. The proposed plans state that 100% of the proposed dwellings would be built to M4(2) standard. This provision above the requirement is therefore acceptable and welcomed. Notwithstanding the submitted details the Spatial Policy officer advises that a compliance condition be used to secure at least 66% of dwellings be constructed to Building Regulations Requirement M4(2) (accessible and adaptable dwellings) standard.

183. The second part of CDP Policy 15 requires a minimum of 10% of the total number of dwellings on the site to be of a design and type that increases the housing options of older people. This means it has to be built as a suitable product from the outset, so that it is available at the point of first occupation (i.e. now/immediately) to meet the needs of older people. These properties should also be built to M4(2) standard and would contribute to meeting the 66% requirement set out above. They should be situated in the most appropriate location within the site for older people. Appropriate house types considered to meet this requirement include:

- level access flats;
- level access bungalows; or

- housing products that can be shown to meet the specific needs of a multi-generational family.

184. The provision of 12 single storey bungalows as opposed to the required 2 is welcomed. The received plans also state that all of the bungalows would be built to M4(2) standard. The distribution of the bungalows across the site is acceptable.

185. For the above reasons, the proposal is acceptable and accords with Policy 19 of the CDP or with Part 5 of the NPPF in this respect.

Affordable Housing Provision

186. Policy 15 of the CDP establishes the requirements for developments to provide on-site affordable housing, the circumstances when off-site affordable housing would be acceptable, the tenure and mix of affordable housing, the requirements of developments to meet the needs of older people and people with disabilities, and the circumstances in which the specialist housing will be supported. The Policy states that on sites with 10 or more units, 10% of the homes provided should be for affordable home ownership (starter homes, discount market sale housing and other affordable routes to home ownership). In line with the requirements in Table 8 of the Policy, any contribution above 10% should be provided as affordable housing for rent. The Policy goes on to state that where it can be evidenced by the applicant to the Council's satisfaction that this tenure mix would make the required affordable housing contribution unviable or that alternative affordable housing products are required to meet local needs, then proposals for an alternative tenure mix as proposed by the applicant will be considered.

187. Following the publication of the updated NPPF in December 2024, officers are now seeking an affordable tenure mix of 70% social or affordable rent; and 30% discount market sale housing and/or other affordable routes to home ownership.

188. All 20 of the proposed dwellings would be affordable housing, of affordable shared ownership tenure.

189. The application has been submitted by Woodside Commercial Developments Limited, a small residential builder. It is proposed that the affordable units once constructed would be taken on and managed by Heylo Housing who are a registered provider.

190. The current application submits that the proposed affordable housing offer would complement the previously secured affordable units on the adjacent residential development to the west and southwest, which is being developed by Banks Homes. Within that development are 30 affordable units which are a mix of two and three bedroom bungalows and houses; 23 of which are secured as affordable rent, 7 of which are secured as intermediate units. Those 30 affordable units are to be managed by Gentoo Housing Association. The current application submits that the currently proposed 20 shared ownership units would be subject to low rent and low deposit requirements to enable easier entry to home ownership for first time buyers.

191. The site is within the 'medium' viability area as identified in the County Durham Plan. Major-scale residential developments in this area are required to provide at least 15% of dwellings as affordable housing. The current proposal for 100% affordable dwellings is therefore acceptable and welcomed.

192. The affordable housing officer has been consulted, and they advise that whilst the provision of 20 affordable units is welcome, they have sought further evidence from the applicant that there is a need for 20 affordable shared ownership tenure units in

this local area. They note the supporting letter from the registered provider Heylo - whilst the letter gives assurances that this tenure of affordable units will be in demand and states that they have provided the product throughout the Northeast, the application has not clearly demonstrated whether this proposed affordable housing tenure is meeting local need, and can therefore be an accepted deviation from the NPPF and CDP Policy 15 requirements. Officers are however mindful that the County Durham Plan establishes a single, County-wide housing market area, and that there is an outstanding County-wide need for affordable housing. If this application could demonstrate the proposal would address an identified local need then officers would give greater weight to the benefits of the proposed affordable housing, however given the above factors it is considered that the provision of affordable housing in this sustainable location is still supported as a matter of principle as it contributes to the delivery of affordable housing in County Durham, even if the application does not clearly identify a local need for 20 units of the affordable home ownership tenure.

193. Given that the proposal relies upon the benefits of delivering 20 affordable dwellings when seeking to justify the loss of the commercial hub, officers are seeking to secure all 20 of the dwellings as affordable units in perpetuity through a legal agreement.
194. On balance, it is considered that the proposed affordable housing provision is acceptable, as it would help address a County-wide need in what is a sustainable location. The proposal would therefore not conflict with Policies 15 and 19 of the CDP or with Part 5 of the NPPF.

Residential amenity

195. Paragraph 180 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of air or noise pollution. Development should, wherever possible, help to improve local environmental conditions such as air quality and water quality. Paragraph 191 of the NPPF states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. Paragraph 192 of the NPPF advises that planning decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement. Paragraph 193 of the NPPF advises that planning decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs).
196. Policies 29 and 31 of the CDP outline that developments should provide high standards of amenity and privacy, minimise the impact of development upon the occupants of existing adjacent and nearby properties, and not lead to unacceptable levels of pollution. The Policies are informed by Parts 12 and 15 of the NPPF, which require that a good standard of amenity for existing and future users be ensured, whilst seeking to prevent both new and existing development from contributing to, or being put at unacceptable risk from, unacceptable levels of pollution including noise pollution.

Construction Period

197. The application is supported by a Construction Management Statement, received August 2024. Whilst the statement is not accompanied by a site plan, the Statement provides sufficient detail of the location of the site compound. The application is also supported by Noise and Air Quality Assessments.
198. The Environmental Health (Air Quality and Nuisance) Officers have been consulted and they have no concerns with the submitted documents. No further details are required, and no conditions are recommended.
199. Following the advice of the specialist officers as summarised above, subject to a condition ensuring compliance with measures set out within the Construction Management Statement, the Air Quality Assessment, and the Noise Assessment, the proposal would preserve the amenity of neighbouring residents during the construction period.

Separation Distances

200. The Council's Residential Amenity Standards Supplementary Planning Document (RAS SPD) provides detailed guidance on the assessment of separation distances between proposed dwellings and between existing and proposed dwellings. The RAS SPD seeks separation distances of:-
 - 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.
 - 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 exceed single storey or 10.0m where both dwellings are single storey.
201. Officers also note that this particular site features a gradient from the southern boundary sloping down to the northern boundary. The RAS SPD provides further guidance in relation to changes in levels, stating: *"To compensate for these changes the separation / privacy distances cited above should be increased by 3m for every additional storey height (including rooms within the roof space which contain windows) above two storeys. Where there is a significant change in levels, the minimum separation/privacy distance will increase by 1m for every full 1m that the floor level of the development would be above the affected floor level of the neighbouring property."* The RAS SPD does however recognise that there may be instances where these instances can be relaxed, including for design purposes or to address wider material considerations.
202. Officers have carefully considered the proposed separation distances between proposed dwellings within the site, and between proposed dwellings and the adjacent existing dwellings around the edge of the site, in line with the above guidance. It is considered that the separation distances are acceptable.
203. For the above reasons proposal accords with with Policies 6 d), 29 e) and 31 of the CDP, or with the Residential Amenity Standards SPD, or with Paragraph 135 f) of the NPPF.

Private Amenity Spaces

204. Consideration has also been given to the size of the proposed gardens across the site, which provide private amenity space for occupiers of the development. The Council's RAS SPD requires rear garden depths to be 9m in length, subject to site and plot specific considerations.

205. Officers note that the 12 bungalow plots do not provide sufficient garden depths. Plots 5, 6, 7, 8, 11 and 12 measure only 7m in depth, Plots 9 and 10 measure only 8m in depth, and Plots 13, 14, 15 and 16 measure only 8.5m in depth. Officers are however mindful that these are bungalow plots, and benefit from wide curtilages. Given the overall size of these garden areas it is considered that sufficient private amenity spaces are provided for the bungalows, in accordance with the RAS SPD.
206. Plots 1, 2, 3, 4, 17, 18, 19 and 20 are two storey dwellings which all have sufficient garden depths.
207. The proposal does not conflict with Policies 6 d), 29 e) and 31 of the CDP or with Paragraph 135 f) of the NPPF in this respect.

Layout and Design

208. CDP Policy 6 d) requires new development well related to existing settlements to be appropriate in terms of scale, design and layout in relation to the existing settlement. Policy 29 builds upon this requirement and specifically requires new development to provide a high quality of design.
209. Due to the scale of the development it has not been through the Council's internal Design Review process using the Building for Life Supplementary Planning Document (2019) (BfL SPD).
210. To the west and southwest of the current site lies the area benefitting consent for the 150 dwellings; that residential development is already well underway with a number of properties already built and occupied at the time of writing this report. The current site is surrounded to the north, east and southeast by existing residential dwellings.
211. The layout of the development comprises a ring with 8 two storey dwellings surrounded by a highway, and 8 bungalows along the northern edge to provide active frontage onto Station Road. A further 4 bungalows are proposed along the eastern edge of the site. Pedestrian access points are proposed at the northern and west edges. To the west of the site is the previously approved recreational area for the larger Banks Homes development.
212. No Sustainable Urban Drainage System (SuDS) basin or swales are proposed due the scale of the site. All driveways and private shared surfaces would feature permeable paving.
213. The development would be a mix of single storey and two storey dwellings, each with their own parking areas and private rear gardens. The dwellings would comprise buff brick with white render external elevations, to match the previously approved residential development to the west and southwest. Grey slate roof tiles and white upvc windows are proposed.
214. Boundary treatments would comprise a mix of 1.8m high vertical timber fencing, and vertical timber fencing above a low brick wall up to 1.8m in height.
215. Whilst officers would usually seek a lesser density to accommodate integrated drainage, public open space, and more parking bays, the proposal is seeking to provide a notable overprovision of bungalows, and provide 20 affordable dwellings in a sustainable location, on what is a relatively small site. Given these considerations it felt that the proposed density and layout is on balance acceptable.

216. In respect of design of the dwellings, it is considered that the material pallet would not be out of character with the surrounding area. The proposed boundary treatments are also acceptable. The applicant has also responded to officer feedback by providing a corner turner unit at Plot 5 at the northwestern corner of the site, alongside a softer landscaped boundary treatment, on what would be a visually prominent plot along Station Road. These changes are welcomed.
217. On balance it is considered that the proposed layout and design would not lead to conflict with Policies 6 d) and 29 of the CDP or with Part 12 of the NPPF and is therefore acceptable.

Trees and Hedgerows

218. In respect of trees, CDP Policy 40 states that proposals for new development will not be permitted that would result in the loss of, or damage to, trees of high landscape, amenity or biodiversity value unless the benefits of the proposal clearly outweigh the harm. Where development would involve the loss of ancient or veteran trees it will be refused unless there are wholly exceptional reasons and a suitable compensation strategy exists. Proposals for new development will be expected to retain existing trees where they can make a positive contribution to the locality or to the development, maintain adequate stand-off distances between them and new land-uses, including root protection areas where necessary, to avoid future conflicts, and integrate them fully into the design having regard to their future management requirements and growth potential. Where trees are lost, suitable replacement planting, including appropriate provision for maintenance and management, will be required within the site or the locality. Where applications are made to carry out works to trees in Conservation Areas or that are covered by a Tree Preservation Order, they will be determined in accordance with the council's Tree Management Policy Document (or any subsequent revisions).
219. In respect of hedgerows, CDP Policy 40 goes on to state that proposals for new development will not be permitted that would result in the loss of hedges of high landscape, heritage, amenity or biodiversity value unless the benefits of the proposal clearly outweigh the harm. Proposals for new development will be expected to retain existing hedgerows where appropriate and integrate them fully into the design having regard to their management requirements. Where any hedges are lost, suitable replacement planting or restoration of existing hedges, will be required within the site or the locality, including appropriate provision for maintenance and management.
220. Paragraph 136 of the NPPF states that trees make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change.
221. There are six trees located at the southeastern boundary of the site which are of limited amenity value and they are not covered by a Tree Preservation Order. The proposal seeks to replace these trees with three new trees, which would fall within the curtilage of Plot 16. The loss of these existing trees during the works is not considered unacceptable subject to the proposed replacement planting. The implementation of that planting can be secured by condition.
222. To the immediate east of the site is a retaining wall with a hedgerow and adjacent highway beyond. The proposal seeks to retain the hedgerow during the works. Given the visual prominence of the hedgerow, and given that it would provide a visual screen to prevent overlooking from the higher footpath down into the proposed bungalows at Plots 13, 14, 15 and 16, it is considered necessary to retain that hedgerow. This can be secured through use of a condition.

223. Subject to recommended conditions the proposal would not lead to an unacceptable loss of trees or hedgerows, therefore the proposal would not conflict with Policy 40 of the County Durham Plan, or with the National Planning Policy Framework.

Highway Safety

224. Paragraph 115 of the NPPF states that when assessing proposals, it should be ensured appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location. It should also be ensured that safe and suitable access to the site can be achieved for all users; that the design of streets, parking areas, other transport elements and the content of associated standards reflect current national guidance, including the National Design Guide and the National Model Design Code; and that any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
225. Paragraph 116 of the NPPF then states that development should only be refused on transport grounds where the residual cumulative impacts on development are severe. Policies 6 e) and 21 of the County Durham Plan outlines that development should not be prejudicial to highway safety or have a severe cumulative impact on network capacity. Policy 21 also expects developments to deliver well designed pedestrian routes and sufficient cycle and car parking provision.
226. Vehicular access into the current site would be via the adjacent Banks development to the west, using the previously approved access onto Station Road. This access arrangement aligns with the previously approved access arrangement for the commercial hub upon this site.
227. Private parking bays are proposed at each plot, with an additional 5 visitor parking bays distributed across the site. Each dwelling would benefit from an Electric Vehicle charging point. No garages are proposed.
228. Due to the scale of the development neither a Transport Assessment nor a Transport Statement has been required. A Construction Management Statement has been submitted and considered.
229. The Highways officer has been consulted and they have no concerns in respect of the proposed access arrangement, or in respect of vehicle trips from the development on the capacity of the local road network.
230. In respect of car parking, concerns have been raised with the designated parking bays for Plot 17 being located in front of Plots 11 and 12 instead of in front of Plot 17. Concerns have also been raised in respect of insufficient parking provision for Plots 11 and 12. Officers are mindful of the lack of a single parking bay for a plot, however it is noted that this serves a bungalow. The parking standards require a two bedroom bungalow to benefit from two parking bays, though only one bay is proposed. Given that this is a bungalow, which is also in close proximity to bus stops which are served by frequent, direct connections into Durham City and into Sunderland, it is considered that the lack of a single parking bay is justified.
231. The Highways officer has also raised concerns with an insufficient margin width around the edges of the visitor parking bays located along the western site boundary. Whilst officer recognise the margin would assist vehicle users in leaving their vehicles, the lack of a margin is not considered necessary on highway safety grounds, therefore the lack of a margin is not unacceptable.

232. In respect of highway design, the Highways officer has raised some concerns which would need to be addressed through the technical approval process under the Highways Act. This is separate from the Planning process, and the highway layout is acceptable in Planning terms. A condition is recommended which secures approval of those technical details prior to the occupation of the first dwelling, should the applicant seek to offer the highway up for adoption by the County Council.
233. The Highways officer also advises the retaining walls along the rear gardens of Plots 13, 14, 15 and 16 must remain the responsibility of the landowner regardless of whether they support the highway. This would be a matter between the applicant, subsequent property owners, and the local Highway Authority, separate from the Planning process.
234. Officers are conscious that Councillor Hall has commented on the application, requesting a pedestrian crossing be provided on Station Road to the northwest of this site to provide safe access to the facilities and amenities further into the village. Due to the scale of the currently proposed development at only 20 dwellings, and due to Station Road not being a major highway with notable vehicle trips, officers do not consider it necessary to provide a pedestrian crossing on highway safety grounds. It is considered that occupiers of the currently proposed development would be able to safely cross the highway without a new crossing, therefore officers cannot reasonably require the developer to provide a crossing at their expense through the Planning process. Officers are mindful that Councillor Hall has been discussing the crossing provision issue with Highways officers separate from the Planning process.
235. Subject to standard highways conditions, the proposal does not lead to a highway safety impact and does not conflict with Policies 6 e) or 21 c) of the CDP or with the NPPF.

Ecology

236. Part 15 of the NPPF seeks to ensure that developments protect and mitigate harm to biodiversity interests, and where possible, improve them.
237. Paragraph 186 of the NPPF sets out the Government's commitment to halt the overall decline in biodiversity by minimising impacts and providing net gains where possible and stating that development should be refused if significant harm to biodiversity cannot be avoided, mitigated or, as a last resort, compensated for. CDP Policy 41 reflects this guidance by stating that proposals for new development will not be permitted if significant harm to biodiversity or geodiversity resulting from the development cannot be avoided, or appropriately mitigated, or, as a last resort, compensated for. CDP Policy 43 states that development proposals that would adversely impact upon nationally protected sites will only be permitted where the benefits clearly outweigh the impacts whilst adverse impacts upon locally designated sites will only be permitted where the benefits outweigh the adverse impacts. The Policy also considers protected species and their habitats.

Protected Species

238. The presence of protected species is a material consideration in planning decisions as they are a protected species under the Wildlife and Countryside Act 1981 and the European Union Habitats Directive which is transposed by the Conservation of Habitats and Species Regulations 2017 (as amended). The Regulations prohibit the deterioration, destruction or disturbance of breeding sites or resting places of protected species. Natural England has the statutory responsibility under the

regulations to deal with any licence applications but there is also a duty on planning authorities when deciding whether to grant planning permission for a development which would require a licence to apply three tests contained in the Regulations in order to determine whether a licence is likely to be granted. These state that the activity must be for imperative reasons of overriding public interest or for public health and safety, there must be no satisfactory alternative, and that the favourable conservation status of the species must be maintained. Brexit does not change the Council's responsibilities under the law.

239. There are no ecological designations within the site, with the nearest being Moorhouse Wood Local Wildlife Site located approximately 680m to the southwest. The nearest ponds are 280m and 380m respectively to the east and northeast beyond the A690.
240. An Ecological Appraisal has been submitted which, following an initial site survey, advises that no further survey work is required. Mitigation measures are recommended to avoid potential impacts on protected species during the works.
241. The Ecology officer has been consulted and they have not raised any concerns in relation to protected species.
242. The mitigation measures set out within the received Ecological Appraisal can be secured by conditions.
243. No impacts on protected species or irreplaceable habitats are expected. The submitted documents set out sufficient mitigation measures to avoid potential impacts on protected species during the works, which can be secured by condition. As there would be no interference with protected species, there is no need to apply the derogation tests for a licence.
244. The proposal would not have an adverse impact on protected species in accordance with Policies 41 and 43 of the CDP and with Part 15 of the NPPF.

Biodiversity Net Gain

245. From 12th February 2024 the requirements of Schedule 14 of the Environment Act 2021, as inserted into Schedule 7A of the Town and Country Planning Act 1990, apply to all planning applications for major development unless falling under one of the listed exemptions. This application was received after 12th February 2024 and does not meet any of the exemptions, therefore the proposal is required to deliver at least 10% Biodiversity Net Gain (BNG).
246. The application is supported by a BNG Assessment and Metric, which submits that the proposal would achieve a net loss of 0.50 habitat units (a 40.78% loss) and a net gain of 0.64 hedgerow units (a 159% gain). Overall the required 10% net gain would not be achieved on site, therefore the applicant is seeking to acquire off-site credits to achieve the required 10%.
247. The Ecology officer has been consulted and they advise that the updated BNG metric, which now excludes reliance on urban trees within private gardens of the proposed dwellings, is acceptable. They also advise that the proposed acquisition of off-site credits to achieve the required 10% is acceptable. Given the small amount of on-site BNG measures the Ecology officer advises that these measures can be secured through a Landscape Ecological Management Plan (LEMP) via planning conditions, as opposed to a more onerous Habitat Management and Monitoring Plan (HMMP) which would usually be secured by a legal agreement and by planning conditions. The

Ecology officer has also advised that a BNG monitoring fee does not need to be secured given the small amount of on-site BNG measures.

248. Subject to the use of relevant conditions, it is considered that the proposal would achieve at least a 10% BNG through some on-site measures and through acquiring BNG credits. The proposal accords with Policies 6 c) and 41 of the CDP and with Part 15 of the CDP in this respect.

Surface Water and Foul Drainage

249. Part 14 of the NPPF directs Local Planning Authorities to guard against flooding and the damage it causes. Protection of the water environment is a material planning consideration and development proposals, including waste development, should ensure that new development does not harm the water environment. Paragraph 180 of the NPPF advises that planning decisions should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of water pollution. Development should, wherever possible, help to improve local environmental conditions such as water quality.
250. Paragraph 173 of the NPPF states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment it can be demonstrated that it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate, and any residual risk can be safely managed.
251. CDP Policies 35 and 36 relate to flood water management and infrastructure, of which Policy 6 h) is also consistent. CDP Policy 35 requires agreement of flood risk and use of sustainable drainage systems with all development proposals required to consider the effect of the proposed development on flood risk, both on-site and off-site, commensurate with the scale and impact of the development and taking into account the predicted impacts of climate change for the lifetime of the proposal. It is not reasonable for development proposals to mitigate separate existing issues. Policy 35 also states that for major developments such as the current proposal, the management of water must be an intrinsic part of the overall development.
252. Policy 36 addresses the disposal of foul water in the consideration of development proposals, and the hierarchy of drainage options that must be considered and discounted for foul water. National advice within the NPPF and PPG with regard to flood risk advises that a sequential approach to the location of development should be taken with the objective of steering new development to flood zone 1 (areas with the lowest probability of river or sea flooding). When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where a sequential test and some instances exception test are passed, informed by a site-specific flood risk assessment.
253. The site falls within Flood Zone 1 as identified by the Environment Agency, which is the lowest risk area of fluvial (river) flooding.
254. No parts of the site lie within a pluvial (surface water following rainfall) flooding area.

255. No Sustainable Urban Drainage System (SuDS) basin or swales are proposed due to the shape and size of the site forming a constraint to the proposal's layout. All driveways and private shared surfaces would feature permeable paving.
256. The Council's Drainage and Coastal Protection Team have been consulted and they have advised that the surface water drainage strategy is acceptable in principle. Given the shape and size of the site, on balance the lack of a proposed SuDS basin and lack of integrated drainage features across the layout of the proposal, such as swales, is acceptable. No conditions are recommended, provided that the submitted details and the updated Flood Risk Assessment and Drainage Strategy form part of the approved plans condition.
257. The proposal seeks to connect to a mains sewer for its foul drainage solution. Northumbrian Water have been consulted in relation to foul drainage and the capacity of the local sewer system. Agreement for this would fall outside of the planning process under separate legislation.
258. The proposal would not lead to an increased surface water flood risk either within the site or elsewhere, therefore the proposal would not conflict with Policy 35 of the CDP, or with the NPPF.
259. The proposed foul drainage solution is considered acceptable in accordance with Policies 6 h), 35 and 36 of the CDP and Part 14 of the NPPF.

Heritage and Archaeology

260. In assessing the proposed development regard must be had to the statutory duty imposed on the Local Planning Authority under the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character and appearance of a conservation area. In addition, the Planning (Listed Buildings and Conservation Areas) Act 1990 also imposes a statutory duty that, when considering whether to grant planning permission for a development which affects a listed building or its setting, the decision maker shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. If harm is found this gives rise to a strong (but rebuttable) statutory presumption against the grant of planning permission. Any such harm must be given considerable importance and weight by the decision-maker.
261. Part 16 of the NPPF requires clear and convincing justification if development proposals would lead to any harm to, or loss of, the significance of a designated heritage asset. CDP Policy 44 seeks to ensure that developments should contribute positively to the built and historic environment and seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets. Policy 6 c) is of relevance also in this regard.
262. There are no designated heritage assets within or adjacent to the site, with the nearest listed building or structure being the Grade I listed Former Ebenezer Chapel, a 19th century methodist chapel located on Hall Lane approximately 600m to the northeast of the site. The nearest Conservation Area is Hallgarth Conservation Area approximately 2.5km to the southeast, located to the south of High Pitington.
263. It is considered that the proposed development would not have an adverse impact on above-ground heritage assets, therefore there would be no conflict with CDP Policy 44 or with Part 15 of the NPPF in this respect.

264. In respect of Archaeology, Paragraph 200 of the NPPF states that where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, Local Planning Authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.
265. Footnote 68 of the NPPF states that non-designated heritage assets of archaeological interest, which are demonstrably of equivalent significance to scheduled monuments, should be considered subject to policies for designated heritage assets. Therefore Paragraphs 200, 206 and 207 the NPPF are applicable, which require any harm to or loss of such assets to require clear and convincing justification. This is reflected in Policy 44 of the CDP.
266. The Archaeology officer has been consulted and they have not raised any concerns. No conditions are recommended.
267. It is considered that the proposal would cause no harm to heritage assets or archaeological remains, therefore there would be no conflict with CDP Policies 6 c) or 44, or with Part 16 of the NPPF, or with the Listed Building Act, in this respect.

Contaminated Land and Coal Mining Risk

268. Part 15 of the NPPF (Paragraphs 124, 180, 189 and 190) requires the planning system to consider remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land where appropriate. Noting that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner. CDP Policy 32 states that development will not be permitted unless the developer can demonstrate that the site is suitable for the proposed use, and that the proposal does not result in unacceptable risks which would adversely impact on the environment, human health and the amenity of local communities.
269. The site is within the Lower Risk Coal Advice Area. The land to the west of the site is within the Higher Risk Coal Area. The site is also within the surface mined coal resource area as defined in the County Durham Plan.
270. There are no known mineshafts within the site, with the nearest being approximately 70m to the southwest of the site.
271. The Coal Authority have been consulted, and given that the site is not within the Higher Risk Coal Area they have not raised concerns. They have also not raised any concerns in respect of mineshafts. They have not recommended any conditions.
272. The Environmental Health and Consumer Protection (Contaminated Land) officer has been consulted and they advise that following review of the submitted geoenvironmental appraisal, contamination risk assessment, and gas risk assessment, they have no concerns. They also advise that no conditions are recommended.
273. The proposal would not result in ground stability or land contamination risks which would adversely impact on the environment, on human health, or on the amenity of local communities. The proposal does not conflict with Policies 6 or 32 of the CDP or with Part 15 of the NPPF in this respect.

Planning Contributions

274. CDP Policy 25 states that new development will be approved where any mitigation necessary to make the development acceptable in planning terms is secured through appropriate planning conditions or planning obligations. Such mitigation will relate to the provision, and/or improvement, of physical, social and environmental infrastructure taking into account the nature of the proposal and identified local or strategic needs. Policy 25 goes on to state that developers will be required to enter into Planning Obligations which are directly related to the development and fairly and reasonably related in scale and kind to the development, in order to secure the mitigation that is necessary for a development to be acceptable in planning terms. Policy 25 reflects Paragraphs 55 and 57 of the NPPF.
275. CDP Policy 25 requires planning applications which do not propose policy compliant levels of affordable housing and/or obligations necessary to mitigate the impact of development will need to be supported by a robust viability assessment. Any viability assessment accompanying a planning application should refer back to the assessment that informed the Plan and provide evidence of what has changed since then. No such assessment has been submitted as part of this application.
276. The Council has published a Development Viability, Affordable Housing and Financial Contributions Supplementary Planning Document (SPD) dated April 2024, which supports Policy 25 of the CDP and provides guidance on how the required contributions are calculated.
277. Under the provisions of Section 106 of the Town and Country Planning Act 1990 (as amended) the applicant is proposing a planning obligation should planning permission be granted covering a number of matters as set out below.

Affordable Housing

278. All 20 of the proposed dwellings would be affordable housing, of affordable shared ownership tenure.
279. The application has been submitted by Woodside Commercial Developments Limited, a small residential builder. It is proposed that the affordable units once constructed would be taken on and managed by Heylo Housing who are a registered provider.
280. Given that the proposal relies upon the benefits of delivering 20 affordable dwellings when seeking to justify the loss of the commercial hub, officers seek to secure all 20 of the dwellings as affordable units in perpetuity through a legal agreement.

Education

281. Based on the methodology set out in the Council's adopted Securing Developer Contributions towards Education Provision in County Durham, the proposed development of 20 dwellings would produce 1 Nursery age pupils, 5 pupils of primary school age, 3 pupils of secondary age, 0 post-16 pupils, and 0.2 SEND pupils.
282. In relation to Primary School pupils, the following schools could serve the development based on a 2 mile safe walking distance:-
- West Rainton Primary School
Pittington Primary School
Belmont Cheveley Park

283. Based on the projected rolls of the schools, taking into account the likely implementation timeframe of the development, build rates and other committed

development there would not be sufficient space to accommodate the pupils generated by the development, whilst maintaining a 5% surplus. In order to mitigate the impact of the development, a contribution of £88,385 (5 pupils x £17,677) would be required.

284. In relation to Secondary School pupils, the nearest Secondary School is Belmont School, which has capacity for 845 pupils. Based on the projected rolls of the schools, taking into account the likely implementation timeframe of the development, build rates and other committed development, the Education officer advises there would not be sufficient space to accommodate the pupils generated by the development, whilst maintaining a 5% surplus. In order to mitigate the impact of the development a contribution of £72,936 (3 pupils x £24,312) would be required to facilitate the provision of additional teaching accommodation at Belmont School.

285. In relation to SEND pupils, the Education officer advises there is a shortage of SEND places across the County. In order to mitigate the impact of the development on SEND provision, they advise a contribution of £16,796 (0.2 x £83,980) would be required.

Healthcare

286. The NHS has been consulted and have not commented on the proposal due to the scale of the development. Therefore officers are not seeking a contribution toward increasing local GP surgery capacity.

Public Open Space Provision

287. CDP Policy 26 requires proposals for new residential development to make provision for open space to meet the needs of future residents having regard to the standards of open space provision set out in the Open Space Needs Assessment (OSNA). The OSNA sets out the most up to date position in respect to open space provision across the county and provides a formula for calculating requirements on a site-specific basis.

288. Using the OSNA's methodology, it is noted that a scheme of 20 dwellings would lead to 44 persons, at 2.2 persons per household. At 1000 persons per hectare of open space, the following open space would normally be expected on-site for a 20 dwelling scheme:

- Amenity/ Natural Green Space: 660 sq.m.

289. A site plan has been submitted showing no public open spaces would be provided within the site, with all soft landscaped spaces being residential curtilages. The application submits that this proposal is seeking to maximise affordable housing delivery.

290. Turning first to Amenity / Natural Green Space, the lack of the required 660 sq.m. is a concern. Officers note the previously approved area of Amenity / Natural Green Space to the immediate west of this site which benefits the adjacent Banks housing development which is currently under construction. However, officers are mindful that this adjacent area was required to mitigate the impacts of that adjacent development, therefore officers are unable to 'double count' its provision to off-set the requirements of the currently proposed development.

291. Officers are mindful of the benefits of maximising affordable housing delivery in what is a sustainable location, alongside the delivery of 12 bungalows when only 2 are usually required for a development of this scale. The delivery of this amount of affordable units, and this amount of bungalows, leads to limited room within the site to provide public open space, therefore a balancing act is required as to whether these

benefits outweigh the lack of on-site Amenity/Natural Green Space. Officers consider that the lack of what would be a relatively small amount of Amenity/ Natural Green Space is justified, provided that a financial contribution be secured to ensure off-site provision instead.

292. A contribution of £9,900 is therefore expected for what is a 20 dwelling development, unless the 50% discount applies. Officers note the proximity of the existing Amenity/ Natural Green Space to the north of Station Road and west of Chantry Place, which are within 480m of the site. It is therefore considered that the 50% discount does apply, and a contribution of only £4,950 should be sought.
293. In respect of other public open space typologies, the following financial contributions would normally be expected for a 20 dwelling development, unless the 50% discount applies:
- Allotments: £11,800
 - Parks and Recreation: £44,352
 - Play Space (Children): £3,740
 - Play Space (Youth): £2,922
294. In respect of Allotments, officers note the existing allotments within 480m to the southeast of the site, on the opposite side of the A690. Following the recent completion of the junction upgrade works there is a safe pedestrian crossing across the dual carriageway, providing sufficient access to these allotments. The 50% discount toward the off-site contribution for Allotment provision therefore applies, which equates to £5,940.
295. In respect of Play Space (Children), officers note the existing play area to the west of South Street and south of The Crescent, within 600m to the north of the site. The 50% discount toward the off-site contribution for Play Space (Children) provision therefore applies, which equates to £1,870.
296. In respect of Play Space (Youth), officers note the existing BMX track at the Adventure Play Park north of The Crescent, within 720m to the northwest of the site. The 50% discount toward the off-site contribution for Play Space (Youth) provision therefore applies, which equates to £1,496.
297. In respect of Parks and Recreation, officers note the existing Parks and Recreation space at the Adventure Play Park north of The Crescent, which is beyond 600m to the northwest of the site. The 50% discount toward the off-site contribution for Parks and Recreation provision therefore does not apply, and the full £44,352 contribution is sought.
298. In summary, a total of £58,608 is sought in contributions toward off-site public open space provision.

Summary of Planning Contributions

299. Financial contributions are sought toward Primary School, Secondary School and SEND school provision. As explained in the above assessment, officers are unable to secure a financial contribution toward Nursey and Post-16 provision.
300. Financial contributions are also sought toward off-site public open space provision.
301. Due to the small scale of development the NHS have not sought a financial contribution toward healthcare provision.

302. All 20 of the proposed dwellings would need to be secured as affordable units in perpetuity.
303. As explained in the Ecology section of this report, due to the small amount of BNG provided on-site, the management and maintenance of on-site Biodiversity Net Gain measures can be secured through a Landscape and Ecological Monitoring Plan (LEMP) via planning conditions, rather than through a Habitat Monitoring and Management Plan (HMMP).
304. As also explained in the Ecology section of this report, due to the small amount of BNG provided on-site, a financial contribution is not required toward monitoring the proposed on-site BNG measures.
305. The required contributions and affordable housing provision can be secured through a Section 106 Agreement should Members be minded to grant permission. If the applicant were to not enter into this agreement, the proposal would conflict with Policies 25 and 26 of the CDP.
306. With regard to the CIL Regulation tests, it is considered that the obligations being sought 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. Therefore, the obligations being sought accord with these tests.
307. Subject to the completion of a legal agreement the proposal would not conflict with CDP Policies 25 and 26, or with Paragraphs 55 and 57 of the NPPF.

Other Matters

Agricultural Land

308. The application site is less than 1 hectare, therefore the application is not required to provide an agricultural land classification statement.
309. CDP Policy 14 states that development of the best and most versatile agricultural land, will be permitted where it is demonstrated that the benefits of the development outweigh the harm, taking into account economic and other benefits. Paragraph 180 of the NPPF states that Planning policies and decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils, in a manner commensurate with their statutory status or identified quality in the development plan.
310. The site was historically in agricultural use, though benefits from an extant consent for a community hub and is now surrounded by residential development. The site is no longer in agricultural use. The benefits of the development, including maximising affordable housing delivery in what is a sustainable location, alongside the delivery of 12 bungalows when only 2 are usually required for a development of this scale, have also been taken into consideration.
311. It is considered that the proposal does not conflict with Policy 14 of the CDP or with Paragraph 180 of the NPPF in this respect.

Soil Resource

312. CDP Policy 14 states that all development proposals relating to previously undeveloped land must demonstrate that soil resources will be managed and

conserved in a viable condition and used sustainably in line with accepted best practice. Paragraph 180 of the NPPF states that Planning policies and decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils, in a manner commensurate with their statutory status or identified quality in the development plan.

313. A condition can be used to secure details of soil management during the construction works. Subject to the use of this condition, the proposal does not conflict with Policy 14 of the CDP or with Paragraph 180 of the NPPF in this respect.

Safeguarding Mineral Resources

314. The site is within the surface mined coal resource area as defined in the County Durham Plan. The site is also within a mineral safeguarding area for coal. Therefore Policy 56 of the CDP is applicable, which states that development of non-mineral development in the safeguarded areas would not be supported unless it meets one of the criteria in the Policy, or is one of the exemptions in Appendix C of the CDP.
315. Officers are mindful that if any coal were extracted from the site, due to its close proximity to existing residential dwellings that extraction operation would lead to an unacceptable adverse impact on the amenity of those residents. Therefore the proposal meets criterion b) of Policy 56.
316. Officers are also mindful that the proposal is for 20 affordable dwellings in a sustainable location, which also provides 12 bungalows as opposed to the policy requirement for only 2 bungalows. It is therefore considered that there are sufficient benefits to outweigh the safeguarding of the coal mineral beneath what is a small site. Therefore the proposal meets criterion e) of Policy 56.
283. For the above reasons this proposal does not conflict with Policy 56 of the CDP.

Travel Plan

317. At 20 dwellings, the proposal does not require a Travel Plan.

Public Rights of Way

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

Energy Efficiency

321. CDP Policy 29 requires proposals to minimise greenhouse gas emissions, by seeking to achieve zero carbon buildings and providing renewable and low carbon energy generation, and include connections to an existing or approved district energy scheme where viable opportunities exist. Where connection to the gas network is not viable, development should utilise renewable and low carbon technologies as the main heating source. The Policy goes on to require proposals to minimise the use of non-renewable and unsustainable resources, including energy, water and materials, during both construction and use, by encouraging waste reduction and appropriate reuse and recycling of materials, including appropriate storage space and segregation facilities for recyclable and non-recyclable waste and prioritising the use of local materials.
322. CDP Policy 29 also refers specifically to reducing CO2 emissions for new buildings based upon building regulations requirements at the time the County Durham Plan was adopted in 2020, however Part L of the Building Regulations has since been revised in 2021, and the levels now required exceed that of Policy 29 of the CDP. The applicant will be required to accord with those Building Regulations which would be enforced outside the Planning process. These Building Regulations require a further 31% reduction in carbon emissions over previous 2013 Building Regulations.
323. Electric Vehicle charging points are proposed at each dwelling and this is considered acceptable. Officers note that EV charging point provision is already required under Part S of Building Regulations following an update in 2021. A condition is recommended ensuring the EV charging points are installed and made available for use prior to the occupation of each dwelling.
324. The application indicates that the proposed residential dwellings would be of a sustainable design and would be constructed using sustainable methods. The proposal includes a number of energy efficiency measures relating to heating, water, lighting, materials and construction method, in response to Building Regulation requirements as mentioned above.
325. The application indicates that the proposed residential dwellings would be of a sustainable design and would be constructed using sustainable methods. The applicant indicates that air source heat pumps would be installed at every dwelling, and whilst roof-mounted solar panels are not shown at this stage they would be an option for purchasers of the dwellings. Officers are mindful that provision of these measures are subject to Building Regulation requirements separate from the Planning process.
326. The proposal also includes an EV charging point and cycle parking provision at each dwelling.
327. For the above reasons, the proposal would be an energy efficient form of development which would not conflict with Policy 29 of the CDP, or with Parts 9, 12 and 14 of the NPPF in this respect.

Broadband

328. CDP Policy 27 relates to utilities, telecommunications and other broadband infrastructure and requires any residential and commercial development to be served by a high-speed broadband connection and where this is not appropriate, practical or economically viable, developers should provide appropriate infrastructure to enable future installation.

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

Loss of existing recreational land

331. Concerns have been raised in public representations that the proposal would lead to the loss of existing recreational land. Officers are mindful that the site is a former agricultural field, is in private ownership, and following multiple visits to the site officers do not consider the site to hold any value as public open space. The proposal would therefore not lead to the loss of existing recreational land.

Encroachment onto neighbouring property's land

332. Concerns have also been raised in public representations that the proposal would lead to encroachment onto land to the south of the site in the ownership of a neighbouring property. The applicant has responded to those concerns by advising officers that the extent of the red line boundary and extent of the proposed works is entirely on land in their ownership, and would not lead to any encroachment onto the neighbouring party's land. However, as this a civil matter between the applicant and relevant party, this would not be a reasonable reason to withhold the granting of planning permission.

Public Sector Equality Duty

333. 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.
334. In this instance, officers have assessed all relevant factors and do not consider that there are any equality impacts identified. Accordingly, no changes to the proposal were required to make it acceptable in this regard.

CONCLUSION

335. 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.

336. The site is not allocated for housing in the County Durham Plan, though it is within the settlement, and is a sustainable location for development.
337. The proposal would lead to the loss of a community hub; whilst planning permission has been granted, it is not yet been constructed. Officers accept the application's submission that a new retail store is not viable in this location, therefore the County Council are left with the clear likelihood that the previously approved community hub will not come to fruition.
338. The proposed provision of 20 affordable dwellings, 12 of which are bungalows, is welcomed and afforded weight in favour of the proposal. It is therefore considered that the harm that would result in the loss of the previously approved community hub is outweighed by the submitted justification, along with the benefits of providing 20 affordable dwellings and 12 bungalows.
339. The development is acceptable when assessing against other County Durham Plan Policies and the NPPF, particularly in relation to locational sustainability, design, landscape, residential amenity, highway safety, flooding and drainage, and other technical matters subject to relevant conditions and financial obligations.
340. Overall, the proposal is considered to comply with the development plan as a whole, there are no material considerations which indicate a decision should be otherwise and therefore it is recommended that planning permission be granted.

RECOMMENDATION

341. That the application is **APPROVED** subject to the following conditions, and completion of an agreement under Section 106 of the Town and Country Planning Act 1991 (as amended) to secure:
- 100% of Affordable housing on-site comprising 20 Affordable Shared Ownership units;
 - £88,385 contribution toward increasing capacity at the following Primary Schools: West Rainton Primary School; and/or Pittington Primary School; and/or Belmont Cheveley Park;
 - £72,936 contribution toward increasing capacity at Belmont School;
 - £16,796 contribution toward increasing capacity at SEND schools across the County; and
 - £58,608 contribution toward improving off-site public open space in the Electoral Division.

Conditions:

Time Limit

- 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.

Plans

- 2) The development hereby approved shall be carried out in accordance with the following approved plans and documents:

1201 – L 100 B – House Type 1 Proposed Plans
1201 – L 101 A – House Type 1 Proposed Elevations
1201 – L 200 B – House Type 2 Proposed Plans
1201 – L 201 A – House Type 2 Proposed Elevations
1201 – L 300 B – House Type 3 Proposed Plans
1201 – L 301 A – House Type 3 Proposed Elevations

1457 – L 000 – Location Plan
1457 – L 001 B – Proposed Site Plan
1457 – L 003 B – Proposed Soft and Hard Landscaping Plan

2215 D800 Rev 2 – Section 38 Plan

Flood Risk Assessment & Drainage Strategy Version 4 dated 21st March 2025 by RWO
SUDS Maintenance Plan, dated 27th January 2025 by RWO
Surface Water Construction Management Plan, dated 27th January 2025 by RWO
D001 Revision 03 – Engineering Layout
D210 Revision 03 – SUDS Identification Plan
D810 Revision 03 – Surface Water Management Plan

Ecological Appraisal V2, dated 15th January 2024 by OS Ecology
Biodiversity Net Gain Assessment V3, dated January 2025 by OS Ecology
Biodiversity Net Gain Metric V3, dated January 2025 by OS Ecology

D6420/1 – Geoenvironmental Appraisal Revision 0, dated December 2014 by Dunelm
D6420A/01 – Updated Contamination Risk Assessment, dated 31st May 2018 by Dunelm
D6420/02 – Mining Investigation Revision 0, dated 15th April 2015 by Dunelm
D6420/03 – Supplementary Mining Investigation Revision 0, dated January 2016 by Dunelm
D6420/GRA Revision 1 – Gas Risk Assessment, dated 17th August 2016 by Dunelm

Construction Method Statement, dated August 2024

IDP/SR/001 – Assessment of Noise Levels and Noise Amelioration Measures, dated April 2018 by LA Environmental
NJD24-0299-001R – Air Quality Screening Assessment, dated November 2024 by NJD Environmental Associates

DS14.258revised – Archaeological Evaluation Written Scheme of Investigation, dated 5th September 2014 by Durham University Archaeological Services
3572 – Archaeological Evaluation, dated October 2015 by Durham University Archaeological Services

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

Biodiversity Net Gain

3) The Biodiversity Gain Plan shall be prepared in accordance with the 'Biodiversity Net Gain Assessment V3, dated January 2025 by OS Ecology.

Reason: To ensure the Biodiversity Gain Plan submitted for approval accords with the biodiversity information submitted with the planning application and 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.

4) No development shall not commence until a Landscape Ecological Management Plan (LEMP) 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 LEMP shall only detail on-site measures. The LEMP shall include:

- (a) a non-technical summary;
- (b) the roles and responsibilities of the people or organisation(s) delivering the LEMP;
- (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 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.

5) Notice in writing shall be given to the Local Planning Authority when:

- (a) the LEMP has been implemented; and
- (b) the on-site habitat creation and enhancement works as set out in the LEMP have been completed.

Reason: To ensure the development is carried out in accordance with the proposed habitat creation and/or enhancements and so 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.

6) Prior to the occupation of the final dwelling on the scheme:

- (a) the habitat creation and enhancement works set out in the approved LEMP shall be 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.

Protected Species

7) Prior to the first dwelling being constructed beyond damp proof course level, details of the location of integrated bat and bird boxes, along with details of the type of box, shall be submitted to and approved in writing by the Local Planning Authority. The boxes shall be integrated into the external walls of each of proposed dwellings, in accordance with the mitigation measures recommended in the hereby approved Ecological Appraisal V2, dated 15th January 2025 by OS Ecology.

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

8) All close boarded fence boundary treatments shall contain a 13 x 13cm minimum gap between the fence base and the ground, in accordance with the mitigation measures recommended in the hereby approved Ecological Appraisal V2, dated 15th January 2025 by OS Ecology.

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

Soil Management

9) No development shall commence until a soil resource management strategy has been submitted to and approved in writing by the Local Planning Authority. The strategy shall clearly describe the proposed use of all soils on site and demonstrate that soil resources will be managed and conserved in a viable condition and used sustainably in line with accepted best practice. The strategy should detail soil handling, storage and replacement methods to be used appropriate to the grade of soil and intended after-use. The strategy shall also include details of the proposed soil depths upon replacement and plant and machinery to be used as well as, where appropriate, steps to prevent the spread of any soil-borne plant or animal diseases. If soils are to be removed from site, then details of quantities and a programme for removal shall be submitted.

Thereafter, development shall take place in accordance with the approved details.

Reason: In the interests of the protection of soil resources and to comply with Policy 14 of the County Durham Plan and Part 15 of the National Planning Policy Framework. Required to be a pre-commencement condition to ensure soils present on the site are protected throughout the works.

Highways

10) Prior to the occupation of the first dwelling, full engineering, drainage, street lighting and constructional details of the streets proposed for adoption by the Local Highway Authority shall be submitted to and approved in writing by the Local Planning Authority.

Thereafter, the development shall be constructed in accordance with the approved details.

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

11) Prior to the first occupation of Plots 10 or 11 as identified on the hereby approved drawings, the proposed footpath link from the development to the adopted footpath to the north of the site shall be implemented.

Reason: To provide sufficient pedestrian connections between the development and the wider settlement and the nearest bus stops, in accordance with Policies 6 and 21 of the County Durham Plan and Part 9 of the National Planning Policy Framework.

12) No dwelling shall be occupied until the refuse storage provision for that dwelling, as detailed on the approved plans, has been implemented.

Thereafter, the refuse storage provision shall be retained in accordance with the approved details and shall be made available for the parking of cycles at all times.

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 and 12 of the National Planning Policy Framework.

13) No dwelling shall be occupied until the cycle parking provision for that dwelling, as detailed on the approved plans, has been implemented and made available for use.

Thereafter, the cycle parking shall be retained in accordance with the approved details and shall be made available for the parking of cycles at all times.

Reason: In the interest of sustainable development, in accordance with Policies 21 and 29 of the County Durham Plan, and Part 2 of the National Planning Policy Framework

14) No dwelling shall be occupied until the Electric Vehicle Charging Points for that dwelling, as detailed on the approved plans, has been installed and made available for use.

Thereafter, the charging points shall then be retained for use at all times for the lifetime of the development.

Reason: In the interest of sustainable development, in accordance with Policies 21 and 29 of the County Durham Plan, and Part 2 of the National Planning Policy Framework

15) No dwelling shall be occupied until the car parking area for that dwelling, as detailed on the approved plans, has been hard surfaced, sealed and marked out as parking bays in accordance with the approved plans.

Thereafter, the car parking area shall be retained in accordance with the approved plans and shall not be used for any purpose other than the parking of vehicles associated with the development.

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

Landscaping

16) Prior to any ground excavations, or laying of hardstanding, or storage of materials, plant or vehicles on land adjacent to the eastern boundary of the site, details of root protection area measures in respect of the adjacent hedgerow to the east of the site shall be submitted to and approved in writing by the Local Planning Authority.

The development shall then be constructed in strict accordance with the approved root protection area measures.

Reason: To ensure the retention of the hedgerow throughout the works, in the interest of the visual amenity of the area, and in the interest of the amenity of occupiers of Plots 13, 14, 15 and 16 as detailed on the hereby approved plans, in accordance with Policies 29, 31 and 40 of the County Durham Plan and with Part 12 of the National Planning Policy Framework.

17) All planting, seeding or turfing and habitat creation in the approved details of the landscaping scheme shall be carried out in the first available planting season following the practical completion of the development.

No tree shall be felled or hedge removed until the removal/felling is shown to comply with legislation protecting nesting birds and roosting bats.

Any approved replacement tree or hedge planting shall be carried out within 12 months of felling and removals of existing trees and hedges.

Any trees or plants which die, fail to flourish or are removed within a period of 5 years from the substantial completion of the development shall be replaced in the next planting season with others of similar size and species.

Replacements will be subject to the same conditions.

Reason: In the interests of the visual amenity of the area, in accordance with Policies 29 and 40 of the County Durham Plan, and with Part 12 of the National Planning Policy Framework.

Construction Period

18) The development shall be constructed in accordance with the mitigation measures in the hereby approved documents:

Construction Method Statement, dated August 2024

IDP/SR/001 – Assessment of Noise Levels and Noise Amelioration Measures, dated April 2018 by LA Environmental

NJD24-0299-001R – Air Quality Screening Assessment, dated November 2024 by NJD Environmental Associates

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

Working Hours

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

No internal works audible outside the site boundary shall take place on the site other than between the hours of 0730 to 1800 on Monday to Friday and 0730 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 without express permission from the Local Authority.

Banksmen will be employed to escort deliveries and manage traffic when reversing onto the public highway or other activity which may impact on road safety. All off-loading of plant, equipment and materials will be carried out on site and vehicles would turn around before leaving.

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

Broadband

20) Prior to the construction of the first dwelling, details of the means of broadband connection to the site shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the agreed details.

Reason: To ensure a high quality of development is achieved and to comply with the requirements of Policy 27 of the County Durham Plan and the National Planning Policy Framework.

Retention of Garages and Drives

21) Before the dwelling(s) hereby approved are occupied those with hardstanding(s)/drive(s) shall be constructed and made available for use, thereafter they shall be used and maintained in such a manner as to ensure their availability at all times for the parking of private motor vehicles.

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

Housing Technical Standards

22) Prior to the construction above damp proof course level of any of the dwellings hereby approved in a phase, a report setting out how at least 66% of the total number of units approved for each phase or part thereof will conform to Buildings Regulations M4(2) standard shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.

Reason: In order to address housing need requirements in accordance with Policy 15 of the County Durham Plan.

23) Prior to the occupation of any dwelling constructed to Buildings Regulations M4(2) standard as approved under Condition 22, a verification report compiled by a suitably competent person demonstrating that the dwelling has been constructed to achieve Buildings Regulations M4(2) standard shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In order to address housing need requirements in accordance with Policy 15 of the County Durham Plan.

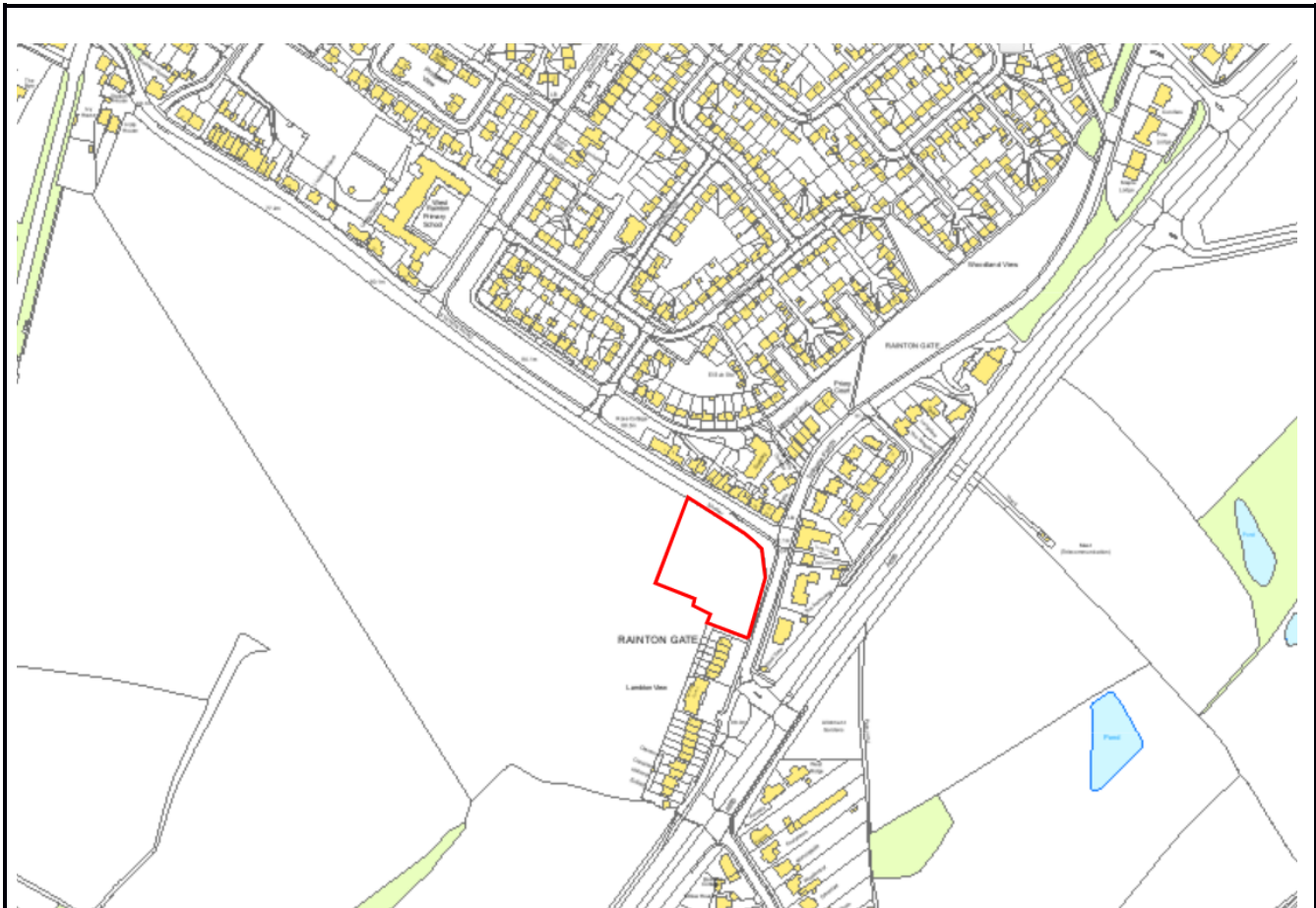
STATEMENT OF PROACTIVE ENGAGEMENT


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

BACKGROUND PAPERS

- Submitted application form, plans, supporting documents and subsequent information provided by the applicant
- Statutory, internal and public consultation responses
- The National Planning Policy Framework
- National Planning Practice Guidance Notes
- County Durham Plan (2020)
 - County Durham Design Code SPD (2024)

- Development Viability, Affordable Housing and Financial Contributions SPD (2024)
- Trees, Woodlands and Hedges (2024)
- Residential Amenity Standards SPD (2023)
- Parking and Accessibility SPD (2023)
- Building for Life SPD (2019)
- Durham County Council Open Space Needs Assessment (2018)
- County Durham Settlement Study (June 2018)
- Active Travel England Standing Advice Note: Active Travel and Sustainable Development (2024)
- CIRIA The SuDS Manual (2015)
- CIHT Better Planning, Better Transport, Better Places (August 2019)



 <p>Planning Services</p>	<p>DM/24/02156/FPA Erection of 20 affordable dwellings (Amended Description 28/11/2024) Land To The South Of 28 Station Road, West Rainton DH4 6SF</p>	
<p>This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding. Durham County Council Licence No. 100022202 2025</p>	<p>Comments</p>	
	<p>Date March 2025</p>	<p>Scale Not to Scale</p>