

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	DM/22/01634/OUT
FULL APPLICATION DESCRIPTION:	Residential development of up to 20no. dwellings (Outline – all matters reserved except access)
NAME OF APPLICANT:	Mandale Homes
ADDRESS:	Land south of Eve Lane, Spennymoor, Co Durham
ELECTORAL DIVISION:	Tudhoe
CASE OFFICER:	Mark O’Sullivan, Senior Planning Officer, 03000 261056, mark.o’sullivan@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site lies to the east of Spennymoor, located adjacent the to the Durham Gate Development. The site comprises a narrow agricultural field measuring 0.78Ha in area, located between housing development on Eve Lane/Hay Lane to the north and the A688 road to the south. The site is bound by existing mature trees and hedgerow, with a small paddock to the east. To the west is a short stretch of unclassified road linking the A688 with Green Lane/Eve Lane.

The Proposal

2. Outline planning permission was refused by the Planning Committee in December 2021 for the erection of 20no. dwellings with associated SUDS, landscaping and access infrastructure (planning ref: DM/21/02619/OUT). The subsequent appeal was dismissed by the Planning Inspectorate in June 2022, although confirming that the site was acceptable for residential development. Soon after this decision, the applicant resubmitted an identical scheme to the Local Planning Authority for reconsideration.
3. This resubmitted application seeks outline permission (all matters reserved except access) for the erection of up to 20no. dwellings on the site. The dwellings would be predominately constructed for market sale, with 15% of the total offered on an affordable basis (details to be agreed). Site access would be taken from a new vehicular access point off Eve Lane to the north of the site. Details of layout, scale, appearance and landscaping are to be confirmed through reserved matters, although an indicative layout plan is submitted detailing how a maximum 20no. dwellings could be arranged on the site, alongside a SuDS area.

4. The planning application is being reported to the Planning Committee in accordance with the Council's Scheme of Delegation as the proposals fall within the definition of major development.

PLANNING HISTORY

5. The application site falls outside of the Durham Gate Masterplan area to the north. The current application is a resubmission of recently refused outline application ref: DM/21/02619/OUT for up to 20no. dwellings (December 2021). The application was refused for the following reason:-
6. *The Local Planning Authority considers that the proposal would not be appropriate in respect of its scale and form and would not contribute positively to the area's character and townscape. It would also fail to provide for an appropriate level of mitigatory structural landscaping, creating an unattractive settlement edge that would result in localised harm to the character of the landscape. The proposals would be contrary to the provisions of Part 12 of the NPPF and Policies 6, 29, 39 and 40 of the County Durham Plan.*
7. A subsequent appeal to this decision was later dismissed by PINS on 01 June 2022 (Appeal ref: APP/X1355/W/22/3292599). The reasons principally related to the application being deficient in respect of making appropriate provision for affordable housing and green infrastructure contributions. However the Planning Inspector concluded that the proposed location of the development represented a logical site for housing infilling an existing gap, and it would not harm the character and appearance of the area.

PLANNING POLICY

NATIONAL POLICY

8. 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. In accordance with Paragraph 213 of the National Planning Policy Framework, the following elements of the NPPF are considered relevant to this proposal.
9. *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.
10. *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.

11. *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.
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 11 Making Effective Use of Land* - Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.
15. *NPPF Part 12 Achieving Well-Designed Places* - The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
16. *NPPF Part 14 Meeting the Challenge of Climate Change, Flooding and Coastal Change* - The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.
17. *NPPF Part 15 Conserving and Enhancing the Natural Environment* - Conserving and enhancing the natural environment. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from Page 73 pollution and land stability and remediating contaminated or other degraded land where appropriate.

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

NATIONAL PLANNING PRACTICE GUIDANCE:

18. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance

Suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to; determining a planning application; flood risk; healthy and safe communities; land affected by contamination; housing and economic development needs assessments; housing and economic land availability assessment; natural environment; noise; public rights of way and local green space; planning obligations; use of planning conditions; and; water supply, wastewater and water quality.

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

LOCAL PLAN POLICY:

The County Durham Plan

19. *Policy 1 (Quantity of Development)* outlines the levels of employment land and housing delivery considered to be required across the plan period.
20. *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.
21. *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.
22. *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.
23. *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.
24. *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.

25. *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.
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, subject to transition period.
27. 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 (SPD), to achieve reductions in CO2 emissions, to be built to at least 30 dwellings per hectare subject to exceptions.
28. *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.
29. *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.
30. *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.
31. *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.

32. *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
33. *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.
34. *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.
35. *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.
36. 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>

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

37. *Spennymoor Town Council* – No comments received.
38. *Highway Authority* – Advise that the principle of access from Eve Lane to the proposed development, as shown on the 'Illustrative Site Plan' drg. no. 18/001 C is considered to be acceptable for the purposes of the outline application. Further engineering details of the should be agreed by condition, while consideration of the highway layout and parking provision agreed at reserved matters stage.
39. *NWL* – No comments received.

40. *The Coal Authority* – No objections, subject to suggested conditions.

INTERNAL CONSULTEE RESPONSES:

41. *Spatial Policy* – Advise that the proposal should be assessed primarily against Policy 6 of the CDP. For this proposal to be acceptable, the impacts in terms of landscape, townscape and integration with settlement form and access to services and facilities would need to be within acceptable parameters.
42. *Ecology* – Raise no objections subject to conditioning the mitigation and enhancements included in the submitted ecology reports, including the retention of vegetation and provision of bat and bird boxes.
43. *EHO Contaminated Land* – The application site is located in a coalfield high risk development area and a Phase 2 is required. Given this and the fact that the development constitutes a change of use to a more sensitive receptor, a contaminated land condition should apply to any permission granted.
44. *EHO Environmental Health (Noise)* – No objections, subject to a suitable acoustic design scheme to be provided at reserved matters to achieve minimum noise levels set out in the noise survey.
45. *Landscape* – Advise that a revised site layout will be required to achieve an appropriate landscape buffer to the southern boundary, this may impact the quantity of units that the site could support to provide an optimal and balanced development.
46. *Trees* – Advise that the submitted proposal would result in the retention of all existing individual trees, with the measures proposed having low impact. There is the likelihood of some minor encroachment by a proposed parking area, to the east of the site, into the Root Protection Areas, consideration should be given to the utilisation of special construction measures inside the RPA at this location. There will be a loss of approximately 13m of hedgerow in the north west corner of the site.
47. *Affordable Housing* – Further discussions are needed between DCC and the developer to discuss the provision of the First Homes product on the site. This will include the eligibility of applicants, the location of the units on site as well as application process and unit costs to ensure that these units are meeting the identified needs of the local community.
48. *Education* – Based on the projected rolls of the schools, taking into account the likely implementation of the development, build out rates and other relevant committed development, it is anticipated 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 in this instance.
49. *Drainage* – The proposals set out in the Flood Risk Assessment and Outline Drainage Strategy Report are considered acceptable in principle, subject to review at reserved matters stage, controlled by condition.
50. *Archaeology* – Raise no objections, it is advised nearby archaeological investigations have found low significance remains, and this combined with the small scale of the development indicates that the proposals are unlikely to have a significant impact on undisturbed remains.
51. *Design* – In line with Policy 29 of the CDP, any detailed scheme should provide outward-facing development, a strong landscape buffer to the settlement edge, and

well-defined streets and spaces that are not dominated by parked cars. In addition, development should be of locally inspired or otherwise distinctive design, taking reference from the positive characteristics of the settlement. Further revisions are likely to be required at the reserved matters stage.

NON-STATUTORY RESPONSES:

52. *NHS* – The NHS advise that based on the number of units proposed, there would be no requirement for NHS contributions to be secured by S106 monies in this case.

PUBLIC RESPONSES:

53. The application has been publicised by way of site and press notice, and notification letters to neighbouring residents. 4no. letters of objection were received in response to this exercise, with a summary of the key areas of concern as follows:

- Development of the site would result in increased pressure on already busy estate roads which are used as a rat run for all types of vehicles, avoiding Thinford roundabout. Increased traffic will bring about increased pollution (noise and odour), road safety issues and health impacts to local residents.
- Request that the area is designated a 'low traffic neighbourhood'.
- The proposed access point serving the development would be unsafe, located too close to a busy mini roundabout and neighbouring property;
- Questions over the reliability of the applicants transport statement with regard frequency and accuracy of bus services;
- Impact on local wildlife/ecology through destruction of natural habitats;

APPLICANTS STATEMENT:

54. In accordance with the Planning Inspectors previous decision the development of this site is clearly acceptable in principle and is in accordance with Policy 6 of the adopted Local Plan. At this stage detailed consent is only the access, this has also previously been found to be acceptable. The scheme remains illustrative and we look forward to working with DCC to deliver a scheme that is acceptable in relation to the layout and appearance at Reserved Matters stage. A revised Section 106 has been issued to address the reason for the dismissal of the previous appeal and firmly support the officers revised recommendation.

PLANNING CONSIDERATIONS AND ASSESSMENT

55. 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, deliverability/achievability, urban/landscape impact, privacy/amenity, highways, ecology, land stability, flooding/drainage and planning obligations.

The Principle of the Development

56. The current submission follows from an earlier planning application (DM/21/02619/OUT) which was refused planning permission on 16 December 2021

and subsequently appealed by the applicant (APP/X1355/W/22/3292599). In dismissing the appeal, the Planning Inspector identified that the main issues with the proposal were (i) the effect of the proposed development on the character and appearance of the area and (ii) whether or not appropriate provision is made for the provision of Open Space and Affordable Housing.

57. The appeal was dismissed on 1 June 2022, for reasons principally related to the application being deficient in respect of making appropriate provision for affordable housing and green infrastructure contributions. The Planning Inspector however concluded that the proposed location represented a logical site for housing, infilling an existing gap, and in respect to the outline nature of the submission a suitable scheme could be progressed, subject to a revised layout it was accepted that this may not harm the character and appearance of the area.
58. The current application is to be determined in accordance with relevant policies set out within the County Durham Plan (CDP) and the NPPF. Paragraph 11C of the NPPF requires applications for development proposals that accord with an up to date development plan to be approved without delay.
59. The NPPF seeks to significantly boost the supply of housing, as well as using land that is physically well related to existing settlements. Part 11 (Making effective use of land) seeks to promote an effective use of land in meeting the need for homes, with particular emphasis on previously developed/brownfield development and underutilised land/buildings. Part 5 (Delivering a sufficient supply of homes) clarifies the Government's objective of significantly boosting the supply of homes, and that the needs of groups with specific housing requirements are addressed.
60. Policy 19 of the CDP seeks to ensure that on all new housing developments, the Council will 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.
61. This application site comprises undeveloped greenfield land located at the edge of the Spennymoor settlement. The site is not allocated for housing within Policy 4 of the County Durham Plan (CDP) and has not been previously considered within the Councils SHLAA. Development of housing on unallocated sites should be assessed and determined against CDP Policy 6 which sets out the following criteria:
62. The development of sites which are not allocated in the Plan or in a Neighbourhood Plan which are either (i) within the built-up area; or (ii) outside the built-up area (except where a settlement boundary has been defined in a neighbourhood plan) but well-related to a settlement, 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.
63. The site is considered to be outside of the built up area of Spennymoor but is considered well related to it for the purposes of Policy 6. Regarding criteria e) and f), the site is located adjacent to the existing settlement and would benefit from good access by sustainable modes of transport to relevant services and facilities. Details of access are to be considered as part of the current submission.
64. The findings of the recent appeal decision are material in applying Policy 6, and it is recognised that the principle of developing this site was found to be acceptable by the appointed Planning Inspector. Notwithstanding those findings, it is considered that bringing the built form of development closer to the bypass would result in the erosion of the open field aspect which provides a rural setting to this part of the settlement. The proximity of the new buildings to the A688 would also require careful consideration in the context of Policy 31 (Amenity and Pollution) with robust structural landscaping likely to be necessary to mitigate noise from the passing traffic.
65. The above considerations together with the other material planning considerations raised below would be relevant in determining the acceptability of the current proposals.

Deliverability/achievability

66. Paragraph 74 of the NPPF maintains the requirement for LPA's to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old. Annex 2 of the NPPF sets out that to be considered deliverable, sites for housing should be available now and have a realistic prospect that housing will be delivered within 5 years. In particular where a site has planning permission for major development it should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years.
67. It was established under the adoption of the CDP that the Council can demonstrate in excess of 5 years housing land supply (6.33 years). The CDP was adopted in October 2020 and therefore, in accordance with paragraph 74 of the NPPF, a five-year supply of deliverable housing sites, with the appropriate buffer can be demonstrated.

68. The Government published its Housing Delivery Test (HDT) results in February 2019. The HDT outcome for the Council indicates that housing delivery has been above the requirement over the last three years, which is evidence that delivery of housing on the ground is on track and exceeding DCC housing targets.
69. The LPA previously argued that given the speculative, outline nature of the initial application, and other housing commitments within the settlement still to be built out, there remains no clear evidence that there is a realistic prospect that housing completions will begin on site within 5 years.
70. Furthermore, there was no written agreement/contract between the land owner and a house builder. This was concluded based on the information made available to the LPA at the time. Since then the applicant has confirmed in writing that a contract does exist between the site owner and a perspective developer.
71. Notwithstanding the above, the deliverability argument did not form a reason for refusal of the original planning submission for this site. This remains the case in respect of the current application. Nevertheless there are still queries over the viability and attractiveness of the site in a challenging housing market area given the high level of existing housing commitments across Spennymoor, the perceived high costs of the proposed development arising from site remediation requirements in relation to previous coal mining activity, and those associated with the on-site open space provision, biodiversity mitigation requirements and extensive SUDS works.
72. In the absence of any clear evidence to suggest otherwise, and the site would not make any meaningful contribution to boosting the supply of homes, it is considered that limited weight should therefore be afforded to this matter in the planning balance.

Urban form

73. CDP Policy 6 requires new development to be appropriate in respect of scale, design, layout and location to the character, form and setting of the development. Part 12 of the NPPF and CDP policy 29 seek to ensure good design in new developments. New development should be appropriate in terms of scale, design, layout, and location to the character, function, form and setting of the settlement. It 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; and also create buildings and spaces that are adaptable to changing social, technological, economic and environmental conditions and include appropriate and proportionate measures to reduce vulnerability, increase resilience and ensure public safety and security.
74. The application is outline in nature with details of scale and design to be considered through reserved matters. Notwithstanding this, an indicative layout is provided to demonstrate how a scheme of maximum 20no. units could be accommodated onto the site.
75. A pre-application enquiry in 2020 for 26no. dwellings at the site was not considered favourably by the LPA with concerns raised over the high density, urban development form which would impact on the landscape wedge at the edge of the settlement, and the proposed layout of the site which failed to positively address Eve Lane to the north.
76. The subsequent outline application for a reduced 20no. units submitted in December 2021 was refused by the LPA, with concerns raised regarding the proposed layout and that the relationship to Eve Lane had not been satisfactorily addressed. The initial

indicative layout resulted in a largely inward-looking development dominated by highway and parking. The revisions to provide 20no. units did not address these previous concerns. Although outline in nature, the LPA considered that a reworking of the indicated layout would be required to achieve a high quality development.

77. The subsequent PINS appeal letter touched further upon this matter. Paragraph 11 of the decision explained how the housing shown on the illustrative plan appeared very compact, more so than the adjacent new housing estate, such that it appears that the appellant has sought to maximise the amount of housing on the site rather than creating an optimal and balanced development. In this regard the Inspector concluded that the illustrative layout does not demonstrate good design. Nonetheless it was accepted that the layout is only illustrative and matters relating to appearance, landscaping, layout and scale are reserved for future consideration through reserved matter but an appropriate scheme could be progressed.
78. In respect of the current submission, the same (indicative) scheme is presented, and therefore the Inspectors conclusions remain relevant. In terms of consistency, officers again consider that the indicative site layout would not represent good design due to the proposed layout and relationships with surrounding developments and highways.
79. However, it is accepted, in light of the inspectors' findings, that a residential development is considered acceptable on this site and that matters relating to design and layout can be considered through a subsequent reserved matters application. As previously suggested, in line with Policy 29 of the CDP, any detailed scheme should provide outward-facing development, a strong landscape buffer to the settlement edge, and well-defined streets and spaces that are not dominated by parked cars. In addition, development should be of locally inspired or otherwise distinctive design, taking reference from the positive characteristics of the settlement. Even with these this constraints it is considered that up to 20 dwellings may be achievable based on a revised layout and incorporating smaller properties.

Landscape impact

80. CDP Policy 39 requires new development to be permitted where it would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals will be expected to incorporate appropriate measures to mitigate adverse landscape and visual effects. Development proposals should have regard to the County Durham Landscape Character Assessment and County Durham Landscape Strategy and contribute, where possible, to the conservation or enhancement of the local landscape.
81. CDP Policy 40 concerns trees and hedgerows. Proposals for new development will not be permitted that would result in the loss of, or damage to, trees of high landscape, amenity or biodiversity value unless the benefits of the proposal clearly outweigh the harm. Where development would involve the loss of ancient or veteran trees it will be refused unless there are wholly exceptional reasons and a suitable compensation strategy exists.
82. Proposals for new development are be expected to retain existing trees where they can make a positive contribution to the locality, or to the development, maintain adequate stand-off distances between them and new land-uses, to avoid future conflicts, and integrate them fully into the design having regard to their future management requirements and growth potential. Where trees are lost, suitable replacement planting, including appropriate provision for maintenance and management, will be required within the site or the locality.

83. Regarding hedgerow, the policy sets out proposals for new development sets out that the loss of hedges of high landscape, heritage, amenity or biodiversity value will not be permitted, unless the benefits of the proposal clearly outweigh the harm. Proposals for new development will be expected to retain existing hedgerows where appropriate and integrate them fully into the design having regard to their management requirements. Where any hedges are lost, suitable replacement planting or restoration of existing hedges, will be required within the site or the locality, including appropriate provision for maintenance and management.
84. As previously indicated, the application site forms part of a narrow tract of open farmland between the built edge of Spennymoor and the A688 to the south. It is bounded by mature hedges and mature trees. Although the site is not covered by any national or local landscape designations, it is visible at close quarters from Eve Lane and properties adjacent to the north, and from the A688 to the south. It is also visible at greater distance to the south from a range of receptors on higher ground on the escarpment – from where it is seen against buildings along the settlement edge.
85. Landscape officers remain of the view that whilst layout plans are indicative only, it is likely that perimeter vegetation could be largely retained other than localised removal of hedgerow and trees at the site entrance. Notwithstanding this, the effects on the character of the site itself would be transformative. The site is not part of a landscape of high sensitivity but is in a prominent location at the entrance to the settlement.
86. In line with comments raised by design officers and the Planning Inspector, regarding the indicative level of housing on the site, previous landscape advice explained how in the event of approval, the applicant would need to produce a more robust and comprehensive landscape scheme, including the enhancement of the southern site boundary adjacent to the A688. This advice is maintained with respect the current submission.
87. Unfortunately, the illustrative layout plan provides minimal garden lengths between dwellings and the southern site boundary which would unlikely allow adequate space for the existing landscaped boundary to be enhanced. A revised site layout to address this matter would need to be brought forward for consideration through any future reserved matters application.
88. As per the previous submission for the site, the application includes a detailed Arboricultural Impact Assessment which is considered by officers to be comprehensive and acceptable. The submitted proposal would result in the retention of all existing individual trees, with the measures proposed having a low impact. There remains some minor encroachment by a proposed parking area, into the Root Protection Area of a group of trees to the east of the site. To the north-west corner of the site, approximately 13m of hedgerow would be lost to facilitate development. In accordance with Policy 40, the loss of hedgerow could be mitigated by a robust planting plan within the estate.
89. Whilst it is accepted that all of the identified issues may be addressed through a sensitively designed reserved matters scheme, this would require a revised site layout as the current indicative layout is deemed unacceptable. This new layout must achieve an appropriate and an enhanced landscape boundary to the A689 boundary, which would require a re plan of the site. As matters stand there is potential for the site to be developed in compliance with the requirements of CDP Policies 6, 29 and 39, albeit precise details would need to be addressed at reserved matters.

90. CDP Policy 31 seeks to support proposals only 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. The proposal will also need to demonstrate that future occupiers of the proposed development will have 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.
91. Outline consent is sought, with details of layout, scale and design reserved. The proposed site plan is indicative only, albeit demonstrates how a maximum of 20no. units could be arranged within the site, facing north towards the shared access road, parking areas and green space/SuDS area. Given the linear arrangement shown, all dwellings would achieve satisfactory separation from one another in excess of the minimum requirements set out within the residential amenity standards SPD 2020. Furthermore, all dwellings would benefit from reasonably scaled private rear gardens, with off street parking to the frontages. Details of enclosures are not specified at this stage.
92. NDSS standards would be confirmed at reserved matters only once precise house types and sizes are known.
93. EHO's have undertaken a technical review of information submitted in relation to the likely impact upon amenity in accordance with the relevant TANs (Technical Advice Notes). A Noise Risk Assessment has been submitted, which identifies road traffic noise from the A688 as being the dominant noise source. The report advises with appropriate mitigation measures and condition the site may be considered suitable for residential development.
94. A number of suggestions are made by the EHO relating to glazing and ventilation which would be controlled at reserved matters. As previously explained, concerns are raised over the indicative layout presented and any future layout presented through reserved matters would be subject to scrutiny in terms of the placement of amenity spaces away from nearby noise sources, or at the very least behind a suitable noise barrier.
95. In summary, whilst it is considered that the site is capable of accommodating residential development in principle, the finer details relating to the position of dwellings would be confirmed through reserved matters, in conjunction with the findings of the noise survey. Notwithstanding the above, the outline application is considered to satisfy the provision of CDP Policy 31.

Highways

96. NPPF Part 9 seeks to ensure that development only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. CDP Policy 21 seeks to ensure that any vehicular traffic generated by new development, following the implementation of sustainable transport measures, can be safely accommodated on the local and strategic highway network and does not cause an unacceptable increase in congestion or air pollution and that severe congestion can be overcome by appropriate transport improvements. New developments should provide for 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. As previous the applicant has submitted an Illustrative Site Plan which details the creation of a new access onto Eve Lane for up to 20no. dwellings, located approximately 40m east of the Green Lane roundabout. The principle of such an access from Eve Lane is considered to be acceptable for the purposes of the outline application where details of access are sought for approval.
98. Notwithstanding the above, a small number of issues are raised regarding the proposed internal layout of the estate road, which could be addressed through subsequent reserved matters, once the internal site layout is confirmed. Specifically the proposed estate road width should be increased to 5.5m as the Council no longer accepts lesser widths for new developments. The junction radii are correctly shown as 10m and visibility splays are acceptable.
99. The first centre line radius of the estate road is too tight and will lead to vehicles both mounting the kerb (on the inside of the radius) and driving on the wrong side of the road which is not acceptable particularly as it is located so close to the entrance to the site. This issue is raised as it is likely to affect the position of the access when redesigning the estate road.
100. Footway links are shown on the submitted drawings and this detail is welcomed. The footways on and from Eve Lane should utilise the same materials as used on Eve Lane and then can transition to bitmac construction within the site at the rear of the bellmouth junction. These works should be facilitated by a Section 278 Agreement.
101. Whilst not part of the outline application, the parking quantum is commented on in the submitted 'Planning, Design and Access Statement'. The Illustrative Site Plan shows each property being served by 2 parking spaces with an additional 6 non-allocated visitor parking bays which is an acceptable level of parking provision.
102. For the purposes of the outline application, no highways objections are raised over the access details provided, with proposals to satisfy the provisions of Part 9 of the NPPF and CDP Policy 21. It is considered that the site can accommodate an acceptable access and parking provision with the details of the internal estate road and parking provision to be provided at reserved matters, once a detailed site layout has been confirmed.

Ecology

103. Part 15 of the NPPF ensures that when determining planning applications, Local Planning Authorities seek to conserve and ensure that measurable gains in biodiversity are achieved. CDP Policy 41 seeks to ensure new development minimizes impacts on biodiversity by retaining and enhancing existing diversity assets and features. Proposals for new development should not be supported where it would result in significant harm to biodiversity or geodiversity.
104. The current application is supported by an updated Ecological Impact Assessment report which assesses the habitats on site, and risk of presence of protected species. Ecology officers have viewed the supporting documents and raise no objections to the proposals subject to the conditioning of the habitat creation and mitigation detailed in Section 4 and 5 of the report, this includes the retention of key vegetation and the provision of bat and bird boxes. Subject to the above, outline proposals would satisfy the provisions of Part 15 of the NPPF and CDP Policy 41.

Land stability

105. Part 15 of the NPPF seeks to prevent unacceptable risks from pollution and land stability. Where a site is affected by contamination or where land stability issues arise, responsibility for securing a safe development rests with the developer and/or landowner. Policy 32 of the CDP seeks to resist development where the developer is unable to demonstrate that:
- a. any existing despoiled, degraded, derelict, contaminated or unstable land issues can be satisfactorily addressed by appropriate mitigation measures prior to the construction or occupation of the proposed development;
 - b. the site is suitable for the proposed use, and does not result in unacceptable risks which would adversely impact on the environment, human health and the amenity of local communities; and
 - c. all investigations and risk assessments have been undertaken by an appropriately qualified person.
106. The Council's EHO officer has assessed the available information and historical maps with respect to land contamination and is satisfied with the conclusions of the report. Therefore, as the site is located in a coalfield high risk development area a phase 2 investigation is required detailing any mitigation that may be necessary. A conditional approach to this is recommended.
107. As regards Coal mining legacy, the application site falls within the defined Development High Risk Area, therefore 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 the application. Coal Authority records indicate that the site lies within an area of probable shallow coal mining and a coal seam. If shallow coal workings have taken place beneath the site, this could affect the safety and stability of the proposed development.
108. The aforementioned Phase 1: Desk Study Report informs the extent of remedial/mitigation measures that would be required to ensure the safety and stability of the proposed development in accordance with NPPF paragraphs 183 and 184. No objections are raised from the Coal Authority subject to the imposition of a condition ensuring appropriate intrusive site investigation and gas monitoring works are undertaken prior to the commencement of development, and appropriate mitigation detailed as necessary.
109. Subject to the above, there are no land contamination or coal mining legacy objections raised, and proposals would satisfy the provisions of Part 15 of the NPPF and CDP Policy 32.

Flooding and Drainage

110. Part 14 of the NPPF seeks to resist inappropriate development in areas at risk of flooding, whilst ensuring that new development does not give rise to increased flood risk elsewhere. CDP policies 35 and 36 concern water management. 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. This includes completion of a Flood Risk Assessment (FRA)

where appropriate. For major developments, the management of water must be an intrinsic part of the overall development, and there must be no net increase in surface water runoff for the lifetime of the development. Where greenfield sites are to be developed (as would be the case here), the runoff rates must not exceed and where possible should reduce the existing greenfield runoff rates. Meanwhile, on previously developed land, as close as practicable to a greenfield rate must be achieved.

111. The application is not located within a known flood risk area, with indicative layout plans detailing a SuDS area to be created to the north of the development, within the wider site boundary.
112. The application is accompanied by a Flood Risk Assessment and Outline Drainage Strategy Report which are deemed to be acceptable in principle for the purposes of an outline application. Details relating to surface water discharge and basin design would need to be confirmed through reserved matters. To this extent, outline proposals would satisfy the provisions of Part 14 of the NPPF and CDP Policies 35 and 36. Although questions are raised over whether highway drainage could pass through the swale, such matters would also be agreed at reserved matters by condition when precise site layout details are confirmed and a detailed drainage strategy produced.

Planning obligations

113. Policy 25 of the CDP seeks to ensure that new development is only approved where any mitigation necessary to make the development acceptable in planning terms are secured through appropriate planning conditions or planning obligations. Developers will be required to enter into Planning Obligations which are necessary to make the development acceptable, directly related to the development and fairly and reasonably related in scale and kind to the development

Affordable Housing

114. Paragraph 64 of the NPPF requires major development proposals to include at least 10% of the homes provided to be made available for affordable home ownership. The Strategic Housing Market Assessment (SHMA) (2019) identifies the need for affordable housing within County Durham which it defines as one housing market area. The quantum of affordable housing required is set out in Policy 15 of the CDP, which based on viability evidence confirms that 15% is appropriate within this part of the County (which is regarded as a medium value area).
115. In medium value areas, on sites of 10no. 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.
116. The views of the affordable housing section have been sought who advise that affordable housing is required in multiple sizes and tenures and a 'one size fits all' approach should be avoided with a range of affordable options considered. The housing market for this area has a clear need for a mix of 2 and 3 bed units in all affordable tenures which should meet NDSS as a minimum. The applicant has not provided an affordable housing statement as part of the application, although it is accepted that proposals are currently outline in nature. Subject to the above, the proposals would meet the affordable needs of the area. Further clarification detailing the number, type and location of affordable houses that will be delivered as affordable housing must be confirmed through subsequent reserved matters, only once the precise number of units proposed is known.

117. For the purposes of the outline application, in accordance with Paragraph 64 of the NPPF and CDP Policy 15, the applicant has agreed to the provision of the necessary affordable housing numbers and tenures through a planning obligation. The entering into a S106 agreement would address one of the reasons for the dismissal of the Planning appeal.

Open Space contributions

118. CDP Policy 26 requires proposals for new residential development to make provision for open space to meet the needs of future residents having regard to the standards of open space provision set out in the Open Space Needs Assessment (OSNA). The OSNA (2010) sets out the most up to date position in respect to open space provision across the county and provides a formula for calculating requirements on a site specific basis. A scheme of 20no. units would generate 44no. people based on 2011 census data of 2.2 persons per household. Based on a scheme of 20no. units, a minimum 660m² of usable on-site amenity open space would be required. In addition, (providing the aforementioned on-site provision is achieved in full), a further £31,482.00 financial contribution would be required for off-site open space provision/enhancement. The applicant has agreed to enter into a s106 obligation to secure these funds, to be paid in a single instalment upon first occupation of the dwellings. It is acknowledged that this total may need to be recalculated on a pro-rata basis should the total number of units presented at reserved matters be less than 20no units. The entering into a S106 agreement would address one of the reasons for the dismissal of the Planning appeal.

Healthcare

119. Paragraph 93 of 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. 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. Local surgeries are part of CCG wide plans to improve GP access and would be the likely beneficiaries of any S106 funds secured. Local GP Practices are keen to maintain/improve their access, and an increase in patient numbers may require adjustments to existing premises/access methods. The NHS advise that based upon the scale of development proposed, no contribution would be sought in this instance.

Educational provision

120. Paragraph 95 of NPPF 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 and requires LPAs to seek this. Based on the projected rolls of the schools, taking into account the likely implementation of the development of 20no. units, build out rates and other relevant committed development, it is anticipated 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 in this instance.

Other matters

Accessible and adaptable homes

121. CDP Policy 19 states that on all new housing developments the council will seek to secure an appropriate mix of dwelling types and sizes, taking account of existing imbalances in the housing stock, site characteristics, viability, economic and market considerations.

122. CDP Policy 15 includes a requirement for sites for 5 or more dwellings to ensure 66% of the dwellings proposed are built to Building Regulations Requirement M4(2) (accessible and adaptable dwellings) standard. In this instance 66% would equate to 13no. of the 20no. proposed dwellings.
123. Furthermore, on sites of 10 units or more, a minimum of 10% of the total number of dwellings on the site should be of a design and type that will increase the housing options of older people. This equates to 2no. of the proposed units. 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 a multi-generational family.
124. The scheme is only in outline format, and as such, based on the information submitted, it is presently unclear from the indicative site layout whether any of the dwellings conform to these requirements. It is therefore expected that such matters be addressed through any subsequent reserved matters submission and as controlled by condition.

Safeguarding mineral resources

125. 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. Coal Authority records indicate that surface coal resource is present on the site, although this should not be taken to imply that mineral extraction would be economically viable, technically feasible or environmentally acceptable. Although a non-mineral development is proposed, it is not considered that the current proposals would sterilise this mineral resource taking into consideration the scale of the site and the residential setting. No objections are raised in this regard.

CONCLUSIONS

126. Outline planning permission (all matters reserved except access) is sought for the erection of upto 20no. dwellings on land to the south of Eve Lane. This is a resubmission of an identical scheme previously refused by the LPA in December 2021, and subsequently dismissed at appeal by the Planning Inspector. In resubmitting this application, the applicants have sought to address the key issues raised by the Planning inspector which led to the appeal being dismissed. The decision and reasoning by the Planning Inspector is a material consideration that should be afforded significant weight in the determination of this planning application.
127. As previous, only an indicative site layout is provided at this time, with details of layout, scale, design and landscaping constituting reserved matters.
128. Consideration is given to the principle, of the works proposed and the resulting landscape/urban impacts, deliverability, neighbouring amenity, highways, ecological impact, land stability and drainage. The applicant has agreed to entire into a legal obligation concerning the provision of affordable housing and on-site open space/off site open space contribution.

129. Local concerns are raised and taken into consideration within the main body of the report. In summary it is considered on taking the views of the Planning inspector into account the principle of developing this site is now considered acceptable. Notwithstanding this, further consideration will need to be given to a revised site layout which takes into account necessary landscape, highways ecology and amenity impacts through reserved matters.
130. In the context of an outline application, proposals would satisfy the provisions of Parts 2, 4, 5, 8, 9, 11, 12, 14 and 15 of the NPPF, Policies 6, 15, 19, 21, 25, 26, 29, 31, 32, 35, 36, 39, 40, 41 and 56 of the CDP, and the Residential Amenity Standards SPD (2020 Adopted version).
131. The application is therefore recommended for approval subject to the following conditions and completion of a s106 obligation.

RECOMMENDATION

That the application be **APPROVED** subject to the completion of a Section 106 Obligation to secure the following:

- Provision of 15% affordable housing on site;
- Financial contribution totalling £31,482.00 towards offsite open space and recreational provision, payable in a single instalment prior to the occupation of the first dwelling, and a minimum 660m² of usable on-site amenity open space provided on a pro rata basis.

And the following conditions:

1. Time limit – Reserved matters

Application for approval of reserved matters shall be made to the Local planning authority before the expiration of three years beginning with the date of this permission and the development must be begun not later than the expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the date of approval of the last of the reserved matters to be approved.

Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. Reserved matters

Approval of the details of layout, scale, appearance and landscaping (hereinafter called "the reserved matters") shall be obtained in writing from the Local planning authority before any development is commenced.

Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

3. Approved plans

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

21-18/LP-C (Location Plan), received 06 June 2022

D-1002 (Proposed site access), received 06 June 2022

Reason: To define the consent and ensure that a satisfactory form of development is obtained.

4. Dwelling limits
The development hereby approved shall comprise no more than 20no. dwellings with each not exceeding a maximum 2 storey scale.

Reason: To define the consent in the interests of proper planning.

5. M4(2) standard
No development other than site clearance or remediation works shall commence until a scheme to detail how at least 66% of the total number of units approved comply with Building Regulations M4(2) Accessible and Adaptable Dwellings shall be submitted for approval alongside an application for reserved matters for the scheme. The development shall thereafter be carried out in accordance with the approved details.

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

6. Accessible and adaptable dwellings
A scheme detailing how at least 10% of the total number of units approved will be constructed to a design and type which meet the needs of older people, shall be submitted for approval alongside an application for reserved matters for the scheme. Thereafter the development shall be carried out fully in accordance with the approved details.

Reason: To meet the housing needs of older people and people with disabilities in accordance with Policy 15 of the County Durham Plan and Part 5 of the NPPF. Required to be pre-commencement to ensure that an acceptable scheme can be agreed and incorporated into the development before site works commence

7. Mitigation
No development shall take place unless in accordance with the mitigation detailed within Section 4 and 5 of the EclA report (Whitcher Wildlife, December 2021).

Reason: To conserve protected species and their habitat in accordance with Part 15 of the NPPF and Policy 41 of the County Durham Plan.

8. Highways
Prior to the commencement of development hereby approved, full highway engineering details for improvements to the access road shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details prior to the first occupation of the dwellings hereby approved.

Reason: In the interests of highway safety in accordance with Policy 21 of the County Durham Plan.

9. Car parking
All off street parking areas as approved through reserved matters shall be constructed, marked out and made available for use prior to the commencement of development of the dwellings and made available at same time as new site entrance becomes operational. Thereafter the car parking spaces shall be used and maintained in such a manner as to ensure their availability at all times for the parking of vehicles.

Reason: In the interests of highway safety in accordance with the requirements of Policy 21 of the County Durham Plan.

10. Surface water drainage

No development other than site clearance or remedial works shall commence until a scheme for the provision of foul water drainage works based on the principles set out in the Flood Risk Assessment and Outline Drainage Strategy Report Rev P02, date 23.09.21 has been submitted for approval alongside an application for reserved matters for the scheme. The drainage work shall be completed in accordance with the approved details and timetable agreed.

Reason: To prevent pollution of the water environment in accordance with Part 14 of the NPPF and Policies 35 and 36 of the County Durham Plan

11. Foul water drainage

A scheme for the provision of foul water drainage works shall be submitted for approval alongside applications for reserved matters. The drainage works shall be completed in accordance with the approved details and timetable agreed.

Reason: To prevent pollution of the water environment and mitigate flood risk in accordance with Part 14 of the NPPF and Policies 35 and 36 of the County Durham Plan

12. Contaminated Land (Phase 2-3)

No development other than site clearance or remedial works shall commence until a Phase 2 site investigation shall be carried out, which shall include a sampling and analysis plan. If the Phase 2 identifies any unacceptable risks, a Phase 3 remediation strategy shall be produced and where necessary include gas protection measures and method of verification.

Reason: To ensure that the presence of contamination is identified, risk assessed and proposed remediation works are agreed in order to ensure the site is suitable for use, in accordance with Part 15 of the National Planning Policy Framework.

13. Contaminated Land (Phase 4)

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

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

14. Land Stability

No development other than site clearance or remedial works shall commence until;
a) a scheme of intrusive site investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and;
b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.
The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

Reason: The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 183 and 184 of the National Planning Policy Framework.

15. Land Stability Verification

Prior to the occupation of the development, or it being taken into beneficial use, a verification report confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason: In order to ensure the safety and stability of the development, in accordance with paragraphs 183 and 184 of the National Planning Policy Framework.

16. Construction

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 0800 to 1400 on Saturday. No internal works audible outside the site boundary shall take place on the site other than between the hours of 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.

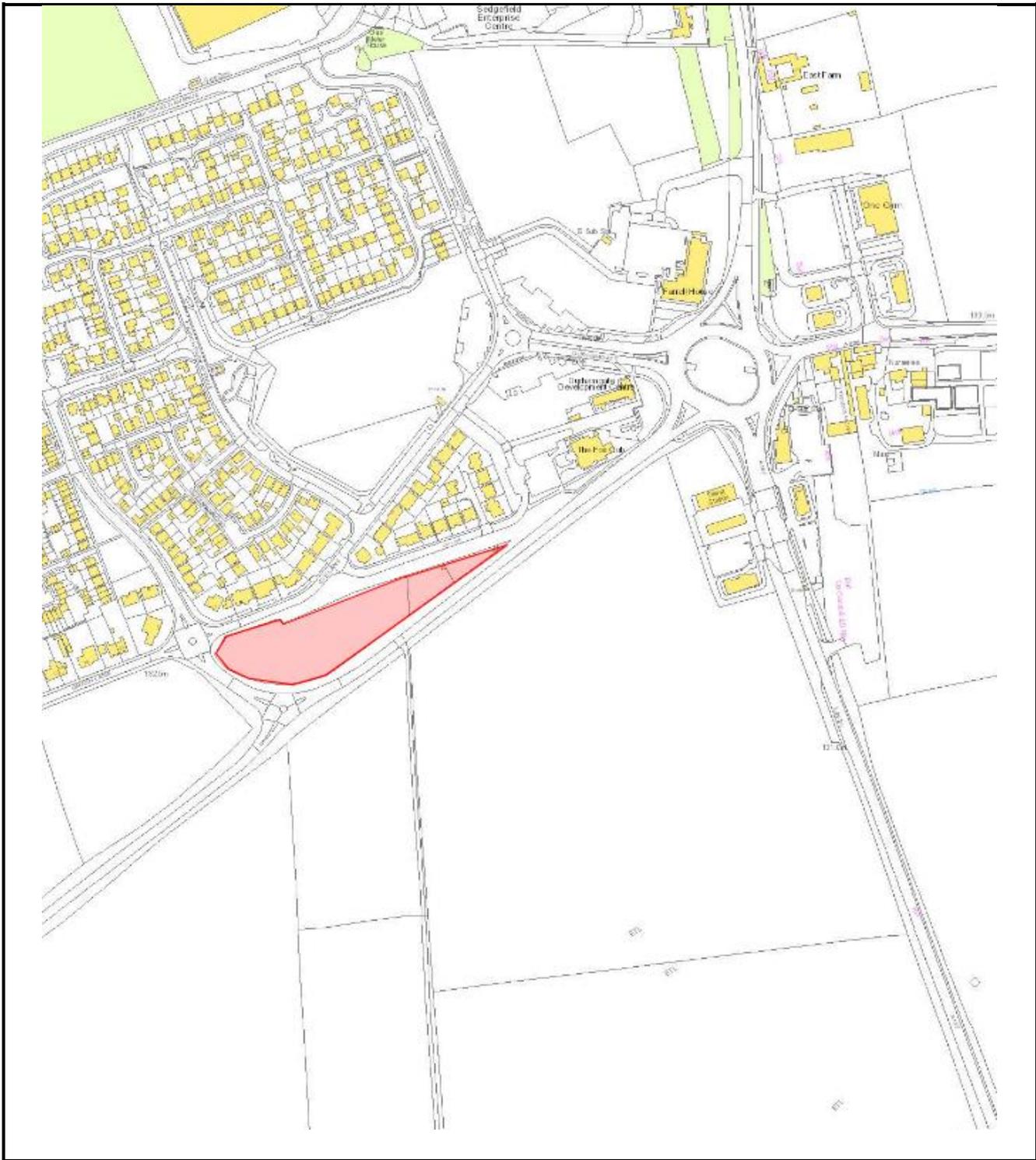
Reason: In the interests of the privacy/amenities of neighbouring occupiers and to comply with Policy 31 of the County Durham Plan.

STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at its decision have, without prejudice to a fair and objective assessment of the proposals, issues raised, and representation received, sought to work with the applicant in a positive and proactive manner. The Local Planning Authority have sought to ensure that this application has been determined within a mutually agreed extended determination period. All pre-commencement conditions have been agreed in advance with the applicant as necessary.

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documents
National Planning Policy Framework
The County Durham Plan (CDP)
Statutory consultation responses
Internal consultation responses
External consultation responses



Planning Services

Residential development of up to 20no. dwellings (Outline - some matters reserved)

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Comments	