



Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

Application No:	DM/21/00855/FPA
Full Application Description:	Proposed 29 no. Affordable dwellings/apartments including 2 no. Community Workshops, associated parking, landscaping and open space
Name of Applicant:	Crook Community Leisure
Address:	Land To The North Of Peases West Sports Centre, Crook, DL15 9AH
Electoral Division:	Crook
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 is located to the north of the athletics ground at Peases West Sports Centre at Crook, in the west of the County. The site itself measures approximately 1.76 ha in area and is triangular in shape, currently grassed over with an undeveloped appearance. The site is identified as Designated Park and Recreation Ground by the Council's 2018 Open Space Needs Assessment (OSNA).
2. The site is framed by the B6298 along its north western boundary with two rows of 4no. terraced dwellings beyond. Mature trees are located in the south west corner of the site. Agricultural/grazing land lies beyond the eastern boundary of the site, while a small copes of mature trees are located in the northern portion of the site. An unadopted road with associated parking serving the athletics ground is located along the sites southern border. The site slopes down from the north towards the south.

The Proposal

3. The application seeks full planning permission for the erection of 29 no. affordable dwellings, as well as 2 no. Community Workshops and associated parking and landscaping.
4. It is proposed that the dwellings would be arranged in five terraced blocks featuring four different house types. These would comprise 10 no. 2 bed dwellings (including 2 no. apartments), 13 no. 3 bed dwellings (including 2 no. apartments), 4 no. 1 bed bungalows, and 2 no. 2 bed bungalows. The dwellings would be constructed from a limited palette of materials comprising a mix of red and buff brick, larch timber cladding, red zinc standing seam roof cladding, and cream coloured upvc windows and doors. Excluding the apartments, each dwelling would be served by its own private rear garden area and the bungalows would have shared front garden areas.
5. A new vehicle access is proposed off the B6298, with an internal access road looping round the three terraced rows to the south of the site which run north to south. One of the terraced rows to the northern part of the site would run north east to south west with the other running east to west. The two community workshops would each be located to the rear of the apartments comprising units 7 and 8, and 23 and 24, and their purpose is stated to be to offer the potential for social interaction and activity as well as informal space for skills learning and enterprise. Community room 1 is intended for resident led activities, with room 2 to be used as a light DIY workshop managed in tandem with Changing Step North East.
6. The dwellings would have their own off street parking space with passive EV charging points, with the parking for eight plots to be provided in a strip to the east of the site along with 3no. visitor parking spaces. 6no. visitor parking spaces would also be provided to the south west of the site, with a further 2 no. spaces to the south of the central area of open space. Terraced dwellings would benefit from cycle storage, with short stay cycle hoops provides at the central area of open space and the play area. The southbound bus stop to the north of the site is proposed to be relocated to the west of the site. Tarmac with red chippings would be used to demarcate the shared surfaces from the tarmac carriageway and footpaths. The existing footpath to the eastern edge of the site is proposed to be upgraded to form an official Public Right of Way (PRoW) to link into bridleways to the north of the site that run up toward Billy Row, Stanley Crook and beyond.
7. Boundary treatments are proposed to comprise of 1.1m high post and wire fencing to divide gardens and 1.8m high close boarded timber fencing to external plot boundaries. 400mm high brick walls are proposed to divide private driveways with space to store bins in the front or rear garden areas.
8. The majority of the trees on site would be retained, but 3no. trees (2no. rated category B and 1no. category C) would need to be removed from the site to facilitate the proposals, as well as 3 sections from two tree groups to accommodate units 19, 20 and 29. An approximate 180m² area of play space

is proposed to the east of the site, to be separated from the car parking spaces by 1.2m high metal railings, with seven allotment plots beyond. An underground attenuation tank would be installed to the east of the site connecting to a swale excavated to the lower southern part of the site.

9. The application is being reported to planning committee in accordance with the Council's Scheme of Delegation as it constitutes a housing development exceeding 10 dwellings. .

PLANNING HISTORY

10. Pending application to the south of the site: DM/21/00891/OUT – Extension to leisure facility including swimming pool and upgrade of pitch to 3G, associated car parking and landscaping (OUTLINE ALL MATTERS RESERVED)

PLANNING POLICY

National Policy

11. A revised National Planning Policy Framework (NPPF) was published in July 2018 (with updates since). 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.
12. 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.
13. 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.
14. 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.

15. 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.
16. 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.
17. 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.
18. 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.
19. 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.
20. 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:

21. 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)

22. *Policy 1 (Quantity of Development)* outlines the levels of employment land and housing delivery considered to be required across the plan period.
23. *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.
24. *Policy 10 (Development in the Countryside)* states that development will not be permitted unless allowed for by specific policies in the Plan or Neighbourhood Plan or unless it relates to exceptions for development necessary to support economic development, infrastructure development or development of existing buildings. The policy further sets out 9 General Design Principles for all development in the Countryside.
25. *Policy 11 (Rural Housing and Employment Exception Sites)* states that new housing development contrary to Policy 6 and Policy 10 will be permitted where it is well related to a settlement, there is an identified need for affordable housing, market housing is only provided where it is essential to support the viable delivery of affordable housing, and that the affordable housing will be made available to local people in need.
26. *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.

27. *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.
28. *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.
29. *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.
30. *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.
31. *Policy 29 (Sustainable Design)* requires all development proposals to achieve well designed buildings and places having regard to SPD advice and sets out 18 elements for development to be considered acceptable, including: making positive contribution to areas character, identity etc.; adaptable buildings; minimising greenhouse gas emissions and use of non-renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; and suitable landscape proposals. Provision for all new residential development to comply with Nationally Described Space Standards, subject to transition period.
32. Policy 29 also required major developments to appropriately consider the public realm in terms of roads, paths, open spaces, landscaping, access and connectivity, natural surveillance, suitable private and communal amenity space that is well defined, defensible and designed to the needs of its users. Also new major residential development is required to be assessed against Building for Life Supplementary Planning Document, to achieve reductions in CO2 emissions, to be built to at least 30 dwellings per hectare subject to exceptions.

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

39. *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.
40. *Policy 43 (Protected Species and Nationally and Locally Protected Sites)* development proposals that would adversely impact upon nationally protected sites will only be permitted where the benefits clearly outweigh the impacts whilst adverse impacts upon locally designated sites will only be permitted where the benefits outweigh the adverse impacts. Appropriate mitigation or, as a last resort, compensation must be provided where adverse impacts are expected. In relation to protected species and their habitats, all development likely to have an adverse impact on the species' abilities to survive and maintain their distribution will not be permitted unless appropriate mitigation is provided or the proposal meets licensing criteria in relation to European protected species.
41. Residential Amenity Standards SPD (2020 Adopted version) – Provides guidance on the space/amenity standards that would normally be expected where new dwellings are proposed.

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

Neighbourhood Plan:

42. 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:

43. *Lead Local Flood Authority* – Object to the application due to inaccuracies in the submitted information, while advising that SUDS features should be used throughout the site. A redesign of the site and drainage strategy is required
44. *Highways Authority* – Raise concern regarding the parking distribution within the site and require amendments to the site layout to address technical highway requirements.
45. *The Coal Authority* – Confirm that the application site lies within the defined Development High Risk Area, within an area of recorded shallow coal mining and coal seams within the northern part of the site and surrounding area. A condition requiring the completion and validation of the remediation/mitigation works identified within the Phase 2 Site Investigation Report is recommended.
46. *Crook Parish Council* – No response received.

Non-Statutory Responses:

47. *Spatial Policy* – Consider that the site is physically detached from the settlement of Crook, with intervening fields and a sports ground between the site and the town centre. Advise that the proposals should be considered as a rural exceptions site against CDP Policy 11 and although the proposed tenure mix is different to what would be required under Policy 15 the additional affordable housing is welcomed. A financial contribution of £45,904.10 towards the off-site provision of open space is required with on-site provision of 957sqm also required.
48. *Affordable Housing Team* – Advise that further information on the affordable housing products being offered would be required, specifically detail on the affordability in terms of how the scheme will be affordable and how this affordability will be maintained.
49. *Landscape Section* – Advise that the proposed development would result in the loss of open space and the loss of some trees on site. Whilst there would be some local screening of the site by retained trees the development would extend the urban form of Crook and reduce the separation between the Northern Edge of Crook and Billy Row and that visual impacts will result from the selection of roof materials. It is also advised that the landscape scheme should be rationalised and simplified to produce a scheme more appropriate to local character.
50. *Ecology* – Given the large amount of habitat loss that would occur as a result of the proposals, the scheme is required to be amended to enable further onsite habitat creation. An offsite location should also be put forward by the applicant and agreed prior to determination.
51. *Education* – Financial contributions of £66,216 are required as there are insufficient secondary school places within the locality to accommodate the extra pupils generated by the development, in accordance with CDP Policy 25.
52. *Environmental Health Nuisance* – Offer no objections, advising a conditional approach to agree and secure the implementation of a Construction Management Plan.
53. *Environmental Health Air Quality* – Advises that a Dust Management Plan is required as part of the Construction Management Plan. This could be secured via a suitably worded condition.
54. *Environmental Health Contamination* – Advise that a conditional approach in relation to land contamination to secure further testing and monitoring.
55. *Archaeology* – Advise that a condition should be imposed to ensure that all elements of the Written Scheme of Investigation are complied with.

56. *Tree Officer* – Offers no objections, advising that the conclusions of the Arboricultural Impact Assessment are sound. The loss of 3 no. trees and 3 sections from two tree groups is noted.
57. *PRoW Section* – Welcome the suggestion to improve and register the unregistered path on DCC land to the east of the site, this could be secured by condition or S106 agreement.

External Consultees

58. *NHS* – Financial contributions of £14,070 are required to mitigate the impacts of new residents on local healthcare services in accordance with CDP Policy 25.
59. *Northumbrian Water Ltd* – Offer no objections but request a condition to secure details of a scheme for the disposal of foul water.
60. *Police Architectural Liaison Officer* – recommend that each communal alley way and individual gate leading from the private gardens is secured, that the communal rooms should include some form of access control to ensure legitimate use, and a 1m high hoop top rail fence with gate to the play area outer edge with a single entry/exit point for the play area to limit access.

Public Responses:

61. The application has been advertised by way of a site notice, press notice and individual notification letters sent to neighbouring properties.
62. Two letters of objection have been received raising concerns over the following issues:-
 - The distance of the site from the main residential part of Crook and the nearest supermarket with limited public transport;
 - The development has not been designed to minimise the use of carbon or maximise solar gain;
 - The level of in-curtilage car parking
 - Highway safety in terms of the proximity of the site access to a bend in the road raises highway safety concerns,
 - The urbanising of a rural setting; that noise from development would affect existing residents and noise from construction work would affect wildlife and residents.
63. Nine letters of support have been received citing a need for affordable and social housing in the area; supporting the aim of the housing towards veterans and the disabled; the proposed terraced dwellings considered to be appropriate for the area; supporting the idea of Crook Community Leisure working with a Housing Provider with monies generated used for the extension of the leisure facilities.

Applicants Statement:

64. Crook Community Leisure (CCL) is a company with charitable status. None of the Trustees are paid or receive expenses, all income is invested in the Charity. Many of the outside facilities are free for the community to use e.g., “get on your bike”, couch to 5k, walking and running around the track.
- The Housing needs Survey identified a need for affordable homes, particularly bungalows in the area. Veterans are particularly vulnerable and the DCC veterans team recognise this. Changing steps and the RBL have been consulted.
 - DCC identified the need for affordable homes in February 2021 <https://democracy.durham.gov.uk/documents/s131891/Council%20housing%20delivery-%20site%20selection%20v5%20GP%20final.pdf>.
 - There are existing houses within 200 metres of the proposed development.
 - It is intended that the homes are all disability friendly/ compliant
 - The proposed development has access to public transport
 - The visitor parking spaces can be redistributed
 - The drainage layout can/will be resolved
 - The sale or lease of the land would be directly invested in the extension of the Sports facilities at Peases West.
 - Working with a Housing Provider increases sustainability of the whole site and uses their expertise.

PLANNING CONSIDERATION AND ASSESSMENT

65. 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, Affordable Accessible and Adaptable Housing, Open Space, Design / Layout, Landscaping and Visual Impact, Residential Amenity, Highway Safety, Flooding/Drainage, Ecology, Ground Conditions, and Sustainability.

Principle of Development

66. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The County Durham Plan (CDP) is the statutory development plan and the starting point for determining applications as set out in the Planning Act and reinforced at Paragraph 12 of the NPPF. The CDP was adopted in October 2020 and provides the policy framework for the County up until 2035 and is therefore considered up to date.
67. 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.

68. Policy 1 of the CDP 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. The site is not allocated for housing by Policy 4 of the CDP and has not been previously assessed under the SHLAA.
69. CDP Policy 6 recognises that in addition to the development of specifically allocated sites, there will be situations where future opportunities arise for additional new development, this includes windfall housing sites. The policy sets out that the development of sites which are not allocated in the Plan which are either (i) in the built up area; or (ii) outside the built up area but well related to a settlement will be permitted provided the proposal accords with all relevant development plan policies and:
 - a. is compatible with, and is not prejudicial to, any existing, allocated or permitted use of adjacent land;
 - b. does not contribute to coalescence with neighbouring settlements, would not result in ribbon development, or inappropriate backland development;
 - c. does not result in the loss of open land that has recreational, ecological or heritage value, or contributes to the character of the locality which cannot be adequately mitigated or compensated for;
 - d. is appropriate in terms of scale, design, layout, and location to the character, function, form and setting of, the settlement;
 - e. will not be prejudicial to highway safety or have a severe residual cumulative impact on network capacity;
 - f. has good access by sustainable modes of transport to relevant services and facilities and reflects the size of the settlement and the level of service provision within that settlement;
 - g. does not result in the loss of a settlement's or neighbourhood's valued facilities or services unless it has been demonstrated that they are no longer viable;
 - h. minimises vulnerability and provides resilience to impacts arising from climate change, including but not limited to, flooding;
 - i. where relevant, makes as much use as possible of previously developed (brownfield) land; and

- j. where appropriate, it reflects priorities for urban regeneration.
70. 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. In this respect, the site is in a detached position over 200m to the north of the existing built edge of Crook, with intervening fields and a sports ground between the site and the town. Whilst it is in proximity to the Old Fire Station Cottages, these are existing isolated dwellings and do not meet the definition of a built up area as set out in the CDP. As such the site is not considered to be within or well related to the built up area and no support can be drawn from Policy 6.
71. As the application site is located outside of the built-up area of Crook it is considered to be by definition in the countryside. CDP Policy 10 relates to development in the countryside and advises that development will not be permitted unless allowed for by specific policies in the Plan (including Policy 6) or where the proposal comprises an exception related to economic development, infrastructure development or the development of existing buildings. The proposal conflicts with Policy 6 and does not form one of these forms of development permitted by Policy 10. Consideration will be given to the general principles of development within the countryside set out by Policy 10 later in the report.
72. CDP Policy 11 supports new housing development as exception sites, where it is not supported by Policy 6 and 10. The policy still however requires that the development is well related to a settlement, there is an identified need for affordable or specialist housing sufficient to justify the scale and nature of the development and market housing is only included where it is necessary to support viability. This policy is in accordance with NPPF Paragraph 78 which advises that local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs.
73. In assessing the proposals against Policy 11 of the CDP. whilst it is acknowledged there is generally a need for affordable housing in this area, it is unclear from the information submitted exactly how this would be delivered, and it is noted that a Registered Provider has not yet come on board to deliver the scheme. Registered Providers typically deliver their own housing products and so with the type and design of the dwellings proposed being bespoke they may not be desirable to Registered Providers in the form proposed. Further clarity has been sought from the applicant regarding how a Registered Provider will be brought on board to manage the scheme as proposed, however no such clarification has been provided.
74. Whilst generally supportive of a scheme providing 100% affordable housing, the Council's Housing Development Team have requested confirmation regarding how the scheme will be made affordable and retained as such in perpetuity, in relation criterion b) of Policy 11. No further details addressing this have been provided for consideration. Clarification of how it would be ensured

the housing would be delivered as a priority to households with a local connection is also required in relation to criterion d) of Policy 11. It is noted that in supporting documentation reference is made to veterans occupying the dwellings, however the intentions behind this and the delivery have not been clarified.

75. Overall, the development would not be supported by CDP Policies 6 or 10 in principle due to its nature and detached nature from the settlement. It is also considered that the proposal does not satisfy the 'in principle' tests of Policy 11 regarding the developments relationship with the settlement and in relation to how the scheme would be made and retained as affordable and delivered to priority households with a local connection.

Locational Sustainability

76. 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. Criterion p) of Policy 10 does not permit development in the countryside where it would be solely reliant upon unsustainable modes of transport, with new development in countryside locations not well served by public transport expected to exploit any opportunities to make a location more sustainable including improving the scope for access on foot, by cycle or by public transport.
77. 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. CDP Policy 29 also 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.
78. 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. NPPF Paragraph 110 states that appropriate opportunities to promote sustainable transport modes should be taken, whilst Paragraph 112 amongst its advice seeks to facilitate access to high quality public transport.
79. 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. Crook is rated as having a settlement score of 181.8 (ranked 14th out of an identified 230 settlements including clusters). It is considered as one of the larger settlements within the County based on the services and facilities within the area and is defined as a larger town centre by CDP Policy 9. Therefore, the settlement is capable of accommodating appropriate housing growth.

80. In terms of distances to services and amenities, in general, it is considered that a walking distance of 1650-2000m or a 20-minute walk is considered 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', The Department for Transport's 'Manual for Streets'.
81. The site is located around 700m from the edge of the defined town centre, the northern end of Hope Street. North Street and Church Street lie approximately a further 380m away, with the Lidl store an additional 600m away from the northern end of Hope Street. As such, the services within Crook town centre lie within 1300m of the application site. There are existing roadside footpaths from the site along the B6298 which are relatively flat with and lit by street lighting, providing good pedestrian access to the town centre. Bus stops are located on the B6298 opposite the site, offering regular daily services to Bishop Auckland. Bus stops are available within the town centre providing access to Durham City and other local settlements.
82. 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 relatively easy reach of the site. Established bus services, walking and cycle routes would give future residents alternative options to the private motor car to access services. No objections are raised having regard to the locational sustainability of the site and the location is considered to be sustainable for residential development in accordance with CDP Policies 6 f), 10 p), and 21 and Part 9 of the NPPF.

Open Space

83. The site is identified as Designated Amenity Open Space by the Council's 2018 Open Space Needs Assessment (OSNA) under the Park and Recreation Ground typology. CDP Policy 26 only permits the loss of open space or harm to green infrastructure where the benefits of the development clearly outweigh the loss/harm and an assessment has been undertaken to demonstrate the open space is surplus to requirements. Where open spaces are affected, proposals must incorporate suitable mitigation and make appropriate provision or equivalent or greater value in a suitable location. There should also be engagement with the local community.
84. NPPF Paragraph 98 advises that access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities, and can deliver wider benefits for nature and support efforts to address climate change. Planning policies should be based on robust and up-to-date assessments of the need for open space, sport and recreation facilities (including quantitative or qualitative deficits or surpluses) and opportunities for new provision. Information gained from the assessments should be used to determine what open space, sport and

recreational provision is needed, which plans should then seek to accommodate.

85. Paragraph 99 goes on to advise that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:
 - a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
 - b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
 - c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.
86. In an attempt to demonstrate that the site is surplus to requirements, the applicant has carried out a public consultation exercise. However, this does not appear to have explored the value of the site as public open space, with local residents, instead focusing on whether there is general support for the wider scheme. It is noted comments have been received as part of the community consultation exercise stating that this land is used for children to play on and by dog walkers and is also valued aesthetically as an area of green open space by residents. These comments indicate the site is valued as open space locally.
87. The OSNA shows a deficit of most types of open space (including amenity) in the Mid Durham area in which the site lies. Recent events in relation to the pandemic have served to highlight the value of outdoor open space, especially where it is functional and conveniently located. No assessment has been undertaken showing the open space to be surplus to requirements.
88. The applicant contends in their Planning Statement that as the existing site is not currently utilised for recreation in association with the Leisure Centre, with it sometimes being used for overflow car parking, the site is surplus to the requirements of Crook Community Leisure. However, that Crook Community Leisure view the site as surplus to requirements does not mean that the land is not valued locally, as the results of the applicant's public consultation exercise suggest is the case.
89. It is noted that new sports facilities are proposed under application DM/21/00891/OUT, however as they are not linked to this application for affordable housing and due to concerns regarding the lack of identified need for the facilities proposed and whether they would be viable, they are not considered to amount to equivalent or greater provision to mitigate for the loss of public open space to accommodate the housing development.
90. Furthermore, the onsite mitigation proposes 5 no. small areas of different types of open space (allotments, a natural play space, a shared garden, a community orchard, and a hard-standing public space), which contributes to creating a

more urban feel to the development and reduces the useability of these spaces. Notwithstanding the above loss of open space issues and in line with the OSNA, 957sqm of amenity/natural green space is required to be provided on site. It is acknowledged that the application proposes in excess of this but is considered that this would be better provided as a single area of open space rather than multiple smaller areas of different uses. Additionally, contributions of £45,904 would need to be secured as part of a Section 106 agreement to mitigate the impacts of residents using local public open space and details of how the onsite public open space would be managed and maintained in the long term will be required. These details could be secured via a suitably worded condition.

91. In summary, the application proposes the development of land identified as amenity open space and which has been found to be locally valued through the applicant's consultation exercise. No assessment has been carried out demonstrating that the open space is surplus to requirements and no provision of open space of equivalent or greater value is proposed to be made. The new sports facilities proposed under application DM/21/00891/OUT would not be linked to this application for affordable housing and there are concerns regarding the need and viability of the facilities. Therefore, the proposals are contrary to CDP Policy 26 and NPPF Paragraph 99. The loss of open space should be considered against the benefits of the proposal, including the provision of 29 affordable housing units, in the planning balance.

Design / Layout

92. 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. CDP Policy 10 at part l) also seeks to protect townscape qualities, including important vistas and the intrinsic character and beauty of the wider countryside.
93. 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, 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.
94. 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.
95. 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.

96. At the consideration of the application by the internal Design Review Panel, the scheme received 5 “reds”, 4 “ambers” and 3 “green” scores.
97. “Red” scores related to the urban character of the development and the proposed roof material and colour palette not being locally inspired and contrasting significantly with the dominant muted grey of the wider context; the loss of open space; that the southern block would face onto a row of parking spaces, with the northern blocks orientated with their back to the woodland and there being numerous blank gables; two rows of parking spaces having a dominant appearance in the streetscene with a lack of in-curtilage parking for individual units and visitor parking spaces not being evenly distributed; and the provision of multiple smaller areas of public open space rather than one larger more usable area, with no details regarding the maintenance of the spaces and the SUDs proposed being too small and not distributed throughout the site.
98. “Amber” scores related to the site being detached from the settlement of Crook; the proposed relocated bus stop being directly opposite the stop on the other side of the road; and a lack of detail regarding the affordable housing provision.
99. “Green” scores were received in relation to the development being easy to navigate; the change in surface materials and short highway lengths ensuring reduced vehicle speeds; and the units benefitting from sufficiently sized rear gardens.
100. In line with Policy 29 of the CDP, as 5 “reds” are awarded to the scheme it is considered there are significant areas where the design and layout that could be improved and that the development is not to a good standard of design. 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 proposal should be weighed against the conflict with CDP Policy 29, and Part 12 of the NPPF.

Landscaping and Visual Impact

101. CDP Policy 10 o) seeks to avoid new development in the countryside that would impact adversely upon the setting, townscape qualities, or form of a settlement which cannot be adequately mitigated or compensated for. Criterion m) of

Policy 10 also seeks to avoid development that would result in the merging or coalescence of neighbouring settlements.

102. 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.
103. CDP Policy 40 seeks to avoid the loss of existing trees and hedgerows unless suitable replacement planting is provided.
104. Parts 12 and 15 of the NPPF promotes good design and sets out that the planning system should contribute to and enhance the natural and local environment by (amongst other things) recognising the intrinsic character and beauty of the countryside and optimise the potential use of the site.
105. The application is supported by an Arboricultural Impact Assessment which identifies that the majority of the trees on the site can be retained, with 3no. trees needing to be removed from the site to facilitate the proposals, along with the removal of 3 sections from two tree groups to accommodate units 19, 20 and 29. Tree and Landscaping Officers have indicated their satisfaction with these details.
106. Whilst there would be some local screening of the site by retained trees the development would still cause visual impacts. The proposed development would extend the urban form of the settlement of Crook to the north, reducing separation between Crook and Billy Row, and its form is linear, rather than infill or rounding off, when considered in the context of the overall form of Crook. The red zinc standing seam roof cladding is also considered out of character with the surrounding area.
107. Overall, it is considered that the proposal would contribute to coalescence between Crook and the neighbouring settlement of Billy Row to the north and be contrary to the form of the settlement of Crook, contrary to Policy 10 o) and m). The landscape and visual harm should be considered against the benefits of the proposal, including the provision of 29 affordable housing units, in the planning balance.

Residential Amenity

108. 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.
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. Criterion r) of Policy 10 does not permit development in the countryside that would impact adversely upon residential or general amenity.
111. In addition, CDP Policy 29 states that all new residential development will be required to comply with the Nationally Described Space Standards (NDSS). In this regard, house type D has a Gross Internal Area of 60m², which is 1m² below the minimum required floor area of 61m² for a bungalow with one single and one double bedroom. In addition, house type C only has 1m² built in storage, compared to a minimum of requirement of 1.5m², and house type D has built in storage space measuring 1.5m² compared to a minimum of requirement of 2m. It has not been demonstrated that complying with NDSS would render the scheme unviable. House types A and B would comply with NDSS. Non-compliance with NDSS should be weighed against the benefits of the proposal in the overall planning balance.
112. 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 apartments would not benefit from their own private amenity space and units 17 and 18 would have 7m long rear gardens, with units 16 and 25-28 having rear gardens 8m in length. However, on the whole the dwellings are considered to provide sufficient private external amenity space.
113. The SPD also advocates separation distances of 21m between facing principal elevations and 18m between bungalows, 13m between principal and two storey gable elevations and 10m to a single storey. On the whole these separation distances would be achieved by the proposals. The largest disparity is between the front elevation of the bungalow on Plot 15 and that of the bungalow on Plot 16 opposite with the respective bedroom and kitchen windows being located 17m apart, falling below the advocated 18m separation distance but not to the extent that the future occupants would not benefit from suitable living conditions. The side elevation of the existing terraced dwellings to the west of the site are blank and over the typically required distance of 13m away.
114. Units 13, 14, 17 and 18 have been designed to have a courtyard to the side of the kitchen with a window looking into this area rather than onto the bungalow opposite which would only be 13m or 15m away respectively. However, this results in the kitchen window looking onto the adjacent single storey brick wall 2.6m away, failing to provide a good level of outlook for the future occupants when spending time in this room. A kitchen is considered to be a habitable room in which inhabitants would spend considerable time. However, as the rest of the habitable rooms within these units would benefit from sufficient outlook, on the whole the future occupants of these plots would be considered to benefit from suitable living conditions.
115. Individual gardens are proposed to be divided by 1.1m high post and wire fencing which is not considered to provide sufficient privacy for the future

occupants. However, it is not considered that this would amount to a reason for refusal in its own right, although should be weighed against the proposals in the planning balance.

116. Environmental Health Officers have commented that the development will generate noise and dust during the construction phase, but that no detail has been provided in relation to protecting noise sensitive receptors at Rescue Station Cottages which are within 15m of the site. However, they have recommended a condition to require further details in the form of a construction management plan to address this concern, as well as a condition to restrict construction working hours. With these conditions, the proposal is not considered to adversely affect the amenity of neighbouring residents.
117. Overall, subject to conditions, the proposals are considered to provide a good standard of amenity for existing and future residents, according with CDP Policy 29e) and 31 and Part 12 and 15 of the NPPF. The minor non-compliance with NDDS standards is required to be weighed in the planning balance.

Highway Safety/Access

118. 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 q) of Policy 10 does not permit development in the countryside where it would be prejudicial to highway safety.
119. 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.
120. Highways Officers have commented that the proposed B6298 site access junction is shown with a 6m radii but that a 10m radii is the standard required for highway adoption at the site access for this scale of proposed residential development served by a classified 40mph road. Therefore, the access road at the B6298 junction is required to be widened to 5.5m width to compensate for substandard radii. It is considered that this could be secured via a suitably worded pre-commencement condition. Other minor amendments are required to the layout to meet highway standards and it is considered that these could be secured via suitably worded conditions.
121. A concern was raised by a neighbouring resident that the 3 bed dwellings should be served by 2 car parking spaces, however the Council's Parking and Accessibility Standards 2019 requires a 3 bed dwelling to be served by a minimum of one in-curtilage car parking space and this requirement is met by the proposals.

122. Overall, subject to conditions, the proposals are not considered to adversely affect highway or pedestrian safety and would accord with CDP Policy 10 and 21 and Part 9 of the NPPF.

Drainage

123. 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.
124. 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.
125. The site is not located within a flood zone. The application is supported by a Flood Risk Assessment and a Drainage Strategy. Due to concerns regarding the ground conditions being unsuitable for infiltration, the approach proposed to address surface water drainage involves the construction of a swale to the south of the site where there is an existing drainage ditch which discharges to an existing private sewer and provides a connection to Crook Beck. An underground attenuation tank is proposed to be sited to the west of the site connecting to the swale. The principle of this is in accordance with the hierarchy set out in Policy 35.
126. Part c) of Policy 35 states that all development proposals will be required to consider the effect of the proposed development on flood risk, both on-site and off-site, commensurate with the scale and impact of the development and taking into account the predicted impacts of climate change for the lifetime of the proposal. Development will not be permitted unless it can be proven through a Flood Risk Assessment that the development, including the access, will be safe, without increasing or exacerbating flood risk elsewhere, any residual risk can be safely managed and where possible will reduce flood risk overall. The Council's Drainage Team have objected to the application on the grounds that the design in the strategy doesn't match the drawings and that there are assumptions as to the route and condition of the downstream drainage. The application seeks full planning permission and it is considered that the applicant has not robustly demonstrated, with the use of survey data, that the downstream drainage is in a condition and has capacity to accept the anticipated flows. Given this, the application is considered to fall short of the requirements of CDP Policy 35 c) and Part 14 of the NPPF.

127. In addition, criterion d) of CDP Policy 35 states that for major developments the management of water must be an intrinsic part of the overall development. The Council's Drainage Team have commented that the proposed layout does not include a SUDs management train throughout the site. A swale is proposed to the south of the site, however other SUDs features such as filtration strips, rain gardens etc are not included to provide an integrated approach to drainage through treating water as close as to where it falls and transmit it through the site mimicking the natural process of the water cycle, combining this with landscaping and biodiversity features, as required by CDP Policy 35. This should be weighed against the proposals in the planning balance.
128. Northumbrian Water have commented that the application does not provide sufficient detail with regards to the management of foul water from the development for them to be able to assess their capacity to treat the flows from the development. However, they offer no objections subject to a condition to agree the finer drainage details, including foul water connection into the public sewer. This approach is in accordance with the hierarchy specified in Policy 36 of the CDP.
129. In summary, the application does not sufficiently and robustly demonstrate that the proposed development would be safe without increasing or exacerbating flood risk elsewhere as required by CDP Policy 35 c) and Part 14 of the NPPF.

Ecology

130. 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.
131. The submitted Ecological Impact Assessment identifies that the trees to be felled as part of the proposals are of low suitability to support roosting bats, with the development considered to have a very low risk of harm and/or disturbance to bats.
132. The submitted Biodiversity Net Gain Assessment identifies that the proposals would result in a net loss of biodiversity in the habitats category of 37.63%, a loss of 5.2 units, and a slight gain in the hedgerow category as there are no existing hedgerows on the site. The net loss is mainly due to the loss of grassland and replacement with urban habitats of low or very low distinctiveness such as gardens, areas of amenity grassland, introduced shrub, a swale and play area. Allotments are the only newly created feature of medium distinctiveness. The report concludes that the grassland loss cannot be sufficiently offset through enhancement of the retained areas of semi-improved neutral grassland to the east of the site and the proposed inclusion of areas of amenity grassland within the development area. The report recommends that funding is secured to allow off-site habitat creation works within the local

authority area, likely targeted at the creation of diverse neutral grassland and broadleaved woodland/mixed scrub. The County Ecologist has considered that given the large amount of habitat loss the applicant would be required to address this through either the redesign of the scheme to enable further onsite habitat creation, and/or an offsite location put forward by the applicant and agreed prior to determination. No offsite location has been put forward by the applicant.

133. The proposed development would result in a large amount of habitat loss resulting in a net loss in biodiversity, contrary to CDP Policy 41, NPPF Paragraph 180 d) and the aims of the Environment Act 2021.

Ground Conditions

134. 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.
135. The Coal Authority confirm that the application site falls within the defined Development High Risk Area. Their records indicate that the site is within an area of recorded shallow coal mining and that there are coal seams of workable thickness outcrops within the northern part of the site and surrounding area that may also have been worked at shallow depths beneath the site. The Coal Authority concur with the findings of the submitted reports and recommend a condition in relation to the implementation of the identified remediation works and mitigation measures prior to the commencement of development, and receipt of a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the development prior to its first occupation. These conditions would be necessary to address land instability arising from coal mining legacy to ensure that the site is made safe and stable for the development proposed.
136. The Contaminated Land Officer has indicated their satisfaction with the information provided in the 2020 phase 1 report but commented that the 2020 phase 2 report is limited. Insufficient soil sampling has been undertaken to demonstrate the soils are suitable for use and therefore further testing is required of the subsoil and topsoil either in situ or once stockpiled. Ground gas monitoring is also limited, and further monitoring is recommended. This could be secured via a suitably worded condition.
137. With this condition, the proposal is considered to comply with CDP Policy 32 and NPPF Paragraph 183.

Affordable, Accessible and Adaptable Homes

138. 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 3 affordable homes for ownership and one for rent. It would be necessary to secure the requisite policy amount of 4 affordable houses via a Section 106 agreement to ensure that the dwellings remain affordable for future eligible households in perpetuity, to safeguard against any changes to the nature of the scheme or if it is sold in future.

139. The application proposes 29 dwellings for social, affordable or intermediate rent. Policy 15 states that where it can be evidenced to the Council's satisfaction that an alternative tenure mix is required to meet local needs these will be considered. In this regard the application is supported by a Housing Needs Survey. The survey justifies the proposed mix of housing and is considered to be sound. That the scheme will potentially deliver a greater percentage of affordable housing than the 15% required by Policy 15 is a benefit which should be weighed in favour of the application.
140. The applicant has put forward the argument that there is a need for affordable housing in the area which should be weighed in favour of the proposals. The County Durham Strategic Housing Market Assessment (SHMA) 2019 identifies a need for 836 affordable homes across the County per year during the plan period (2016 to 2035). Figure 41 of the SHMA states that the affordable housing need for 2016-35 for Mid Durham (in which the site lies) is 2,412, amounting to 127 per year. The housing sites identified within the SHMA as to be completed within the next 5 years within the Mid Durham area would provide fewer affordable houses per year than the 127 target. The affordable housing proposed weighs in favour of the application and should be considered in the overall planning balance.
141. 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.
142. The Design and Access Statement makes reference to level access being provided to all dwellings between car parking spaces and front doors and states that 27 of the dwellings would meet building regulations standard M4(2). Whilst the applicant has not completed the Council's Accessible and Adaptable Homes Statement proforma to confirm that the design of the house types proposed are capable of being built to building regulations standard M4(2), it is considered that the house types could be built to this standard without their design being fundamentally altered. Therefore, it would be appropriate to impose a suitably worded condition to secure precise details of how this standard would be met.
143. 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, a minimum of 3 dwellings would need to be of a type suitable for older people. As 6 no .bungalows and 2 no. ground floor flats are proposed this requirement

would be exceeded, although it is noted that the site is located half a mile from the town centre, which may be excessive for older people to walk, and that the bungalows are located in the furthest corner of the site away from existing and proposed bus stops on the B6298. As such it would be desirable to locate the bungalows closer to the bus stops to improve accessibility.

144. In summary, the application proposes 100% affordable housing for rent, over 10% of units would be suitable for older people, and a condition could be imposed to secure details of compliance with building regulation standard M4(2).

Sustainability

145. 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.
146. 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.
147. 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.
148. The submitted Planning Statement states that, 'sustainable construction will be adhered to, and the homes would be built to the most recent building regulations which have high requirements in terms of intrinsic sustainability.' However, no Energy Assessment or similar has been provided to demonstrate compliance with CDP Policy 29. However, it is considered that a condition could be imposed to secure further details in relation to the above criteria prior to the commencement of works.
149. Subject to a condition, the proposal is considered to accord with the sustainability aims of CDP Policy 29 and Part 2 of the NPPF.

Other Matters

150. 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. NPPF Paragraph 95 confirms that the government places great importance to ensure that sufficient choice of school places is available to meet the needs of existing and new communities.

151. The School Places Manager has advised that based on the projected rolls of the schools, taking into account the likely implementation timeframe of the development, build rates and other committed there would not be sufficient space to accommodate pupils generated by the development, whilst maintaining a 5% surplus. Therefore, there are insufficient secondary school places within the locality to accommodate the extra pupils generated by the development and so a financial contribution of £66,216 is required.
152. 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. 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 GP provision where a deficit would result or be exacerbated by the proposal.
153. The NHS Tees Valley Clinical Commissioning Group (TV CCG) has advised that a financial contribution of £14,070 is required to mitigate the impacts of new residents on local healthcare services

CONCLUSION

154. 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.
155. In this instance, it is concluded that the proposed housing development would conflict with CDP Policy 6 as it is outside the built-up area for Crook and it is not well related to the settlement. Similarly, the proposal is not one of the acceptable forms of development listed in Policy 10 and so is also in conflict with this policy.
156. CDP Policy 11 supports new housing development as 'exceptions sites' which are not supported by Policy 6 and 10 subject to listed criteria. The scheme proposes 29 dwellings to be available for social, affordable or intermediate rent. The applicant has provided a Housing Needs Survey that supports a need for this type of affordable housing in the area and it is acknowledged that based on the SHMA there is expected to be a shortfall in the amount of affordable housing provided over the next 5 years in the Mid Durham area of the County.
157. However, insufficient information has been submitted to demonstrate that the site would be made and retained as affordable and delivered to priority households with a local connection to enable full weight to be given to the benefits of the affordable housing proposed. Concerns are also raised

regarding the site visual and physical connection to the settlement. The proposals fall short of the requirements of criteria a), b), and d) of Policy 11.

158. Furthermore, the application proposes the development of land identified as amenity open space and which has been found to be locally valued through the applicant consultation exercise. No assessment has been carried out demonstrating that the open space is surplus to requirements and no provision of open space of equivalent or greater value is proposed to be made. The new sports facilities proposed under application DM/21/00891/OUT would not be linked to this application. It is considered that the application would conflict with Policy 26 of the CDP in this respect.
159. In addition, it is considered that the proposal would contribute to coalescence between Crook and the neighbouring settlement of Billy Row to the north and diverge from the form of the settlement of Crook, contrary to CDP Policy 10 o) and m).
160. It is also concluded that the development does not achieve high quality design, achieving 5 “reds” and 4 “ambers” during the Design Review process when assessed against the Building for Life 12 (BfL 12) Standards.
161. The application does not sufficiently and robustly demonstrate that surface water would be suitably management and the proposed development would be safe without increasing or exacerbating flood risk elsewhere as required by CDP Policy 35 c) and Part 14 of the NPPF.
162. The proposed development would result in a large amount of habitat loss resulting in a net loss in biodiversity, contrary to CDP Policy 41, NPPF Paragraph 180 d) and the aims of the Environment Act 2021.
163. The proposals are considered acceptable in terms of Residential Amenity, Highway Safety, Ground Conditions, and Locational Sustainability in accordance with Policies 21, 25, 32, 36 and Paragraphs 93, 105, 110, 112, 130 f) and 183 of the NPPF in this respect.
164. Overall, whilst recognising the potential benefits of increasing affordable home supply in the County and the boost to the local economy during the construction phase it is concluded that these benefits would not outweigh the identified conflict with the CDP. There are no material considerations which indicate otherwise and therefore the application is recommended for refusal.

RECOMMENDATION

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

1. The development would result in the loss of designated public open space. No assessment has been carried out demonstrating that the open space is surplus to requirements and no provision of open space of equivalent or greater value has been made. The development would therefore conflict with Policy 26 of the County Durham Plan and Part 8 of the NPPF.

Furthermore, the site is detached from the settlement of Crook and the proposal would contribute to coalescence between Crook and the neighbouring settlement of Billy Row to the north and diverge from the form of the settlement of Crook. The development is therefore considered to conflict with Policies 6, 10, 11, 26 and 29 of the County Durham Plan and Parts 8 and 12 of the National Planning Policy Framework. The provision of 29 affordable housing units is not considered to outweigh this harm and policy conflict.

2. The development is considered to represent poor design when assessed against the County Durham Plan Building for Life Supplementary Planning Document and would also contribute to the coalescence between Crook and the neighbouring settlement of Billy Row due to the sites detached nature. The development would therefore conflict with Policies 6, 10, 11 and 29 of the County Durham Plan and Parts 8 and 12 of the National Planning Policy Framework. The provision of 29 affordable housing units is not considered to outweigh this harm and policy conflict.
3. The application does not sufficiently and robustly demonstrate that the surface water would be managed and attenuated on site without increasing or exacerbating flood risk elsewhere as required by Policy 35 c) of the County Durham Plan and Part 14 of the National Planning Policy Framework.
4. The proposals would result in a net loss of biodiversity contrary to Policy 41 of the County Durham Plan and Paragraph 180 d) of the National Planning Policy Framework.

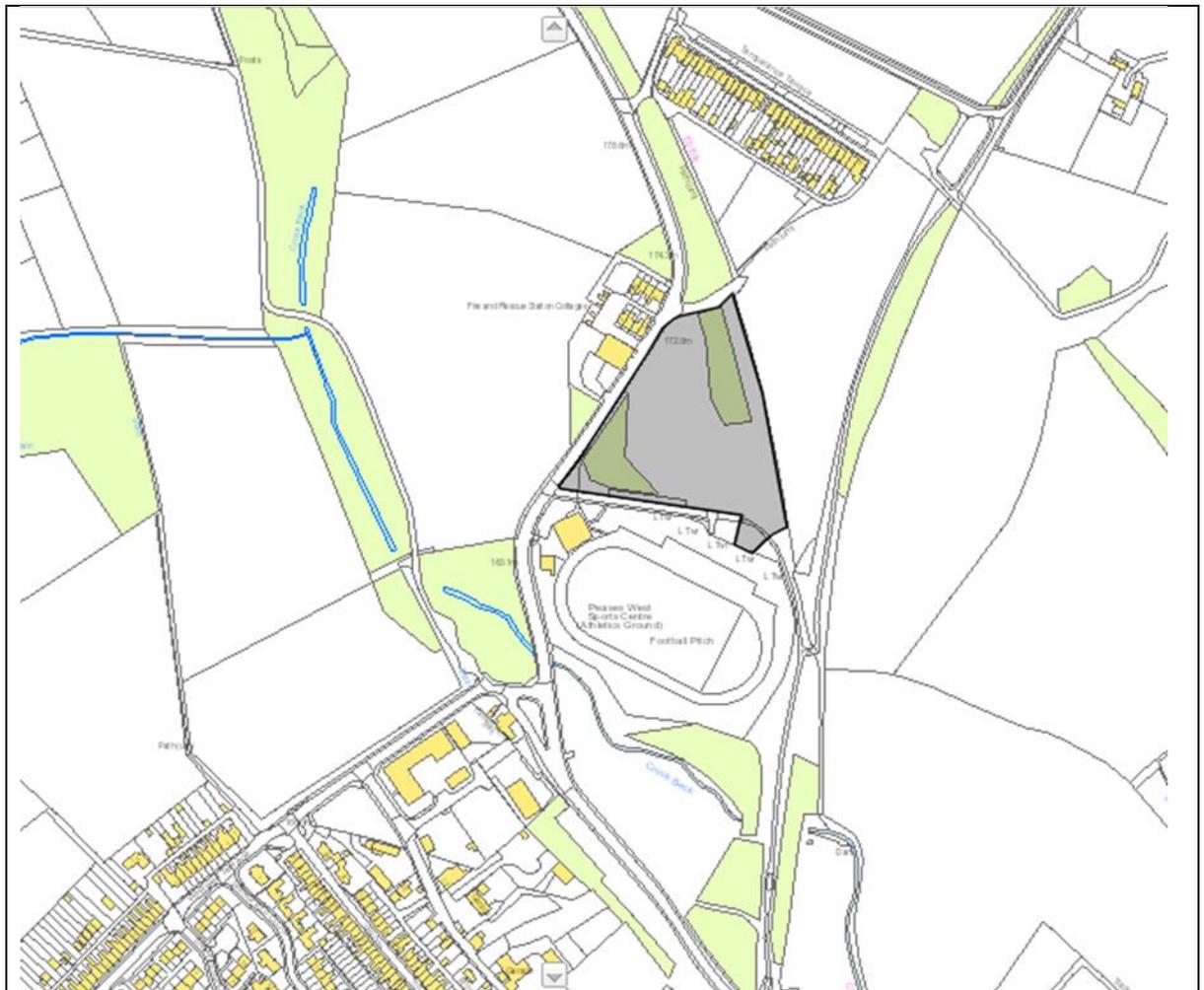
STATEMENT OF PROACTIVE ENGAGEMENT

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

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documents
National Planning Policy Framework
The County Durham Plan (CDP)
County Durham Strategic Housing Market Assessment 2019
Durham County Council Open Space Needs Assessment 2018
County Durham Plan Building for Life Supplementary Planning Document 2019
Residential Amenity Standards Supplementary Planning Document 2020
Statutory consultation responses
Internal consultation responses

External consultation responses



<p>Planning Services</p>	<p>Proposed 29 no. Affordable dwellings/apartments including 2 no. Community Workshops, associated parking, landscaping and open space</p>	
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	<p>Date: 13th June</p>	