



Area Planning Committee (South and West)

Date **Thursday 14 December 2023**

Time **10.00 am**

Venue **Council Chamber, County Hall, Durham**

Business

Part A

1. Apologies for Absence
2. Substitute Members
3. Declarations of Interest (if any)
4. Minutes of the Meeting held on 23 November 2023
(Pages 3 - 16)
5. Applications to be determined
 - a) DM/23/01358/FPA - Site of Former Greyhound Track, Front Street, Merrington Lane, Spennymoor, DL16 7RS
(Pages 17 - 64)
Erection of 65no. dwellings with associated access, infrastructure, and landscaping.
 - b) DM/23/01719/FPA - Land West of 31 to 32 Church Street, Coundon (Pages 65 - 98)
Erection of 51no. dwellings together with formation of site access, landscaping and associated works.
 - c) DM/22/01848/FPA - Eclipse Development Site B, South of Rudkin Drive, Crook, DL15 8LU (Pages 99 - 126)
Erection of 15no. bungalows.
6. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration.

Helen Bradley
Head of Legal and Democratic Services

County Hall
Durham
6 December 2023

To: **The Members of the Area Planning Committee (South and West)**

Councillor J Quinn (Chair)
Councillor A Savory (Vice-Chair)

Councillors E Adam, V Andrews, J Atkinson, D Boyes, D Brown,
J Cairns, N Jones, L Maddison, M McKeon, S Quinn,
G Richardson, I Roberts, M Stead and S Zair

Contact: Amanda Stephenson Tel: 03000 269703

DURHAM COUNTY COUNCIL

At a Meeting of **Area Planning Committee (South and West)** held in Council Chamber, County Hall, Durham on **Thursday 23 November 2023 at 10.00 am**

Present:

Councillor J Quinn (Chair)

Members of the Committee:

Councillors A Savory (Vice-Chair), E Adam, V Andrews, J Atkinson, D Brown, N Jones, G Richardson and M Stead

1 Apologies for Absence

Apologies for absence were received from Councillor J Cairns, Councillor S Quinn and Councillor S Zair.

2 Substitute Members

There were no substitute Members.

3 Declarations of Interest

Councillor A Savory declared she had an interest in agenda item 5b as she was a member of Wolsingham Town Council who were in support of the application. However she had not taken part in any Town Council meeting where this application had been discussed.

Councillor G Richards declared a non-pecuniary interest in agenda item 5b as he knew the applicant.

4 Minutes

The minutes of the meeting held on 19 October 2023 were agreed as a correct record and signed by the Chair subject to the following change.

Councillor D Brown stated that he had been misquoted in the minutes on agenda item 5 b DM/23/01275/PA - Land Northwest of South Thorpe, Wycliffe, DL12 9TU. The minutes should read 'Councillor Brown mentioned that slurry was not required to be spread from the start of November until end of February and that everyone would have storage as an ongoing cost'.

The Chair agreed to change the order of business for the meeting and agenda item 5d was to be considered first.

5 Applications to be determined

d DM/23/01885/FPA - Woodhouse Close Leisure Complex, Woodhouse Lane, Bishop Auckland, DL14 6JX

The committee considered a report of the Senior Planning Officer for the demolition of the existing Woodhouse Close Leisure Complex and Library and erection of a replacement Leisure and Community Centre and associated car parking and landscaping (amended description) (for copy see file of Minutes).

J Burnett, Senior Planning Officer gave a detailed presentation that included aerial photographs that showed the library and car parking area and where it lay on the land, existing Leisure Centre site photographs, the proposed layout, elevation photographs and visualisation photographs. A site visit had taken place prior to the committee meeting. The Senior Planning Officer highlighted that the car parking at the west of the site would be expanded to accommodate parking for both bicycles and cars. He referred that the demolition would be in a phased approach to allow business continuity of the facilities. There were no objections through the consultee process and the application had received support from Bishop Auckland Town Council.

Councillor C Hunt addressed the Committee on behalf of both herself and Councillor J Howey as local councillors in support of the application. They believed that Woodhouse Close Leisure Centre was the hub of the community and was vital to the health and wellbeing of residents in Woodhouse Close and Bishop Auckland many of whom did not have their own transport. It was well established and provided for everyone from children to the elderly. It was also used by schools outside Bishop Auckland such as Crook who no longer had their own swimming facilities, giving children vital swimming lessons not only for their pleasure but also for their safety. The new leisure centre would provide a space for people to meet and tackle issues such as loneliness and isolation along with great facilities for disabilities and rehabilitation not to mention the jobs it would save and the new jobs it would create. For these reasons they wholeheartedly supported the proposal and urged members to agree with the officer's recommendations to approve the application.

C Scott, Agent addressed the committee on behalf of the applicant in support of the application. She thanked the Senior Planning Officer for providing a detailed committee report and presentation. She expressed there was a need for a new facility as the existing building was over 50 years old and was out of date. There would be a significant amount of work and expense to bring the existing building up to standard. Staff would be retained and further jobs would be created. She stressed that the development would take a phased approach to ensure the continuity of service for the community.

There were no objectors registered to speak against the application and as there were no questions for the registered speakers the Chair opened up the Committee to debate on the application.

Councillor J Atkinson knew the building as it had been there for a long time and was not surprised that the building had come to the end of its life. He noted that everyone enjoyed using the facility even though it was outdated. The community supported the application and as such he **moved** that the application be approved.

Councillor E Adam agreed with Councillor J Atkinson and **seconded** the application to be approved but was concerned with the phased approach and asked if the library would still function in a different location for residents to access whilst the works were undertaken. After attending the site visit he was worried about the telephone wires on the site that were connected to residents properties. He had not seen any recommendations for these in the development plan.

The Senior Planning Officer replied that the library would be relocated to the leisure centre until the new library opened. The storage of books that could not be accommodated would be taken to other libraries and brought back again once the new library was up and running in the new build. He stated that the overhead wires would not be affected at all by the construction.

Councillor E Adam was happy with the library response but asked for further clarity on the overhead wires and wanted reassurances that they would not be affected as he had noticed a telegraph pole directly outside the library. He wanted to know if there were any alternative plans to deal with these.

The Senior Planning Officer could not offer any further explanation. C Scott reiterated that she had been advised that the overhead wires would be unaffected by the development.

Councillor G Richardson informed the committee that he also knew the building well and had often taken his daughters there for swimming. He noted that at events the venue was extremely hot and expressed his delight at the proposal going forward. Councillor Richardson considered that the development had missed a trick to supply a 50 metre Olympic sized swimming pool within the design which potentially could have fit nicely in the centre of the building. However, he was fully supportive of the application.

Councillor A Savory had not been on the site visit and relied on the recommendations of those who had taken part and therefore was fully supportive of the application.

Councillor N Jones informed the committee that he had learned to swim at the complex. He thought the application was a marvellous proposal and was fully supportive of the application.

Upon a vote being taken it was unanimously:

Resolved

That the application be **APPROVED** subject to the conditions listed in the report.

a DM/23/01681/FPA - Land to the East of Holdforth Crescent, South Church Road, Bishop Auckland, DL14 6DU

The Committee considered a report of the Senior Planning Officer for the erection of 22 no. dwellings, together with formation of the site access, landscaping and associated works on land to the east of Holdforth Crescent, South Church Road, Bishop Auckland (for copy see file of Minutes).

G Heron, Senior Planning Officer gave a detailed presentation of the application which included a site location map, aerial photographs, site photographs that showed the various angles and differences in land levels, a proposed site plan, and proposed elevations. A site visit had taken place prior to the committee meeting. She explained that an amended site plan had been submitted after the reports had been published to extend the gardens and push the retaining wall back by 2 metres. She stated that the original plans still showed the relevant information. She mentioned that within the consultee exercise the application had received objections from the Lead Local Flood Authority, the Environment Agency and Network Rail. There had also been objections from the Public Rights of Way and Ecology teams on the design.

The Senior Planning Officer declared that she had also received a report from the Noise Assessment Team that had not been circulated before the meeting that had reassessed their views. They had recommended that if acoustic glazing was added to the properties this would address the noise issue. She updated the committee that as the noise element for refusal had been withdrawn there were now only 5 reasons for refusal and not six.

D Marjoram, Agent addressed the committee in support of the application. As set out in the Committee Report the proposals satisfied all relevant policies of the development plan and NPPF provisions, as well as supplementary guidance, and fundamentally disagreed with the proposed reasons for refusal. As for the poor design he was surprised given the indicative layout submitted as part of the earlier outline consent that showed a layout that was very similar to the current proposals. The earlier scheme proposed access from South Church Road in virtually the exact same position, with semi-detached dwellings arranged either side of the single access road that formed a cul-de-sac. He was not aware of how housing could be delivered on this accepted suitable site in a different way. The planned outward-facing bungalows onto the linear route of South Church Road would reflect the character of the settlement in an appropriate manner and had inward-facing houses at the northwest corner of the site that was logical due to their location behind an existing large wall, because front access could not be formed to these.

D Marjoram stated that owing to the levels, the proposed bungalows would be set down from the existing properties opposite, whilst appropriate and high quality materials could be secured by condition. The key point to note was that the latest Strategic Housing Market Assessment identified that the greatest need to 2035 was for two and three-bed sized properties, and bungalows, which his client was trying to deliver. The proposals would require a sizeable retaining structure along the eastern boundary of the site, albeit this would sit below the existing tree canopy when viewed from the west, and behind these trees when viewed from the east. That notwithstanding, if the Committee were satisfied with the proposals and looked favourably on the development if split level dwellings were proposed, as was the case for the original outline consent, then he would be happy to make such revisions if the application were deferred. This would reduce the height of any retaining structures accordingly.

D Marjoram noted that a sizeable area of open space was proposed on-site, which excluded the drainage tank, some of which could be utilised with a view to maximise the biodiversity value of the site post-development. In the event that a net gain could not be achieved, an off-site contribution towards such could be secured via a conditional S.106 Agreement.

He remarked that his client's Engineers had advised that the proposals would not tangibly increase flood risk on or off-site. The area of the site within Flood Zone 3 was very small, at around 38sq.m, with the proposed houses and their gardens to be located substantially above this. The Engineers had further advised that the small area within Flood Zone 3 could be designed out through further revisions to the scheme, if the Committee were minded to defer the application to achieve such. Any deferral would also provide an opportunity to submit and agree a suitable drainage strategy that all relevant consultees were satisfied with. With regards to the viability response from the Council, he disagreed with this, as the example of values chosen by the Council were not comparable (some are from higher value areas).

He remained of the firm view that the development was not viable with affordable housing contributions, which was not unexpected for a scheme of this scale in the lower value area based on the whole plan viability work. This scheme delivered an enhanced M4(2) specification (100% as opposed to 66%) and help to meet the need for bungalows within the authority area. If the Committee were minded to defer the application to allow further discussions about this matter, he would not have any issues. He felt it was important to make Members aware that the Public Right of Way route, according to the Council's maps, would see people walking over the railway line and not the crossing. The route of the diversion shown on the proposed site plan was more reflective of reality than the Council's records, and the suggestion that the new route would be an unacceptable deterioration in quality and experience, was simply not true in his view. The experience would clearly change by virtue people would be walking through a housing development, but they would be able to get from the northern site boundary clearly and legibly to the southern one.

He felt that not only would the proposals make a positive contribution towards the Council maintaining a 5YHLS (5 year housing land supply), but they would also be located in a clearly sustainable location a short walk from the town centre, with a footpath to be provided along much of the site frontage on the eastern side of South Church Road. Crucially, the scheme would deliver two and three-bed size properties, and bungalows, which were most needed according to the SHMA. Developers were continually being asked to deliver smaller properties and bungalows, which was precisely what our client offered, on a site where Officers recognised that the principle of residential development was acceptable. He therefore respectfully encouraged the Committee to either: approve the application in its current form, or subject to all technical matters and affordable housing being addressed, with Officers granted delegated powers to approve thereafter; or defer, if it was considered that with some of the proposed changes and/or more information the Committee could support the application in due course.

The Senior Planning Officer stated that the key debate on the scheme should be based on what plans had been submitted to date. There were fundamental reasons based on planning issues for refusal. She advised that she had tried to work with the applicant to improve matters but highlighted that the issues had not been resolved and Members would need to decide.

Councillor D Brown had attended the site visit and had been concerned with the amount of traffic on South Church Road. He felt that trying to enter the road would be suicidal. He directed a question at the Highways Officer asking what process took place in deducing their report.

J Robinson, Principal DM Engineer (Highways) responded that surveys had been completed at peak times where there were heavy flows of traffic that had been found to be mild to moderate. The amount of traffic generated by the proposed properties was considered and how that would affect the peak flow. It was found to be a negligible low amount.

Councillor D Brown felt that a Highways Inspector should have attended the site visit at the same time to get a feel for how busy the road was. He thought that the photographs did not show the site well in comparison to visiting the site. He thought the site was not very productive to go forward with the development with the different levels. He was unsure how the process would take place to build the properties and the retaining wall at the end of the site.

S Pilkington, Principal Planning Officer stated that the proposed level was shown for visual purposes. It would be Building Control's remit to ensure the building of the proposed dwellings was carried out correctly including the significant retaining structure. He added that Members could add conditions to the planning application that would be related to the structure.

Councillor V Andrews commented that she previously lived at Selby and had seen first-hand the impact of properties built on a flood plain where residents had to move out of their homes. She had also seen how the water affected the wider area. She did not agree to building houses on flood plains and as such could not agree to the application.

Councillor E Adam considered that the flood plain was a major issue. He had attended the site visit and could see an issue with flooding in the area especially with a 7 metre wall in place by a small burn. If this backed up in heavy rain it could affect other areas. He was also concerned with the retaining wall that would need to be built and asked if the site would need to be infilled. He also asked if the applicant saw this as an expensive site to build and not financially viable given that there was no offer of affordable housing within the development.

D Marjoram responded that the development had higher than normal costs associated to the site due to the retaining wall. He advised that the applicant had been guided by the arborist in order not to cause any damage to the existing trees on site. He noted that they would be split level properties as the applicant was keen to deliver bungalows so wanted to create a level plateau rather than split level dwellings. The higher than normal costs factor meant that affordable housing could not be delivered.

Councillor E Adam disputed the medium to low traffic flow in the area as on the day traffic was extremely busy. He enquired as to how long ago the surveys were carried out and whether the road under the railway bridge had been considered in the survey as he did not think access to the site was a large distance away from the brow of a hill that would make it difficult to cross the road. He was concerned about road safety and speed in this area and the entrance road especially in the wintertime trying to get onto the main road.

J Robinson, Principal DM Engineer (Highways) replied that Highways did not fully support the application on the visibility. The criteria was based on minimum visibility space for 30 mph but it was assessed on a higher speed as most people did not sit at the speed limit set for a road. He stated that he had asked the applicant for additional information that had not been supplied to date. The crest of the road at the north required both horizontal and vertical visibility. He advised that the speed surveys had been carried out before lockdown that saw higher levels of traffic and post lockdown that had seen a lower level of traffic.

Councillor E Adam did not feel that the traffic flow measurement was up to date and a more recent survey should be carried out. It appeared that there had been a lot of correspondence between the applicant and Highways to alleviate issues but there were still several concerns that had not been addressed. He **moved** to refuse the application based on the 5 reasons for refusals in the report.

Councillor M Stead knew the site well as he drove past it on a regular basis and knew how busy the road was. He felt that the role of the Councillor was to debate applications with an open mind and he had not heard anything to support the application. There were still issues to iron out. He proposed to **second** the application for refusal.

Councillor J Atkinson stated that he would normally favour new build developments especially with affordable housing. He was fully supportive of the Officers recommendations. He was confused with the compromise from the previous outline application and was concerned with the amount of issues.

The Senior Planning Officer reiterated that there was no affordable housing being offered on the site. There would be no financial contributions within the application. She advised that if the agent came forward with a revised application that addressed all the issues it would be considered again. The refusal reasons would need a new application to reconsider the key issues.

Councillor N Jones agreed that the application in principle was great as it was near shops and it would be nice to see the land turned over and used but it was a shame that it did not tick enough boxes. He was concerned about the busy road.

J Robinson, Principal DM Engineer (Highways) confirmed that there were 3 speed surveys undertaken between 2010 and 2015. He reiterated that the applicant had been asked to complete a new survey at their cost which had not been received.

Councillor G Richardson was disappointed that he could not attend the site visit. He had considered the maps on screen and listened to members that had attended the site visit. He acknowledged that there was nothing in what had been said to support the approval of the application. He agreed to support the officer's recommendation to refuse the application.

Upon a vote being taken it was unanimously:

Resolved

That the application be **REFUSED** for the reasons set out in the report (as amended).

b DM/22/00380/FPA - Former Windy Nook Picnic Area, Wolsingham, DL13 3DJ

The Committee considered a report of the Senior Planning Office for the erection of 1 no. retail unit (Class E) at the former Windy Nook picnic area, Wolsingham (for copy see file of Minutes).

G Spurgeon, Senior Planning Officer gave a detailed presentation that included aerial images, various site photographs that showed a wide access with hard standing tarmac that was set back against the road, the proposed layout that proposed 48 parking spaces and underground storage, the elevation of the site that showed the size of the building that was screened by trees and the floor plans that showed the proposed café layout. Wolsingham Parish Council were in support of the application and had received no objections to the relocation of the existing family run business that complied with local and national policies. There were no registered speakers and a site visit had taken place ahead of the meeting.

Councillor E Adam supported the Officers recommendation to approve the application. He enquired if there was any further information on the biodiversity net gain due to the loss of an amenity from the area.

The Senior Planning Officer replied that the applicant had 3½ hectares of agricultural land in Stanhope that they proposed to support the relevant biodiversity net gain that would address the habitat and wildlife for a period of 30 years. This was subject to a legal agreement.

Councillor A Savory lived in the village where the seven possibly eight generation business operated. They employed 7 people at the specialist business that was used by the farming fraternity. The picnic area had not been used for at least 20 years and proposed to **move** the recommendation.

Councillor N Jones frequented Weardale and was happy to **second** the application.

Councillor M Stead thought it was a superb addition to the area. It had been run by seven generations of the same family and was glad that it was not a retrospective planning application where everything had been done correctly.

Councillor J Atkinson agreed with everything that had been said by Members.

Upon a vote being taken it was unanimously:

Resolved

That the application be **APPROVED** subject to the completion of a legal agreement to secure long term off-site biodiversity and the conditions listed in the report.

c DM/23/02367/FPA - Unit 40, Enterprise City, Green Lane, Spennymoor Industrial Estate, Spennymoor, DL16 6JF

The Committee considered a report of the Planning Officer for the change of use from an industrial unit (B class) to specialist pet food supplies (Retail) (Class E) (Retrospective) (for copy see file of Minutes).

M Sandford, Planning Officer gave a detailed presentation of the retrospective planning application that had been called to Committee by Councillor B McAloon who considered the use to be such that it could not operate in a town centre.

The presentation included aerial photographs that showed the car park, site photographs that showed where the already occupied unit was located and that of the inside of the shop and floor plans and elevation of the unit. There was a site visit that took place prior to the meeting. The application did not adhere to policy 2 of the County Durham plan and safeguarded policy 9 that the business should be operated from a town centre. There were no public objections made.

S Barker, Agent addressed the Committee on behalf of the applicant in support of the application. He appreciated that the application related to an existing use that was already in operation without giving rise to any practical problems for many months. He stated that the applicants did not realize that planning permission was required for them to operate in the unit and for that they offer their apologies. They thought they were not dissimilar to the other specialist retail uses found throughout the estate. He noted that from the officer's report and from the letter of support from the owners of the wider estate that this unit had been a difficult unit to let and the point was made that over the last 5 or 6 years it had been empty for longer than it had been occupied. The unit had not had a long-term stable tenant in it and if this application was refused, it was going to be an empty unit again with no jobs for local people, no business rates coming in, an empty waste of space. Unfortunately, the empty period did not count in terms of the planning policy as they lie just outside the policy timescales. Somewhat ironically if they had applied for consent before starting up the empty periods probably would have counted and it might have been policy compliant.

S Barker noted that if the applicants were forced to move out, they would not move to Festival Walk or anywhere else in the Town Centre as they needed a location where they could accommodate bulk freezers and where customers could get right up to the loading bays for bulk transfer of heavy dog food boxes. They were also aware that their healthy treats were great for dogs teeth and all dogs loved them but not all two legged people coped with the odour that was not everyone's cup of tea and could be positively offensive to some. The applicants had tried to explain this to officers but there was a reluctance to accept that they were not a Town Centre use. They would probably look for a rural barn conversion or farm shop type of location if forced, but really wanted to stay on the estate. The landlord and other occupants wanted to keep them. There were quite a few other forms of specialist retailing on the estate, and they could not understand why they appeared to be singled out.

He mentioned that dogs were allowed to be kept on the estate but could not supply their food from the same place. It appeared no one wanted them to go, no one was harmed by their staying but there was a situation where potentially destroying a local start up business that was popular with lots of dog owners in the area, all because of a misplaced perception that they could be in the Town Centre which was being demolished in large parts.

He added that Members had the discretion to make a pragmatic decision to retain the business and keep dog owners across the County happy or vote to close it down, taking enforcement action and destroy the business. He hoped that Members were able to see the alternative potential and the joy and benefit of supporting the business to which there were no technical objections and which simply was not the right use for the Town Centre and urged them to set aside the officer recommendation in this special instance.

The Planning Officer stipulated that it was the only unit that had been occupied solidly for three years. There was a requirement to show that the unit had been unoccupied for 2 years for the exemption in policy 2 to kick in.

Councillor E Adam referred to paragraph 43 in the report that related to the statement that had been provided by the freehold owners/managers of the site LCP Management Ltd that gave a history of the unit in that it had been difficult to rent in the past. It appeared that it had been unoccupied for 4 years prior to the applicant taking over. He questioned whether this was a real reason to refuse the applicant. It was positive that the premises had been occupied for 3 years and operated that made use of the building and provided a service to the community. He requested further details.

The Planning Officer clarified that the applicant had only occupied the unit since February 2022 and the prior business owner had operated for 2 years.

Councillor E Adam felt he could be swayed either way. He noted that the business possibly would not fit in a town centre and did not know if there were other buildings that may be suitable. He had heard nothing that would sway him to refuse the application. It was a balancing act for members which was difficult.

Councillor J Atkinson did not like retrospective planning applications as he felt it should be completed properly in the first place. He accepted the applicant's explanation as to why the application was retrospective. It appeared to him to be a successful business and thought it would be just as successful in a town centre in the right place.

J Jennings, Principal Planning Officer clarified that the unit had been empty from 2016 to 2020 then occupied from 2020 until Feb 2022 with the applicant then taking over the unit. As the unit had been occupied for the last three years it did not meet the exemption criteria in Policy 2 of the Durham County Plan. The unit had never been let out for retail use. Similar businesses operated from within the Town centre as defined in policy 9 and the application was recommended for refusal on these reasons.

Councillor M Stead ran an accountancy firm that offered advice to small businesses and know how difficult different businesses were to run. He stressed that location was key and he did not feel that a dog feed business could operate successfully within a town centre. The unit was probably a low-cost option. He agreed with Councillor J Atkinson that he also did not like retrospective planning applications. In this case it was negligible on the applicant's part but they potentially did not understand the process. He supported Councillor E Adam that the applicant was lost in paperwork. He queried what could be done to support this.

Councillor N Jones asked what the business rates were for 2022.

J Jennings, Principal Planning Officer remarked that the question was irrelevant but did not have the information to hand.

S Barker noted that the previous business had maintained the business for a little while but then failed which was the reason he left.

Councillor J Quinn noticed that in the report the applicant claimed that customers bought products in bulk and questioned what the average weight was of the dog food. He believed it would not be appropriate to carry heavy items down the high street if there was not nearby parking.

S Barker replied that the weight of products being bought would depend on each customer's individual need but this could be in excess of 65 kg.

Councillor J Quinn agreed that feeding animals raw meat implied buying in bulk.

Councillor M Stead **moved** to approve the application. There was a high level of traffic, certain stock would not use large delivery vans and would not affect the business park.

Councillor N Jones was happy to **second** to approval of the application.

Councillor G Richardson also wanted to second the application to be approved. His wife used a similar small business in St Helen that was not located in the town centre as people required access and items would be too heavy to carry back to their cars that would be parked a way away. He supported approval of the application.

N Carter stated that the starting point was that Officers had found that the retrospective application conflicted with policy 2 and policy 9 of the Durham County Plan. Members had to determine in accordance with the development plan unless there were material considerations which outweighed the harm arising from the policy conflict. This was essentially a balancing exercise of harm v benefits. Members had referred to the economic benefits arising from the business and had expressed doubts as to whether it could function in a town centre location. He suggested that if a decision was to be made to approve the application, it would be appropriate to attach a personal condition so that permission would be granted solely to the applicant and no future occupier of the unit.

The Principal Planning Officer suggested that if Members overturned officer's recommendation that a condition should be imposed to restrict the use to the retail operation of the applicant therefore if the applicant left it would revert to the original use. A condition could also be place on the opening hours.

Councillor E Adam had queried whether an alternate town centre property could be looked at between the original unit and the town centre that may be suitable. However the suggestion was a new way to look at the application without deferring for a new application that was a sensible approach.

S Barker and the applicant were happy with the conditions that would be placed on the application if it was decided to approve the application. They also agreed to any restrictions that would be placed on the opening hours.

Upon a vote being take it was unanimously:

Resolved

That the application be **APPROVED** as a personal permission and subject to a suite of conditions details of which were delegated to the Planning Officer.



Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

Application No:	DM/23/01358/FPA
Full Application Description:	Erection of 65no. dwellings with associated access, infrastructure, and landscaping
Name of Applicant:	Hardwick Homes Ltd and Livin Housing Ltd
Address:	Site of Former Greyhound Track, Front Street, Merrington Lane, Spennymoor, DL16 7RS
Electoral Division:	Tudhoe
Case Officer:	George Spurgeon (Senior Planning Officer) Tel: 03000 261 959 Email: george.spurgeon@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSAL

The Site

1. The application site relates to a parcel of land comprising the former Greyhound Track located off Front Street in Spennymoor. The rectangular shaped site measures approximately 2.25ha in area. The Greyhound track was closed and demolished in the 1990s and the site now consists of unkempt, open scrubland with only the line of the former race track, some walls and an area of hardstanding where the former terrace and concourse once stood remaining.
2. The site is located on the southern edge of Spennymoor, separated from the main built up area by the A688 dual carriageway. The site lies approximately 600m to the south east of the town centre boundary, pedestrian links are provided through an underpass to the north of the site. Vehicular access into the site is taken off Front Street through the eastern boundary which then connects onto the main highway network beyond. To the north of the access point is a Northern PowerGrid substation and to the south lies a gym and builder's merchant. Allotment gardens border the southern boundary with a public house to the south east.

3. A Public Right of Way (Footpath no.56) lies adjacent to the site's western boundary with Daisy Fields park and recreation ground lying beyond. The site boundary partially borders the A688 dual carriage way on its north-eastern border. The highway sits at a higher level to the application site at the top of an embankment which is landscaped. The remainder of the northern boundary is occupied by various small commercial properties. PRoW Footpath no.57 crosses the site's northern boundary linking to Footpath no.56, the underpass and the town centre beyond to the west and out onto Front Street to the east.
4. The site lies outside of any nationally or locally designated landscape, heritage or ecological areas. There are a number of trees along the site's northern boundary, a small group to the south east corner and individual trees to the east and north west. To the east of the site, 384 dwellings have been built on the site of the former Thorn Lighting factory, with an extant consent for up to 425 dwellings on the former Electrolux site to the south east.

The Proposal

5. The application seeks full planning permission for the erection of 65 dwellings comprising 7no. 2 bed bungalows, 31no. 2 bed dwellings, 24no. 3 bed dwellings, and 3no. 4 bed dwellings across 5 house types. The applicants have confirmed that 100% of the units would be delivered as affordable housing to be managed by Livin Homes, with 7no. affordable rent to buy properties and the rest available for affordable rent. Each dwelling would be served by its own private rear garden and in-curtilage car parking spaces, with 15no. visitor bays distributed throughout the site.
6. A single storey gym building is proposed to be demolished to facilitate a new access to the site from Front Street. The proposed layout comprises dwellings sited along two main central spine roads which terminate in private shared driveways to the north west and south west corners of the site. A SUDs basin is proposed to be located to the north eastern corner of the site which would be overlooked by Plots 49-51. Areas of public open space are also indicated to either side of the site entrance and along the north of the site. A pumping station is shown to be positioned along the southern side of the main entrance route through the site, to the north of the Jewson builders merchants. Footpath connections are proposed from the north west and south west corners of the site to PRoW no.56 and from the north east of the site to PRoW no.57. The route of these footpaths is not proposed to be altered.
7. The dwellings themselves would be constructed from a limited palette of materials comprising a mix of red and buff brick and grey and red roof tiles, grey UPVC windows and composite timber doors with flat roofed canopies above. Feature brick stripes in recessed panels are proposed to the frontages of all house types.
8. The application is being reported to the South West Area Planning Committee in accordance with the Council's Scheme of Delegation as it constitutes a major housing development on a site less than 4ha and comprising fewer than 200 dwellings.

RELEVANT PLANNING HISTORY

The Application Site

9. Outline application 7/2006/0548/DM with all matters reserved except for access for the erection of 104 dwellings was approved by the planning committee on the 10th of November 2008 but was never implemented. Application 7/2007/0703/DM for the construction of a new access and remediation works was approved on the 7th of March 2008.
10. Outline application 7/2007/0704/DM with all matters reserved for the erection of up to 100 dwellings was approved on the 6th of January 2009, however this was never implemented. Consent was granted to renew permission in both 2011 (7/2011/0054/DM) and 2013 (7/2012/0043/DM).
11. Application DM/18/00374/FPA for the erection of 84 dwellings with associated access, parking and landscaping was finally disposed of on the 10th of August 2020. The application was initially recommended for and approved by the planning committee subject to a Section 106 agreement, however this agreement was never finalised due to the position of the proposed access over land owned by Northern PowerGrid, who raised concerns regarding the potential for this to affect their underground cables. The current application now proposes to demolish the single storey gym to facilitate the creation of a new access to the site further to the south without requiring land owned by Northern PowerGrid.

Housing Commitments Nearby

12. Outline application 7/2006/0476/DM with all matters reserved except for access sought to demolish the Thorn Lighting factory premises to the east of the current site and redevelop it for approximately 400 dwellings. Approved on the 20th of October 2006.
13. The reserved matters for 416 dwellings were subsequently approved under application 7/2009/0274/DM on the 21st of December 2010.
14. Application 7/2012/0030/DM for the erection of 365 dwellings with associated highway infrastructure, parking, landscaping and public open space was approved on the 17th of September 2012.
15. An outline application with all matters reserved for a mixed use development comprising up to 425 dwellings and commercial uses including associated access and landscaping works on the former Electrolux site to the south east of the current site was approved on the 14th of October 2013 under reference 8/CMA/7/91.
16. The reserved matters for Phase 1 comprising 97 dwellings DM/18/03075/RM were approved on the 16th of August 2022.
17. Application DM/21/04047/FPA for the erection of 27 dwellings on the adjacent former J Mitchinson site was approved on the 6th of December 2022.

PLANNING POLICY

National Policy

18. A revised National Planning Policy Framework (NPPF) was published in September 2023. The overriding message continues to be that new development that is sustainable should go ahead without delay. 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.
19. *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.
20. *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.
21. *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.
22. *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.
23. *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.
24. *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.

25. *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.
26. *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.
27. *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.
28. *NPPF Part 15 Conserving and Enhancing the Natural Environment* - Conserving and enhancing the natural environment. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from Page 73 pollution and land stability and remediating contaminated or other degraded land where appropriate.

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

National Planning Practice Guidance:

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

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

Local Plan Policy:

The County Durham Plan (CDP)

30. *Policy 1 (Quantity of Development)* outlines the levels of employment land and housing delivery considered to be required across the plan period.
31. *Policy 6 (Development on Unallocated Sites)* states the development on sites not allocated in the Plan or Neighbourhood Plan, but which are either within the built-up area or outside the built up area but well related to a settlement will be permitted provided it: is compatible with use on adjacent land; does not result in coalescence with neighbouring settlements; does not result in loss of land of recreational, ecological, or heritage value; is appropriate in scale, design etc to character of the settlement; it is not prejudicial to highway safety; provides access to sustainable modes of transport; retains the settlement's valued facilities; considers climate change implications; makes use of previously developed land and reflects priorities for urban regeneration.
32. *Policy 15 (Addressing Housing Need)* establishes the requirements for developments to provide on-site affordable housing, the circumstances when off-site affordable housing would be acceptable, the tenure mix of affordable housing, the requirements of developments to meet the needs of older people and people with disabilities, and the circumstances in which the specialist housing will be supported.
33. *Policy 19 (Type and Mix of Housing)* advises that on new housing developments the council will seek to secure an appropriate mix of dwelling types and sizes, taking account of existing imbalances in the housing stock, site characteristics, viability, economic and market considerations and the opportunity to facilitate self build or custom build schemes.
34. *Policy 21 (Delivering Sustainable Transport)* requires all development to deliver sustainable transport by: delivering, accommodating and facilitating investment in sustainable modes of transport; providing appropriate, well designed, permeable and direct routes for all modes of transport; ensuring that any vehicular traffic generated by new development can be safely accommodated; creating new or improvements to existing routes and assessing potential increase in risk resulting from new development in vicinity of level crossings. Development should have regard to the Parking and Accessibility Supplementary Planning Document 2023.
35. *Policy 25 (Developer Contributions)* advises that any mitigation necessary to make the development acceptable in planning terms will be secured through appropriate planning conditions or planning obligations. Planning conditions will be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Planning obligations must be directly related to the development and fairly and reasonably related in scale and kind to the development.
36. *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.

37. *Policy 27 (Utilities, Telecommunications and Other Broadcast Infrastructure)* requires all residential and commercial development to be served by a high-speed broadband connection, where this is not appropriate, practical or economically viable developers should provide appropriate infrastructure to enable future installation.
38. *Policy 29 (Sustainable Design)* requires all development proposals to achieve well designed buildings and places having regard to SPD advice and sets out 18 elements for development to be considered acceptable, including: making positive contribution to areas character, identity etc.; adaptable buildings; minimising greenhouse gas emissions and use of non-renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; and suitable landscape proposals. Provision for all new residential development to comply with Nationally Described Space Standards.
39. *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.
40. *Policy 32 (Despoiled, Degraded, Derelict, Contaminated and Unstable Land)* requires that where development involves such land, any necessary mitigation measures to make the site safe for local communities and the environment are undertaken prior to the construction or occupation of the proposed development and that all necessary assessments are undertaken by a suitably qualified person.
41. *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.
42. *Policy 36 (Water Infrastructure)* advocates a hierarchy of drainage options for the disposal of foul water. Applications involving the use of non-mains methods of drainage will not be permitted in areas where public sewerage exists. New sewage and wastewater infrastructure will be approved unless the adverse impacts outweigh the benefits of the infrastructure. Proposals seeking to mitigate flooding in appropriate locations will be permitted though flood defence infrastructure will only be permitted where it is demonstrated as being the most sustainable response to the flood threat.

43. *Policy 39 (Landscape)* states that proposals for new development will only be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals are expected to incorporate appropriate mitigation measures where adverse impacts occur. Development affecting Areas of Higher Landscape Value will only be permitted where it conserves and enhances the special qualities, unless the benefits of the development clearly outweigh its impacts.
44. *Policy 40 (Trees, Woodlands and Hedges)* states that proposals for new development will not be permitted that would result in the loss of, or damage to, trees, hedges or woodland of high landscape, amenity or biodiversity value unless the benefits of the scheme clearly outweigh the harm. Proposals for new development will be expected to retain existing trees and hedges or provide suitable replacement planting. The loss or deterioration of ancient woodland will require wholly exceptional reasons and appropriate compensation.
45. *Policy 41 (Biodiversity and Geodiversity)* states that proposal for new development will not be permitted if significant harm to biodiversity or geodiversity resulting from the development cannot be avoided, or appropriately mitigated, or as a last resort, compensated for.
46. *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.
47. Residential Amenity Standards SPD (2023 Adopted Version) – Provides guidance on the space/amenity standards that would normally be expected where new dwellings are proposed.
48. Parking and Accessibility SPD (Adoption Version 2023) – Provides guidance on the standards for car parking and cycle storage that would normally be expected where new development is proposed.

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

Neighbourhood Plan:

49. The application site is not located within an area where there is a Neighbourhood Plan to which regard is to be had.

CONSULTATION AND PUBLICITY RESPONSES

Statutory Consultee Responses:

50. *Spennymoor Town Council* – Welcome the application and the provision of affordable housing, noting the site has had a series of permissions over the years.
51. *Environment Agency* – No response received.
52. *Coal Authority* – Consider the application to be supported by sufficient information to demonstrate that the application site is, or can be made, safe and stable for the proposed development.
53. *Highways Authority* – Confirm they would not object to the proposed road layout, parking provision and access arrangements but request the imposition of conditions to control details of the development.
54. *Lead Local Flood Authority* – Whist advising that the capacity of the proposed surface water drainage system is adequate, taking into account climate change, raise concerns that SUDs have not been designed to form an intrinsic part of the layout; this would result in a less than satisfactory treatment of surface water before it is discharged from the site, contrary to CDP Policy 35.

Non-Statutory Responses:

55. *Design and Conservation* – Welcome the amendments to the scheme to provide an active frontage to the western boundary and indicate their acceptance of the visual impact of car parking to the north of the site given the presence of public open space to one side of the street.
56. *Landscape Section* – Initially raised concerns regarding the lack of active frontages to the western boundary and domination of car parking to the internal streetscape. Amendments to the scheme have improved this situation.
57. *Tree Section* – Advise that the submitted Arboricultural Impact Assessment and Tree Protection Plan are acceptable and consider the loss of 5 individual trees and 3 tree groups to have a low impact.
58. *Public Rights of Way Section* – Advise that existing footpaths no's 57 and 56 located to the north and west of the site must be maintained and remain on the legal line as per the definitive map held by DCC. Note that footpath no.57 is an adopted footpath and should remain as one.
59. *Ecology* – Indicate their satisfaction with the submitted Ecological Impact Assessment report subject to the acquisition of provisional certificate from Natural England regarding the inclusion of the site in the GCN district level licencing scheme. Notes that the proposed development would result in a net loss of -11.09 habitat units on site and indicate their satisfaction in principle to the proposed enhancements to be delivered offsite, subject to the submission of a Habitat Creation Management and Monitoring Plan.
60. *Environmental Health Nuisance* – Recommend several conditions to safeguard the amenity of the future residents from existing nearby noise sources, including one to secure noise mitigation measures relating to the Northern PowerGrid substation.

61. *Environmental Health Contamination* – Advise that a Phase 3 remediation strategy is required, to be secured via a suitably worded condition.
62. *Archaeology* – Following the submission of a trial trench evaluation no objections are raised.
63. *School Places Manager* – Advise that no financial contributions would be required in this instance.
64. *Affordable Housing Team* – Advise that there is a need for 2, 3, and 4 bed affordable homes in the area.

External Consultees

65. *Police Architectural Liaison Officer* – Confirm they have no comments to make.
66. *NHS North East and North Cumbria Integrated Care Board* – Confirm the requirement for financial contributions of £31,395 to mitigate the impact of the development and provide additional capacity for Local GP's.
67. *Northumbrian Water Ltd* – No response received.
68. *Northern PowerGrid* – Provided their own Noise Assessment which recommends installing 2.8m high acoustic screening around the transformers at the substation to safeguard the living conditions of the residents of Plots 49-51.

Public Responses:

69. The application has been advertised by way of a site notice, press notice and individual notification letters sent to neighbouring properties. Following this, no responses have been received.

Applicants Statement:

70. The Applicants, Hardwick Homes and Livin Housing, have formed a joint venture to deliver a new residential scheme, comprising 65 dwellings, at the Former Greyhound Track site in Spennymoor.
71. The proposed development will provide 100% affordable housing, including affordable rent and rent to buy, which will be secured by way of a Section 106 legal agreement. The delivery of 100% affordable housing to the site meets and exceeds the provision required for new residential sites set out the County Durham Plan and represents a significant contribution to the County's affordable housing provision as a whole.
72. The proposed development would also make use of brownfield land, which has been out-of-use since the 1990s. Indeed, and during the consultation process on the application, Spennymoor Town Council made representations to the proposals stating that they "welcome the application" on the basis of its use of

vacant brownfield land, and that they also welcome “that the application is from a social housing organisation”.

73. The development represents an exciting opportunity to provide a diverse range of housing, comprising a mix of high-quality 2, 3, and 4-bed homes, including family homes and the provision of bungalows to meet a range of needs, as well as extensive landscaping, green space and supporting infrastructure.
74. The Applicants are proposing a high-quality development in a sustainable location, within walking distance of Spennymoor Town Centre and the services and facilities it provides, including extensive public transport connectivity, as well as a diverse range of shops to meet a range of needs.
75. Over the course of the application, the Applicant has worked proactively with the Council, listening to the feedback from Officers, and responded positively by amending the scheme accordingly.
76. The Applicants have also embraced the Council’s Enhanced Design Review Service, and have met with Officers on several occasions, to discuss the proposed development. These discussions have allowed a range of opinions and ideas, to be shared, and supported the development of the scheme.
77. The proposals satisfy the criteria set out in Policy 6 in the County Durham Plan, which relates to development on unallocated sites. More specifically:
 - a The application site is located within the settlement of Spennymoor, and lies within an existing built-up area;
 - b It would not result in coalescence with any other settlements, nor would it result in ribbon or backland development;
 - c The site is not subject to any formal designations relating to recreational, ecological or heritage value. The development will deliver a landscape strategy which responds positively to the landscape context;
 - d An addition of 65 dwellings in Spennymoor is a proportionate extension to the settlement which will allow it to retain its existing character and function;
 - e There are no objections from DCC Highways or National Highways in relation to highways safety or impact on the network;
 - f the proposed residential development would not have a severe residual cumulative impact on the highway network capacity, and that travel by sustainable means can be encouraged;
 - g The proposals would not lead to a loss of neighbourhood facilities;
 - h The site falls in Flood Zone 1 and therefore development on this site is suitable in accordance with National planning policy;

i The Council's Strategic Housing Land Availability Assessment recognises the site to be suitable for residential development – scoring a 'green' rating for suitability; and

j The application site is previously developed, offering a prime opportunity for development in a sustainable location. It would also support and complement other regeneration strategies across the wider area and strengthen the local economy and maintain a strong local community.

78. Additionally, the proposed development would provide the following benefits:

- It would support a total of 135 direct, indirect and induced FTE construction jobs per annum throughout the construction period (c. 2.5 years);
- It would deliver £8.7m of Gross Value Added (GVA) (economic output) per annum throughout the construction period;
- It would generate additional expenditure in the local area, including £360,000 of one-off first occupation spend, as well as £630,000 of ongoing net additional expenditure per annum created by new residents and retained in the Local Planning Authority;
- It would providing a boost to Local Authority revenue. Once complete, the proposed development would generate £125,000 in increased Council Tax receipts per annum and £480,000 in New Homes Bonus payments;
- Creation of employment and training opportunities during the construction period;
- Incorporation of renewable energy technologies such as Solar PV panels, air source heat pumps and EV charging points to reduce carbon emissions and energy costs for prospective occupiers;
- Introduction of SuDS to enhance the management of surface water in the locality;
- Delivery of measures to achieve biodiversity net gain; and
- The provision and enhancement of landscaping which would support the strategy to achieve biodiversity net gain.

PLANNING CONSIDERATION AND ASSESSMENT

79. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues relate to the Principle of Development, Affordable Accessible and Adaptable Housing, Locational Sustainability, Design / Layout, Flooding/Drainage, Highway Safety, Residential Amenity, Ecology, Ground Conditions, Open Space and Infrastructure, Carbon Emissions, and Other Matters.

Principle of Development

80. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The County Durham Plan (CDP) is the statutory development plan and the starting point for determining applications as set out in the

Planning Act and reinforced at NPPF Paragraph 12. The CDP was adopted in October 2020 and provides the policy framework for the County up until 2035 and is therefore considered up to date.

81. NPPF Paragraph 11c requires applications for development proposals that accord with an up to date development plan to be approved without delay. NPPF Paragraph 12 states that where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.
82. The site is not allocated for housing by CDP Policy 4 but has been previously assessed under the Strategic Housing Land Availability Assessment (SHLAA) under reference 7/SP/312. At that time, the site scored a green rating indicating that it was suitable for residential development, however such development of the site was not considered to be achievable as the previous consent for up to 100 dwellings has expired. The main issue has historically related to deliverability, and the feasibility of achieving an acceptable access into the site.
83. CDP Policy 1 sets out the quantum of development to meet the needs for housing over the Plan period. A large proportion of the housing need consists of already committed sites, including those sites with planning permission. As the site is not specifically allocated for development it is necessary to assess the proposals against CDP Policy 6. This policy recognises that in addition to the development of specifically allocated sites, there will be situations where future opportunities arise for additional new development, this includes windfall housing sites. The policy sets out that the development of sites which are not allocated in the Plan which are either (i) in the built up area; or (ii) outside the built up area but well related to a settlement will be permitted provided the proposal accords with all relevant development plan policies and:
 - a. is compatible with, and is not prejudicial to, any existing, allocated or permitted use of adjacent land;
 - b. does not contribute to coalescence with neighbouring settlements, would not result in ribbon development, or inappropriate backland development;
 - c. does not result in the loss of open land that has recreational, ecological or heritage value, or contributes to the character of the locality which cannot be adequately mitigated or compensated for;
 - d. is appropriate in terms of scale, design, layout, and location to the character, function, form and setting of, the settlement;
 - e. will not be prejudicial to highway safety or have a severe residual cumulative impact on network capacity;

- f. has good access by sustainable modes of transport to relevant services and facilities and reflects the size of the settlement and the level of service provision within that settlement;
 - g. does not result in the loss of a settlement's or neighbourhood's valued facilities or services unless it has been demonstrated that they are no longer viable;
 - h. minimises vulnerability and provides resilience to impacts arising from climate change, including but not limited to, flooding;
 - i. where relevant, makes as much use as possible of previously developed (brownfield) land; and
 - j. where appropriate, it reflects priorities for urban regeneration.
84. The County Durham Plan defines 'the built up area' as land contained within the main body of existing built development of a settlement or is within a settlement boundary defined in a Neighbourhood Plan. Areas falling outside this definition will be regarded as countryside. The supporting text to this policy at Paragraph 4.110 advises that when assessing whether a site is well-related, the physical and visual relationship of the site to the existing built-up area of the settlement will be a key consideration.
85. In this respect, the site comprises overgrown grassed land bordered by PRoW no.57 and the A688 to the north and PRoW no.56 to the west, with Daisy Field park and recreation ground beyond. Allotments and a builders merchant abuts the site along its southern edge. Industrial buildings are located to the north east, with existing residential properties to the east on the former Thorn Lighting site and an extant consent for further dwellings to the south east at the former Electrolux site. As such, the site is considered to occupy a position within the built up area. The site has not been used for greyhound racing for a number of years and so its development is not considered to conflict with criterion g).
86. The hardstanding where the former terrace and concourse once stood remains in situ to the north of the site and is visible from the PRoW network, along with the presence of a wall extending north from the builders merchants, and so the site is considered to represent previously development with the proposed development according with the aims of criterion i). In terms of criterion j), the proposed scheme would redevelop an unkempt site for 65no. affordable dwellings and so is considered to reflect priorities for urban regeneration.
87. Subject to a more detailed analysis of the remaining criteria of CDP Policy 6, the proposed development is considered to be acceptable in principle.

Affordable, Accessible and Adaptable Homes

88. CDP Policy 15 states that affordable housing will be sought on sites of 10 or more units, for 25% of units in the highest value areas to 10% in the lowest. On sites of 10 or more units, 10% of the homes provided should be for affordable home ownership (starter homes, discount market sale housing and other affordable routes to home ownership). Any contribution above 10% should be

provided as affordable housing for rent. As this site is within a medium value area, this development would require a total of 10no. affordable units in the form of 7no. affordable home ownership homes (including 3no. First Homes), plus 3no. affordable homes for rent.

89. In this instance, the application proposes the delivery of 100% affordable housing in the form of 7no. affordable rent to buy units and 58no. affordable rent units to be managed by Livin Homes. Livin have provided evidence to demonstrate a demand for 2, 3, and 4 bed affordable homes in Spennymoor which the Council's Affordable Housing Team concur with. Therefore, the proposed development would help to meet an identified need for affordable housing in the area.
90. NPPF Paragraph 65 d) advises that where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the total number of homes to be available for affordable home ownership, unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups. Exemptions to this 10% requirement should also be made where the site or proposed development is exclusively for affordable housing. A ministerial statement from the 24th of May 2021 states that where specific developments are exempt from delivering affordable home ownership products under NPPF Paragraph 64 (now Paragraph 65), they shall also be exempt from the requirement to deliver First Homes.
91. The application does not propose the delivery of any First Homes, however as the applicant has agreed to enter into a Section 106 agreement to secure the delivery of 100% of the proposed dwellings as affordable homes (7no. affordable rent to buy, 58no. affordable rent), with the housing to be managed by Livin Homes as a registered provider, they are exempt from providing First Homes in this instance. In the context of the identified need for affordable housing of this type and tenure in the local area, this is a substantial benefit weighing in favour of the application.
92. CDP Policy 15 also states that in order to meet the needs of older people and people with disabilities, on sites of 5 units or more, 66% of dwellings must be built to Building Regulations Standard M4(2) (accessible and adaptable dwellings) standard. The applicant has completed the Council's Accessible and Adaptable Homes Statement proforma which indicates that all of the dwellings have been designed to comply with Building Regulations Standard M4(2), which exceeds the proportion (43no.) required by Policy 15. A condition is recommended to secure details of a verification report to ensure that at least 66% of the dwellings are built to the M4(2) standard.
93. Policy 15 also sets out that on sites of 10 units or more a minimum of 10% of the total number of dwellings on the site will be required to be of a design and type that will increase the housing options of older people. In this instance, 7no. bungalows are proposed which accords with the requirements of Policy 15.
94. Overall, the proposed development accords with the requirements of CDP Policy 15, subject to a Section 106 agreement to secure the delivery of 65no.

affordable homes and a condition to secure the required number of properties are built to Building Regulations Standard M4(2).

Locational Sustainability

95. Criterion f) of Policy 6 requires the development of unallocated sites to have good access by sustainable modes of transport to relevant services and facilities and to reflect the size of the settlement and the level of service provision within that settlement.
96. In addition, CDP Policy 21 requires all developments to deliver sustainable transport by 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.
97. NPPF Paragraph 92 seeks for decisions to aim to achieve healthy, inclusive and safe places which include street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, that are safe and accessible.
98. NPPF Paragraph 105 advises that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes, whilst NPPF Paragraph 110 states that appropriate opportunities to promote sustainable transport modes should be taken.
99. NPPF Paragraph 112 advises that priority should first be given to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use.
100. In terms of distances to services and amenities, in general, a walking distance of around 800m or a 10 minute walk is considered to represent an appropriate range, with a walking distance of 1650-2000m or a 20 minute walk at the upper end of what future residents could be expected to walk, taking into account topography and desirability of routes. These distances are based on good practice guidance set out in the Chartered Institute of Highways and Transportation (CIHT) documents including 'Guidelines for Providing for Journeys on Foot' and 'Planning for Walking', and The Department for Transport's 'Manual for Streets'.
101. The County Durham Settlement Study 2018 is an evidence-based document which seeks to provide an understanding of the number and range of services available within the settlements of County Durham. The site lies within the Spennymoor Cluster which comprises Middlestone Moor, Spennymoor and Tudhoe. Historically, Spennymoor, Middlestone Moor and Tudhoe were separate settlements in their own right, however due to growth they have effectively merged and operate as part of the same town. This cluster was rated as having a settlement score of 328.7 (9th out of 230), reflecting the broad range

of services and public transport available. Therefore, the settlement is capable of accommodating appropriate housing growth.

102. The closest edge of the primary shopping area of Spennymoor town centre, as defined by CDP Policy 9, lies approximately 900m away from the north west corner of the site. This would increase by approximately 230m when taken from the south east corner of the site. An Asda superstore, Lidl, Aldi, Home Bargains, North Park Nursery and Primary School, St. Andrews Medical practice, a Health Centre, and a Leisure Centre are all located within 850m of the north west corner of the site (1,080km from the south east corner). The town centre is accessed via an underpass stretching below the A688 and thereafter along continuous lit roadside footpaths, representing a suitable walking and cycling route. Funding has been secured from the housing developments to the east to secure improvements (lighting and CCTV) to the underpass. Cycle parking is available outside Spennymoor Leisure Centre for those who are willing and prefer to cycle. On the whole, there are a range of amenities located within a reasonable walking and cycling distance of the proposed dwellings.
103. In terms of public transport, the CIHT's Planning for Walking document advises that people in residential areas will typically walk 400m to access a bus stop. It should be noted that there are bus stops located on Vyners Close within 400m of the site to the south, however these are not currently serviced by any buses.
104. The primary bus stops that would serve the future residents of the site lie within the town centre at Cheapside, 560m away the north west corner of the site. From here the Arriva no.6 Sapphire provides regular services into Durham City and Bishop Auckland at 20-30min intervals from 6:25am-11:45pm Monday to Friday, with a regular service on Saturdays and an hourly service on Sundays. It is acknowledged that the distance of between 560m to 790m away from the proposed dwellings exceeds the recommended 400m which is likely to deter future residents from travelling by bus.
105. However, future residents would have the option to access amenities located within a reasonable walking distance within the town centre, and having walked into the town centre would be able to access bus routes also available here for access to a wider range of services further afield. Furthermore, money has been secured to improve the underpass which links the development site to the town centre and the aforementioned bus stops which should result in it being a more feasible and desirable walking route.
106. It is noted that at the time of the previous application for residential development on this site (DM/18/00374/FPA), the Council's Sustainable Travel team raised concerns regarding the distances to the nearest bus stops and considered that there was very little opportunity to make changes to the existing network, recommending the provision of a new bus service to be added to the weekday daytime network. However, at that time this provision was not considered necessary to make the development acceptable in planning terms. In the case of the current application, given the likely costs involved in the provision of new bus services from the stops at Vyners Close and the scale of the development proposed, it is not anticipated that the proposed development would be capable of funding the provision of additional services to the bus stops at Vyners Close, allowing time for the service time to become established, increase patronage

and ultimately move towards commercial sustainability. Therefore, it is concluded that such a contribution is not necessary to make the development acceptable in planning terms given the presence of alternative bus stops within the town centre and the accessibility of the site taken in the round. Given the scale of the recently constructed and planned residential development of the sites to the east, these may in time generate sufficient demand to make it viable for travel companies to deliver additional services to the bus stops at Vyners Close.

107. To improve connections to the town centre it is considered necessary to impose a condition to secure a scheme of surface improvement works to PRow no. 57 to the north of the site. This would be expected to consist of works to upgrade the existing 1.6m wide footpath to a 3m wide sealed surface track so that it is capable of accommodating the additional residents generated by the proposed development and of being used as a cycleway, similarly to PRow no.56 along the western boundary. It is considered good design for development to connect and tie into surrounding footpaths and this route is considered likely to be popular with residents looking to exercise their dogs, as well as residents of the more centrally located Plots within the site looking to access the town centre to the east. To the west, there is also the potential for future services to be introduced to the bus stops at Vyners Close, with the PRow considered likely to be more attractive for use by the occupants of the northern Plots than walking through the estate. This accords with the aim of CDP Policy 21 a) and b) which seek to deliver, accommodate and facilitate investment in safe sustainable modes of transport and provide appropriate, well designed, permeable and direct routes for walking and cycling so that new developments clearly link to existing services and facilities together with existing routes for the convenience of all users; CDP Policy 29 m) which seeks to ensure that connections are made to existing cycle and pedestrian networks with convenient access provided for all users whilst prioritising the needs of pedestrians and cyclists; as well as NPPF Paragraph 112 which seeks to give priority to pedestrian and cycle movements both within the scheme and with neighbouring areas. Given the above, it is considered that improvements to this footpath are necessary to serve the needs of the additional residents it would generate.
108. In addition, it is noted that Paragraph 2.2 of the Council's Building for Life SPD also advises that people who live within a new development and people who live nearby may want to walk through the development to get somewhere else, so it should be carefully considered how a development can contribute towards creating a more walkable neighbourhood. As well as serving the future residents of the application site the improvements to this footpath would also be capable of being used by existing residents of the housing to the east, providing wider benefits including helping to encourage walking and cycling into the town centre rather than use of the private car, that would help to outweigh the lack of serviced bus stops within 400m of the proposed dwellings.
109. Overall, although it is acknowledged that there are no currently serviced bus stops within the recommended 400m, in the round the site is located within a reasonable walking and cycling distance of a range of amenities available within Spennymoor town centre, which also includes bus stops for access to a wider range of amenities further afield, and so the future residents of the proposed dwellings would not be reliant upon the private car for access to these.

Therefore, subject to a condition to secure the widening of PRow no.57, the proposed development is considered to accord with CDP Policy 6 f) and 21, as well as Part 9 of the NPPF.

Design / Layout

110. Criterion d) of CDP Policy 6 requires development on unallocated sites to be appropriate in terms of scale, design, layout and location to the character, function, form and setting of the settlement.
111. CDP Policy 29 outlines that development proposals should contribute positively to an area's character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities.
112. CDP Policy 39 states proposals for new development will be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals would be expected to incorporate appropriate measures to mitigate adverse landscape and visual effects.
113. Parts 12 and 15 of the NPPF also seek to promote good design, while contributing to and enhancing the natural and local environment by (amongst other things) recognising the intrinsic character and beauty of the countryside and optimise the potential use of the site. Specifically, NPPF Paragraph 130 states that planning decisions should aim to ensure developments function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, are sympathetic to local character and the surrounding built environment and landscape setting, and establish or maintain a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit.
114. The application site presents as an unkempt, open scrubland with only the line of the former greyhound racing track, some walls, and an area of hardstanding where the former terrace and concourse once stood remaining. The site occupies a position in between industrial uses to the north, east and south, and an underpass beneath the A688 connecting PRow no. 57 and the town centre. The site can be viewed from the surrounding PRow network, with glimpses available through the existing roadside vegetation down from the A688.
115. Overall, the site is highly constrained and in its current state detracts from the appearance of the surrounding area, with the redevelopment of the site for use as a well designed housing estate considered to improve its visual appearance. In this context, it is noted that a previous consent for the erection of up to 100 dwellings on the site has lapsed without being delivered, with a more recent application for 84 dwellings not being progressed to determination due to concerns over the impact upon underground cables associated with Northern PowerGrid apparatus.
116. This scheme proposes the erection of 65 dwellings that would be finished in red brick with grey roof tiles or buff brick with red roof tiles, with features such as

brick stripe detailing and flat canopies above entrance doors. Overall, the dwellings are considered to have a contemporary appearance that reflects the industrial surrounds of the site. Boundary treatments would predominantly consist of 1.8m high timber fencing, although the heights of these vary in places to meet acoustic requirements and a 1.1m high black metal railing above brickwork is proposed along much of the western boundary to provide an active frontage onto the PRow and Daisy Fields. 3.2m high timber fencing is proposed to be installed along the side of Plot 26, with a 2.5m high fence along the side of Plot 19 to meet acoustic requirements. Whilst not desirable, these would be set in from the adjacent PRow to help limit their prominence and overall only form a relatively short length of the overall western boundary.

117. Initially concerns were raised regarding the density and inward facing nature of the layout, and the dominance of car parking throughout the site. The applicant subsequently engaged in the Council's Enhanced Design Review process whereby improvements to the scheme have been made, including the re-orientation of Plots 20-25 to front onto Daisy Fields park and recreation ground to the west, the addition of corner turning units in key locations, the addition of a link from the south west corner of the site to PRow no.56, and the inclusion of street trees along the main routes through the site as well as to the site entrance to soften the fencing to Jewson's yard and Northern PowerGrid's compound. Conditions are recommended to secure further details of materials, hard surfaces, and boundary treatments, and a final landscaping scheme.
118. In relation to density, criterion p) of CDP Policy 29 requires all major new residential development be built to at least 30 dwellings per hectare (dph) net in and around town centres and locations where there is good access to facilities and frequent public transport services. The policy goes on to state that lower densities may be acceptable in other locations or where it is necessary to ensure good design and development that is compatible with its surroundings and character. NPPF Paragraph 124 d) advises that planning decisions should support development that makes efficient use of land taking into account the desirability of maintaining an area's prevailing character and setting. In this instance, the site is located in close proximity to Spennymoor town centre and the proposed development would have a density of 28.9dph. Whilst the scheme would benefit from a slightly reduced density to further break up car parking along the northern internal road, the applicant has advised that they would be unable to deliver the development of the site with a reduced number of units (although no detailed viability information has been submitted) and it is acknowledged that in this instance that dwellings would only be sited to the southern side of the road with the northern side to comprise amenity green space and retained trees which would help to soften the extent and appearance of hardstanding. A condition is recommended to secure further details of all areas of hardstanding, with suitable materials required to come forward to private shared drives to soften these hard surfaces as far as possible.
119. CDP Policy 40 seeks to avoid the loss of existing trees and hedgerows unless suitable replacement planting is provided. The application is supported by an Arboricultural Impact Assessment, Method Statement and Tree Protection Plan. These identify the loss of sections of Group 1, 6, and 7, and the loss of Trees 5-6, 8-10 and Groups 9-12 (all Category C) to facilitate the development. The reports conclude that the impact of these tree losses would be low. The

Council's Arborist has reviewed these documents and concurred with their conclusions. A condition is recommended to secure adherence to the submitted Tree Protection Plan.

120. The Landscape Strategy drawing indicates the position of a number of trees to be planted at the entrance to and along the main routes through the site which is considered to be sufficient to mitigate against the tree loss. It is noted that the root protection areas of some of these trees encroach into areas of hard surfacing which may restrict the future growth of these trees. The Council's Arborist has advised that new trees should be planted in areas capable of sustaining the growth and development of a mature tree of the species selected, with a sufficient stand-off distance between the tree and any hard surface, to enable future root growth and development. A condition is recommended to secure further information relating to the rooting volume of the proposed tree planting and strategies for dealing with future conflict via root action.
121. A Building for Life Supplementary Planning Document (2019) (BfL SPD) has been adopted by the Council. In recognition of national planning advice and to achieve high quality housing developments the Council has adopted an in-house review process to assess schemes against the Building for Life 12 (BfL 12) Standards. The BfL SPD formalises the review process and establishes the guidelines and standards for its operation and is linked to the Sustainable Design Policy (29) in the County Durham Plan. The scoring is based on a traffic light system with the aim of the proposed new development to secure as many "greens" as possible, minimise the number of "ambers" and avoid "reds". The more "greens" achieved the better the development will be, "ambers" are usually concerns that can be raised to "green" with revisions, whereas a "red" gives a warning that a particular aspect needs strong reconsideration. CDP Policy 29 states that schemes with one or more red scores will not be acceptable and will be refused planning permission unless there are significant overriding reasons.
122. At the final consideration of the application by the internal Design Review Panel, the scheme received 2 "reds", 8 "amber" and 2 "green" scores. "Red" scores related to the following issues:
123. In terms of public transport, concerns were raised over the lack of bus stops within the recommended 400m distance beyond which residents are unlikely to walk to. However, as discussed in the section above it is considered that in this instance there are significant overriding reasons to overcome the red score received in relation to this question.
124. In terms of public and private spaces, concerns were raised regarding the approach to SUDs which have not been designed to form an intrinsic part of the development. This will be discussed further under the drainage section below.
125. Amber scores were received in relation to the lack of play provision on the south side of the A688; the position of bungalows towards the eastern portion of the site furthest away from the town centre; the internal streets appearing cramped and dominated by car parking along the northern route and to the north west and south west corners of the site; and various rear gardens falling below the 9m length recommended by the Council's Residential Standards Amenity SPD.

126. Green scores were received in relation to connections from the site to its surroundings having been maximised with three new links to the surrounding PRowS proposed and that the site would be easy to navigate.
127. In line with CDP Policy 29, as 2 “reds” are awarded to the scheme it is considered there are areas where the design and layout that could be improved. This policy advises that if any “reds” are scored the application should be refused unless there are significant overriding reasons otherwise. In this regard, the benefits of the proposed development should be weighed against the conflict with CDP Policy 29, and Part 12 of the NPPF.

Highway Safety/Access

128. CDP Policy 21 outlines that development should not be prejudicial to highway safety or have a severe cumulative impact on network capacity, expecting developments to deliver well designed pedestrian routes and sufficient cycle and car parking provision. Similarly, Policy 29 advocates that convenient access is made for all users of the development together with connections to existing cycle and pedestrian routes. Criterion e) of Policy 6 does not permit development where it would be prejudicial to highway safety.
129. The NPPF sets out at Paragraph 110 that safe and suitable access should be achieved for all users. In addition, NPPF Paragraph 111 states that development should only be refused on transport grounds where the residual cumulative impacts on development are severe.
130. The applicant has made amendments to the layout to address various issues raised throughout the application process. Following receipt of amended plans, the Highways Authority have indicated their satisfaction with the proposed access to the site from Front Street and accepted the proposed road layout which comprises a 5.5m wide internal spine road. No concerns are raised regarding the generation of additional traffic, with the proposed development considered to have a minimal material impact on the capacity of the surrounding highway network. Conditions are recommended to secure engineering details of the estate road and to remove permitted development rights for fences, gates, and walls to Plot 45 in order to allow sufficient levels of visibility for drivers travelling around this bend.
131. The shared surface to the north west corner of the site has been removed to allow the construction of the link to PRow no.57 leading to the town centre to be in the form of a 1.8m wide adoptable footpath to prevent conflict between pedestrians and vehicles. A condition is recommended to secure the construction of this connection, alongside the other two connections proposed.
132. The level of car parking provision has also been assessed and is in accordance with the requirements of the Council’s new Parking and Accessibility SPD 2023, including the provision of 15no. visitor parking bays distributed throughout the site. The SPD at Paragraph 4.17 advises that where garages are not provided secure parking suitable for a cycle, mobility scooter or motorbike should be provided instead to allow sufficient space for bicycles, or a mobility scooter or motorbike and help to encourage cycling and support people with mobility

issues. The properties are not proposed to be served by garages and so a condition is recommended to secure further details regarding cycle storage. A condition is also recommended to secure the installation of one active electric vehicle chargepoint to each dwelling to accord with the SPD. In addition, a condition is recommended to ensure the provision of the car parking spaces shown on the plans are made available for use and retained for the lifetime of the development.

133. Whilst a Construction Management Plan has been submitted to accompany the application, the Highways Authority have advised that it does not provide sufficient detail and so recommend a condition to secure further details.
134. Overall, the proposed development is considered to be served by a safe and suitable access and sufficient car parking to meet the needs of the future residents. Therefore, the application accords with CDP Policy 21 and Part 9 of the NPPF.

Residential Amenity

135. Parts 12 and 15 of the NPPF require that a good standard of amenity for existing and future users be ensured, whilst seeking to prevent both new and existing development from contributing to, or being put at unacceptable risk from, unacceptable levels of pollution.
136. CDP Policy 31 seeks to safeguard the amenity of existing and future occupants in terms of overlooking, visual intrusion, visual dominance, loss of light, noise, and privacy. Criterion a) of Policy 6 also seeks to ensure that the development of unallocated sites is compatible with, and is not prejudicial to, any existing, allocated or permitted use of adjacent land.
137. In addition, CDP Policy 29 states that all new residential development will be required to comply with the Nationally Described Space Standards (NDSS). All of the proposed dwellings have been designed to comply with the NDSS.
138. A Residential Amenity Standards Supplementary Planning Document (SPD) has been adopted by the Council, which recommends that dwellings benefit from gardens which are at least 9m long. The rear gardens of the majority of the Plots have been designed to be between 8m-9m long, with bungalows designed to have a length or width of 8m-9m, which is considered to be sufficient to provide the future residents with appropriate levels of external amenity space. It is acknowledged that the rear gardens of Plots 9 and 15 would fall below this at 7.3m and 7.5m long. This is effectively as a result of facilitating access to the rear gardens of a mid terrace property, an open aspect would nonetheless remain for these properties, overlooking the adjacent allotments. On the whole the development is considered to provide a sufficient amount of external amenity space for the future occupants
139. The SPD also advocates minimum separation distances of 21m between primary habitable room windows which are adjacent to each other where either building exceeds a single storey, and a minimum of 18m between primary habitable room windows which are adjacent to each other and both buildings are single storey. Where a main facing elevation containing a primary habitable

room window is adjacent to a gable wall which does not contain a primary habitable room window, a minimum distance of 13m shall be provided where either building exceeds a single storey or 10m where both buildings are single storey. Generally, these distances would be achieved however there are some instances where there is a shortfall.

140. The SPD advises that it is not intended to apply these distances rigidly and that there may be instances where these distances can be relaxed. One such example is within housing schemes to allow for a variation in layout where this will add interest and help create a sense of place, but such a relaxation will normally only be allowed if it can be demonstrated that future residents will still enjoy a satisfactory level of privacy, amenity and outlook. The SPD goes on to advise that greater distances may be required in some suburban and rural areas where the predominant character of the area exhibits greater separation distances.
141. On the whole these separation distances would be achieved, with the exception of the distance of 19.5m between the rear elevations of the dwellings on Plots 42 and 43 and the rear elevations of the bungalows on Plots 54 and 55, below the typically required 21m, in this instance to safeguard the privacy of the occupants of the bungalows from views from the first floor bedroom windows opposite. Given the relatively limited shortfall below the recommended 21m it is considered that the future occupants of these bungalows would still benefit from acceptable levels of privacy, with it noted that the bungalows would be NDSS compliant with sufficiently sized rear gardens to provide good levels of amenity on the whole.
142. Whilst the distance between the rear elevation of the dwelling on Plot 45 and the side of the dwelling on Plot 46 would be 7.9m, short of the typically required 10m, the kitchen within the dwelling on Plot 45 would feature a window within the side elevation which would allow for sufficient outlook for the occupants of this property. Similarly, this is the case for the bungalow on Plot 52.
143. A condition is recommended to require any windows installed within the side elevations of the dwellings on Plots 25, 46 and 50 to be obscure glazed to prevent overlooking into the rear gardens to the north.
144. Overall, the proposed development would not adversely affect existing residents in terms of loss of light, overlooking or visual dominance. Whilst there are some minor deficiencies in separation and garden lengths, as a whole the scheme overall would provide good standards of amenity for their future occupants.

Noise Pollution

145. The application is supported by a Noise Impact Assessment which identifies the main noise sources as road traffic travelling along the A688 to the north, forklift truck operations at Jewsons Building merchants to the south, and the Northern PowerGrid electricity substation to the east that operates during day and night time periods. A Council owned office and small scale industrial units are also located to the north.

146. The Assessment found that predicted noise levels would exceed the existing lowest measured background sound level during daytime periods for the closest external amenity space associated with Plot 1 of the proposed development, due to its position adjacent to the Jewson's site. As such mitigation in the form of a 1.8m high acoustic fence is recommended.
147. In relation to road traffic noise from the A688, the Lowest Observed Adverse Effect Level (LOAEL) is predicted in certain garden areas to Plots to the western portion of the site, with action required to mitigate noise levels in these areas to acceptable levels. 3.2m and 2.5m high acoustic fencing is proposed along the side of Plots 26 and 19. High specification glazing and a whole dwelling ventilation system is proposed to Plots 20-23, 24-45 (a total of 26 plots). The Noise Impact Assessment recommends that a full overheating assessment be undertaken in relation to Plots 18-45 and 47-48 which has not been provided at this time. Accordingly, a condition is recommended to secure this.
148. Overall, the report concludes that there would be no adverse impact from existing noise sources on the future residents during the day or night with the recommended mitigation.
149. Northern PowerGrid have undertaken their own Site Survey and Noise Model report based on the originally submitted layout which concludes that noise level from their substation would adversely affect Plots 48, 49 and 50 (now 49, 50, and 51). They recommend the installation of a 2.8m high acoustic screen to enclose the two transformers within their substation to mitigate against this. They estimate the cost of this as £143,750 plus VAT.
150. Environmental Health Officers (EHO) have reviewed both reports and advised that whilst it is difficult to predict whether the low frequency noise will cause an issue, the report from Northern PowerGrid is detailed with multiple measurements taken from around the substation. In their experience of investigating noise complaints, EHO have advised that the low frequency noise generated by the substation could have a harmful impact upon the amenity of the future occupants without further mitigation. The substation already exists and the proposed development would see the introduction of sensitive receptors in relatively close proximity to this and so the 'agent of change' referenced in NPPF Paragraph 187 comes into play. This advises that where the operation of an existing business or community facility could have a significant adverse effect on new development in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.
151. The EHO has advised that the mitigation recommended by Northern PowerGrid strategy would provide an all-round mitigation which would likely exceed the requirement to mitigate against the impact upon the living conditions of the future occupants of Plots 49-51. Accordingly, the level of mitigation suggested by Northern PowerGrid may not be necessary to make the development acceptable in planning terms. It may be that an agreement can be reached whereby the developer and Northern PowerGrid share the costs on the mitigation suggested, or alternatively EHO have suggested that the erection of a brick wall around the side and rear of the substation, similar to that around the front, could provide sufficient mitigation. Overall, Officers are satisfied that

there is scope for a suitable mitigation scheme to come forward to safeguard the living conditions and amenity of the future residents of the five plots closest to the substation and so it is considered appropriate to secure further details in this regard by way of a suitably worded condition.

152. EHO also recommend conditions to secure the implementation of the mitigation measures detailed within Section 6 of the applicants Noise Impact Assessment, to restrict construction working hours, and to secure details of a suitable Construction Management Plan.
153. Subject to these conditions, the proposed development is considered to provide sufficient levels of amenity and living conditions for existing and future residents, according with CDP Policies 29 and 31, and Parts 12 and 15 of the NPPF. The minor deficiencies in separation and garden lengths is however required to be taken into account in the planning balance.

Drainage

154. Part 14 of the NPPF seeks to resist inappropriate development in areas at risk of flooding, directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere. Paragraph 167 advises that when determining planning applications, Local Planning Authorities should ensure that flood risk is not increased elsewhere and that where appropriate applications should be supported by a site-specific flood-risk assessment. Paragraph 169 goes on to advise that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate.
155. CDP Policies 35 and 36 relate to flood water management and infrastructure. Policy 35 requires development proposals to consider the effects of the scheme on flood risk and ensure that it incorporates a Sustainable Drainage System (SUDs) to manage surface water drainage. Development should not have an adverse impact on water quality. Policy 36 seeks to ensure that suitable arrangements are made for the disposal of foul water.
156. CDP Policy 35 d) states that for major developments the management of water must be an intrinsic part of the overall development. In addition, Paragraph 7.8 of the Council's Building for Life SPD 2019 advises that, "Sustainable drainage techniques are frequently required on major schemes. Attenuation ponds need to be planned alongside the open space provision for the site to ensure a cohesive and efficient site layout."
157. In addition, criterion h) of Policy 6 requires development to minimise vulnerability and provide resilience to impacts arising from climate change, including flooding.
158. Foul water is proposed to be discharged to the public sewer which accords with the hierarchy of preference set out by CDP Policy 36. A condition is recommended to secure further details in this regard.

159. The site is located within Flood Zone 1, however areas of high, medium and low risk of surface water flooding are located across the site, with the site entrance lying within an area that is identified being at high risk of surface water flooding. Some Plots to the north eastern portion of the site are identified as being located in an area of medium risk, with those to the north and west being at low risk.
160. Annexe 3 to the NPPF classifies dwellings as representing uses that are 'more vulnerable' to flood risk. However, in accordance with Table 3 relating to flood risk vulnerability and flood zone 'compatibility', as the site lies wholly within Flood Zone 1 the proposed development is appropriate for this location without the need to undertake a sequential or exceptions test. It does however confirm the need for a site-specific flood risk assessment to be carried out by, or on behalf of, a developer to assess the risk to a development site and demonstrate how flood risk from all sources of flooding to the development itself and flood risk to others will be managed now, and taking climate change into account.
161. The application is supported by a Flood Risk Assessment and Drainage Strategy, which includes a Draft Construction Phase Surface Water Management Plan, existing Topographical Survey, hydraulic calculations, and a Drainage Maintenance Responsibility Plan. The document makes reference to Northumbrian Water's sewer map which identifies the presence of a culverted watercourse with a diameter of 900mm running north to south through the eastern portion of the site, a tributary to Valley Burn, of which its location has been confirmed by the excavation of two trial pits.
162. The Flood Risk Assessment identifies that the existing highway (Front Street) sits on a lower level than the adjacent main highway (Vyners Close / B6288). Due to the lower level of the site entrance, it will be susceptible to surface water flooding during extreme storm events at times when the culverted watercourse exceeds capacity, which at such times may hinder vehicle access into and out of the site. It should be noted that as the site levels increase westwards from Front Street the main development area is at sufficient elevation to not be affected by exceedance floodwater. Consequently, the proposed dwellings themselves are considered to be at low risk of surface water flooding. It is also noted that in these extreme events the surrounding wider highway network would also be affected and this is a pre-existing problem.
163. The proposed drainage strategy is to discharge surface water runoff to the public sewerage network via a culverted watercourse running through the eastern portion of the site, via permeable paved driveways and an attenuation basin to the north east of the site. The submission explains that the site is underlain by soils that have low permeability and so infiltration has been discounted. Therefore, this approach is in line with the hierarchy or preference set out by Policy 35.
164. The Lead Local Flood Authority have advised that developments should be designed to include Green and Blue Infrastructure with SuDS features such as basins, swales, filtration strips / drains, rain gardens etc. throughout the site. Developments should provide a quality design incorporating sustainable drainage solutions together with green space areas; providing a surface water management train to treat water as close as to where it falls and transmit it

through the site, mimicking the natural process of the water cycle. The surface water management should meet today's sustainable standards, reflecting the changing view towards climate change and protection of the environment to prevent flooding and pollution to the receiving surface water outfalls. The design should include SuDS treatment features within the site to reduce hazard levels by removing suspended solids, metals, and hydrocarbons from surface water, and therefore preventing toxic contaminants destroying ecology and wildlife downstream from the developments.

165. The submitted scheme has been amended so that the detention basin is suitably graded, while sections of the upstream pipework have been increased in size to ensure there is additional storage capacity during periods of heavy rainfall. This would provide attenuation capacity for rainfall events up to and including 1in100year return period with +45% increase applied to allow for the predicted effects of climate change, including the required 10% urban creep.
166. Despite this, the Lead Local Flood Authority advise that the basin is not of a size capable of providing sufficient treatment of surface water. The applicants have therefore proposed a hydro dynamic vortex separator to provide treatment of runoff prior to leaving the site. Whilst recognising that this would help improve water quality, the Lead Local Flood Authority have advised that utilising a treatment device in place of SUDs fails to provide a suitable sustainable solution to surface water management for a residential development, contrary to relevant guidance.
167. Criterion d) of CDP Policy 35 states that for major developments the management of water must be an intrinsic part of the overall development. In this instance, SUDs do not form an intrinsic part of the overall development and it would not be possible to adequately address this given the number of dwellings proposed. Increasing the size of the basin would require a reduction in the number of units and the applicant has advised that they would be unable to deliver the development of the site with a reduced number of units. Although no detailed viability information has been submitted, the site relates to previously developed land that has proven challenging to redevelop in the past despite the granting of planning permission for a greater number of dwellings.
168. Overall, subject to conditions securing the finer details of the drainage design, it is considered that the flood risk is within acceptable limits and the installation of a treatment device would ensure adequate treatment of surface water runoff. However, it is acknowledged that the proposed development does conflict with CDP Policy 35 d) in that SUDs have not been designed to form an intrinsic part of the layout. This policy conflict should be weighed against the benefits of the scheme in the planning balance, which include the delivery of 65no. affordable homes and the redevelopment of an unkempt site for which previous consents for a greater number of dwellings have lapsed. This exercise is undertaken in the conclusion.

Ecology

169. NPPF Paragraph 180 d) advises that opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or

enhance public access to nature where this is appropriate. In line with this, CDP Policy 41 seeks to secure net gains for biodiversity and coherent ecological networks. Policy 43 relates to protected species and nationally and locally protected sites. Part 15 of the NPPF seeks to ensure that developments protect and mitigate harm to biodiversity interests, and where possible, improve them.

170. In addition, criterion c) of CDP Policy 6 is not permissible towards the development of unallocated sites where it would result in the loss of open land that has ecological value which cannot be adequately mitigate or compensated for.
171. The site is located approximately 3.6km to the east The Carrs Site of Scientific Interest (SSSI), 0.65km to the north east of North Close Marsh Local Wildlife Site and 1.1km to the south of Cow Plantation Local Nature Reserve. There are no sites designated due to the presence of amphibians within 500m of the application site.
172. The application is supported by an Ecological Impact Assessment, Bat Survey, Great Crested Newt eDNA Survey, and a Biodiversity Net Gain Assessment accompanied by the completed version of the associated Defra Metric.
173. The Ecological Impact Assessment and Bat Survey concluded that the site is of low value to badgers, butterflies, hedgehogs and toads, and of local value to bats and birds with woodland edge, grassland and scrub habitats providing foraging habitat. The presence of the invasive species Japanese Rose was identified within the site. The Assessment makes several recommendations including that any external lighting be limited to low level; that works take place outside of bird nesting season and in accordance with an invasive species precautionary working method statement; and the retention of trees to the north of the site. Biodiversity enhancements are recommended in the form of landscape planting to increase foraging opportunities in the area, and the installation of bat roosting features and integrated swift boxes within 50% of the dwellings. A condition is recommended to secure adherence to the recommendations within the submitted Ecological Impact Assessment.
174. The Great Crested Newt eDNA Survey identifies the presence of four ponds present within 500m of the site of which one returned a positive eDNA result for great crested newts. The Survey and Ecological Impact Assessment recommends that the development be registered under the Natural England district level licensing scheme to ensure that the impacts on GCN will be mitigated for in line with Natural England guidance. The applicant has obtained a provision certificate from Natural England which confirms that a mitigation and compensation scheme has been agreed. The mitigation relates to the delivery and monitoring of new ponds to provide habitats for great crested newts along with their monitoring. The Councils Ecologist advised that the mitigation is satisfactory to ensure that the Great Crested Newts would not be adversely affected by the development. This viewed is shared by Natural England on the basis they have granted a provisional licence.
175. The Biodiversity Net Gain Assessment Net identifies that the proposed development would result in net losses in biodiversity of 68.17% (11.13 habitat units) primarily due to the loss of grassland of medium distinctiveness within

the site. The Assessment recommends the delivery of more than 11.09 habitat units of medium distinctiveness woodland and grassland to meet the trading rules of the Defra metric.

176. Given the amount of grassland to be lost to facilitate the proposed development, and in the context of the constraints of the site and the failure to deliver the redevelopment of the site in the past despite the granting of planning permission, it would not be possible to achieve biodiversity net gains on site in this instance. As such, the applicant proposes to provide biodiversity enhancements offsite on a parcel of land in their ownership.
177. The parcel of land in question comprises approximately 8.8ha of grassland owned by the Wildlife Trust located approximately 800m to the south of the village of Mordon and 2.9km to the east of Newton Aycliffe. The applicant has provided a completed version of the Defra metric to include the proposed enhancements at the offsite, which demonstrates that 11.53 habitat units could be provided on the offsite, primarily through the provision of additional grassland. This would represent a total increase in habitat units of 0.41 (a 2.49% increase).
178. The County Ecologist has reviewed the submitted information and has advised that the required biodiversity net gains could be achieved, subject to the submission of a final detailed Habitat Creation Management and Monitoring Plan to show the location and specification details of the proposed planting within the application site and the offsite, to ensure that all semi-natural habitats to be provided will be managed over a minimum of 30 years, and that the target habitats are deliverable. It is recommended that this be secured as part of a legal agreement.
179. Overall, subject to a condition and a legal agreement, the proposed development is not considered to adversely affect protected species and to be capable of achieving biodiversity net gains, according with CDP Policies 6 c), 41 and 43, and Part 15 of the NPPF.

Ground Conditions

180. CDP Policy 32 requires sites to be suitable for use taking into account contamination and unstable land issues. NPPF Paragraph 183 requires sites to be suitable for their proposed use taking account of ground conditions and any risks arising from land instability and contamination.
181. The application is supported by a Geoenvironmental Appraisal which identified heavy metal and PAH contamination that would pose a risk to human health, as well as asbestos. Therefore, Environmental Health have recommended a condition to secure further details in the form of a Phase 3 remediation strategy. This is expected to include further details of ground gas monitoring.
182. The application site falls partly within the defined Coalfield Development High Risk Area and so within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application. The Coal Authority have advised that their information indicates a coal seam outcrops at the site, which may have

been subject to unrecorded mining activity in the past. Voids and broken ground associated with such workings can pose a risk of ground instability and may give rise to the emission of mine gases.

183. The submitted Geoenvironmental Appraisal identifies that the Brass Thill coal seam is conjectured to subcrop through the site, and acknowledges that coal mining is recorded to have taken place beneath the site and that the site lies in an area where the Coal Authority believes there is coal at, or close to the surface, which may have been worked at some time in the past.
184. The Appraisal concludes that the recorded mine workings lie at sufficient depth such that they are unlikely to affect surface stability at the site. Taking into account the results of previous borehole investigations carried out at the site in 2007, 2008 and 2019, the report considers that 'the Brass Thill coal seam (and the subjacent Top and Bottom Hutton coal seams) may actually be impoverished in the local area, or are generally too thin to be economically viable to work. As such, the Appraisal concludes that potential unrecorded shallow coal mining legacy poses a low risk to the proposed development.
185. The Coal Authority considers the content and conclusions of the Geoenvironmental Appraisal to be sufficient for the purposes of the planning system and meet the requirements of the NPPF in demonstrating that the application site is, or can be made, safe and stable for the proposed development. Therefore, the Coal Authority raise no objections to the proposed development. They advise that further more detailed considerations of ground conditions and foundation design may be required as part of any subsequent building regulations application and that should any evidence of unrecorded mine entries be found on site appropriate treatment will be required in accordance with details permitted under a Coal Authority Permit.
186. Subject to a condition to secure ground gas monitoring and a remediation strategy, the proposed development is not considered to adversely affect the stability of surrounding land, according with to CDP Policy 32 and NPPF Paragraphs 183.

Archaeology

187. CDP Policy 44 states that in determining applications which would affect a known or suspected non-designated heritage asset with an archaeological interest, particular regard will be given to ensuring that archaeological features are generally preserved in situ or if justified appropriately excavated and recorded with the results fully analysed and made publicly available.
188. The application is supported by a Geophysical Survey including a trial trench evaluation which did not reveal anything of archaeological significance. On this basis, the proposed development accords with CDP Policy 44 and Part 16 of the NPPF.

Open Space and Other Infrastructure

189. CDP Policy 26 outlines that new residential developments will be required to make provision for open space to meet the needs of future residents having

regard to the standards of open space provision set out in the Open Space Needs Assessment (OSNA). Where it is determined that on-site provision is not appropriate, the Council will require financial contributions to be secured through planning obligations towards the provision of new open space, or the improvement of existing open space elsewhere in the locality. Paragraph 98 of the NPPF highlights that access to a network of high-quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities. Paragraph 130 requires amongst other things that developments function well and optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space).

190. The Council's Open Space Needs Assessment (OSNA) 2018 is considered the most up to date assessment of need. It identifies the five typologies (allotments; amenity/natural greenspace; parks, sports and recreation grounds; play space (children) and play space (youth)), sets out requirements for public open space on a population pro rata basis and whether provision should be either within the site, or through a financial contribution towards offsite provision, in lieu taking into consideration factors such as the scale of the development, existing provision within suitable walking distances and the level of contribution sought.
191. The site layout demonstrates that 2,780m² of green space would be provided on site exceeding the amenity green space requirement (the policy requirement is for 2,145m²).
192. In addition, there is a requirement to provide 71.5m² of non-equipped children's play space on site, although no such space is indicated within the site layout. The OSNA identifies an undersupply of 0.5ha of children's play space in the mid Durham area and there are no children's play areas to the southern side of the A688, with the closest to the north west corner of the site located 850m away at Whitehouse Road, and 950m away adjacent to Villa Street. Both of these areas are located beyond the recommended 600m distance and are ranked C with potential to be ranked B in the future subject to improvements. The A rated Victoria Jubilee Park is located 1.1km away.
193. The OSNA in relation to children's play space states that, "Children and young people will play/'hang out' in almost all publicly accessible "space" ranging from the street, town centres and squares, parks, playing fields, "amenity" grassed areas etc. As well as the more recognisable play and youth facility areas such as equipped playgrounds, youth shelters, BMX and skateboard parks, Multi-use Games Areas etc. Clearly many of the other types of open space covered by this assessment will therefore provide informal play opportunities."
194. In this instance, given the scale of the proposed development the requirement relates to the provision of non-equipped children's play space on site rather than equipped play space. Whilst there are no children's play spaces within the recommended 600m, it is noted that Daisy Fields park and recreation ground lies immediately to the west of the site which measures approximately 6.45ha and would provide opportunities for children to play on. Therefore, in this instance it is considered appropriate to secure a financial contribution to secure improvements to existing children's play space in the surrounding area.

195. The OSNA also identifies a shortfall in the amount of open space falling within the parks and recreation and youth play space typologies in the Mid Durham Local Plan Monitoring Area in which the application site lies, although there is a sufficient supply of allotments.
196. Overall, it is considered appropriate and necessary to secure financial contributions of £102,316.50 as part of a Section 106 agreement to provide additional and improve existing local public open spaces in these typologies to mitigate the impacts of use by additional residents.
197. Subject to a Section 106 agreement and a condition, the proposed development would be capable of providing a sufficient quantity and quality of public open space for existing and future residents, according with the requirements of CDP Policy 26 and Part 8 of the NPPF.

Education

198. NPPF Paragraph 93 recognises the need for planning decisions to ensure an integrated approach when considering the location of new housing and to plan positively for the provision and use of community facilities and local services. It is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Paragraph 95 goes on to advise that it is important that a sufficient choice of school places is available to meet the needs of existing and new communities. In addition, Paragraphs 55-57 explain the circumstances when it is appropriate for planning obligations to be used to mitigate the impacts of the development. This provides policy justification to seek mitigation in respect to essential services, including the provision of education and health facilities, where a deficit would result or be exacerbated by the proposed development.
199. In terms of education infrastructure, the School Places Manager has advised that there are seven primary schools within a safe 2 mile walking distance of the application site, with it noted that Springwell Grange Primary School is due to replace Ox Close School in September 2024, providing capacity for an additional 300 places. The nearest secondary school is Whitworth Park Academy. Based on the projected rolls of schools, taking into account the likely implementation timeframe of the development, build rates and other committed development there would be sufficient space to accommodate the pupils generated by the development in existing and committed local schools whilst maintaining a 5% surplus. No contribution is therefore required for additional primary or secondary teaching accommodation.

Health Care

200. The closest GP practices to the site are the Bishops Close and St. Andrews Medical Practices in Westlea. The NHS North East and North Cumbria Integrated Care Board have confirmed that this practice falls within the Sedgefield North Primary Care Network which are at full capacity and would require additional space to deliver their services to an increased number of patients. Therefore, they recommend that a financial contribution of £31,395 would be required to provide additional / extended accommodation to mitigate the impact of the development and provide additional capacity for local GP

surgeries. This figure is calculated using the NHS Property Service build cost rate of £3,000 per square metre.

Summary

201. The NHS North East and North Cumbria Integrated Care Board have confirmed that local GP surgeries are part of wide plans to improve GP access and would be the likely beneficiaries of any Section 106 funds secured and are satisfied that monies secured would be capable of satisfactorily mitigating the impacts of the development. Therefore, subject to a Section 106 agreement to secure these financial contributions the proposed development would provide mitigation for the increase in population it would generate and so would not warrant refusal on these grounds. The School Places Manager is satisfied that existing and committed education facilities is sufficient to accommodate the additional school age children arising as a result of the proposed development
202. Overall, subject to a Section 106 agreement to secure financial contributions of £102,316.50 to go towards the provision of and improvements to existing public open space off site, and £31,395 to go towards the provision of additional GP surgery capacity, and a condition to secure details of the management and maintenance of the open place to be provided on site, the proposed development accords with CDP Policy 25 and 26, and Part 8 of the NPPF.

Carbon Emissions

203. Criterion c) of Policy 29 requires all development to minimise greenhouse gas emissions, by seeking to achieve zero carbon buildings and providing renewable and low carbon energy generation. Where connection to the gas network is not viable, development should utilise renewable and low carbon technologies as the main heating source.
204. In addition, criterion o) of Policy 29 requires all major residential development to achieve reductions in CO₂ emissions of 10% below the Dwelling Emission Rate (DER) against the Target Emission Rate (TER) based on current Building Regulations.
205. Criterion d) of Policy 29 requires all development to minimise the use of non-renewable and unsustainable resources, including energy, water and materials, during both construction and use by encouraging waste reduction and appropriate reuse and recycling of materials, including appropriate storage space and segregation facilities for recyclable and non-recyclable waste and prioritising the use of local materials.
206. The application is supported by an Energy Statement which confirms the use of energy efficient fabric and air source heat pumps and Photovoltaic panels to minimise energy consumption and carbon emissions, and achieve a minimum 10% carbon reduction against DER when measured against TER. Since the submission of this application and the adoption of the CDP, the Building Regulations have been updated and now require all new homes to produce 31% less CO₂ emissions than what was previously acceptable in the Part L regulations. The development would now need to comply with these new requirements and as this is covered under separate legislation there is no need

for a condition to reflect this. However, a condition is recommended to secure further details regarding the specification and location of the air source heat pumps and PV panels.

207. Given the above, the proposal is considered to accord with the sustainability aims of CDP Policy 29 and Part 2 of the NPPF.

Other Matters

208. CDP Policy 27 requires all new residential development to be served by a high speed broadband connection. This will need to be directly accessed from the nearest exchange and threaded through resistant tubing to enable easy access to the cable for future repair, replacement and upgrading. Where it can be demonstrated that this is not appropriate, practical or economically viable, developers will be encouraged to provide appropriate infrastructure to enable future installation. No details of how the dwellings will be served by a high speed broadband connection have been submitted with the application, but it is considered that these details could be secured via a suitably worded condition in this instance.

CONCLUSION

209. NPPF Paragraph 12 states that where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local Planning Authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.
210. In this instance, the site lies within the built up area of Spennymoor and was considered to be suitable for residential development under the Strategic Housing Land Availability Assessment but is not allocated for housing by CDP Policy 4 due to concerns over the achievability of development in relation to challenges in delivering previous consented schemes. The site represents previously developed land with an unkempt appearance and its redevelopment draws in principle support from CDP Policy 6.
211. The presence of existing noise generating uses nearby to the site is acknowledged. However, the application is supported by a Noise Impact Assessment which identifies adequate measures to mitigate against this. A conditional approach can address noise generated from an adjacent substation. Subject to conditions, the proposed development is considered to provide acceptable levels of amenity for the future occupants of the dwellings without adversely affecting the amenity of other residents in the area or placing unreasonable restrictions on existing businesses, according with CDP Policies 29 and 31.
212. No concerns are raised regarding highway safety, ecology, ground conditions, open space and other infrastructure, archaeology, or carbon emissions.
213. Whilst 2 “Red” scores were received when assessed against the Council’s Building for Life SPD during the Design Review process, it should be

considered whether there are significant overriding reasons capable of justifying these red scores.

214. In relation to the first red score, this was received in relation to the lack of serviced bus stops within the recommended 400m of the proposed dwellings. However, the site is considered to be located within a reasonable walking and cycling distance to defined town centre of Spennymoor and so the future occupants would not be solely reliant upon the private car for access to services, facilities and education. In addition, a development of this scale is not considered to be capable of funding the provision of additional bus services. Overall, in the round the site is considered to occupy a sustainable location and the proposed development is considered to accord with CDP Policies 6 and 21, as well as Part 9 of the NPPF.
215. This is subject to a condition to secure improvements to PRoW no.57 to the north of the site to widen it from 1.6m to 3m so that it would be capable of accommodating the additional residents generated by the proposed development and of it being used as a cycleway. This would improve connections to the town centre to the east, bus stops to the west on Vyners Close in the event that services stop here in the future, and provide a more attractive walking route for pedestrians. This condition is considered necessary to make the development acceptable by representing a good standard of design through effectively connecting with its surroundings, as well as to help outweigh the lack of serviced bus stops within 400m of the site and the conflict with CDP Policy 29. It would also benefit existing residents to the east looking to walk or cycle into the town centre, representing a wider benefit weighing in favour of the application.
216. In relation to the second red score, it is recognised that that SUDs have not been designed to form an intrinsic part of the layout which is contrary to CDP Policy 35 d). However, the surface water drainage strategy would satisfactorily attenuate water on the site to ensure that there is not an increased risk of downstream flooding.
217. It is also recognised that, there are minor conflicts with the Council's Residential amenity standards SPD, with two plots falling below minimum garden depths to facilitate access to a mid-terrace property. However, these properties would retain an open aspect overlooking gardens. The separation distance between the rear elevations of two the dwellings and the rear elevations of two bungalows would marginally, fall below the required 21m.
218. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that if a development plan is used as part of the determination of an application must be made in accordance with the plan unless material considerations indicate otherwise.
219. In this instance, the application proposes the delivery of 65no. affordable homes across a range of 2, 3, and 4 bed properties in an area where there is a high demand for properties of this size and tenure. The applicant has agreed to secure the delivery of 100% of the 65no. dwellings as affordable via a Section 106 agreement and this is a substantial benefit weighing in favour of the application. In addition, the scheme would see the redevelopment of an

unkempt, previously developed site on which housing has not been delivered in the past despite planning permission having been granted for residential developments. Whilst no viability information has been submitted in support of the application the constraints and past challenges of delivering the redevelopment of the site are acknowledged. Secured via a condition, upgrades to PRow no.57 would improve the connectivity of the site to the town centre to serve the future residents generated by the proposed development whilst also providing a benefit to existing residents and helping to encourage walking and cycling into the town centre rather than use of the private car.

220. The applicant has put forward other benefits of the scheme which include the creation of 135 jobs during the construction period, the delivery of £8.7m of investment each year during the construction period, and the generation of additional expenditure in the local area by the future residents, as well as £125,000 in increased Council Tax receipts per annum and £480,000 in New Homes Bonus payments to the Local Authority.
221. Overall, having taken into account the relevant material considerations whilst the policy conflict is acknowledged and the assessment of the application is finely balanced. However it is considered that the benefits of the scheme, including the provision of 65no. affordable homes (to be secured by legal agreement) in an area with an identified need for such, in this instance outweigh the conflict with CDP Policies 29 and 35. There are no material considerations which indicate otherwise and therefore the application is recommended for approval.

Public Sector Equality Duty

222. 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.
223. In this instance, officers have assessed all relevant factors and do not consider that there are any equality impacts identified.

RECOMMENDATION

That the application be **APPROVED** subject to the completion of a legal agreement(s) to secure the following:

- Financial contributions of £102,316.50 to go towards improving offsite open space and recreational provision within Low Spennymoor and Tudhoe Grange Electoral Division,
- Financial contributions of £31,395 to go towards increasing GP surgery capacity in the Sedgfield North Primary Care Network,
- The provision of 100% affordable housing equating to 7no. affordable rent to buy homes and 58no. homes for affordable rent,

- The provision of offsite biodiversity net gain through the long term management and maintenance, including a Habitat Creation Management and Monitoring strategy, of biodiversity land.

And subject to the following conditions:

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

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

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

Site Location Plan DR-A-9001 Rev P04
 Proposed Site Layout DR-A-9003 Rev P07
 Proposed Site Layout DR-A-9004 Rev P08
 Proposed Street Elevations DR-A-2110 Rev P03
 Proposed Site Sections DR-A-2210 Rev P03
 Landscaping Strategy KL-551-001 Rev P2
 Proposed S106 Plan HHMLS-PHS-XX-XX-DR-A-911
 House type 1 plans and elevations DR-A-2001 Rev P04
 House type 2 plans & elevations DR-A-2001 Rev P04
 House type 3 house plans and elevations DR-A-2001 Rev P04
 House type 4 plans DR-A-2000 Rev P04
 House type 4 elevations DR-A-2001 Rev P04
 House type 5 plans and elevations DR-A-2001 Rev P04

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies 6, 15, 19, 21, 25, 26, 27, 29, 31, 32, 35, 36, 39, 40, 41, 43 of the County Durham Plan and Parts 2, 4, 5, 8, 9, 11, 12, 14 and 15 of the National Planning Policy Framework.

3. No development other than ground clearance or remediation shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include as a minimum but not necessarily be restricted to the following:

1. A Dust Action Plan including measures to control the emission of dust and dirt during construction taking into account relevant guidance such as the Institute of Air Quality Management "Guidance on the assessment of dust from demolition and construction" February 2014.
2. Details of methods and means of noise reduction/suppression.
3. Where construction involves penetrative piling, details of methods for piling of foundations including measures to suppress any associated noise and vibration.
4. Details of measures to prevent mud and other such material migrating onto the highway from all vehicles entering and leaving the site.

5. Designation, layout and design of construction access and egress points.
6. Details for the provision of directional signage (on and off site).
7. Details of contractors' compounds, materials storage and other storage arrangements, including cranes and plant, equipment and related temporary infrastructure.
8. Details of provision for all site operatives for the loading and unloading of plant, machinery and materials.
9. Details of provision for all site operatives, including visitors and construction vehicles for parking and turning within the site during the construction period.
10. Routing agreements for construction traffic.
11. Details of the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.
12. Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works.
13. Management measures for the control of pest species as a result of demolition and/or construction works.
14. Detail of measures for liaison with the local community and procedures to deal with any complaints received.

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

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

Reason: To protect the residential amenity of existing and future residents from the development in accordance with Policy 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework. Required to be pre commencement to ensure that the whole construction phase is undertaken in an acceptable way.

4. No development other than ground clearance or remediation shall commence until a land contamination scheme has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall be compliant with the YALPAG guidance and include a Phase 2 site investigation including ground gas monitoring and a Phase 3 remediation strategy to include gas protection measures and method of verification where necessary.

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

5. Remediation works shall be carried out in accordance with the approved remediation strategy. The development shall not be brought into use until

such time a Phase 4 Verification report related to that part of the development has been submitted to and approved in writing by the Local Planning Authority.

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

6. No development other than ground clearance and remediation shall commence until plans showing full engineering details of the proposed estate road, to demonstrate that it has been designed to meet current highway design standards, and a phasing plan for the implementation of these works have been submitted to and approved by the Local Planning Authority. Thereafter, the estate road shall be constructed in accordance with the approved details and timescales.

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

7. No development other than ground clearance or remediation works shall commence until a scheme for the provision of foul and surface water drainage works in accordance with the principles established in the submitted Flood Risk Assessment & Drainage Strategy by C. J. Emm Ltd dated October 2023 have been submitted to and approved in writing by the Local Planning Authority. This shall include but not be limited to a Construction Phase Surface Water Management Plan with phasing details for the completion of all drainage infrastructure, Construction Details for permeable paved driveways and the SUDs basin, and the precise proposed connection point(s) to the public sewerage network. The development thereafter shall be completed in accordance with the details and timetable agreed.

Reason: To ensure that surface and foul water are adequately disposed of, in accordance with Policies 35 and 36 of the County Durham Plan and Parts 14 and 15 of the National Planning Policy Framework.

8. No development other than ground clearance or remediation shall commence until such time as a scheme detailing the precise means of broadband connection to the site has been submitted to and agreed in writing by the local planning. Thereafter, the development shall be carried out in accordance with the agreed detail.

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

9. Prior to the commencement of development above damp proof course details of the number, location and manufacturers details of photovoltaics and air source heat pumps to be installed to power the dwellings shall be submitted to and approved in writing by the Local Planning Authority. The

development shall thereafter be undertaken in accordance with the approved details.

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

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

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

11. Prior to the first occupation of any of the dwellings, details of all hardsurfaced areas shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the hardsurfaced areas shall be constructed in accordance with the approved details prior to the first occupation of any dwelling and thereafter retained for the lifetime of the development.

Reason: In the interests of the visual amenity of the surrounding area and in order to ensure sufficient parking provision on the site in accordance with Policies 21 and 29 of the County Durham Plan and Parts 9, 12 and 15 of the National Planning Policy Framework.

12. Prior to the first occupation the development hereby approved, details of all means of enclosure of the site shall be submitted to and approved in writing by the Local Planning Authority. The enclosures shall be constructed in accordance with the approved details thereafter.

Reason: In the interests of the visual amenity of the area and to comply with Policy 29 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.

13. No dwelling shall be occupied until a scheme of surface improvement works relating to Public Right of Way footpath number 57 have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the surface improvement works shall be undertaken in accordance with the approved details prior to the first occupation of any dwelling.

Reason: To facilitate increased cycle use and improve the route from the site into the town centre in accordance with County Durham Plan policies 21 and 29 and Paragraph 92 of the National Planning Policy Framework.

14. The development hereby approved shall not be occupied until details of cycle storage compliant with the Council's Parking and Accessibility Standards, have been submitted to and agreed in writing by the Local

Planning Authority. Thereafter, the development shall be carried out in accordance with the agreed details.

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

15. No dwellings shall be occupied until a scheme for the ongoing maintenance of the areas of public open space within the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. In the event of proposals to maintain the public open space by means other than through transfer to the Local Authority then the scheme shall provide for details of an agreed maintenance and cutting schedule in perpetuity.

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

16. A minimum of 43 dwellings shall be built to a standard which meets the requirements set out in M4(2) of the Building Regulations 2010 Approved Document Part M: Access to and use of building (as amended) or any updated version of replacement document.

Prior to the occupation of any dwelling constructed to Buildings Regulations M4(2) standard, 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: To ensure the development complies with the requirements of Policy 15 of the County Durham Plan to meet the needs of older people and people with disabilities.

17. In undertaking the development that is hereby approved:

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

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

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

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

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

18. No construction work shall take place, nor any site cabins, materials or machinery be brought on site until all trees and hedges, indicated on the approved tree protection plan as to be retained, are protected by the erection of fencing, placed as indicated on the Tree Protection Plan contained at Appendix 4 within the submitted Arboricultural Method Assessment reference ARB/CP/3059 dated October 2023 and comprising a vertical and horizontal framework of scaffolding, well braced to resist impacts, and supporting temporary welded mesh fencing panels or similar approved in accordance with BS.5837:2010.

No operations whatsoever, no alterations of ground levels, and no storage of any materials are to take place inside the fences, and no work is to be done such as to affect any tree. No removal of limbs of trees or other tree work shall be carried out. No underground services trenches or service runs shall be laid out in root protection areas, as defined on the Tree Protection Plan.

Reason: In the interests of the visual amenity of the area and to comply with Policies 29 and 40 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.

19. The three connections to the surrounding Public Right of Ways as shown on Proposed Site Layout HMLS PHS XX XX DR A 9003 P07 shall be constructed prior to the first occupation of any dwelling and thereafter maintained for the lifetime of the development.

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

20. The discharge rate of surface water runoff from the site to the public sewer shall not exceed 8.4 litres per second as detailed within the submitted Flood Risk Assessment & Drainage Strategy by C. J. Emm Ltd dated October 2023.

Reason: To safeguard against flood risk in accordance with Policy 35 of the County Durham Plan and Part 14 of the National Planning Policy Framework.

21. The SUDs basin and permeable paving shall be managed and maintained in accordance with the details contained at Appendix F within the submitted Flood Risk Assessment & Drainage Strategy by C. J. Emm Ltd dated October 2023.

Reason: To safeguard against flood risk in accordance with Policy 35 of the County Durham Plan and Part 14 of the National Planning Policy Framework.

22. The development shall be undertaken in strict accordance with Section 6 Mitigation and Compensation of the submitted Ecological Impact Assessment undertaken by OS Ecology dated October 2023.

No dwelling shall be occupied until a plan showing the location of bat boxes and bird boxes to be installed to a minimum of 33 of the dwellings has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the bat and bird boxes shall be installed in accordance with the approved details prior to the first occupation of any dwelling and retained for the lifetime of the development.

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

23. A minimum of one active electric vehicle chargepoint shall be installed to each dwelling prior to the first occupation of that dwelling.

Reason: To enable the adoption of alternative fuel vehicles in accordance with Policy 21 of the County Durham Plan and the Council's Parking and Accessibility Standards SPD 2023.

24. The car parking spaces serving each dwelling and visitor parking bays as detailed on Proposed Site Layout HMLS PHS XX XX DR A 9003 P07 shall be constructed and made available for use prior to the first occupation of any dwelling and thereafter retained for the lifetime of the development.

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

25. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order), no fences, walls, or gates shall be installed within, or along the boundary of the curtilage of, Plot 45 without the grant of further specific planning permission from the Local Planning Authority. Any vegetation planted to the grassed area to the north or east of the dwelling on Plot 45 shall be maintained at a height of no higher than 1m for the lifetime of the development.

Reason: To ensure sufficient levels of visibility are maintained 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.

26. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order) any windows to be installed to the north side elevation of the dwellings on Plot 25, 46 and 50 shall be obscured to level 3 or higher of the Pilkington scale of privacy or equivalent and shall be maintained thereafter in perpetuity.

Reason: In the interests of the residential amenity of neighbouring properties in accordance with Policies 29 and 31 of the County Durham Plan and Part 12 of the National Planning Policy Framework.

27. Prior to the first occupation of any dwelling details of the position, dimensions, materials and screening of the proposed substation shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the substation shall be erected in accordance with the approved details.

Reason: In the interest of the visual amenity of the area in accordance with Policy 6 and 29 of the County Durham Plan and Part 12 of the National Planning Policy Framework.

28. All sound attenuation measures detailed at Section 6 of the submitted Noise Impact Assessment prepared by E3P, reference 50-774-R1-3 dated October 2023 shall be fully implemented prior to the first occupation of the dwellings and permanently retained thereafter.

In addition to the above, the following noise levels shall not be exceeded:

- o 35dB LAeq 16hr bedrooms and living room during the day-time (0700 - 2300)
- o 30 dB LAeq 8hr in all bedrooms during the night time (2300 - 0700)
- o 45 dB LAmax in bedrooms during the night-time
- o 55dB LAeq 16hr in outdoor living areas

Any noise mitigation measures required to accord with these specified noise levels shall be installed prior to the first occupation of the dwellings and shall be permanently retained thereafter.

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

29. Plots 47-51 shall not be occupied until a scheme of acoustic attenuation measures relating to the noise generated by the substation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the location, height, and materials of acoustic screening to be installed. The scheme of acoustic attenuation measures shall be carried out in accordance with the approved details prior to the first occupation of Plots 47-51 and shall be permanently retained thereafter.

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

30. No development other than remediation works shall commence until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority.

No tree shall be felled or hedge removed until the landscape scheme, including any replacement tree and hedge planting, is approved as above. Any submitted scheme must be shown to comply with legislation protecting nesting birds and roosting bats. The landscape scheme shall include accurate plan based details of the following:

Trees, hedges and shrubs scheduled for retention.

Details of soft landscaping including planting species, sizes, layout, densities, numbers.

Details of planting procedures or specification to include strategies for dealing with future conflict between the proposed tree planting and adjacent hard surfaced areas and the rooting volumes of the proposed tree planting. Finished topsoil levels and depths.

Details of temporary topsoil and subsoil storage provision.

Seeded or turf areas, habitat creation areas and details etc. Details of land and surface drainage.

The establishment maintenance regime, including watering, rabbit protection, tree stakes, guards etc.

The Local Planning Authority shall be notified in advance of the start on site date and the completion date of all external works. Trees, hedges and shrubs shall not be removed without agreement within five years.

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

31. 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 and to comply with Policy 29 of the County Durham Plan and Part 12 of the National Planning Policy Framework.

32. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order), no development under Schedule 2 Part 1 Class AA shall take place without the grant of further specific planning permission from the Local Planning Authority. No two storey rear extensions to the dwellings on Plots 29-45 or 54-65 shall take place without the grant of further specific planning permission from the Local Planning Authority.

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

31. Prior to the construction of the approved highway layout, a shall be submitted to and approved in writing by the Local Planning Authority. The Highway Implementation, Maintenance and Management Plan shall detail the phases of highway construction to serve relevant dwellings, along with detailed measures of how the highway will be maintained and managed. The submitted plan may include any agreement under Section 38 of the Highways Act 1980. The development thereafter shall be carried out in accordance with the details approved for the lifetime of the development.

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

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documents
National Planning Policy Framework
The County Durham Plan (CDP)
County Durham Plan Strategic Housing Land Availability Assessment 2019
County Durham Plan Settlement Study 2018
County Durham Parking and Accessibility Standards 2023
County Durham Building for Life SPD 2019
Residential Amenity Standards Supplementary Planning Document 2023
Statutory consultation responses
Internal consultation responses
External consultation responses



Planning Services	Erection of 65no. dwellings with associated access, infrastructure, and landscaping		
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	Date: December 2023		



Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

Application No:	DM/23/01719/FPA
Full Application Description:	Erection of 51no. dwellings together with formation of site access, landscaping and associated works
Name of Applicant:	Mandale Homes
Address:	Land West of 31 to 32 Church Street, Coundon
Electoral Division:	Coundon
Case Officer:	Gemma Heron Senior Planning Officer 03000 263 944 gemma.heron@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSAL

The Site

1. The application site relates to an undeveloped parcel of land that measures approximately 2.6 hectares in area, located in the settlement of Coundon. The site is bound by the public highway (Church Street) to the north, residential properties to the west and east of the northern section of the site with an existing farmstead and associated buildings to the south west and open countryside to the south. The built environment of Coundon is predominantly sited to the northern portion of the site. A level change is evident across the site rising from the public highway to the north to higher land to the south of the site and beyond.
2. In terms of planning constraints, the Grade II Listed Building (St James Church) is located to the east and the Grade II Listed Coundon War Memorial is to the northeast. The site partially lies within a Coal Mining High Risk Area.

The Proposal

3. Full planning permission is sought for the erection of 51no. dwellings alongside the formation of a site access, landscaping and associated works. The development would comprise:

- 15 x 2-bedroom bungalows
 - 7 x 3-bedroom bungalows
 - 13 x 3-bedroom bungalows
 - 16 x 3-bedroom bungalows
4. The dwellings would be laid out around a circular estate road, served of a single access point. The dwellings would have four house types, but would utilise a standard palette of materials, consisting of brick and concrete roof tiles. Each of the dwellings would be compliant with the Nationally Described Space Standards (NDSS) and would be provided on an open market basis, with no affordable housing proposed as part of the development.
 5. The wider site would incorporate three areas of Public Open Space to the northern, south eastern and central sections of the site. Two of the areas indicated for Public Open Space are identified as basins as part of the drainage for the scheme.
 6. During the application, an amended site plan has been submitted to reduce the number of units from the originally proposed 54 to 51 dwellings. Whilst the site plan has been amended, no other planning documents have been updated to reflect this.
 7. The application is being reported to planning committee in accordance with the Council's Scheme of Delegation as it constitutes a housing development which exceeds 10 dwellings.

PLANNING HISTORY

8. 3/2001/0085 – 3 bungalows (Outline). Approved 6th July 2001.
9. 3/2008/0783 – Residential development. Refused 23rd March 2009. Appeal Allowed.
10. 3/2012/0113 – Extension of time for planning application 3/2008/0783 for residential development. Approved 14th June 2012.
11. DM/14/02267/RM – Submission of reserved matters (access, layout, scale, appearance and landscaping) of planning application 3/2012/0113 (Outline planning permission for 8no. residential dwellings). Approved 29th October 2014.
12. DM/14/02268/FPA – Erection of 9 detached dwellings. Approved 29th October 2014.
13. DM/17/00912/OUT – Outline application for residential development for up to 30 dwellinghouses with all matters reserved except access. Approved subject to a S106 on 27th April 2018.

PLANNING POLICY

National Policy

14. A revised National Planning Policy Framework (NPPF) was published in September 2023. The overriding message continues to be that new development that is sustainable should go ahead without delay. 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.
15. *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.
16. *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.
17. *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.
18. *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.
19. *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.
20. *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.
21. *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.

22. *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.
23. *NPPF Part 15 Conserving and Enhancing the Natural Environment* - Conserving and enhancing the natural environment. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from Page 73 pollution and land stability and remediating contaminated or other degraded land where appropriate.
24. *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:

25. 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; design process and tools; determining a planning application; flood risk; healthy and safe communities; land affected by contamination; housing and economic development needs assessments; housing and economic land availability assessment; natural environment; noise; public rights of way and local green space; planning obligations; use of planning conditions.

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

Local Plan Policy:

The County Durham Plan (CDP)

26. *Policy 6 (Development on Unallocated Sites)* states the development on sites not allocated in the Plan or Neighbourhood Plan, but which are either within the built-up area or outside the built up area but well related to a settlement will be permitted provided it: is compatible with use on adjacent land; does not result in coalescence with neighbouring settlements; does not result

in loss of land of recreational, ecological, or heritage value; is appropriate in scale, design etc to character of the settlement; it is not prejudicial to highway safety; provides access to sustainable modes of transport; retains the settlement's valued facilities; considers climate change implications; makes use of previously developed land and reflects priorities for urban regeneration.

27. *Policy 15 (Addressing Housing Need)* establishes the requirements for developments to provide on-site affordable housing, the circumstances when off-site affordable housing would be acceptable, the tenure mix of affordable housing, the requirements of developments to meet the needs of older people and people with disabilities and the circumstances in which the specialist housing will be supported.
28. *Policy 19 (Type and Mix of Housing)* advises that on new housing developments the council will seek to secure an appropriate mix of dwelling types and sizes, taking account of existing imbalances in the housing stock, site characteristics, viability, economic and market considerations and the opportunity to facilitate self build or custom build schemes.
29. *Policy 21 (Delivering Sustainable Transport)* requires all development to deliver sustainable transport by: delivering, accommodating and facilitating investment in sustainable modes of transport; providing appropriate, well designed, permeable and direct routes for all modes of transport; ensuring that any vehicular traffic generated by new development can be safely accommodated; creating new or improvements to existing routes and assessing potential increase in risk resulting from new development in vicinity of level crossings. Development should have regard to Parking and Accessibility Supplementary Planning Document.
30. *Policy 25 (Developer Contributions)* advises that any mitigation necessary to make the development acceptable in planning terms will be secured through appropriate planning conditions or planning obligations. Planning conditions will be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Planning obligations must be directly related to the development and fairly and reasonably related in scale and kind to the development.
31. *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.
32. *Policy 27 (Utilities, Telecommunications and Other Broadcast Infrastructure)* supports such proposals provided that it can be demonstrated that there will be no significant adverse impacts or that the benefits outweigh the negative effects; it is located at an existing site, where it is technically and operationally feasible and does not result in visual clutter. If at a new site then existing site must be explored and demonstrated as not feasible. Equipment must be sympathetically designed and camouflaged and must not result in visual clutter; and where applicable it proposal must not cause significant or irreparable interference with

other electrical equipment, air traffic services or other instrumentation in the national interest.

Any residential and commercial development should be served by a high-speed broadband connection, where this is not appropriate, practical or economically viable developers should provide appropriate infrastructure to enable future installation.

33. *Policy 29 (Sustainable Design)* requires all development proposals to achieve well designed buildings and places having regard to SPD advice and sets out 18 elements for development to be considered acceptable, including: making positive contribution to areas character, identity etc.; adaptable buildings; minimising greenhouse gas emissions and use of non-renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; and suitable landscape proposals. Provision for all new residential development to comply with Nationally Described Space Standards.
34. *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.
35. *Policy 32 (Despoiled, Degraded, Derelict, Contaminated and Unstable Land)* requires that where development involves such land, any necessary mitigation measures to make the site safe for local communities and the environment are undertaken prior to the construction or occupation of the proposed development and that all necessary assessments are undertaken by a suitably qualified person.
36. *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.
37. *Policy 36 (Water Infrastructure)* advocates a hierarchy of drainage options for the disposal of foul water. Applications involving the use of non-mains methods of drainage will not be permitted in areas where public sewerage exists. New sewage and wastewater infrastructure will be approved unless the adverse impacts outweigh the benefits of the infrastructure. Proposals seeking to mitigate flooding in appropriate locations will be permitted though flood defence infrastructure will only be permitted where it is demonstrated as being the most sustainable response to the flood threat.

38. *Policy 39 (Landscape)* states that proposals for new development will only be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals are expected to incorporate appropriate mitigation measures where adverse impacts occur. Development affecting Areas of Higher landscape Value will only be permitted where it conserves and enhances the special qualities, unless the benefits of the development clearly outweigh its impacts
39. *Policy 40 (Trees, Woodlands and Hedges)* states that proposals for new development will not be permitted that would result in the loss of, or damage to, trees, hedges or woodland of high landscape, amenity or biodiversity value unless the benefits of the scheme clearly outweigh the harm. Proposals for new development will be expected to retain existing trees and hedges or provide suitable replacement planting. The loss or deterioration of ancient woodland will require wholly exceptional reasons and appropriate compensation.
40. *Policy 41 (Biodiversity and Geodiversity)* states that proposal for new development will not be permitted if significant harm to biodiversity or geodiversity resulting from the development cannot be avoided, or appropriately mitigated, or as a last resort, compensated for.
41. *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.
42. *Policy 44 (Historic Environment)* 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. The policy advises on when harm or total loss of the significance of heritage assets can be accepted and the circumstances/levels of public benefit which must apply in those instances.
43. *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.

44. The Council's Residential Amenity Standards Supplementary Planning Document (SPD) 2020 provides guidance on the space/amenity standards that would normally be expected where new dwellings are proposed.
45. The Council's Parking and Accessibility Supplementary Planning Document (SPD) 2023 provides guidance on parking and access for new development.

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

Neighbourhood Plan:

46. There are no neighbourhood plans which apply to this application site.

CONSULTATION AND PUBLICITY RESPONSES

Statutory Consultee Responses:

47. *Lead Local Flood Authority* – Object to the application advising that the drainage strategy does not comply with Policy 35 and 36 of the County Durham Plan.
48. *Coal Authority* – Object to the application as the Phase 1: Desk Study does not satisfactorily demonstrate that the proposed layout has been suitably informed by the presence of recorded mine entries. It is advised that the risk and uncertainty posed is such that specialist investigation is required prior to the determination of the application.
49. *Highways Authority* – Object to the application as the proposal does not demonstrate the required visibility splay for the site access. The visibility splay needs to be in accordance with the 85th percentile speed along the B6287 road and the plans only demonstrate the minimum required for the 30mph limit which is not acceptable. It is also advised that a turning head is required adjacent to Plots 16 and 17 to cater for refuse vehicles and large service vehicles. The 13no. visitor parking spaces should be evenly distributed throughout the site. Further amendments to the layout would be required in order to discourage high vehicle speeds on the internal road and the detailing of bin collection points on shared drives. A tracking of DCC 10.8 metre refused vehicle around the internal layout also needs to be provided.

Non-Statutory Responses:

50. *Spatial Policy* – Advise that the main issue with the proposal is whether the form of development is appropriate, taking into account of the interrelationships with existing properties and neighbouring uses in the local area. At the time the County Durham Plan was adopted, part of this site was treated as a housing commitment in recognition that it benefitted from outline planning permission for 30 units (DM/17/00912/OUT) at that time. However, this application will need to be assessed against Policy 6 of the CDP. It is advised that the site is within the low value viability area and accordingly, 10% of the dwellings need to be secured as affordable which means 5 affordable dwellings comprised of 1 First Home and 4 Affordable Home Ownership units. A financial contribution towards

green infrastructure would be required to the sum of £80,279.00 to be secured via S106 and 1,683 square metres of amenity/natural green space should be provided on-site.

51. *Viability Team* – Advise that the Financial Viability Appraisal (FVA) has been reviewed, contrary to the finding of the appraisal it is recommended the development would remain viable even in the event affordable housing, NHS and Open Space financial contributions are provided.
52. *Affordable Housing Team* – Advise that there is high demand for affordable bungalows in the area.
53. *Archaeology* – Object to the application as they advise that the proposal affects an area of previously undeveloped land over 1 hectare in size and whilst a geophysical survey has been carried out, this needs to be followed up by a trial trench on the site to determine the presence/absence of archaeological features. This programme of work would need to be set out in a Written Scheme of Investigation (WSI).
54. *Ecology* – Advise that there is an overall loss in biodiversity both for habitat and hedgerow units. It is not clear how the loss in biodiversity will be mitigated for to achieve a net gain as the DEFRA BNG Metric does not reflect the proposed landscaping or swale drainage arrangement for the site. An amended BNG Metric and Report is required. Whilst a Biodiversity Management and Monitoring Plan has been prepared, it should include details of the management for all the habitats included in the metric as well as the length of time of the monitoring proposed. This is not clear in the plan.
55. *Landscape Section* – Advise that the proposed development would result in the loss of open agricultural fields and there will be potential impacts on trees and boundary hedges with hedgerow to be removed. The site access will cause the loss of a proportion of the existing stone roadside wall. It is advised that the proposed development would extend the settlement of Coundon south with the proposed dry basin at the site entrance introducing a landscape feature which is not characteristic of local landscape or the character of the settlement. The site has been historically open agricultural fields, as identified on the 1860 OS Map. The open site of rising arable land, along with curving stone boundary wall contributes to the spatial sequencing at the entrance to the settlement. The development of the site will negatively impact the local streetscape and settlement locally.
56. *Education* – Advise that there will be sufficient space to accommodate the pupils generated by the development in primary and secondary schools and no further mitigation is required.
57. *Environmental Health Nuisance* – Advise that traffic noise and potentially commercial noise (from the proximity of working farm and agricultural buildings and a wind turbine within 55 metres) maybe a consideration and without suitable mitigation, is likely to impact upon amenity. However, this could be overcome through the use of planning conditions requiring the submission of an acoustic report, noise impact assessment and an odour impact assessment prior to the commencement of the development.

58. *Environmental Health Land Contamination* – Advise that the Phase 1 identifies the need for further site investigation. Therefore, a Phase 2 -4 Report is required which can be secured via planning conditions.
59. *Arboricultural Officer* – Advise that the submitted Arboricultural Impact Assessment is comprehensive and acceptable. The northern half of a hedgerow is to be removed to facilitate the estate road, however all other boundary hedges are to remain. The overall impact of the design on existing arboricultural features is low and is unlikely to conflict with Policy 40.
60. *Design and Conservation* – Advise that there are no designated heritage assets within the proposed development site. Approximately 165m east of the site is Coundon War Memorial (Grade II) and St James' Church (Grade II). The impact on the setting of the adjacent heritage assets has been considered previously and found to be acceptable. The conclusion of the Heritage Statement in terms of the significance of the assets and the impact of the proposed development is considered to be acceptable.
61. Further advice provided through the Council's Design Review Team which scored the proposal 9 'Red' classifications; 1 'Amber' and 2 'Green' classifications. Fundamental concerns have been raised stating how the scheme does not appropriately integrate into the surroundings, it does not provide a good mix of housing types and tenures for local requirements, it does not create a place with locally inspired or otherwise distinctive character, it does not integrate appropriately within the existing topography and site location, the dwellings are not positioned to define and enhance landscape space and do not turn corners well, car parking is insufficient and poorly distributed, the public space is poorly defined and its useability is questionable given the topography of the site.
62. *Air Quality* – Advise that given the scale of the development and that the site is not located near to any Air Quality Management Areas, it is considered that the development would not have a significant impact upon air quality and there would be no air quality concerns for the future occupants of the development. Advise a Construction Management Plan is conditioned.

External Consultees

63. *NHS* – Require a financial contribution of £24,633 to be secured via a Section 106 agreement.
64. *Northumbrian Water Ltd* – No response received.
65. *Police Architectural Liaison Officer* – Advise that dwellings should be orientated over proposed walkways to provide natural surveillance; rear fencing should be 2 metres close boarded; boundaries between plots should be 1.8metres to prevent intruders from hopping from garden to garden; communal alleyways should have a communal gate; and windows and doors should comply with PAS 24:2016.

Public Responses:

66. The application has been advertised by way of a site notice, press notice and individual notification letters sent to 26 neighbouring properties.
67. In response, 200 letters of objection have been received. The main concerns are summarised below and relate to:

Principle of the Development

- Principle of the development as previous housing development was approved prior to the adoption of the County Durham Plan and at a time when the LPA could not demonstrate a five-year housing land supply.
- The previous approval was for 30 units, this is for considerably more.
- The settlement study identifies Coundon as having a score of 53 and in accordance with the sustainable development approach, no housing allocations were proposed in Coundon in the CDP.
- Proposal does not comply with Policy 6 and is not within or well-related to the settlement of Coundon.
- The site is outside the village of Coundon in the open countryside and does not meet CDP Policy 10.
- No affordable housing will be delivered.
- There are other brownfield land options within the village that could be developed rather than this greenfield site.

Natural Environment

- Flooding and drainage concerns.
- Impact of ground instability on the development.
- Impact upon the ecology of the site and surrounding area with the loss of wildlife and biodiversity.

Highways

- Visibility splay would be interrupted by an existing residential property, Fairview Cottage.
- Amount of traffic generated by the development and its impact upon highway safety as well as pressure upon parking provision.
- Access to the site being unsuitable and unsafe.
- No sustainable modes of transport accessible due to the topography of the site exceeding the standards set out in the Chartered Institute of Highway and Transportation (CIHT) document.

Residential Amenity

- Impact of the development upon the garage at Fairview Cottage and adjacent land.
- Noise pollution created from the construction site.
- Light pollution.
- Overlooking.
- Levels of the site and impact upon residential amenity.

Sustainability

- No sustainability statement has been prepared which is against the NPPF sustainable development principles.
- No demand for additional houses in the area due to low house prices.
- Additional houses would be excessive, imbalanced and a detriment to the area's sustainability and infrastructure.
- Impact upon the village of this application and another application for 184 houses pending consideration.
- No employment in the area for local people which means more people commuting out of Coundon causing more congestion and air pollution.
- The capacity of local schools, both primary and secondary and the impact the development will have upon them.
- The capacity of local Doctors and general NHS and the potential strain the development will have upon this.
- The settlement does not have the services or facilities to support additional people.
- Inconsistent Wi-Fi/broadband provision and mobile phone signal in the area.
- Additional people travelling in the rural setting with poor public transport contributes to the carbon footprint.
- Housing should be built in more urban locations supported by the necessary infrastructure and transport network.

Design

- Impact upon the local landscape and character.
- The scale of the development.
- Impact upon the setting of the Listed Buildings.
- Density of the development.
- Contradicts the Prime Minister's recent pledge "not to concrete over the countryside".

Other

- Submitted reports contain a number of inaccuracies and omissions which include no mention of the wind turbine to the south or the Woodland Farm and Nature Reserve which borders the site or the garage building at Fairview Cottage.

The above 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/>

Applicants Statement

68. For the reasons set out within the Planning, Design, and Access Statement, the applicant considers that the detailed proposals will satisfy all relevant policies of the development plan and NPPF provisions, as well as supplementary guidance. This is on the basis the proposals have been informed by the constraints and opportunities of the site, and will:

- Make a positive contribution towards the Council maintaining a 5YHLS;

- Not introduce a land use that has not been approved previously on a significant part of the site, with outline consent for 30no. dwellings having been approved previously;
 - Be of an appropriate layout and density, with the incorporation of significant areas of public open space well in excess of policy requirements;
 - Use suitable materials, both in terms of the dwellings and hard landscaping, which can be secured by condition. The applicant originally proposed artificial stone, but is happy to propose a suitable brick if the Committee would prefer such;
 - Deliver much needed bungalows, of two and three-bed sizes, with clear demand for such according to the latest Strategic Housing Market Assessment;
 - Represent an appropriate scale of development, bearing in mind the topography of the site;
 - Not create any unacceptable residential amenity issues for either new or existing residents;
 - Be served by a previously approved point of vehicular access, which achieves the required visibility in either direction from the site entrance, with no severe highway impacts;
 - Deliver a suitable quantum of resident and visitor parking, and achieve the recently required increase in road widths;
 - Be located in a sustainable location, within walking distance of local facilities;
 - Not increase flood risk, on or off-site, with the site layout allowing for Sustainable Drainage features, including basins, swales, and bioretention tree pits. These will not only provide the necessary attenuation, but also achieve water quality improvements. A suitable detailed drainage strategy is therefore achievable based on the site layout and can be secured via condition;
 - Retain the existing mature trees, which have bat roost potential, and all except a very small section of the existing hedgerows, which are well-established existing features that help to define the site. These existing landscaping features can be supplemented by additional soft landscaping, an updated scheme for which can be secured by condition;
 - Provide bat and bird boxes on the most suitable dwellings for such, based on Ecologist advice, and an off-site contribution towards Biodiversity Net Gain can be secured by a S.106 Agreement; and
 - Not give rise to any unacceptable heritage impacts, subject to further archaeology work, which can be secured by condition.
67. Turning to the Coal Authority objection, given the site has previously had outline consent for up to 30no. dwellings with coal mining requirements conditioned, the applicant reasonably feels that a similar approach can be taken again.
68. With regards to the viability response from the Council, we fundamentally disagree with this and consider the example of values chosen by the Council are not comparable. As a result, we remain of the firm view that the development is not viable with affordable housing contributions, which is not unexpected for a scheme of this scale in the lower value area based on the whole plan viability work. This scheme does however deliver an enhanced M4(2) specification (100% as opposed to 66%) and help to meet the need for bungalows within the authority area.
69. In view of the above, we respectfully encourage the Committee to support the application in its current form or defer if it is considered that with some proposed

changes and/or additional information the Committee could support the application.

PLANNING CONSIDERATION AND ASSESSMENT

69. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues relate to the Principle of development, Locational Sustainability, Scale/Design/Landscaping and Visual Impact, Highway Safety, Residential Amenity, Infrastructure and open space provision, Affordable Accessible and Adaptable Housing, Ecology, Flooding/Drainage, Ground Conditions, Sustainability and other matters.

Principle of Development

70. 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) constitutes 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.
71. Paragraph 11c of the NPPF requires applications for development proposals that accord with an up-to-date development plan to be approved without delay. Paragraph 12 of the NPPF states that where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.
72. In considering the previous planning history, at the time the County Durham Plan was adopted, the most northern section of the site (not the whole application site) was treated as a housing commitment in recognition that it benefitted from outline planning permission for 30 dwellings (DM/17/00912/OUT). However, this outline approval related to land approximately 1 hectare in size and focused upon the northern proportion of the site and this application was assessed against the policies of the Wear Valley District Local Plan. The current application has expanded the site to the south and southeast and extends over 2.6 hectares in size which is approximately 1.6 hectare greater in size than the previous application. This permission has lapsed and does not provide a fallback position for the development of the site. The previous application was also assessed in the tilted balance in the presumption in favour of sustainable development due to the age of the relevant policies of the Wear Valley District Local Plan and the Councils Housing supply position at the time. Since the approval of the previous application, the local and national planning policy context has changed considerably, and the development is to be assessed under the up-to-date policies of the County Durham Plan. Therefore, the previous outline planning approval granted in 2018 is not a fallback position for the site.

73. In relation to the Strategic Housing Land Availability Assessment (SHLAA), the site has been assessed under this in two sections. The first section relates to a proportion of the northern section of the site and is assessed under entry 3/CO/10b which states: *'Planning permission for 8 detached dwellings was allowed previously on appeal which confirmed the suitability of the site from a landscape, highways and relationship to settlement perspective.'* This SHLAA assessment was made in reference to the first planning permission on this section of the site which was for eight dwellings only (3/2008/0783). The southern section of the site was assessed under the SHLAA reference 3/CO/10a which the assessment stating: *'Site has permission for residential development'* which relates to the outline application (DM/17/00912/OUT) for 30 dwellings across both land parcels 3/CO/10a and 3/CO/10b. However, whilst the parts of this site have been included in the SHLAA, this was based on the extant planning permissions of the time which have since lapsed, as highlighted above and does not represent a fallback position for the proposal. Also, the previous planning approvals have been for a significantly reduced quantum of development compared to the current proposal and the impacts of each need to be assessed on their own merits.
74. Accordingly, the proposal will need to be assessed against the most up to date development plan for the area, the County Durham Plan 2020 and the National Planning Policy Framework as well as relevant SPDs and guidance.
75. Turning to an assessment against relevant County Durham Plan (CDP) Policies. The application site is not allocated for housing within CDP Policy 4 and therefore, the application is an unallocated site within the County. As the site is unallocated, CDP Policy 6 is applicable as this policy sets out that the development of sites which are not allocated in the plan or a Neighbourhood Plan (i) within a built-up area; or (ii) outside the built-up area but well-related to a settlement will be permitted where they accord with all relevant development plan policies, and which:
- a. *are compatible with, and not prejudicial to, any existing, allocated or permitted use of adjacent land;*
 - b. *do not contribute to coalescence with neighbouring settlements, would not result in ribbon development, or inappropriate backland development;*
 - c. *do 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. *are appropriate in terms of scale, design, layout, and location to the character, function, form and setting of the settlement;*
 - e. *would not be prejudicial to highway safety or have a severe residual cumulative impact on network capacity;*
 - f. *have 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. *do not result in the loss of a settlement's or neighbourhood's valued facilities or services unless it has been demonstrated that they are no longer viable;*
 - h. *minimise vulnerability and provides resilience to impacts arising from climate change, including but not limited to, flooding;*
 - i. *where relevant, make as much use as possible of previously developed (brownfield) land; and*
 - j. *where appropriate, reflect priorities for urban regeneration.*
76. In the first instance, an assessment of whether or not the development is within the built-up area of Coundon; or outside the built-up area but well-related to the settlement needs to be made before moving onto the specific criteria of CDP Policy 6. In this case, the dominant built-up core of Coundon as a settlement is focused around a triangular core of the residential development around the B6287 to the north; Victoria Lane to the east and Collingwood Street to the southern element with further residential development expanding from this core development area. Between this core and the application site, there are transitional parcels of land between the built-up settlement and the open countryside with St James Church and its grounds, followed by the allotments and further open countryside before reaching the application site. In its wider context, the site reads as agricultural pastureland at a raised level compared to the B6287 which frames the rural character of the settlement core of Coundon especially when approaching the settlement from the south west. The application site would only be bound by existing residential development at either side of the proposed entrance with one linear row of terrace properties to the immediate west, and only two residential properties to the immediate east. To the other boundaries, there is open countryside in each direction except for an existing farmstead which is characteristic in rural settings.
77. In considering the application site as a whole, it is not considered to be within the built-up area of Coundon due to its sprawl into the open countryside which also leads to the site not being well related to the settlement when assessed as a whole site in its entirety. Therefore, as the proposal is not considered to be within the built-up area and is not well-related to the settlement, the proposal fails the first requirement of CDP Policy 6 and would therefore be considered against CDP Policy 10. However, for completeness the proposal will be assessed against the criteria of CDP Policy 6 throughout this report.
78. CDP Policy 10 relates to 'Development in the Countryside' and sets out that development in the countryside will not be permitted unless allowed for by specific policies in the plan, relevant policies within an adopted neighbourhood plan relating to the application site, or where the proposal meets one of the exceptions of CDP Policy 10. This application seeks open market housing which does not comply with any of the exceptions of CDP Policy 10, there is no relevant neighbourhood plan in the area and as discussed above, does not comply with any other specific policy in the plan in this case.
79. Therefore, the principle of the development would fail to accord with Policies 6 and 10 of the County Durham Plan and would be unacceptable in principle.

80. CDP Policy 6 criterion (f) requires that developments on unallocated sites have 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. CDP Policy 21 requires all developments to deliver sustainable transport by 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. CDP Policy 29 requires that major development proposals provide convenient access for all users whilst prioritising the needs of pedestrians, cyclists, public transport users, people with a range of disabilities, and emergency and service vehicles whilst ensuring that connections are made to existing cycle and pedestrian networks.
81. The NPPF sets out at Paragraph 105 that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. Paragraph 110 of the NPPF states that appropriate opportunities to promote sustainable transport modes should be taken whilst Paragraph 112 of the NPPF amongst its advice seeks to facilitate access to high quality public transport.
82. In considering this the development against the above policy context, Coundon is identified as a 'Local Centre' within the County Durham Plan, these centres are considered to support a number of local shops and services that meet local residents' daily shopping needs.
83. In considering the services within Coundon, the settlement has access to public bus stops, there is a public house, two primary schools and a range of local takeaways and small shops within the settlement to serve the local community. However, concerns have been raised by members of the public in relation to the provision of services and facilities within Coundon as well as access to public transport.
84. In relation to access to public transport, the Chartered Institute of Highways and Transportation 'Proving for Journeys on Foot' document contains suggested acceptable walking distances for pedestrians to access facilities and services. In terms of access to bus routes, a walk of 400 metres falls within the 'desirable' range.
85. In this respect, there are five bus stops within the desirable 400 metres range from the northern section of the site, and four bus stops within the desirable range from the southern section of the site with the services providing access to Bishop Auckland and Durham with a bus running every hour. It is recognised that the topography of the more southern section of the site could have an impact on pedestrians accessing bus stop facilities in a timely manner as recognised by local residents, particularly considering the likely demographic of the residents.
86. Overall, it is considered that, on balance, the site has access to a small range of services and facilities proportionate to the size of the settlement of Coundon and that these can be accessed by public transport. Established bus services, walking and cycling routes would give future residents alternative options to the

private motor car to access services and facilities. Therefore, the application site is considered to be within a relatively sustainable location in accordance with Policies 6, 21 and 29 of the County Durham Plan, and the National Planning Policy Framework.

Scale/Design/Landscaping and Visual Impact

87. CDP Policy 6 criterion (d) requires that development on unallocated sites is appropriate in terms of scale, design, layout and location to the character, function, form and setting of the settlement.
88. CDP Policy 29 outlines that development proposals should contribute positively to an area's character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities. In total, CDP Policy 29 sets out 18 elements for development to be considered acceptable, including: buildings being adaptable; minimising greenhouse gas emissions and use of non-renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; and suitable landscape proposals.
89. CDP Policy 39 states proposals for new development will be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals would be expected to incorporate appropriate measures to mitigate adverse landscape and visual effects.
90. CDP Policy 40 seeks to avoid the loss of existing trees and hedgerows unless suitable replacement planting is provided.
91. Parts 12 and 15 of the NPPF also seek to promote good design, while protecting and enhancing local environments. Paragraph 127 of the NPPF also states that planning decisions should aim to ensure developments function well and add to the overall quality of the area and establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit.
92. The site comprises open agricultural fields that are bound by an existing stone boundary wall to the northern boundary. The site has gradual land level changes from the public highway to the north through the entirety of the site to the south. The public highway sits at 154.8 metres and the highest levels of the site extends to approximately 169.8 metres to the south of the site which sees a level distance of approximately 15 metres from the public highway to the southern area. The site is not located within a conservation area and contains no designated heritage assets. However, it is within the setting of Coundon War Memorial (Grade II Listed) and St James' Church (Grade II Listed). There are no other landscape designations on the land and none of the trees are protected by a Tree Preservation Order.
93. Concerns have been raised by the public in regard to the overall design of the development in particular its scale and density as well as its impact upon the setting of the designated heritage assets.

94. The application has been considered by the Council's Internal Design Review Team in accordance with CDP Policy 29 and the Building for Life SPD 2019. The proposal scored 9 'Red' classifications; 1 'Amber' and 2 'Green' classifications. In regard to the red classifications relating to design, these were in regard to 'Connections'; 'Character'; 'Working with the site and its context'; 'Creating well defined streets and spaces'.
95. CDP Policy 29 sets out: *'Schemes with one or more red will not be acceptable and will be refused planning permission unless there are significant overriding reasons.'*
96. To expand on the Design Review feedback, under 'Character', the proposed house types are standard, lacking in locally inspired or other distinctive character. The house types do not have any architectural features which are characteristic of their immediate surroundings in Coundon. For instance, features such as bay windows and fenestration with a vertical emphasis are dominant in the proximity of the site and utilising such details would result in locally inspired development and would add visual interest to the front elevations. However, no design changes to the house types have been forthcoming.
97. Furthermore, under 'Working with the site and its context', the proposed layout is a sprawling incursion into the open countryside and the scheme does not propose a robust landscape belt to the settlement edge. The settlement edge would be characterised by 1.8 metre close boarded fencing to rear gardens which is not an acceptable transition between settlement and the open countryside. The incursion into the open countryside will negatively impact the local streetscape and settlement locally.
98. In respect of the Grade II Listed Buildings, Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 outlines that the Local Planning Authority will 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.
99. In this regard, the Heritage Statement which identifies architectural interest of St James' Church due to its use of early English style gothic architecture with its immediate setting contributing to this. The setting of the Church is considered to be the wooded area immediately surrounding it, along with two areas of burial ground which have a visual connection with the church. Although long views from the church will change, the proposed development is not considered to detrimentally impact the architectural interest of the church. The proposals are not considered to be within the setting of the Coundon War Memorial. The Design and Conservation Team have been consulted on this and agree with the assessment within the heritage statement. Therefore, the impact upon the designated heritage assets, in this case, is considered to be acceptable in compliance with Section 66 of the Planning (LBCA) Act 1990, Policy 44 of the County Durham Plan and Part 16 of the National Planning Policy Framework.
100. Overall, as the proposal has received 9 'red' classifications under the Design Review Panel and CDP Policy 29 is clear that any proposals with one or more 'red' classifications should be refused planning permission. The development is considered to represent poor design with standard house types that do not

reflect the locally distinctive character of Coundon, alongside being an incursion into the open countryside which causes unacceptable landscape harm. Therefore, the proposal is considered contrary to the Building for Life SPD, Policies 6, 29 and 39 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.

Highway Safety/Access

101. CDP Policy 21 outlines that development should not be prejudicial to highway safety or have a severe cumulative impact on network capacity, expecting developments to deliver well designed pedestrian routes and sufficient cycle and car parking provision. Similarly, CDP Policy 29 advocates that convenient access is made for all users of the development together with connections to existing cycle and pedestrian routes. CDP Policy 6 criterion (e) require development to not be prejudicial to highway safety or have a severe residual cumulative impact on network capacity.
102. The County Durham Parking and Accessibility SPD 2023 set out that a 2 bedroom or 3-bedroom dwelling will require a minimum of 2 in-curtilage parking spaces and 1 active charge point per dwelling alongside 1 visitor/non-allocated parking space per 4 dwellings would be required.
103. Specifically, the NPPF sets out at Paragraph 110 that safe and suitable access should be achieved for all users. In addition, Paragraph 111 of the NPPF states that development should only be refused on transport grounds where the residual cumulative impacts on development are severe.
104. Concerns have been raised by the public in regard to highway safety. Access to the site is proposed to be taken via Church Street which will involve engineering works to the existing stone boundary wall to facilitate access.
105. The Highways Authority have been consulted on the proposal and they identify that the site plan does not demonstrate the required visibility splay at the site access. The submitted plans only show the minimum visibility splay for a 30mph highway, however, the visibility splay needs to be in accordance with the 85th percentile speed along the B6267 which has not been demonstrated. This raises highway safety concerns with the access of the site as the required visibility splay has not been demonstrated to an acceptable level.
106. In addition to this, the Highways Authority raise a number of other concerns with the development. An additional turning head is required adjacent to Plots 16 and 17 to cater for refuse vehicles and large service vehicles and whilst there are the required 13no. visitor parking spaces, they are not evenly distributed throughout the site which is a requirement of the County Durham Parking and Accessibility SPD 2023. Also, to meet highways standards, there is no raised table adjacent to Plots 9 and 10 of the development. This is required to discourage high vehicle speeds on the internal road length between Plots 4 and 12. Furthermore, the development does not provide bin collection points to the end of all the private shared drives and no tracking of a DCC 10.8 metre refuse vehicle around the internal layout has been provided.
107. In addition, as above, the application has been assessed under the Council's Internal Design Review Team and received three red classifications relating to

highways matters. One for 'Streets for All'; one for 'Car Parking' and one for 'Public and Private Spaces'. Concerns were raised that the highway design does not meet the standards set out in the County Durham Parking and Accessibility SPD, the resident and visitor parking is insufficient and poorly distributed and that the public space is poorly defined and its use as open space could be difficult due to the topography of the site. As stated above, Policy 29 of the CDP states: *'Schemes with one or more red will not be acceptable and will be refused planning permission unless there are significant overriding reasons.'* The scheme has received three red classifications based on highway safety and access alone.

108. Overall, the proposal does not demonstrate acceptable highway safety or access to the development as the required visibility splay has not been demonstrated and the proposal does not comply with the standards set out in the County Durham Parking and Accessibility SPD 2023. The proposal would be contrary to the County Durham Parking and Accessibility SPD 2023, Policies 6, 21 and 29 of the County Durham Plan and Part 9 of the National Planning Policy Framework.

Residential Amenity

109. CDP Policy 31 states that all new development that has the potential to lead to, or be affected by, unacceptable levels of air quality, inappropriate odours and vibration or other sources of pollution, either individually or cumulatively, will not be permitted including where any identified mitigation cannot reduce the impact on the environment, amenity of people or human health to an acceptable level.
110. Parts 12 and 15 of the NPPF require that a good standard of amenity for existing and future users be ensured, whilst seeking to prevent both new and existing development from contributing to, or being put at unacceptable risk from, unacceptable levels of pollution.
111. A Residential Amenity Standards Supplementary Planning Document (SPD) has been adopted by the Council, which recommends that dwellings should benefit from private, usable garden space of at least 9 metres long.
112. In considering the development against this policy context, each of the dwellings would have a private amenity space to their rear which would be at least 9 metres in long. This would comply with the Residential Amenity Standards SPD in regard to private amenity space.
113. The Residential Amenity Standards SPD also sets out separation distances for new development to comply with. It states that a minimum distance of 21.0 metres between habitable room windows, where either dwelling exceeds single storey, and a minimum of 18.0 metres between habitable room windows and both dwellings are single storey should be achieved. 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 13.0 metres shall be provided where either dwelling exceed single storey or 10.0 metres where both dwellings are single storey.
114. Concerns have been raised regarding the impact of the development upon existing amenity, in particular Fairview Cottage, Canney View and the terraced

row at Broomside to the west of the site. In relation to the terraced properties of Broomside, Plots 37-40 would be to the south east of these properties and there would be a separation distance of approximately 27 metres between the rear wall of the terrace and these plots which exceed the required standards. In regard to Canney View, Plots 49-51 would be to the east of this and there would be a separation distance of approximately 22 metres between the closest point of Canney View and these plots which again, complies with the required standards. In relation to Fairview Cottage, Plot 1 would be the closest to this property and it is recognised that Fairview Cottage does have a garage immediately adjacent to the site entrance. However, there would be a separation distance of approximately 19 metres between the gable wall of Plot 1 and the corner of Fairview Cottage which would comply with the requirements of the Residential Amenity Standards SPD and there would be no issues about the garage as it would be immediately adjacent the site entrance.

115. In reviewing the to the site layout against these requirements, each of the dwellings would be single storey bungalows and therefore, there needs to be 18 metres between habitable room windows within the site. The proposed site layout demonstrates that the dwellings would meet this level of separation to comply with this requirement of the Residential Amenity Standards SPD.
116. The Council's Nuisance Action Team have been consulted on the application. They advise that the development may give rise to a statutory nuisance due to noise and odour from the adjacent working farmstead and agricultural buildings, alongside the existing wind turbine. However, the team consider that this can be overcome using planning conditions requiring the submission of an acoustic report, noise impact assessment and an odour impact assessment prior to the commencement of the development.
117. Overall, subject to conditions, the proposals are considered to provide an acceptable standard of amenity for existing and future residents, according with Policies 29 and 31 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.

Infrastructure and open space provision

118. CDP Policy 25 supports securing developer contributions where mitigation is necessary to make the development acceptable in planning terms including for social infrastructure such as education and health facilities.
119. CDP Policy 26 seeks to resist development proposals which would result in the loss of open space or harm to green infrastructure, unless the benefits of the development clearly outweigh that loss or harm, and an assessment has been undertaken which has clearly shown the open space or land to be surplus to requirement. The Policy also outlines that new residential developments will be required to make provision for open space to meet the needs of future residents having regard to the standards of open space provision set out in the Open Space Needs Assessment (OSNA) [2018]. Where it is determined that on-site provision is not appropriate, the Council will require financial contributions to be secured through planning obligations towards the provision of new open space, or the improvement of existing open space elsewhere in the locality.

120. Paragraphs 55-58 of the NPPF explain the circumstances when it is appropriate for planning obligations to be used to mitigate the impacts of the development. Paragraph 98 of the NPPF highlights that access to a network of high-quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities. Paragraph 130 requires amongst its advice that developments function well and optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space).
121. It is important to ensure that development proposals contribute to improvements in infrastructure capacity to mitigate for the additional demands that new development creates. By securing financial contributions through planning obligations, developers would help fund the physical, social and environmental infrastructure that is needed to make development acceptable and ensure that the development mitigates its impact upon existing infrastructure.
122. In relation to open space provision, the Council's Open Space Needs Assessment (OSNA) 2018 is considered the most up to date assessment of need. It identifies the five typologies (allotments; amenity/natural greenspace; parks, sports and recreation grounds; play space (children) and play space (youth), sets out requirements for public open space on a population pro rata basis and whether provision should be either within the site, or through a financial contribution towards offsite provision, in lieu taking into consideration factors such as the scale of the development, existing provision within suitable walking distances and the level of contribution sought.
123. In this respect, the proposal would need to make a financial contribution of £80,279.00 in relation to off-site open space and a minimum of 1,623 square metres of on-site amenity/natural green space would be required. The proposed site plan shows on-site amenity space in three areas of the site; at the entrance, to the eastern boundary and a smaller section in the centre of the development which in size terms would meet this requirement. However, the northern section and central section are identified to be a drainage basin and the useability of the space, due to it forming part of the drainage infrastructure for the site, is questionable as amenity open space. This would need to be considered in the planning balance.
124. The Council's Education Team have been consulted on the application and confirm there is no requirement in this instance for a financial contribution for education. It is noted that members of the public have expressed concerns with the provision of education in the local area and its capacity, however, the Education Team have reviewed the proposal and have not requested a financial contribution towards this facility. Therefore, it would unreasonable to request a financial contribution towards education provision in this case.
125. Paragraph 93 of the NPPF recognises the need for planning decisions to ensure an integrated approach when considering the location of new housing and to plan positively for the provision and use of community facilities and local services. Paragraphs 55-57 of the NPPF explain the circumstances when it is appropriate for planning obligations to be used to mitigate the impacts of the development. This provides policy justification, alongside CDP Policy 25 to seek mitigation in respect to essential services including GP provision where a deficit would result or be exacerbated by the proposal.

126. The NHS have been consulted as part of the application and confirm they would be seeking a financial contribution totalling £24,633 would be required to mitigate the developments impact in respect of GP provision and increased capacity. This would seek to address the public's concerns in regard to NHS capacity in the area, however, the applicant is not willing to pay this contribution.
127. In terms of the financial contributions for the development, these would be £24,633 for the NHS and £80,279.00 for open space which would need to be secured via a Section 106 agreement. However, the applicant has submitted a Financial Viability Appraisal for the scheme outlining that the scheme would be unviable if the policy required financial contributions and affordable housing provision were secured via a Section 106 Agreement.
128. Paragraph 58 of the NPPF sets out that *'It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into use.'*
129. The Council's Viability Team have assessed the Financial Viability Appraisal and dispute the findings of the applicant's viability appraisal. It is advised that the development would remain viable despite the costs associated with the financial contributions for open space and the NHS being secured via a Section 106 agreement.
130. Consequently, the proposal fails to comply with Policies 25 and 26 of the County Durham Plan and Paragraphs 55-57 and 93 of the National Planning Policy Framework and would not mitigate its impact in this respect.

Affordable, Accessible and Adaptable Homes

131. CDP Policy 15 requires applications for 10no. or more units to provide a percentage of Affordable Housing provision which is accessible, adaptable and meets the needs of those residents unable to access the open housing market. The application site is located within a low value area where 10% of the approved units must be provided for affordable home ownership. Since the CDP was adopted, the Government's First Homes policy has come into force and requires a minimum of 25% of all affordable housing units secured through developer contributions to be First Homes. The 25% expected First Homes contribution for any affordable product can make up or contribute to the 10% of the overall number of homes expected to be an affordable home ownership product on major developments as set out in the NPPF.
132. The Council's Spatial Policy Team have been consulted on the application and advise that to address housing need, 10% of the dwellings provided would need to be affordable which on a scheme of 51no. units, equates to 5 affordable units.
133. As above, the applicant has submitted a Financial Viability Appraisal which concludes that the scheme would be unviable if they were to deliver 5no. affordable units as part of the scheme. However again, as above, the Council's

Viability Team consider that the scheme would remain viable despite the costs of affordable housing (and other contributions).

134. Members of the public have concerns that no affordable housing would be provided as part of the proposal.
135. It is therefore considered that there is no justification to waive the affordable housing requirements on the development and as such it is in conflict with CDP Policy 15 and Paragraph 58 of the NPPF. In addition, under the Design Review Process, Question 4; Meeting Local Housing Requirements, the scheme was also scored a 'red' due to their being no affordable housing provided on the scheme. As Policy 29 of the CDP sets out: *'Schemes with one or more red will not be acceptable and will be refused planning permission unless there are significant overriding reasons.'* Therefore, the proposal is in conflict with CDP Policy 15 and Paragraph 58 of the NPPF.
136. CDP Policy 15 also states that in order to meet the needs of older people and people with disabilities, on sites of 5 units or more, 66% of dwellings must be built to Building Regulations Requirement M4 (2) (accessible and adaptable dwellings) standard. Furthermore, on sites of 10 or more, a minimum of 10% of the total number of dwellings on the site should be of a design and type that would increase housing options of older people. These properties should 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 multi-generational family.
137. In this regard, the applicant has advised that all of the units would be built to M4(2) Standard of Building Regulations. The proposal would provide 51no. bungalows which would be in excess of the policy requirement for five units to be suitable for older people. These are benefits of the scheme to be weighed in the planning balance.
138. Overall, the proposal would fail to comply with Policy 15 of the County Durham Plan as no affordable housing would be provided as part of the development and there is no viability argument for this as the scheme would be viable with a developer profit with this policy requirement.

Ecology

139. Paragraph 180 d) of the NPPF advises that opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate. In line with this, CDP Policy 41 seeks to secure net gains for biodiversity and coherent ecological networks. Policy 43 relates to protected species and nationally and locally protected sites. Part 15 of the NPPF seeks to ensure that developments protect and mitigate harm to biodiversity interests, and where possible, improve them.

140. Members of the public have submitted their concerns in relation to the impact of the development upon biodiversity and the local wildlife.
141. A Preliminary Ecological Appraisal (PEA) and DEFRA Biodiversity Net Gain (BNG) Metric has been submitted to accompany the application. The Council's Ecology Officer has been consulted as part of the application and advise that the proposal will result in an overall loss in biodiversity for both habitat (6.8 units) and hedgerow units (0.53 units). From the submitted information, it is not clear how the loss in biodiversity will be mitigated for to achieve a biodiversity net gain as the DEFRA BNG Metric does not reflect the proposed landscaping or swale drainage arrangement and the trading rules of the metric have not been met. Therefore, whilst there is a loss in biodiversity, insufficient and incomplete information has been submitted to present a true reflection of the proposal to calculate the accurate biodiversity loss and the units which need to be compensated for.
142. Whilst the applicant has indicated they may be willing to enter into a legal agreement to provide an off-site contribution to achieve a net gain, the Council's emerging Contributions SPD sets out the Council's position where biodiversity net gain cannot be delivered on-site. In the first instance, the provision of compensation on land owned or controlled by the applicant where habitat enhancement, restoration or creation can be undertaken would need to be offered and agreed via a S106. Then if this is not possible, the developer would need to enter into an agreement with a delivery provider for off-site BNG. Then if it is demonstrated that this cannot be carried out, the applicant can provide the Council with an off-site financial contribution for the Council to deliver and maintain the required number of units. In considering this, no information has been submitted to demonstrate how the applicant will provide a net gain and securing a financial contribution should be the last resort.
143. Therefore, insufficient information has been submitted to demonstrate how the proposal would meet a biodiversity net gain, with the submitted information demonstrating a net loss of 6.8 habitat units and 0.53 hedgerow biodiversity units on the site with no appropriate off-setting being provided. The proposal would fail to meet Policy 41 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

Flooding/Drainage

144. Part 14 of the NPPF seeks to resist inappropriate development in areas at risk of flooding, directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere. Paragraph 167 of the NPPF advises that when determining planning applications, local planning authorities should ensure that flood risk is not increased elsewhere and that where appropriate applications should be supported by a site-specific flood-risk assessment. Paragraph 169 of the NPPF goes on to advise that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate.

145. CDP Policies 35 and 36 relate to flood water management and infrastructure. CDP Policy 35 requires development proposals to consider the effects of the scheme on flood risk and ensure that it incorporates a Sustainable Drainage System (SUDs) to manage surface water drainage. Development should not have an adverse impact on water quality. CDP Policy 36 seeks to ensure that suitable arrangements are made for the disposal of foul water. CDP Policy 6 criterion f) states development should '*minimise vulnerability and provides resilience to impacts arising from climate change, including but not limited to, flooding*'.
146. Members of the public have expressed their concerns in regard to the drainage strategy for the site and the possibility increased flood risk from the development.
147. The Lead Local Flood Authority have reviewed the submitted drainage strategy for the development and advise that whilst they are supportive of the use of permeable paving to private drives to treat water at the source, there needs to be surface water treatment through the entirety of the site in the form of management which would need to work through the drainage hierarchy starting with prevention; source control, site control and regional control. In addition, the drainage strategy includes a basin detail which shows side slopes at 1 in 3 which does not comply with the residential requirement of 1 in 5. Also, the dry weather flow channel in the basin is short and provides little treatment and the hydraulic calculations would need to allow for a 10% urban creep which has not been carried out. Therefore, the submitted drainage strategy does not comply with the requirements of CDP Policies 35 and 36 and Part 14 of the NPPF.
148. Overall, it is considered that the development would not adequately manage surface water on the site and does not demonstrate that the proposed development would not exacerbating flood risk elsewhere. The proposal therefore fails to comply with Policies 6, 35 and 36 of the County Durham Plan and Part 14 of the National Planning Policy Framework.

Ground Conditions

149. CDP Policy 32 requires sites to be suitable for use taking into account contamination and unstable land issues. Paragraph 183 of the NPPF requires sites to be suitable for their proposed use taking account of ground conditions and any risks arising from land instability and contamination.
150. The application has been supported by a Phase 1 Risk Assessment. The Council's Contaminated Land Team have been consulted on the reports supplied and they confirm that a Phase 2-4 Report may be required for the development as the Phase 1 identifies the need for further site investigation. This can be secured via planning condition.
151. A section of the application site is located within the Coalfield High Risk Area and accordingly a Coal Mining Risk Assessment has been undertaken. The Coal Authority have been consulted and they identify two mine shafts within the northern part of the site and three mine shafts located immediately adjacent to the northwestern site boundary. The submitted site plan locates each of these mine shafts, however, due to potential plotting inaccuracies, the actual positions of these coal mining features could depart/deviate from their plotted positions

by several metres, and they could be present within the development site itself. Except for one mine shaft, the Coal Authority hold no treatment details for any of the shafts and any untreated or inadequately treated mine entry and its zone of influence pose a significant risk to surface stability and public safety. Based on this, the Coal Authority object to the proposal as insufficient information has been submitted to adequately address the impacts of coal mining legacy of the scheme. Whilst in some circumstances planning conditions could secure the submission of additional information in this regard, as the concerns relate to mine shafts which may or may not be present within the site, the findings of any further reports could be pivotal in designing the overall layout of the development which cannot be controlled by planning condition. Therefore, the proposal fails to meet the requirements of CDP Policy 32 and Paragraph 183 of the National Planning Policy Framework regarding coal mining legacy.

152. CDP Policy 56 seeks to safeguard mineral resources. Significant areas of the County fall into such mineral safeguarding areas, including the application site and wider area. Although a non-mineral development is proposed, it is not considered that the current proposals would sterilise mineral resource taking into account the scale of the site and residential setting. No objections are raised in this regard and the proposal does not conflict with Policy 56 of the County Durham Plan.

Sustainability

153. CDP Policy 29 criterion (c) requires all development to minimise greenhouse gas emissions, by seeking to achieve zero carbon buildings and providing renewable and low carbon energy generation. Where connection to the gas network is not viable, development should utilise renewable and low carbon technologies as the main heating source.
154. In addition, CDP Policy 29 criterion (o) requires all major residential development to achieve reductions in CO₂ emissions of 10% below the Dwelling Emission Rate (DER) against the Target Emission Rate (TER) based on current Building Regulations.
155. CDP Policy 29 criterion (d) requires all development to minimise the use of non-renewable and unsustainable resources, including energy, water and materials, during both construction and use by encouraging waste reduction and appropriate reuse and recycling of materials, including appropriate storage space and segregation facilities for recyclable and non-recyclable waste and prioritising the use of local materials.
156. No energy assessment has been provided to demonstrate compliance with CDP Policy 29. However, the Building Regulations have changed since the submission of this application and now require all new homes to produce 31% less CO₂ emissions than what was previously acceptable in the Part L regulations and there have been changes to Part F in respect of ventilation with new regulations in respect of overheating and electric vehicle charging. In light of the changes to Building Regulations, the development would now need to meet this new requirement and as this is covered under separate legislation there is no need for a condition to reflect this.

157. By virtue of the recent changes to Building Regulation requirement, the proposal is considered to exceed the requirements of Policy 29 of the County Durham Plan and accords with Part 2 of the National Planning Policy Framework.

Other Matters

Broadband

158. 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.
159. In considering this policy requirement, due the location of the development, there would be existing high-speed broadband availability in the area to comply with CDP Policy 27. A condition is recommended requiring the precise broadband details to be submitted to comply with CDP Policy 27.

Air Quality

160. In relation to Air Quality, CDP Policy 31 sets out: "Development which has the potential to lead to, or be affected by, unacceptable levels of air quality, inappropriate odours, noise and vibrations or other sources of pollution, either individually or cumulatively, will not be permitted including where any identified mitigation cannot reduce the impact on the environment, amenity of people or human health to an acceptable level."
161. In assessing this, the application site is not located within a designated Air Quality Management Plan and the Council's Air Quality Team have been consulted on the application who have no objection to the development subject to a condition requiring the submission of a Construction Management Plan. Therefore, the development is compliant with Policy 31 of the County Durham Plan in terms of air quality.

CONCLUSION

162. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The Council has an up-to-date development plan which is the County Durham Plan. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision making, this means approving development proposals that accord with an up-to-date development plan without delay.
163. Regarding the principle of the development, the site is not within the built-up area and is poorly related to the settlement of Coundon due to its incursion into the open countryside and scale of development which fails Policy 6 of the County Durham Plan. By virtue of this, the site is within the open countryside and does not comply with any of the exceptions of Policy 10 of the County Durham Plan for development on such a location and is not permitted by any other specific policy in the County Durham Plan.

164. The application site is within a sustainable location as it is considered that the site has access to a range of services and facilities proportionate to the size of the settlement of Coundon and that these can be accessed by public transport. Established bus services, walking and cycling routes would give future residents alternative options to the private motor car to access services and facilities. It is recognised that the development would boost the supply of accessible bungalows in the area which are in demand which would assist in the delivering the Council's five year housing land supply which weighs in favour of the development.
165. However, in terms of design, the proposal has received 9 'red' classifications under the Design Review Panel and CDP Policy 29 is clear that any proposals with one or more 'red' classifications should be refused planning permission. The development is considered to represent poor design with standard house types that do not reflect the locally distinctive character of Coundon, alongside being an incursion into the open countryside which causes unacceptable landscape harm. Therefore, the proposal is considered contrary to the Building for Life SPD, Policies 6, 29 and 39 of the County Durham Plan and Part 12 of the National Planning Policy Framework.
166. In terms of highway safety, the proposal does not demonstrate acceptable highway safety or access to the development as the required visibility splay has not been demonstrated and the proposal does not comply with the standards set out in the County Durham Parking and Accessibility SPD 2023. The proposal would be contrary to the County Durham Parking and Accessibility SPD 2023, Policies 6 (e), 21 and 29 of the County Durham Plan, and Part 9 of the National Planning Policy Framework.
167. In terms of the residential amenity, the proposal, subject to conditions, is considered to provide an acceptable standard of amenity for existing and future residents, according with Policies 29(e) and 31 of the County Durham Plan and Parts 12 and 15 of the NPPF.
168. In regard to affordable housing and developer contributions, whilst a Financial Viability Appraisal has been submitted, on review the development is considered remain viable despite the required financial contributions to mitigate its impacts and the provision of affordable housing. Consequently, the proposal is contrary to Policies 15, 25 and 26 of the County Durham Plan and Paragraphs 55-57 and 93 of the National Planning Policy Framework.
169. In relation to ecology, insufficient information has been submitted to demonstrate how the proposal would meet a biodiversity net gain, with the submitted information demonstrating a net loss of 6.8 habitat units and 0.53 hedgerow units on the site with no appropriate off-setting being provided. The proposal would fail to meet Policy 41 of the County Durham Plan and Part 15 of the National Planning Policy Framework.
170. The development would not adequately manage surface water on the site and does not demonstrate that the proposed development would not exacerbating flood risk elsewhere. The proposal therefore fails to comply with Policies 6, 35 and 36 of the County Durham Plan and Part 14 of the National Planning Policy Framework.

171. Overall, the benefits associated with of the development are not considered sufficient to outweigh the significant policy conflict, there are no material considerations which indicate otherwise and therefore the application is recommended for refusal.

Public Sector Equality Duty

172. 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.
173. In this instance, officers have assessed all relevant factors and do not consider that there are any equality impacts identified.

RECOMMENDATION

That the application be **REFUSED** for the following reasons:

1. The site is not within the built-up area and is poorly related to the settlement of Coundon, due to its incursion into the open countryside and scale of development which conflicts with Policy 6 of the County Durham Plan. By virtue of this, the site is within the open countryside and does not comply with any of the exceptions of Policy 10 of the County Durham Plan for development in such a location and is not permitted by any other specific policy in the County Durham Plan. Therefore, the development conflicts with Policies 6 and 10 of the County Durham Plan.
2. The development is considered to represent poor design that adversely impacts on the character and appearance of the surrounding area when assessed against the County Durham Plan Building for Life Supplementary Planning Document and contrary to Policies 6, 29 and 39 of the County Durham Plan and Part 12 of the National Planning Policy Framework.
3. The proposal does not adequately demonstrate that the development will have a safe access to the site, nor will it comply with the requirements of the County Durham Parking and Accessibility SPD. The development is therefore contrary to the County Durham Parking and Accessibility SPD 2023, Policies 6, 21 and 29 of the County Durham Plan, Part 9 of the National Planning Policy Framework .
4. Insufficient information has been submitted to demonstrate how the development would result in a biodiversity net gain. The proposal would therefore fail to accord with Policy 41 of the County Durham Plan and Part 15 of the National Planning Policy Framework.
5. The development would not adequately manage surface water on the site and does not demonstrate that the proposed development would not exacerbate flood risk elsewhere. The proposal therefore fails to comply with Policies 6, 35

and 36 of the County Durham Plan and Part 14 of the National Planning Policy Framework.

6. Insufficient information has been submitted to demonstrate how the contaminated land, due to past coal mining activity and specifically mine shafts, can be satisfactorily addressed by appropriate mitigation. The proposals therefore fail to comply with Policy 32 of the County Durham Plan and Part 15 of the National Planning Policy Framework.
7. The development would not provide 10% on-site affordable housing and would not mitigate its impacts in relation to increased pressures on open space provision and the NHS capacity, while remaining viable. The proposal therefore fails to comply with Policies 15, 25 and 26 of the County Durham Plan and Paragraphs 55-57 and 93 of the National Planning Policy Framework.

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documents

National Planning Policy Framework

The County Durham Plan (CDP)

County Durham Strategic Housing Market Assessment 2019

County Durham Plan Building for Life Supplementary Planning Document 2019

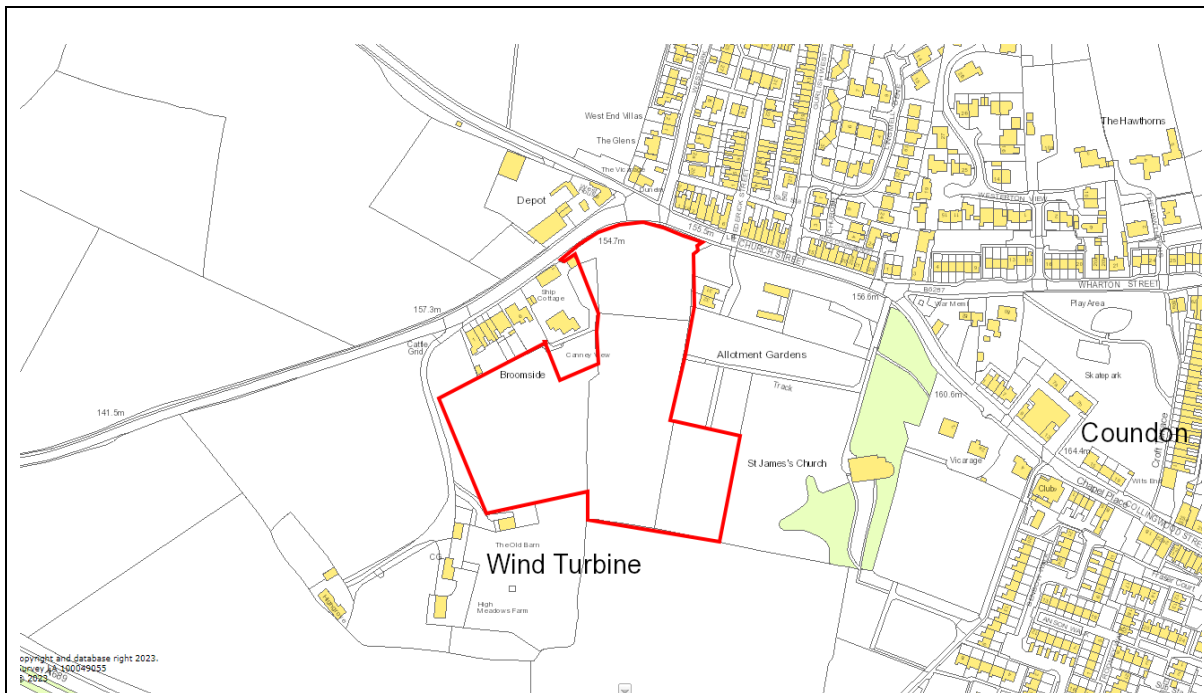
Parking and Accessibility SPD 2023

Residential Amenity Standards Supplementary Planning Document 2020

Statutory consultation responses

Internal consultation responses

External consultation responses



Planning Services	Erection of 51no. dwellings, together with formation of the site access, landscaping and associated works (Amended 10.11.2023)		
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	Date:	14 th December 2023	

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Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

Application No:	DM/22/01848/FPA
Full Application Description:	Erection of 15no. bungalows
Name of Applicant:	Mr B Baines
Address:	Eclipse Development Site B, South of Rudkin Drive, Crook, DL15 8LU
Electoral Division:	Crook
Case Officer:	Gemma Heron (Senior Planning Officer) 03000 263 944 gemma.heron@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSAL

The Site

1. The application site relates to an undeveloped parcel of land that measures approximately 1.29 hectares in area, located within the settlement of Crook. The site is bound by residential development to the north and west, the A689 to the east. To the south, separated by mature vegetation and a small burn the industrial units at Beachburn Industrial estate are located. The site gradually rises from the A689 towards to existing dwellings, with significant level changes falling away around the burn on the southern boundary.
2. In terms of planning constraints, the site is within the Coal Mining High Risk Area. A Public Right of Way (Footpath 49 (Crook)) also runs along the southern boundary of the site.

The Proposal

3. Full planning permission is sought for the erection of 15no. bungalows. The bungalows would consist of 14 semi-detached dwellings and a single detached property. The properties would be of a similar simplistic design and would be laid out effectively in two blocks of development. The first block of 3 properties (including the single detached dwelling) would be located to the west of the access road, taken from Rudkin Drive to the north of the site. This would lead around to a second block of development arranged in a linear form, being

located directly behind the current southern edge of the existing residential development. A SUD's drainage basin and a small area of amenity space would be located to the southern portion of the site beyond the access road.

4. Each of the dwellings would be compliant with the Nationally Described Space Standards (NDSS) and 13 dwellings would be provided on an open market basis with 2 dwellings secured for affordable housing.
5. The application is being reported to planning committee in accordance with the Council's Scheme of Delegation as it constitutes a housing development which exceeds 10 dwellings.

PLANNING HISTORY

6. None relevant.

PLANNING POLICY

National Policy

7. A revised National Planning Policy Framework (NPPF) was published in September 2023. The overriding message continues to be that new development that is sustainable should go ahead without delay. 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.
8. *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.
9. *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.
10. *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.

11. *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.
12. *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.
13. *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.
14. *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.
15. *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.
16. *NPPF Part 15 Conserving and Enhancing the Natural Environment* - Conserving and enhancing the natural environment. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from Page 73 pollution and land stability and remediating contaminated or other degraded land where appropriate.
17. *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:

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

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

Local Plan Policy:

The County Durham Plan (CDP)

19. *Policy 6 (Development on Unallocated Sites)* states the development on sites not allocated in the Plan or Neighbourhood Plan, but which are either within the built-up area or outside the built up area but well related to a settlement will be permitted provided it: is compatible with use on adjacent land; does not result in coalescence with neighbouring settlements; does not result in loss of land of recreational, ecological, or heritage value; is appropriate in scale, design etc to character of the settlement; it is not prejudicial to highway safety; provides access to sustainable modes of transport; retains the settlement's valued facilities; considers climate change implications; makes use of previously developed land and reflects priorities for urban regeneration.
20. *Policy 15 (Addressing Housing Need)* establishes the requirements for developments to provide on-site affordable housing, the circumstances when off-site affordable housing would be acceptable, the tenure mix of affordable housing, the requirements of developments to meet the needs of older people and people with disabilities and the circumstances in which the specialist housing will be supported.
21. *Policy 19 (Type and Mix of Housing)* advises that on new housing developments the council will seek to secure an appropriate mix of dwelling types and sizes, taking account of existing imbalances in the housing stock, site characteristics, viability, economic and market considerations and the opportunity to facilitate self build or custom build schemes.
22. *Policy 21 (Delivering Sustainable Transport)* requires all development to deliver sustainable transport by: delivering, accommodating and facilitating investment in sustainable modes of transport; providing appropriate, well designed, permeable and direct routes for all modes of transport; ensuring that any vehicular traffic generated by new development can be safely accommodated; creating new or improvements to existing routes and assessing potential increase in risk resulting from new development in vicinity of level crossings. Development should have regard to Parking and Accessibility Supplementary Planning Document.

23. *Policy 25 (Developer Contributions)* advises that any mitigation necessary to make the development acceptable in planning terms will be secured through appropriate planning conditions or planning obligations. Planning conditions will be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Planning obligations must be directly related to the development and fairly and reasonably related in scale and kind to the development.
24. *Policy 26 (Green Infrastructure)* states that development will be expected to maintain and protect, and where appropriate improve, the County's green infrastructure network. Advice is provided on the circumstances in which existing green infrastructure may be lost to development, the requirements of new provision within development proposals and advice in regard to public rights of way.
25. *Policy 27 (Utilities, Telecommunications and Other Broadcast Infrastructure)* supports such proposals provided that it can be demonstrated that there will be no significant adverse impacts or that the benefits outweigh the negative effects; it is located at an existing site, where it is technically and operationally feasible and does not result in visual clutter. If at a new site then existing site must be explored and demonstrated as not feasible. Equipment must be sympathetically designed and camouflaged and must not result in visual clutter; and where applicable it proposal must not cause significant or irreparable interference with other electrical equipment, air traffic services or other instrumentation in the national interest. Any residential and commercial development should be served by a high-speed broadband connection, where this is not appropriate, practical or economically viable developers should provide appropriate infrastructure to enable future installation.
26. *Policy 29 (Sustainable Design)* requires all development proposals to achieve well designed buildings and places having regard to SPD advice and sets out 18 elements for development to be considered acceptable, including: making positive contribution to areas character, identity etc.; adaptable buildings; minimising greenhouse gas emissions and use of non-renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; and suitable landscape proposals. Provision for all new residential development to comply with Nationally Described Space Standards.
27. *Policy 31 (Amenity and Pollution)* sets out that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and that they can be integrated effectively with any existing business and community facilities. Development will not be permitted where inappropriate odours, noise, vibration and other sources of pollution cannot be suitably mitigated against, as well as where light pollution is not suitably minimised. Permission will not be granted for sensitive land uses near to potentially polluting development. Similarly, potentially polluting development will not be permitted near sensitive uses unless the effects can be mitigated.
28. *Policy 32 (Despoiled, Degraded, Derelict, Contaminated and Unstable Land)* requires that where development involves such land, any necessary mitigation

measures to make the site safe for local communities and the environment are undertaken prior to the construction or occupation of the proposed development and that all necessary assessments are undertaken by a suitably qualified person.

29. *Policy 35 (Water Management)* requires all development proposals to consider the effect of the proposed development on flood risk, both on-site and off-site, commensurate with the scale and impact of the development and taking into account the predicted impacts of climate change for the lifetime of the proposal. All new development must ensure there is no net increase in surface water runoff for the lifetime of the development. Amongst its advice, the policy advocates the use of SuDS and aims to protect the quality of water.
30. *Policy 36 (Water Infrastructure)* advocates a hierarchy of drainage options for the disposal of foul water. Applications involving the use of non-mains methods of drainage will not be permitted in areas where public sewerage exists. New sewage and wastewater infrastructure will be approved unless the adverse impacts outweigh the benefits of the infrastructure. Proposals seeking to mitigate flooding in appropriate locations will be permitted though flood defence infrastructure will only be permitted where it is demonstrated as being the most sustainable response to the flood threat.
31. *Policy 39 (Landscape)* states that proposals for new development will only be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals are expected to incorporate appropriate mitigation measures where adverse impacts occur. Development affecting Areas of Higher landscape Value will only be permitted where it conserves and enhances the special qualities, unless the benefits of the development clearly outweigh its impacts
32. *Policy 40 (Trees, Woodlands and Hedges)* states that proposals for new development will not be permitted that would result in the loss of, or damage to, trees, hedges or woodland of high landscape, amenity or biodiversity value unless the benefits of the scheme clearly outweigh the harm. Proposals for new development will be expected to retain existing trees and hedges or provide suitable replacement planting. The loss or deterioration of ancient woodland will require wholly exceptional reasons and appropriate compensation.
33. *Policy 41 (Biodiversity and Geodiversity)* states that proposal for new development will not be permitted if significant harm to biodiversity or geodiversity resulting from the development cannot be avoided, or appropriately mitigated, or as a last resort, compensated for.
34. *Policy 43 (Protected Species and Nationally and Locally Protected Sites)* development proposals that would adversely impact upon nationally protected sites will only be permitted where the benefits clearly outweigh the impacts whilst adverse impacts upon locally designated sites will only be permitted where the benefits outweigh the adverse impacts. Appropriate mitigation or, as a last resort, compensation must be provided where adverse impacts are expected. In relation to protected species and their habitats, all development likely to have an adverse impact on the species' abilities to survive and maintain their distribution will not be permitted unless appropriate mitigation is provided

or the proposal meets licensing criteria in relation to European protected species.

35. *Policy 56 (Safeguarding Mineral Resources)* states that planning permission will not be granted for non-mineral development that would lead to the sterilisation of mineral resources within a Mineral Safeguarding Area. This is unless it can be demonstrated that the mineral in the location concerned is no longer of any current or potential value, provision can be made for the mineral to be extracted satisfactorily prior to the non-minerals development taking place without unacceptable adverse impact, the non-minerals development is of a temporary nature that does not inhibit extraction or there is an overriding need for the non-minerals development which outweighs the need to safeguard the mineral or it constitutes exempt development as set out in the Plan. Unless the proposal is exempt development or temporary in nature, all planning applications for non-mineral development within a Mineral Safeguarding Area must be accompanied by a Mineral Assessment of the effect of the proposed development on the mineral resource beneath or adjacent to the site of the proposed development.
36. The Council's Residential Amenity Standards Supplementary Planning Document (SPD) 2020 provides guidance on the space/amenity standards that would normally be expected where new dwellings are proposed.
37. The Council's Parking and Accessibility Supplementary Planning Document (SPD) 2023 provides guidance on parking and access for new development.

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

Neighbourhood Plan:

38. There are no neighbourhood plans which apply to this application site.

CONSULTATION AND PUBLICITY RESPONSES

Statutory Consultee Responses:

39. *Lead Local Flood Authority* – Object to the application. Advise that the proposed surface water management plan does not comply with Council Policy and National Standards. Whilst permeable paving to private drives, is considered acceptable it is advised that should be treatment of the highway surface water prior to discharging to the attenuation basin. This could be in the form of a swale along the length of the carriageway with gullies discharging to it, or the water discharging directly to the swale over a filter strip or dropouts in the kerb line. It is also noted that the inlet and outlet of the basin are directly opposite each other, therefore there will be no treatment within the basin. A revised surface water drainage strategy document is required.
40. *Coal Authority* – Object to the application as the Phase 2 Site Investigation Report does not address the concerns raised posed to the proposed development by past opencast activity, particularly the risk posed by buried opencast highwalls that may be present within the site. Where opencast mining operations have taken place, general settlement of backfill and differential settlement over/in the vicinity of buried opencast highwalls can occur, which in

turn can result in damage to buildings and structures. Development should avoid buried highwalls wherever possible.

41. *Highways Authority* – Advise that in principle the proposed access point and impacts on the wider highway network would be acceptable, however amendments to the site layout are required in order for the development to be considered acceptable. These include:-

- The reduction in the junction radii to 6 metres and carriageway width to 5.5 metres as the proposed 10 metre radii and 7.3 metre carriageway is considered to be excessive for the development proposed;
- An additional non-allocated Visitor Parking (VP) bay should be provided to serve Plots 13 to 16. This could be located immediately to the south of Plot 13.
- The VP spaces should be increased to 2.4 metres from the 2 metres as shown on the drawing.
- Where VP bays are provided in laybys, there should be a hardstand around the VP bay to avoid vehicle occupants having to stand on and use grass/mud when boarding/alighting vehicles. This should be a minimum width of 1 metre in locations where the footway does not follow around the layby.
- Where VP bays are provided where there is no footway, a section of footway must be provided to one side for a minimum length of 2 metres from the end of the layby to accommodate a dropped kerb crossing. The dropped kerb crossing is to be provided on both sides of the road opposite each other.
- Some of the property driveways (to Plots 7, 8, 9 and 10) being much longer than a single space and of a length which may encourage users to attempt to park an additional vehicle and block the footway which is unacceptable. The parking bays should be reduced by moving the pairs of buildings forward by 1 to 2 metres.

Non-Statutory Responses:

42. *Spatial Policy* – Advise that the site is located within the settlement of Crook. Allocated employment land exists to the south with residential housing to the south. The principle can be assessed under Policy 6 of the CDP and the key issue is ensuring that the new dwellings would provide future occupiers with the required level of amenity and privacy and the dwellings have the requisite garden dimensions and spacing between dwellings. 15 bungalows would provide a form of housing which would meet the needs of older people (Policy 15: Addressing Housing Need). 66% would need to be built to M4(2) standard, but ideally all units should meet this standard. 15% affordable housing provision would be required which would equate to two units. Green Infrastructure contributions would be required under Policy 26.

43. *Affordable Housing Team* – Advise that there is very high demand for affordable homes in the area. Affordable Home Ownership above the policy requirement for First Homes should meet the definition as set out in the NPPF, however it is recommended that shared ownership be considered in this area as there is a demand for this product specifically for bungalows to meet local housing need. Should a registered provider not take the units, then bungalows at Discount Market Sale would be acceptable.

44. *Public Right of Way* – Advise that Crook Footpath 49 lies at the southern site boundary of the application site, south of a beck, and it would appear to remain unaffected by the proposed housing development. However, any new drainage or landscaping as part of the development must not impact on this footpath. A unregistered footpath exists at the eastern site boundary with links to Footpath 49. This path is incorrectly indicated as Footpath 49 on the proposed plan, but it is clearly used by the public, so retaining this path with a proposed link to the housing site would be of benefit for the public. Should this unregistered path be within the ownership of the applicant, they may wish to consider dedicating the path as a Public Right of Way (PROW).
45. *Ecology* – Advise that no habitat survey has been conducted on the stream to the south of the site. This is within the red line and meets the criteria for an assessment and is required in support of the Biodiversity Net Gain Information. Some of the areas for the BNG appear to be estimates and these measurements need to be based on final landscaping planting plans.
46. *Landscape Section* – Advise that the site lies in the West Durham Coalfield which forms part of the larger Durham Coalfield Pennines Fringe National Character Area. The site does not lie in an area covered by any national or local landscape designations. Trees within the site are not covered by a Tree Preservation Order (TPO). The key visual receptors will be users of the A689 and PROW 49. The proposed development would result in the loss of open space and act as infill between the properties on Ruskin Drive and the industrial units to the south. There will be potential impacts on the trees to the southern boundary. The local landscape character could absorb the proposed development with low impact. The current planting to A689 should be extended northwards to ensure adequate screening of Plots 13 to 16.
47. *Education* – Advise that there would be insufficient space in Parkside Academy to accommodate pupils that could be generated by the development and therefore a contribution of £33,108 would be required for additional secondary teaching accommodation.
48. *Environmental Health Nuisance* – Advise that the main concerns are noise from Beechburn Industrial Estate and not necessarily road traffic noise, which is an inherent feature and exempt in terms of statutory nuisance. Planning permission for the industrial estate allows working for 24 hours per day. The report does establish, levels stipulated in BS8233 can be achieved through good acoustic design. The main concern is the agent of change in developing land which is arguably providing a buffer zone between the existing residential dwellings on Murphy Close and Brown Court. The development effectively brings houses closer to the industrial estate. When BS4142 Methods for rating and assessing industrial and commercial sound is applied, this indicates acceptable daytime levels can be achieved, however, when night time levels are considered, the rating level of 13dBA above the background level, indicates a significant adverse impact.
49. Due to the rating level being 13dBA above the background level, then internal noise levels may be breached if residents wish to bypass mitigation measures by opening their windows during night-time hours. The acoustic design of the dwellings does not necessarily allow residents to open windows. Going forward,

it is difficult to predict what development may take place on the industrial estate in the future. On balance, operators on the industrial estate have a reasonability to generate noise levels within reasonable parameters and not cause a statutory nuisance; on the other hand, residents are being brought nearer to the industrial and must expect to hear noise to some degree 24 hours per day from the industrial estate.

50. *Environmental Health Land Contamination* – Advise that remedial works are likely unnecessary. However, given that a ground gas risk assessment is still required a condition requiring a Phase 2 to 4 Report is recommended.
51. *Arboricultural Officer* – Advise that the Arboricultural Impact Assessment is comprehensive and acceptable. It identifies three small groups of young trees for removal as well as small sections of two other groups. These removals are likely to have a low localised visual impact. The trees to be retained will be adequately protected as per the submitted Tree Protection Plan.
52. *Design and Conservation* – Advise that the current proposal is for a simple linear layout, responding positively to the shape of the site and the adjoining uses. Dwellings are set back from the industrial uses to the south, separated from the highway with dwellings protecting the rear garden. Where the site addresses the A689, dwellings turn their back on the street and do not follow the established plan-form created by the development to the north. Regarding the proposed dwelling design, the approach would not be opposed however exact details of the materials should be conditioned.

External Consultees

53. *NHS* – Advise that due to the scale and size of the development a financial contribution is not required to mitigate the development's impact.
54. *Northumbrian Water Ltd* – No response received.
55. *Police Architectural Liaison Officer* – No response received.

Public Responses:

56. The application has been advertised by way of a site notice, press notice and individual notification letters sent to neighbouring properties.
57. Two letters of representation have been received with the following comments:
 - A member of the public is claiming adverse possession to a piece of land located at 1 Rudkin Drive as for over thirteen years, advising they have been occupying and maintaining the property.
 - Concerns over the lack of residential parking for existing and future residents have been raised. The development of an access road for the bungalows will remove the limited parking and create further problems.

The above 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/>

Applicants Statement

58. We have worked proactively with planning officers to achieve a well-designed scheme of two-bedroom bungalows on land at Rudkin Drive. The proposed development followed advice set out in pre planning documents which clearly indicated the land was suitable for housing. Because the proposed development site is within an existing area of housing but north of an industrial site a detailed noise survey was prepared by specialists which confirmed noise levels generated from the factory would not affect the designed development. Officers of the Authority disagreed with specialists reports which we understand will lead to a refusal of the planning application. To avoid a refusal based upon advice provided by planners/Environmental Health, we would suggest the appointment of a further independent noise consultant to determine if potential noise generated from the adjoining industrial estate will in their opinion affect occupants of the proposed bungalows.

PLANNING CONSIDERATION AND ASSESSMENT

59. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues relate to the Principle of development, Locational Sustainability, Scale/Design/Landscaping and Visual Impact, Highway Safety, Residential Amenity, Infrastructure and open space provision, Affordable Accessible and Adaptable Housing, Ecology, Flooding/Drainage, Ground Conditions, Sustainability and other matters.

Principle of Development

60. 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) constitutes 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.
61. Paragraph 11c of the NPPF requires applications for development proposals that accord with an up-to-date development plan to be approved without delay. Paragraph 12 of the NPPF states that where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.
62. The application site is not allocated for housing within CDP Policy 4, however, the site is within the built-up area of Crook. Therefore, the application falls to be considered against CDP Policy 6, this policy sets out that the development of sites which are not allocated in the plan or a Neighbourhood Plan within a built-up area which accord with all relevant development plan policies, and which:

- a. *are compatible with, and not prejudicial to, any existing, allocated or permitted use of adjacent land;*
- b. *do not contribute to coalescence with neighbouring settlements, would not result in ribbon development, or inappropriate backland development;*
- c. *do 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. *are appropriate in terms of scale, design, layout, and location to the character, function, form and setting of the settlement;*
- e. *would not be prejudicial to highway safety or have a severe residual cumulative impact on network capacity;*
- f. *have 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. *do not result in the loss of a settlement's or neighbourhood's valued facilities or services unless it has been demonstrated that they are no longer viable;*
- h. *minimise vulnerability and provides resilience to impacts arising from climate change, including but not limited to, flooding;*
- i. *where relevant, make as much use as possible of previously developed (brownfield) land; and*
- j. *where appropriate, reflect priorities for urban regeneration.*

63. It is considered that criteria a), b), c), d), e) and f) will be the most relevant in this case, all of which are covered in more detail in the main body of this report.
64. In highlighting CDP Policy 6 criterion (c), it is recognised that the site is a parcel of open land which is considered to have recreational value particularly as there is evidence of informal footpaths and desire lines across the site which indicate its recreational use by members of the public. As the site would be developed for housing, there would be a loss of open land with recreational value. However, in reviewing, the Council's Open Space Needs Assessment (OSNA) 2018, the site has not been allocated as open space within the County Durham Plan and given this, there would be no loss in allocated open space by virtue of the development. Therefore, this deficiency in the application in terms of CDP Policy 6 (c) will need to be considered in the planning balance.
65. The proposal would comprise a development of bungalows within a Large Town Centre, Crook, and is considered to have access to a range of services, facilities and public transportation to make the site a suitable location for housing under CDP Policy 6 in principle, subject to detailed considerations of the criteria of CDP Policy 6 and material planning consideration as detailed within the following sections of the report.

66. In considering the principle of the development, the proposal would be a suitable location for housing under CPD Policy 6. The main issues therefore relate to whether the impacts of the development in terms of design, residential amenity, ground conditions, landscaping, highways, flood risk, developer contributions and other material planning considerations would be within acceptable parameters as detailed in the remainder of this Committee Report.

Locational Sustainability of the Site

67. CDP Policy 6 Criterion (f) requires that developments on unallocated sites have 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. CDP Policy 21 requires all developments to deliver sustainable transport by 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. CDP Policy 29 requires that major development proposals provide convenient access for all users whilst prioritising the needs of pedestrians, cyclists, public transport users, people with a range of disabilities, and emergency and service vehicles whilst ensuring that connections are made to existing cycle and pedestrian networks.
68. The NPPF sets out at Paragraph 105 that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. Paragraph 110 of the NPPF states that appropriate opportunities to promote sustainable transport modes should be taken whilst Paragraph 112 of the NPPF amongst its advice seeks to facilitate access to high quality public transport.
69. In considering the development against the above policy context, Crook is identified as a Large Town Centre which perform a supporting role to the Sub Regional Centres. Crook has a full range of local services and employment uses with major food stores in the area. The Chartered Institute of Highways and Transportation 'Proving for Journeys on Foot' document contains suggested acceptable walking distances for pedestrians to access facilities and services. In terms of access to bus routes, a walk of 400 metres falls within the 'desirable' range. In this respect, there are two bus stops within 400 metres desirable range to the north of the site which would comply with this standard. Also, there are existing highway and footpath links from the outside of the application site into the centre of Crook where there are a wide range of facilities and services.
70. Overall, it is considered that the site has access to an array of services and facilities to serve the development proposed and that these are within a relatively easy reach of the site and can be accessed by public transport. Established bus services, walking and cycling routes would give future residents alternative options to the private motor car to access services and facilities. The application site is within a sustainable location in accordance with Policies 6, 21 and 29 of the County Durham Plan, and the National Planning Policy Framework.

Scale/Design/Landscaping and Visual Impact

71. CDP Policy 6 criterion (d) requires that development on unallocated sites is appropriate in terms of scale, design, layout and location to the character, function, form and setting of the settlement.
72. CDP Policy 29 outlines that development proposals should contribute positively to an area's character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities. In total, CDP Policy 29 sets out 18 elements for development to be considered acceptable, including: buildings being adaptable; minimising greenhouse gas emissions and use of non-renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; and suitable landscape proposals.
73. CDP Policy 39 states proposals for new development will be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals would be expected to incorporate appropriate measures to mitigate adverse landscape and visual effects.
74. CDP Policy 40 seeks to avoid the loss of existing trees and hedgerows unless suitable replacement planting is provided.
75. Parts 12 and 15 of the NPPF also seek to promote good design, while protecting and enhancing local environments. Paragraph 127 of the NPPF also states that planning decisions should aim to ensure developments function well and add to the overall quality of the area and establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit.
76. The site comprises a grassed field area which is slightly elevated from the public highway set against the backdrop of existing residential dwellings to the north. The site is not located within a conservation area and contains no designated heritage assets. There are no other landscape designations on the land and none of the trees are protected by a Tree Preservation Order.
77. The Landscape Team have been consulted on the proposal and advise that the key visual receptors will be the users of the A689 and PROW 49. The proposed development would result in the loss of open space and act as infill between the properties on Ruskin Drive and the industrial units to the south. The Landscape Team consider that the local landscape character could absorb the proposed development with low impact and recommend that planting to A689 should be extended northwards to ensure adequate screening of Plots 13 to 16.
78. The Design and Conservation Team have been consulted on the proposal and acknowledge that the scheme is for a simple linear layout which overall responds positively to the shape of the site and adjoining uses. The proposal sits within the backdrop of existing residential development to the north which forms the wider context of the site. The design of the dwellings is simple but responds to the character of the local area.

79. However, the Design and Conservation Team comment that where the site addresses the A689, dwellings turn their back on the street and do not follow the established plan-form created by the development to the north. A 2.4 metre high acoustic fence is proposed along the eastern boundary which faces the public highway. In considering this, whilst these dwellings do not have a roadside frontage towards the A689, additional boundary planting along this boundary would aid in assimilating the development and the boundary fence into its surrounds as suggested by the Landscape Team.
80. Whilst recognising that additional planting could help assimilate the development into the surrounding area, concerns are raised regarding the visual impact of a 2.4 metre high acoustic fence within the street scene, particularly given the strong frontage of the existing properties on the A689. Based on the submitted plans, concerns are however raised whether sufficient space could be provided to accommodate any meaningful vegetation. A more appropriate solution would be to ensure that the houses have a dual aspect, with a frontage onto the A689 and onto the proposed estate road. Concerns are also raised regarding how the development would manage levels on site, including the location of a turning head, and a connection onto the adjacent PROW, which would require extensive regrading/retaining structured to facilitate.
81. CDP Policy 29 sets out that all major new development when assessed against the Building of Life Supplementary Planning Document should secure as many greens as possible a possible, whilst minimising the number of ambers. Schemes with one or more red will not be acceptable and will be refused planning permission unless there are significant overriding reasons.
82. Although the scheme has not been formally considered by the Council's Design Review Panel, officers have undertaken an assessment of the scheme, with the scheme scoring 5 greens, 4, ambers and 3 red. The three red classifications relate to the relationship with the A689, the effectiveness of landscape planting in combination with noise mitigation measures, the relationship with the adjacent industrial estate (as assessed in detail below) and the treatment of level changes on site.
83. Given the outstanding design concerns and the classification of three reds when assessed against the 'Building for Life' criteria, the development is considered to represent poor design and would not contribute to the character of the area. In addition to CDP Policy 29 being clear that schemes with one or more red will not be acceptable and will be refused planning permission unless there are significant overriding reasons. Therefore, on balance, the proposal would be conflict with Policies 6 and 29 of the County Durham Plan and Parts 12 of the National Planning Policy Framework in this respect.

Highway Safety/Access

84. CDP Policy 21 outlines that development should not be prejudicial to highway safety or have a severe cumulative impact on network capacity, expecting developments to deliver well designed pedestrian routes and sufficient cycle and car parking provision. Similarly, CDP Policy 29 advocates that convenient access is made for all users of the development together with connections to existing cycle and pedestrian routes. CDP Policy 6 criterion (e) require

development to not be prejudicial to highway safety or have a severe residual cumulative impact on network capacity.

85. The County Durham Parking and Accessibility SPD 2023 sets out that a 2-bedroom or 3-bedroom dwelling will require a minimum of 2 in-curtilage parking spaces and 1 active charge point. It also sets out that across the site as a whole 1 visitor/non-allocated parking space per 4 dwellings is required.
86. Specifically, the NPPF sets out at Paragraph 110 that safe and suitable access should be achieved for all users. In addition, Paragraph 111 of the NPPF states that development should only be refused on transport grounds where the residual cumulative impacts on development are severe.
87. Concerns have been raised by a member of the public in regard to parking provision on the site and the existing housing estate to the north.
88. In assessing this, the Highways Authority have been consulted on the application and they advise while in principle the proposed access point and impact on the highway network would be acceptable, amendments are required to the site layout. This would include one additional visitor parking space to serve Plots 13 to 16, a reduction in the size of the junction radii from 10 metres to 6 metres and carriageway width from 7.3 metres to 5.5 metres, an increase in size of visitor parking (VP) spaces as well as the reduction in length of some of the property driveways (Plots 7, 8, 9 and 10) as they are longer than a single space but not a double space drive which may encourage parking that would obstruct the footpath.
89. In considering this, based on the comments of the Highways Authority, it is considered that the development would fail to comply with the County Durham Parking and Accessibility SPD 2023 as there would be one less VP space than is required for the development as well Plots 7, 8, 9 and 10 having incorrect driveway lengths that could cause an obstruction to the users of the public footpath. The SPD states: *'Driveways must also be a minimum of 5.5m long and 2.7m (4.7m for double drives) wide for their entire length (including any gateways or fencing) to allow safe access and use by residents.'* These identified Plots would have driveway lengths varying from 8.3 metres to 10 metres which would cause an issue in this regard. It is considered that the requirement for an additional visitor parking space and amendments to driveway lengths could not be secured via planning conditions as the amendments could cause changes to the overall site layout which would need to be re-assessed and considered. Therefore, the proposal would fail to meet the parking provision requirements of the County Durham Parking and Accessibility SPD 2023 and be contrary of the CDP Policy 21.
90. The concern over the size of the junction radii has been highlighted to the applicant and they explain the size of this is to accommodate extensive Northumbrian Water infrastructure in this area of the site. Therefore, whilst the junction radii and carriageway width should be reduced in size in line with the Highways Authority comments, as the size is an overprovision, above the size requirements set out within the SPD, alongside their being a rationale for this, it is not considered to present a significant highway safety conflict in this case.

91. Therefore, the development would fail to achieve a satisfactory meet the parking provision requirements of the County Durham Parking and Accessibility SPD 2023 and achieve a satisfactory layout for all users contrary to Policy 21 of the County Durham Plan and Part 9 of the National Planning Policy Framework.

Residential Amenity

92. CDP Policy 31 states that all new development that has the potential to lead to, or be affected by, unacceptable levels of air quality, inappropriate odours and vibration or other sources of pollution, either individually or cumulatively, will not be permitted including where any identified mitigation cannot reduce the impact on the environment, amenity of people or human health to an acceptable level.
93. Parts 12 and 15 of the NPPF require that a good standard of amenity for existing and future users be ensured, whilst seeking to prevent both new and existing development from contributing to, or being put at unacceptable risk from, unacceptable levels of pollution.
94. A Residential Amenity Standards Supplementary Planning Document (SPD) [2020] has been adopted by the Council, which recommends that dwellings should benefit from private, usable garden space of at least 9 metres long.
95. In considering the development against this policy context, each of the plots would have private amenity space of at least 9 metres in length to comply with this element of the Residential Amenity Standards Supplementary Planning Document (SPD).
96. The Residential Amenity Standards SPD also sets out separation distances for new development to comply with. It states that a minimum distance of 21.0 metres between habitable room windows, where either dwelling exceeds single storey, and a minimum of 18.0 metres between habitable room windows and both dwellings are single storey should be achieved. 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 13.0 metres shall be provided where either dwelling exceed single storey or 10.0 metres where both dwellings are single storey.
97. In reviewing the to the site layout against these requirements, while each of the dwellings would be single storey bungalows, the surrounding developments are of two storey properties and therefore 21 metres between habitable room windows needs to be achieved. The proposed site layout demonstrates that the dwellings would meet this level of separation to comply with this requirement of the Residential Amenity Standards SPD.
98. The application site lies immediately next to Beachburn Industrial Estate which lies to the immediate south and is allocated in the County Durham Plan as Protected Employment land under CDP Policy 2. Due to this, the Council's Nuisance Action Team have been consulted on the application. It is advised that the main concern with the development is noise from the Industrial estate and not necessarily road traffic noise, which is an inherent feature of the locality and would be exempt in terms of a statutory nuisance. Planning permission for the industrial estate allows for the site to operate 24 hours a day and there are no opening or operating hours which would restrict the operation of the industrial

site. Therefore, the main concern originates around the impact of the works at the industrial estate upon the future occupiers of the dwellings proposed.

99. A Noise Impact Assessment has been submitted to accompany the application. The report does establish through acoustic design that the levels stipulated in BS8233 can be achieved. However, concerns remain around the agent of change in developing land which is seen as providing a buffer zone between the existing residential dwellings on Murphy Close and Brown Court. The proposal brings residential uses closer to the industrial estate where there would be two competing use classes lying adjacent to each other. When BS4142 Methods for rating and assessing industrial and commercial sound is applied, this indicates acceptable daytime noise levels can be achieved for future occupiers using ventilation, acoustic glazing and an acoustic barrier. However, during the night-time, when applying BS4142, the rating level would be 13dBA above the background level which causes a significant adverse impact in terms of noise upon future occupiers.
100. The Noise Impact Assessment sets out mitigation to address the noise source from the industrial estate which includes the orientation of the gardens and noise sensitive rooms facing north, away from the industrial source. Further mitigation includes a 2.4 metre high acoustic fence along the perimeter of the gardens facing towards A689 (Plots 13, 14 and 15) as well as enhanced glazing and mechanical ventilation with heat recovery to the plots. Whilst the applicant's Noise Consultant regards the enhanced glazing and mechanical ventilation to be significantly over-specified given the context of the noise levels present on the site, the Council's Nuisance Action Team have concerns. They outline that during the night-time, when applying B4142, there would be a significant adverse impact upon future occupiers in regard to noise. Due to the rating level being 13dBA above the background level, then internal noise levels may be breached if residents wish to bypass mitigation measures by opening their windows during night-time hours. The acoustic design of the dwellings does not necessary allow residents to open windows.
101. Whilst acoustic glazing, mechanical ventilation and a noise barrier could be installed on the site to aid in mitigating the noise levels from the adjacent industrial uses, this would not allow future occupiers to open their windows without experiencing unacceptable noise levels. It is considered that planning conditions cannot be prevent occupiers of a dwelling from opening their windows and therefore, planning conditions cannot be used in this case to mitigate the impacts of the industrial estate in terms of noise. Preventing occupiers of a dwelling from opening their windows is not considered to provide an acceptable level of residential amenity in terms of noise.
102. CDP Policy 6 requires development that *"is compatible with, and is not prejudicial to, any existing, allocated or permitted use of adjacent land"*. Also, CDP Policy 31 requires proposals to *"demonstrate that future occupiers of the proposed development will have an acceptable living and/or working conditions. Proposals which will have an unacceptable impact such as through overlooking, visual intrusion, visual dominance or loss of light, noise or privacy will not be permitted unless satisfactory mitigation measures can be demonstrated whilst ensuring that any existing business and/or community facilities do not have any unreasonable restrictions placed upon them as a result."*

103. In this regard, the proposal is not considered to be a compatible use of land which would result in residential development being directly adjacent to an industrial use and could restrict the future development of the protected employment use by placing restrictions in regard to noise on industrial estate.
104. Overall, the proposal would fail to accord with Policies 6 (a) and 31 of the County Durham Plan as there would be unacceptable noise implications for future occupiers of the development as well as placing restrictions upon the existing adjacent employment use. This conflict is required to be weighed in the planning balance.

Infrastructure and open space provision

105. CDP Policy 25 supports securing developer contributions where mitigation is necessary to make the development acceptable in planning terms including for social infrastructure such as education and health facilities.
106. CDP Policy 26 seeks to resist development proposals which would result in the loss of open space or harm to green infrastructure, unless the benefits of the development clearly outweigh that loss or harm, and an assessment has been undertaken which has clearly shown the open space or land to be surplus to requirement. The Policy also outlines that new residential developments will be required to make provision for open space to meet the needs of future residents having regard to the standards of open space provision set out in the Open Space Needs Assessment (OSNA) 2018. Where it is determined that on-site provision is not appropriate, the Council will require financial contributions to be secured through planning obligations towards the provision of new open space, or the improvement of existing open space elsewhere in the locality.
107. Paragraphs 55-58 of the NPPF explain the circumstances when it is appropriate for planning obligations to be used to mitigate the impacts of the development. Paragraph 98 of the NPPF highlights that access to a network of high-quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities. Paragraph 130 requires amongst its advice that developments function well and optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space).
108. It is important to ensure that development proposals contribute to improvements in infrastructure capacity to mitigate for the additional demands that new development creates. By securing financial contributions through planning obligations, developers would help fund the physical, social and environmental infrastructure that is needed to make development acceptable and ensure that the development mitigates its impact upon existing infrastructure.
109. In relation to open space provision, the Council's Open Space Needs Assessment (OSNA) 2018 is considered the most up to date assessment of need. It identifies the five typologies (allotments; amenity/natural greenspace; parks, sports and recreation grounds; play space (children) and play space (youth), sets out requirements for public open space on a population pro rata basis and whether provision should be either within the site, or through a financial contribution towards offsite provision, in lieu taking into consideration

factors such as the scale of the development, existing provision within suitable walking distances and the level of contribution sought.

110. In this respect, the proposal would need to make a financial contribution of £26,086.50 towards green infrastructure calculated based on the size of the development.
111. The Council's Education Team have been consulted on the application and confirm there would be insufficient space in Parkside Academy due to the development and a contribution of £33,108 would be required for additional secondary teaching accommodation.
112. Paragraph 93 of the NPPF recognises the need for planning decisions to ensure an integrated approach when considering the location of new housing and to plan positively for the provision and use of community facilities and local services. Paragraphs 55-57 of the NPPF explain the circumstances when it is appropriate for planning obligations to be used to mitigate the impacts of the development. This provides policy justification, alongside CDP Policy 25 to seek mitigation in respect to essential services including GP provision where a deficit would result or be exacerbated by the proposal.
113. The NHS have been consulted as part of the application and confirm that due to the scale and size of the development they do not require a financial contribution. Therefore, no financial contribution towards health care is required for the development.
114. In terms of the financial contributions for the development, these would be £26,086.50 for open space and £33,108 towards education provision which would need to be secured via a Section 106 legal agreement to comply with CDP Policies 25 and 26. The applicant has indicated their willingness to enter into an agreement, to secure this mitigation.

Affordable, Accessible and Adaptable Homes

115. CDP Policy 15 requires applications for 10no. or more units to provide a percentage of Affordable Housing provision which is accessible, adaptable and meets the needs of those residents unable to access the open housing market. The application site is located within a low value area where 10% of the approved units must be provided for affordable home ownership. Since the CDP was adopted, the Government's First Homes policy has come into force and requires a minimum of 25% of all affordable housing units secured through developer contributions to be First Homes. The 25% expected First Homes contribution for any affordable product can make up or contribute to the 10% of the overall number of homes expected to be an affordable home ownership product on major developments as set out in the NPPF.
116. The Council's Spatial Policy Team have been consulted on the application and advise that to address housing need, as the site is within the medium value area 15% of the dwellings provided would need to be affordable which on a scheme of 15no. units, equates to two affordable units. The applicant has confirmed their agreement to secure two affordable units on the site which could be secured via a Section 106 agreement.

117. CDP Policy 15 also states that in order to meet the needs of older people and people with disabilities, on sites of 5 units or more, 66% of dwellings must be built to Building Regulations Requirement M4 (2) (accessible and adaptable dwellings) standard. Furthermore, on sites of 10 or more, a minimum of 10% of the total number of dwellings on the site should be of a design and type that would increase housing options of older people. These properties should 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 multi-generational family.
118. In this regard, 66% of the units would need to be compliant with M4(2) standards which on a scheme for 15 dwellings would equal 10 units. It is likely that the proposal could achieve M4(2) standard for the required 10 units and this could be secured via a planning condition on any consent.
119. In relation to housing for older people, as the scheme presents 100% single storey bungalows, this exceeds the 10% policy requirement considerably which weighs in favour of the application.
120. Overall, the proposal would comply with Policy 15 of the County Durham Plan as the development would secure two affordable units; 66% to be built to M4(2) standard and 100% housing for older people.

Ecology

121. Paragraph 180 d) of the NPPF advises that opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate. In line with this, CDP Policy 41 seeks to secure net gains for biodiversity and coherent ecological networks. CDP Policy 43 relates to protected species and nationally and locally protected sites. Part 15 of the NPPF seeks to ensure that developments protect and mitigate harm to biodiversity interests, and where possible, improve them.
122. In relation to the requirement for net biodiversity gain, the Ecology Team have been consulted on the proposal with an updated Preliminary Ecological Appraisal (PEA) and Biodiversity Net Gain (BNG) Assessment has been submitted during the course of the application. This outlines the intention to offset the biodiversity loss on the application site at land within the applicant's ownership at High Stoop, Tow Law with biodiversity enhancement in the form of grassland and scrub planting. In assessing the submitted information, the assessments estimate some of the areas for the BNG and these measurements need to be based on the details of the final landscaping plan which is not the case. Also, the PEA has not included a River Survey on the stream to the south of the application site and this needs to be undertaken as it is within the red line boundary and fulfils the criteria for assessment. This information would also be required to support the final BNG assessment. As the submitted information

does not provide all of the required information and is based upon estimates, the scheme does not demonstrate how a biodiversity net gain could be achieved.

123. Therefore, insufficient information has been submitted to demonstrate how the proposal would meet a biodiversity net gain, with the submitted information demonstrating a net loss of 8 biodiversity units on the site with no appropriate off-setting being provided. Insufficient ecological surveys have also been submitted to allow a full assessment of the ecological interests of the site. The proposal would fail to meet Policy 41 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

Flooding/Drainage

124. Part 14 of the NPPF seeks to resist inappropriate development in areas at risk of flooding, directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere. Paragraph 167 of the NPPF advises that when determining planning applications, local planning authorities should ensure that flood risk is not increased elsewhere and that where appropriate applications should be supported by a site-specific flood-risk assessment. Paragraph 169 of the NPPF goes on to advise that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate.
125. CDP Policies 35 and 36 relate to flood water management and infrastructure. CDP Policy 35 requires development proposals to consider the effects of the scheme on flood risk and ensure that it incorporates a Sustainable Drainage System (SUDs) to manage surface water drainage. Development should not have an adverse impact on water quality. CDP Policy 36 seeks to ensure that suitable arrangements are made for the disposal of foul water. CDP Policy 6 criterion (f) states development should '*minimise vulnerability and provides resilience to impacts arising from climate change, including but not limited to, flooding*'.
126. The Lead Local Flood Authority (LLFA) have reviewed the submitted drainage strategy for the development and advise that the proposed surface water management plan does not comply with Council Policy nor National Standards. Whilst they agree with the plan to include permeable paving to private drives, there is no treatment of the highway surface water prior to discharging to the attenuation basin. The LLFA comment that there are a number of ways to deal with this including; the formation of a swale along the length of the carriageway with gullies discharging to it; or the water discharging directly to the swale over a filter strip or dropouts in the kerb line. However, the application does not propose any of these measures to deal with surface water on the site. Therefore, the submitted drainage strategy does not comply with the requirements of CDP Policies 35 and 36 and Part 14 of the NPPF.
127. Overall, it is considered that the development would not adequately manage surface water on the site and does not demonstrate that the proposed development would not exacerbating flood risk elsewhere. The proposal

therefore fails to comply with Policies 6, 35 and 36 of the County Durham Plan and Part 14 of the National Planning Policy Framework.

Ground Conditions

128. CDP Policy 32 requires sites to be suitable for use taking into account contamination and unstable land issues. Paragraph 183 of the NPPF requires sites to be suitable for their proposed use taking account of ground conditions and any risks arising from land instability and contamination.
129. The application has been supported by a Phase 1 Risk Assessment and a Phase 2 Site Investigation. The Council's Contaminated Land Team have been consulted on the reports supplied and they confirm that a Phase 2-4 Report may be required for the development as the Phase 2 identifies the need for a ground gas risk assessment. This can be secured via planning condition.
130. The application site is located within the Coalfield High Risk Area and accordingly a Coal Mining Risk Assessment has been undertaken. The Coal Authority have been consulted and object to the application. They advise that the Site Investigation Report does not address the concerns posed to the proposed development by past opencast activity, particularly the risk posed by buried opencast highwalls that may be present within the site. Where opencast mining operations have taken place, general settlement of backfill and differential settlement over/in the vicinity of buried opencast highwalls can occur, which in turn can result in damage to buildings and structures. Development should avoid buried highwalls wherever possible.
131. In considering the Coal Authority's objection, insufficient information has been supplied by the applicant to demonstrate whether the proposed development would be impacted by past opencast mining operations. In this case, due to the risks they could pose to the buildings and structures if unidentified, this could have implications for the overall layout of the development as it could pose risks to the dwellings proposed. Therefore, insufficient information has been provided to demonstrate how the site is suitable for use in regard to ground conditions which would fail to comply with Policy 32 of the County Durham Plan and Paragraph 183 of the National Planning Policy Framework.
132. CDP Policy 56 seeks to safeguard mineral resources. Significant areas of the County fall into such mineral safeguarding areas, including the application site and wider area. Although a non-mineral development is proposed, it is not considered that the current proposals would sterilise mineral resource taking into account the scale of the site and residential setting. No objections are raised in this regard and the proposal does not conflict with Policy 56 of the County Durham Plan.

Sustainability

133. CDP Policy 29 criterion (c) requires all development to minimise greenhouse gas emissions, by seeking to achieve zero carbon buildings and providing renewable and low carbon energy generation. Where connection to the gas network is not viable, development should utilise renewable and low carbon technologies as the main heating source.

134. In addition, CDP Policy 29 criterion (o) requires all major residential development to achieve reductions in CO₂ emissions of 10% below the Dwelling Emission Rate (DER) against the Target Emission Rate (TER) based on current Building Regulations.
135. CDP Policy 29 criterion (d) requires all development to minimise the use of non-renewable and unsustainable resources, including energy, water and materials, during both construction and use by encouraging waste reduction and appropriate reuse and recycling of materials, including appropriate storage space and segregation facilities for recyclable and non-recyclable waste and prioritising the use of local materials.
136. An energy assessment has not been provided to demonstrate compliance with CDP Policy 29. However, the Building Regulations have changed since the submission of this application and now require all new homes to produce 31% less CO₂ emissions than what was previously acceptable in the Part L regulations and there have been changes to Part F in respect of ventilation with new regulations in respect of overheating and electric vehicle charging. In light of the changes to Building Regulations, the development would now need to meet this new requirement and as this is covered under separate legislation there is no need for a condition to reflect this.
137. By virtue of the recent changes to Building Regulation requirement, the proposal is considered to exceed the requirements of Policy 29 of the County Durham Plan and accords with Part 2 of the National Planning Policy Framework.

Broadband

138. 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.
139. In considering this policy requirement, due the location of the development within Crook, there would be existing high-speed broadband availability in the area to comply with CDP Policy 27. A condition is recommended requiring the precise broadband details to be submitted to comply with CDP Policy 27.

Other Matters

140. A letter of representation has been received by a member of the public claiming possession of the land at 1 Rudkin Drive which is within the ownership of the applicant. This is a civil land ownership issue between these two parties to resolve outside of the planning process and is not a material planning consideration in the determination of this application.

CONCLUSION

141. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The Council has an up-to-date development plan which is the County Durham Plan. Paragraph 11 of the NPPF establishes

a presumption in favour of sustainable development. For decision making, this means approving development proposals that accord with an up-to-date development plan without delay.

142. The application site is within a sustainable location with access to local facilities, services and public transportation within Crook in accordance with Policies 6, 21 and 29 of the County Durham Plan, and the National Planning Policy Framework. The development would boost the supply of accessible bungalows within the area, which weighs in favour of the development.
143. In regard to affordable housing and developer contributions, the financial contributions would be £26,086.50 for open space and £33,108 towards education provision which would need to be secured via a Section 106 agreement. The proposal would also secure two affordable units alongside delivering 66% of the units to comply with M4(2) standards with the use of 100% bungalows exceeding the 10% policy requirement.
144. However, it is concluded that the development would represent poor design, in conflict with CDP Policies 6 and 29 and Part 12 of the NPPF. In terms of highway safety, the development would provide insufficient visitor parking spaces and incorrect driveway lengths which would cause an obstruction to the pedestrian footway adversely impacting on highway safety contrary to Policies 6 and Policy 21 of the County Durham Plan and the County Durham Parking and Accessibility SPD 2023
145. In terms of the residential amenity, whilst the proposal would meet the required garden lengths and separation distances as set out under the Residential Amenity Standards SPD, based on the conclusions of the Noise Assessment, the proposal would deliver poor amenity for future occupiers. Based on the noise assessment, future occupiers would be unable to open their windows without detrimental noise impacts, especially during the night-time which could lead to future restrictions placed on surrounding employment sites. The development is considered to conflict with Policy 31 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.
146. In relation to ecology, insufficient information has been submitted to demonstrate how the proposal would meet a biodiversity net gain, while insufficient surveys have been undertaken to allow a full assessment of the ecological interests of the site. The proposal would conflict with Policy 41 of the County Durham Plan and Part 15 of the National Planning Policy Framework.
147. The site is within the Coalfield High Risk Area, insufficient information has been provided to demonstrate how the site is suitable for use in regard to ground conditions which would fail to comply with Policy 32 of the County Durham Plan and Paragraph 183 of the National Planning Policy Framework
148. The development would not adequately manage surface water on the site and does not demonstrate that the proposed development would not exacerbating flood risk elsewhere. The proposal therefore fails to comply with Policies 6, 35 and 36 of the County Durham Plan and Part 14 of the National Planning Policy Framework.

149. Overall, the benefits associated with of the development are not considered sufficient to outweigh the significant policy conflict, there are no material considerations which indicate otherwise and therefore the application is recommended for refusal.

Public Sector Equality Duty

150. 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.
151. In this instance, officers have assessed all relevant factors and do not consider that there are any equality impacts identified.

RECOMMENDATION

That the application be **REFUSED** for the following reasons:

1. The development is considered to represent poor conditions for future occupiers of the development due to unacceptable noise levels being generated from the adjacent employment use which would likely result in unacceptable restrictions upon the existing employment use. The development therefore conflicts with Policies 6 and 31 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.
2. Insufficient information has been submitted to demonstrate that the site would be safe and stable for the development proposed as a result of past coal mining activity specifically. The development therefore fail to comply with Policy 32 of the County Durham Plan and Part 15 of the National Planning Policy Framework.
3. The development would not adequately manage surface water on the site and does not demonstrate that the proposed development would not exacerbate flood risk elsewhere. The proposal therefore fails to comply with Policies 6, 35 and 36 of the County Durham Plan and Part 14 of the National Planning Policy Framework.
4. The development fails to comply with the parking and layout standards set out in the County Durham Parking and Accessibility SPD 2023 which would result in an adverse impact on highway safety. The development therefore conflicts with Policies 6 and 21 of the County Durham Plan.
5. Insufficient information has been submitted to demonstrate how the development would result in a biodiversity net gain. The proposal would therefore fail to accord with Policy 41 of the County Durham Plan and Part 15 of the National Planning Policy Framework.
6. Insufficient ecological surveys have been undertaken to demonstrate that the development would not adversely impact on the ecological interests of the site,

in conflict with Policy 41 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

7. The development is considered to represent poor design that adversely impacts on the character and appearance of the surrounding area when assessed against the County Durham Plan Building for Life Supplementary Planning Document 2019 and contrary to Policies 6 and 29 of the County Durham Plan and Part 12 of the National Planning Policy Framework.

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documents

National Planning Policy Framework

The County Durham Plan (CDP)

County Durham Plan Building for Life Supplementary Planning Document 2019

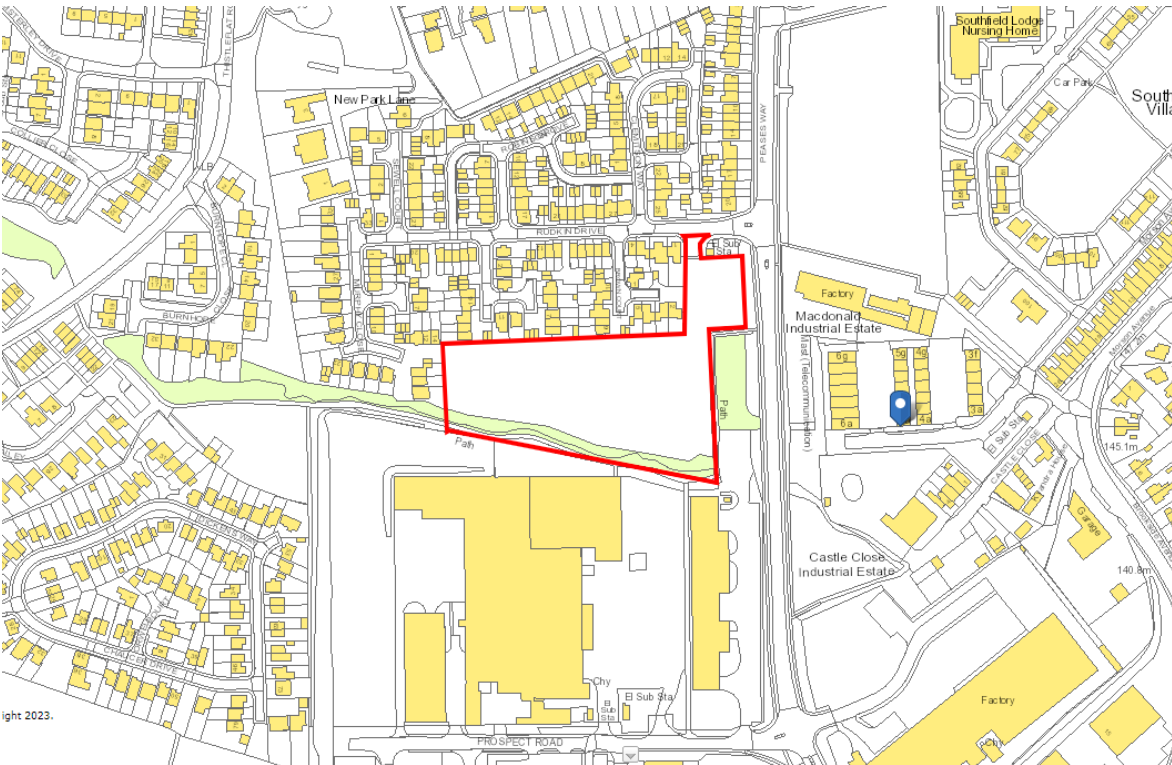
County Durham Parking and Accessibility SPD 2023

Residential Amenity Standards Supplementary Planning Document 2020

Statutory consultation responses

Internal consultation responses

External consultation responses

		Planning Services		Erection of 15no. bungalows	
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		Date:		14th December 2023	