

COMMITTEE REPORT

APPLICATION DETAILS

Application No:	DM/22/01017/FPA
Full Application Description:	14no. Affordable rent dwellings comprising 10no. wheelchair user bungalows and 4no. houses with associated landscaping and access
Name of Applicant:	Canney Communities CIC
Address:	Land to the Southeast of Canney Hill, Coundon Gate, DL14 8QN
Electoral Division:	Coundon
Case Officer:	Gemma Heron (Senior Planning Officer) Tel: 03000 263 944 Email: gemma.heron@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSAL

The Site

1. The application site relates to an undeveloped grass field (measuring approximately 0.48 hectares) located to the east of Canney Hill and north west of the A688 Bishop Auckland bypass. The site is bordered by residential development on Canney Hill to the west, Hazelbank to the south and a new residential development to the north. A shelterbelt of trees forms the eastern site boundary providing screening to the A688 carriageway, situated at a lower level compared to the application site. The site generally slopes from west to east with a level change of approximately 3 metres.

The Proposal

2. Full planning permission is sought to construct 14no. dwellings for affordable rent comprising 2no. wheelchair user bungalows, 8no. bungalows and 4no. two storey dwellings. The dwellings would be laid out in an informal courtyard arrangement in a mix of detached, semi-detached and short terraces. All dwellings would be designed to meet Nationally Described Space Standards (NDSS) and be compliant with M4(2). The 2no. wheelchair user bungalows will be built to comply with Building Regulations M4(3). The wider site would

incorporate landscaping treatment and a sustainable drainage system (SuDs) with access being from the adjacent residential cul de sac to the north.

3. The application is submitted by Canney Communities who are a community-led housing group established in August 2019 and registered as a Community Interest Company (CIC) in partnership with a registered provider.
4. The application is being reported to planning committee in accordance with the Council's Scheme of Delegation as it constitutes a housing development which exceeds 10 dwellings.

PLANNING HISTORY

5. No relevant planning history.

PLANNING POLICY

National Policy

6. 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.
7. NPPF Part 2 Achieving Sustainable Development - The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three overarching objectives - economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.
8. NPPF Part 4 Decision-making - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
9. NPPF Part 5 Delivering a Sufficient Supply of Homes - To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
10. NPPF Part 6 Building a Strong, Competitive Economy - The Government is committed to securing economic growth in order to create jobs and prosperity,

building on the country's inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.

11. NPPF Part 8 Promoting Healthy and Safe Communities - The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
12. NPPF Part 9 Promoting Sustainable Transport - Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
13. NPPF Part 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.
14. 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.
15. 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.
16. NPPF Part 16 Conserving and Enhancing the Historic Environment – Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of existing and future generations,

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

National Planning Practice Guidance:

17. 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)

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

23. *Policy 25 (Developer Contributions)* advises that any mitigation necessary to make the development acceptable in planning terms will be secured through appropriate planning conditions or planning obligations. Planning conditions will be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Planning obligations must be directly related to the development and fairly and reasonably related in scale and kind to the development.
24. *Policy 26 (Green Infrastructure)* states that development will be expected to maintain and protect, and where appropriate improve, the County's green infrastructure network. Advice is provided on the circumstances in which existing green infrastructure may be lost to development, the requirements of new provision within development proposals and advice in regard to public rights of way.
25. *Policy 27 (Utilities, Telecommunications and Other Broadcast Infrastructure)* supports such proposals provided that it can be demonstrated that there will be no significant adverse impacts or that the benefits outweigh the negative effects; it is located at an existing site, where it is technically and operationally feasible and does not result in visual clutter. If at a new site then existing site must be explored and demonstrated as not feasible. Equipment must be sympathetically designed and camouflaged and must not result in visual clutter; and where applicable it proposal must not cause significant or irreparable interference with other electrical equipment, air traffic services or other instrumentation in the national interest.

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

26. *Policy 29 (Sustainable Design)* requires all development proposals to achieve well designed buildings and places having regard to SPD advice and sets out 18 elements for development to be considered acceptable, including: making positive contribution to areas character, identity etc.; adaptable buildings; minimising greenhouse gas emissions and use of non-renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; and suitable landscape proposals. Provision for all new residential development to comply with Nationally Described Space Standards, 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, 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. *Policy 44 (Historic Environment)* seeks to ensure that developments should contribute positively to the built and historic environment and seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets. The policy advises on when harm or total loss of the significance of heritage assets can be accepted and the circumstances/levels of public benefit which must apply in those instances.
37. *Policy 56 (Safeguarding Mineral Resources)* states that planning permission will not be granted for non-mineral development that would lead to the sterilisation of mineral resources within a Mineral Safeguarding Area. This is unless it can be demonstrated that the mineral in the location concerned is no longer of any current or potential value, provision can be made for the mineral to be extracted satisfactorily prior to the non-minerals development taking place without unacceptable adverse impact, the non-minerals development is of a temporary nature that does not inhibit extraction or there is an overriding need for the non-minerals development which outweighs the need to safeguard the mineral or it constitutes exempt development as set out in the Plan. Unless the proposal is exempt development or temporary in nature, all planning applications for non-mineral development within a Mineral Safeguarding Area must be accompanied by a Mineral Assessment of the effect of the proposed development on the mineral resource beneath or adjacent to the site of the proposed development.
38. 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:

39. 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:

40. *Lead Local Flood Authority* – No objection, the proposed surface water management for the proposed development is acceptable.

41. *Highways Authority* – Advise that the proposal is satisfactory on highways safety grounds subject to conditions requiring the submission of full engineering details of the access and that the access road that will need to be constructed prior to the first occupation of the development. The applicant has satisfactorily confirmed the land of unknown ownership will be determined via the process under S228 of the Highways Act 1980 which allows for the adoption of land in unknown ownership which can be incorporated into a S.38 Agreement.
42. *The Coal Authority* – No objection to the proposed development. However, further, more detailed considerations of ground conditions and foundation design may be required as part of any subsequent buildings regulations application.

Non-Statutory Responses:

43. *Spatial Policy* – Advise that within the CDP this site is treated as a windfall proposal as this site is not allocated for housing within Policy 4. The site is contained to the east by the A688 so Policy 6 (Development on Unallocated Sites) would be relevant to assessing the proposal.

The site has not been considered within the Council's Strategic Housing Land Availability Assessment (SHLAA) for its appropriateness for housing, however, the land parcel is sandwiched between two sites which have both been developed out for housing (Ref: 3/BA/48 and 3/BA/54 respectively). In both cases, housing was found to be acceptable, and the application site shares similar characteristics to both sites.

In terms of open space, a contribution of £24,347.00 should be sought to provide off site open space.

44. *Affordable Housing Team* – Affordable Housing provision should reflect the requirements of local residents in respect of property type, size and location. The site is proposing to provide a 100% affordable housing scheme as a mixed development of 2 and 3 bedroomed homes and bungalows. Given the specialist nature of this development to provide much needed affordable rented units for households with support needs no objection is raised that all units would be provided as a single tenure, thus ensuring affordable rented properties in the locality long term.
45. *Viability* – Following a detailed analysis of the costs and revenues of the development submitted for consideration, the limited viability of the scheme allows for the Local Planning Authority to waive the contributions in relation to open space from the Section 106 agreement.
46. *Ecology* – Advise that while the development would maintain small area of habitat on site, it will still result in a net loss). In order to ensure a net gain is achieved and offsite contribution of £7,000 to deliver biodiversity net gain is sought. The recommendations and mitigation detailed in Section 6 of the EclA Report should be conditioned, including but not restricted to: the provision of integrated bat and bird boxes into the new dwellings on the site as detailed in the EclA; the seed mixes/species list, establishment methodology and management of the onsite habitats to be created; sensitive timing of works for breeding birds, and careful working methods and mitigation for hedgehogs.

47. *Landscape Section* – Advise that the revised landscape information is acceptable.
48. *Education* – No requirement for financial contribution.
49. *Environmental Health Nuisance* – The development is considered to be noise generating during the development phase and noise sensitive once operational. The applicant has provided a noise impact assessment which is carried out to suitable methodologies and identifies relevant mitigation measures to protect future occupants. These include boundary treatments and ventilation. As such a relevant condition should be applied requiring that the measures stated within the noise assessment are installed on the completed project.

In relation to the development phase, there are concerns regarding impact upon neighbouring amenity due to construction noise. A construction hours condition is sufficient to mitigate the potential of statutory nuisance.

50. *Environmental Health Contamination* – No objection and recommend that a condition requiring the submission of Phase 2 – 4 Report is attached.
51. *Archaeology* – The site is known to be one of an historic pottery. This was shown on the first edition Ordnance Survey of 1850s and was cleared sometime around the 1940s. Remains of this may still survive and therefore, archaeological works in the form of a watching brief is required to allow recording of any remains that may be encountered which can be secured via condition.
52. *Tree Officer* – The site has a shelterbelt woodland just off site along its southeast boundary, between it and the A688. The area is not protected by a TPO or conservation Area. The proposed design will not require the removal of any trees and those buildings on the woodland side of the site are outside the Root Protection Area of those trees. Should approval be granted, a condition should be attached to ensure appropriate tree protection fencing is installed prior to commencement of any works on the site to ensure the integrity of the root protection area of the adjacent woodland.
53. *Design and Conservation* – The proposed site layout comprises dwellings located around a shared courtyard space which is considered appropriate for the size of the site and the layout of the dwellings from a design perspective. With regard to detailed design, the applicant has proposed a simple, contemporary approach to architecture with a limited material palette, which responds to an assessment of the local character, architectural detailing and materials. This approach is welcomed and addresses the comments previously provided in relation to responding positively to the local material palette.

External Consultees

54. *NHS* – No requirement for any financial contributions.
55. *Northumbrian Water Ltd* – No response received.

Public Responses:

56. The application has been advertised by way of a site notice, press notice and individual notification letters sent to neighbouring properties.
57. Seven letters of objection have been received raising concerns over the following issues:-
- Health and safety issues in relation to no safe access as the road is not suitable with the site often blocked due to existing residents parking on footpaths.
 - Believed that this site would not be developed for housing when purchased house.
 - Concerns with the existing access being a thoroughfare for 14 houses and impact upon children playing in the area.
 - The existing street is not wide enough for two cars to safely pass.
 - Concerns over the construction traffic.
 - The company that built the housing estate, CMW Utilities Ltd, still owns a metre strip of land where the planned access is required and would not allow this to be used for access.
 - Concerns over the occupation of the dwellings and if a disabled person no longer lives there, that the property would not necessarily be occupied by another disabled person.
 - Concerns over the layout of the site. It would be less intrusive to current residents if the dwellings were built along the tree line on the A688.
 - Quality of the land as it was used as a landfill in the 1960s/70s when there were no restrictions in place regarding what could be tipped into the ground.
 - Concerns over increased traffic.
 - Current obstruction of drivers view at the existing junction leading to safety concerns.
 - The existing lane and area experiences flooding when there is substantial rainfall and the application site acts as a soakaway for this. The proposal would exacerbate the flooding issue in the area.
 - Loss of privacy via overlooking into habitable rooms.

Applicants Statement:

58. Canney Communities CIC was set up in August 2019 as a Community Led Housing Group, founded by a group of like-minded individuals who had a vision of enabling disabled people and carers to be at the forefront of developing much needed accessible homes. Canney Communities have been working with Durham County Council's Housing Development Team since 2018 to provide specialist supported housing for persons with various disabilities on the applicant site.
59. Canney Communities were successful in obtaining funds from the Community Housing Fund via Homes England to begin work on site surveys and community engagement.
60. In early February 2020, Canney Communities went door-to-door explaining their vision and proposals and using this opportunity to engage with local residents to ascertain their thoughts on the scheme and offered them an invite to an in-person consultation event held in late February 2020.

61. The consultation was held at the local Park Head Hotel and offered the opportunity for local residents to come together, voice their opinions, see the proposed layout of the scheme as shown by the architect with the use of visuals, and have any concerns/questions addressed. A housing needs survey was also given to all attendees/local residents, along with contact details for Canney Communities and offered those who wanted to be kept up to date with the scheme to leave their contact details.
62. The consultation event indicated that there was support from local residents for an accessible housing development, both from those with physical disabilities and older residents whose current homes were no longer suitable.
63. Since our in-person consultation in spring 2020, we have used social media, email, and postal services (89 households) to update interested parties on our progress. As a result, we have fielded queries from several individuals and groups, from which 3 households have expressed an interest in registering for one of our dwellings.
64. All queries have been dealt with to the satisfaction of the enquirers and have covered topics such as removal of footpath to Hazelbank, SUDS tank, and general access to the site. We have welcomed all callers from the general public and are endeavouring to keep them in the loop via all means possible as we proceed.
65. A small group of disabled people and their families are involved in supporting the development, one of whom has been seeking accessible accommodation for their family for over seven years. Other families are involved to explore the possibility of supporting their family member to move into independent living in the future and share a home with friends. To date we have had interest in 50% of the proposed properties.
66. More recently, consultation has begun to involve people who live in supported living in the town and who will be in need of more accessible and modern homes in the future. They will be actively supported to contribute to the development.
67. A further consultation event was held in a Bishop Auckland town centre venue during Aug-22 and well-attended by some 20 people.
68. A cornerstone of Community Led Housing is to ensure that all residents are actively involved in managing their homes on an ongoing basis and this is what we are aiming to achieve for this development in Canney Hill.

PLANNING CONSIDERATION AND ASSESSMENT

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

Principle of Development

70. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The County Durham Plan (CDP) 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.
71. Paragraph 11c of the NPPF requires applications for development proposals that accord with an up to date development plan to be approved without delay. Paragraph 12 of the NPPF states that where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.
72. CDP Policy 1 sets out the quantum of development to meet the needs for housing over the Plan period. A large proportion of the housing need consists of already committed sites, including those sites with planning permission. The application site is not allocated for housing within Policy 4 of the CDP and is within the built-up area of Canney Hill. Therefore, the application falls to be considered against CDP Policy 6, this policy sets out that the development of sites which are not allocated in the plan or a Neighbourhood Plan within a built up area which accord with all relevant development plan policies, and which:
 - a. are compatible with, and not prejudicial to, any existing, allocated or permitted use of adjacent land;
 - b. do not contribute to coalescence with neighbouring settlements, would not result in ribbon development, or inappropriate backland development;
 - c. do not result in the loss of open land that has recreational, ecological or heritage value, or contributes to the character of the locality which cannot be adequately mitigated or compensated for;
 - d. are appropriate in terms of scale, design, layout, and location to the character, function, form and setting of the settlement;
 - e. would not be prejudicial to highway safety or have a severe residual cumulative impact on network capacity;
 - f. have good access by sustainable modes of transport to relevant services and facilities and reflects the size of the settlement and the level of service provision within that settlement;
 - g. do not result in the loss of a settlement's or neighbourhood's valued facilities or services unless it has been demonstrated that they are no longer viable;

- h. minimise vulnerability and provides resilience to impacts arising from climate change, including but not limited to, flooding;
- i. where relevant, make as much use as possible of previously developed (brownfield) land; and
- j. where appropriate, reflect priorities for urban regeneration.

It is considered that criteria a), b), c), d), e) and f) will be the most relevant in this case, all of which are covered in more detail in the main body of this report.

- 73. The proposals would comprise a mix of house types including bungalows located within an existing residential setting. The site is bound to the north, south and west by existing residential development as well as the A688 to the east and is considered to be within the existing settlement of Coundon. The site is located adjacent to the main approach into Bishop Auckland settlement to the south west and is well served by existing public transportation infrastructure and links to local services. The application site is considered to be in a sustainable location.
- 74. The site has not been considered within the Council's Strategic Housing Land Availability Assessment (SHLAA) for its appropriateness for housing, however, the land parcel is sandwiched between two sites to the north east and south west which have both been developed out for housing (Ref: 3/BA/48 and 3/BA/54). In both cases, housing was found to be acceptable, and the current application site shares similar characteristics to both of these sites.
- 75. With the principle of re-developing this site considered to be acceptable under Policy 6 of the CDP, the main issue with this proposal is whether the impacts in terms of landscape, townscape and integration with the settlement pattern and form would be within acceptable parameters. Subject to the above and the following material planning considerations, no objections are raised to the principle of the development which is consistent with Policy 6 of the CDP and principles of the NPPF.

Locational Sustainability of the Site

- 76. Criteria f of Policy 6 of the CDP requires that developments on unallocated sites have good access by sustainable modes of transport to relevant services and facilities and reflects the size of the settlement and the level of service provision within that settlement. Policy 21 of the CDP 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. Policy 29 of the CDP 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.

77. The NPPF sets out at Paragraph 105 that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. At paragraph 110 the NPPF 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.
78. In considering this, the application site is located within Canney Hill, bound by existing residential development to the north, west and south with the A688 to the east. The CIHT 'Proving for Journeys on Foot' document contains suggested acceptable walking distances for pedestrians to access facilities and services. In terms of access to bus routes, a walk of 400m falls within the 'desirable' range. There are two existing bus stops within 65 metres from the access of the site which is well within the 400 metres desirable range which would comply with this standard. Also, there is an existing highway and footpath links from the application site into Bishop Auckland with its town centre being located approximately 1500 metres as the crow flies where there is a wide range of facilities and services.
79. Overall, it is considered that the site has access to an array of services and facilities to serve the development proposed and that these are within a relatively easy reach of the site and can be accessed by public transport. Established bus services, walking and cycling routes would give future residents alternative options to the private motor car to access services and facilities.
80. In conclusion, the development would promote accessibility by a range of methods in accordance with Policy 6 criterion f, Policies 21 and 29 of the County Durham Plan and the National Planning Policy Framework.

Highway Safety/Access

81. 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. Policy 6 criteria (e) requires development to not be prejudicial to highway safety or have a severe residual cumulative impact on network capacity.
82. 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.
83. Concerns have been raised by objectors in relation to highway safety of the site. These concerns range from the impact of increased traffic, the width of the existing highway, parking, visibility and how this impacts highway safety. Concerns have also been raised in relation to the ownership of a 1 metre section of land between the application site and the adopted highway. Objections have also been raised regarding the accessing the development through an existing cul-de-sac.

84. The Council's Highways Team have reviewed the application and assessed the proposal against the Council's Parking and Accessibility Standards. They conclude that with the proposed access route, highway geometry and parking provision is acceptable and that the proposal would not adversely impact on highway safety. Conditions are however recommended requiring the submission of full engineering details of the access and the completion of the access road prior to the first occupation of any of the dwellings. The development will also require the provision of an electric vehicle charging point per dwelling which to be secured by planning condition.
85. In relation to the land ownership concerns, the Highways Team have confirmed that in discussion with the applicant, this can be address under the process for completing a Section 228 application under the Highways Act 1980 which allows for the adoption of land in unknown ownership. A Grampian condition will be used to require the completion of the access road before development commences.
86. Overall, whilst recognising local objections subject to conditions, the proposals are not considered to adversely affect highway or pedestrian safety and would accord with CDP Policies 6 and 21 and Part 9 of the NPPF.

Scale/Design/Landscaping and Visual Impact

87. CDP Policy 6 criterion d) requires that development on unallocated sites is appropriate in terms of scale, design, layout and location to the character, function, form and setting of the settlement.
88. CDP Policy 29 outlines that development proposals should contribute positively to an area's character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities. In total, Policy 29 sets out 18 elements for development to be considered acceptable, including: buildings being adaptable; minimising greenhouse gas emissions and use of non-renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; and suitable landscape proposals.
89. CDP Policy 39 states proposals for new development will be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals would be expected to incorporate appropriate measures to mitigate adverse landscape and visual effects.
90. CDP Policy 40 seeks to avoid the loss of existing trees and hedgerows unless suitable replacement planting is provided.
91. Parts 12 and 15 of the NPPF also seek to promote good design, while protecting and enhancing local environments. Paragraph 127 of the NPPF also states that planning decisions should aim to ensure developments function well and add to the overall quality of the area and establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit.

92. The application site is located within an established residential setting comprising a mix of older terrace properties to the west and larger new build detached units to the north and south. The site currently comprises a grassed field bordered to the north, south and west by existing residential development. To the east is a shelterbelt of broadland trees which provides extensive screening from the A688 carriageway beyond, which is set at a lower level than the application site.
93. The site is not located within a conservation area and contains no designated heritage assets. Also, there are no other landscape designations on the land and none of the trees are protected by a Tree Preservation Order.
94. The Design and Conservation Team have been consulted on the application and comment that the site layout around a shared courtyard is considered appropriate for the size of the site and the layout of the dwellings from a design perspective.
95. With regard to detailed design, the applicant has proposed a simple, contemporary approach to architecture with a limited material palette, which responds to an assessment of the local character, architectural detailing and materials. This approach is welcomed and addresses the comments previously provided in relation to responding positively to the local material palette.
96. Although bungalows would introduce a new housing form, these would not appear incongruous to their residential surrounds and provide a much-needed housing mix to the area in accordance with Policy 19 of the CDP.
97. The application is submitted alongside a detailed landscaping scheme and Arboricultural Impact Assessment, both of which are acceptable by the Landscape Team and the Tree Officer. The proposed design would not require the removal of any trees to the east, with buildings on the woodland side of the site being located outside the Root Protection Area of those trees. In this respect, the proposal complies with Policy 40 of the CDP.
98. A condition will be attached to ensure that appropriate tree protection fencing is installed prior to the commencement of the development to ensure the integrity of the root protection area of the adjacent woodland.
99. Therefore, the proposal complies with Policies 6, Policy 29, Policy 39 and 40 of the County Durham Plan in terms of design and landscape impacts, alongside Parts 12 and 15 of the National Planning Policy Framework.

Residential Amenity

100. 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.
101. 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.

102. A Residential Amenity Standards Supplementary Planning Document (SPD) has been adopted by the Council, which recommends that dwellings should benefit from private, usable garden space of at least 9 metres long. In considering this, each of the dwellings have a private amenity space which complies with the required 9 metres distance set out in the Residential Amenity Standards SPD.
103. The Residential Amenity Standards SPD also sets out the following separation distances for new development to comply with. It states that a minimum distance of 21.0m between habitable room windows, where either dwelling exceeds single storey, and a minimum of 18.0m between habitable room windows and both dwellings are single storey should be achieved. Where a main facing elevation containing a habitable rooms window is adjacent to a gable wall which does not contain a habitable room window, a minimum distance of 13.0m shall be provided where either dwelling exceed single storey or 10.0m where both dwellings are single storey.'
104. In regard to separation distances, the 4no. dwellings on the western section of the site are two storey and there will be at least 25 metres separation between the main facing elevation with habitable windows and the two storey dwellings to the west of the application site. The layout of the site allows for the development to comply with the required separation distances as set out in the Residential Amenity Standards SPD apart from Plot 10.
105. In relation to Plot 10, this dwelling would be a single storey bungalow with a gable elevation facing towards No.1 Potters Close which is a two-storey dwelling that has a main facing elevation directed towards the gable elevation. It is considered there would be a substandard separation distance of 10 metres between these two properties where the SPD would require there to be 13 metres. In reviewing this, although a 13 metres distance would be desirable, the SPD is guidance. No.1 Potters Close would face towards a hipped style roof which would reduce the massing and perceived overbearing from the new bungalow to acceptable level. Notwithstanding this the non-compliance with the required separation distances needs to be weighed in the overall planning balance of the application.
106. Given the non-compliance with the separation distances outlined above, it is considered to be reasonable and necessary to remove permitted development rights for Plot 10 in order to protect the amenity of neighbouring resident due to the close relations. Also, Plots 7, 8 and 9 are close in proximity to the existing residential development to the south of the application site and it is considered reasonable and necessary to remove the permitted development rights for these plots too. This would ensure that the Local Planning Authority can retain control over any further development on the site and would allow for continued consideration of the impacts of any future development upon the residential amenity.
107. Environmental Health Officers have been consulted on the application and have reviewed the submitted Noise Assessment. They state that the development is considered to be noise generating during the development

phase and noise sensitive once operational. The submitted Noise Impact Assessment has been carried out to suitable methodologies and identified relevant mitigation measures to protect future occupants which include boundary treatments and ventilation. These include a 3 metre high acoustic grade boundary fence along the eastern and a section of both the north and south boundaries; acoustic grade 1.8-metre-high close boarded fence to the rear of Plots 1-2; 9-14 and acoustic grade 1.2 metres high close boarded fence in between the gardens of each plot. This information has been reviewed by Environmental Health Officers who comment that the mitigation proposed is acceptable and a condition should be require these measures to be installed on the completed project.

108. Overall, subject to conditions, the proposals are considered to provide a good standard of amenity for existing and future residents, according with CDP Policy 29(e) and 31 and Part 12 and 15 of the NPPF. The non-compliance with the separation distances for Plot 10 is required to be weighed in the planning balance.

Infrastructure and open space provision

109. Policy 26 of the CDP (Green Infrastructure) seeks to resist development proposals which would result in the loss of open space or harm to green infrastructure, unless the benefits of the development clearly outweigh that loss or harm, and an assessment has been undertaken which has clearly shown the open space or land to be surplus to requirement.
110. The application site comprises an area of privately owned, contained scrubland which is not designated as amenity open space within the Open Space Needs Assessment. There are no Public Rights of Way (PROWs) across the site which would otherwise allow for public access through the land and there are nearby areas of usable amenity space to the north in the form of allotments and accessible natural green space. In considering this, there would be no objection in principle to the loss of this grassland and the proposal would comply with Policy 26 in this regard.
111. It is important to ensure that development proposals contribute to improvements in infrastructure capacity to mitigate for the additional demands that new development creates. By securing financial contributions through planning obligations, developers would help fund the physical, social and environmental infrastructure that is needed to make development acceptable and ensure that the development mitigates its impact upon existing infrastructure.
112. Policy 25 of the CDP 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. 215. Paragraphs 55-58 of the NPPF explain the circumstances when it is appropriate for planning obligations to be used to mitigate the impacts of the development.
113. Policy 26 of the CDP outlines that new residential developments will be required to make provision for open space to meet the needs of future residents having regard to the standards of open space provision set out in the Open Space Needs Assessment (OSNA). Where it is determined that on-site provision is not

appropriate, the Council will require financial contributions to be secured through planning obligations towards the provision of new open space, or the improvement of existing open space elsewhere in the locality.

114. Paragraph 98 of the NPPF highlights that access to a network of high-quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities. Paragraph 130 requires amongst its advice that developments function well and optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space).
115. The Council's Open Space Needs Assessment (OSNA) 2018 is considered the most up to date assessment of need. It identifies the five typologies (allotments; amenity/natural greenspace; parks, sports and recreation grounds; play space (children) and play space (youth), sets out requirements for public open space on a population pro rata basis and whether provision should be either within the site, or through a financial contribution towards offsite provision, in lieu taking into consideration factors such as the scale of the development, existing provision within suitable walking distances and the level of contribution sought.
116. Given the scale of the development, it would generally be expected that all amenity space and play space would be provided through a commuted sum secured by a legal agreement. In this respect the Council's Spatial Policy Team confirmed that a contribution of £24,347.00 should be sought for open space. However, the applicant has advised that this contribution would make the development economically unviable.
117. Policy 25 of the CDP sets out that planning applications which do not propose policy compliant levels of affordable housing and/or obligations necessary to mitigate the impact of development will need to be supported by a robust viability assessment. This approach is replicated in the NPPF and the NPPG setting out that where up-to-date policies have set out the contributions expected from development, planning applications that fully comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage.
118. Accordingly the applicant has submitted a detailed viability appraisal setting out in detail the costs and revenues associated with the development. This information has been reviewed by the Council's Viability Team. It is advised that based on the information submitted the costs of the open space contribution could not be borne by the development and remain viable. The lack of mitigation in respect of open space is required to taken into account in the planning balance.
119. 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.

120. The Council's Education Team have been consulted on the application and confirm there is no requirement in this instance for a financial contribution for education.
121. 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.
122. The NHS have been consulted as part of the application and confirm that there is no requirement in this instance for a financial contribution for the NHS.
123. Overall, no financial contributions for education or the NHS are required to be secured via this application as confirmed by our consultees. Therefore, the proposal is compliant with Policy 25 of the County Durham Plan and Paragraph 34 of the National Planning Policy Framework.

Affordable, Accessible and Adaptable Homes

124. Policy 15 of the CDP requires applications for 10no. or more units to provide a percentage of Affordable Housing provision which is accessible, adaptable and meets the needs of those residents unable to access the open housing market. The application site is located within a low value area where 10% of the approved units must be provided for affordable home ownership. Since the CDP was adopted, the Government's First Homes policy has come into force and requires a minimum of 25% of all affordable housing units secured through developer contributions to be First Homes. The 25% expected First Homes contribution for any affordable product can make up or contribute to the 10% of the overall number of homes expected to be an affordable home ownership product on major developments as set out in the NPPF.
125. Based on a scheme of 14no. units, this equates to a minimum of 1no.unit. In accordance with Policy 15 of the CDP, this would need to be provided as discount market sale. The supporting 'Affordable Housing' statement confirms that the proposal would seek to provide a 100% affordable housing scheme as a mixed development of 2- and 3-bedroom homes and bungalows meet local housing needs for supported affordable housing in Bishop Auckland. Although it is unclear whether Canney Communities CIC are a Registered Provider (RP), the applicant will be utilising Homes England grant funding to deliver the scheme and as a consequence, all units will need to be tied as affordable housing (via a Section 106 agreement) to ensure they remain so in perpetuity, the applicant has agreed to this requirement. The benefits of securing affordable home ownership is considered to outweigh the lack of first home products on the development.
126. Although Policy 15 of the CDP requires a minimum of 1no. unit for discount market sale, the application proposes 100% affordable rent. The Council's Affordable Housing Team have been consulted on the application and offer no objection given the specialist nature of the development to provide a much-needed affordable rented units for households with support needs. The Housing

Team comment that the information provided in the application demonstrates that the units will meet the affordable needs of the area in respect of location and as such the Affordable Housing Team are happy with the proposal. In respect of affordable housing, the proposal complies with the requirements of Policy 15 of the CDP.

127. CDP Policy 15 also states that in order to meet the needs of older people and people with disabilities, on sites of 5 units or more, 66% of dwellings must be built to Building Regulations Requirement M4 (2) (accessible and adaptable dwellings) standard. Furthermore, on sites of 10 or more, a minimum of 10% of the total number of dwellings on the site should be of a design and type that will increase housing options of older people. These properties should be built to M4(2) standard and would contribute to meeting the 66% requirement set out above. They should be situated in the most appropriate location within the site for older people. Appropriate house types considered to meet this requirement include:
- Level access flats;
 - Level access bungalows; or
 - Housing products that can be shown to meet the specific needs of multi-generational family.
128. In this regard, 9no. of the 14no. units proposed would be required to be built to M4(2) standard and 1no. of the 14no. units would be required to be of a type suitable for older people. The proposed layout of the site includes 10no. bungalows which would meet and exceed the policy requirement of Policy 15. Also, information has been submitted to show that all of the site would comply with either M4(2) or M4(3) standard which also surpasses the requirement of Policy 15 of the CDP.
129. Overall, the application proposes 100% affordable housing for rent, over 10% of units would be suitable for older people and the scheme will be fully compliant with either M4(2) or M4(3) standards. The proposal would comply with Policies 15 and 29 of the County Durham Plan in this regard.

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 ensure new development minimises 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.
131. The application is submitted alongside an Ecological Impact Assessment and Defra Biodiversity Metric. It is concluded that the proposal would fail to achieve a net gain in biodiversity which is against the requirements of planning policy and the Environment Act 2021.
132. However, the applicant has confirmed that they wish to address the proposed biodiversity losses by a financial contribution to provide the required offset. As

advised by the Councils Ecology team the amount of financial contribution therefore required to ensure a minor net gain will be £7,000.00. The applicant has agreed to secure this by a Section 106 planning agreement.

133. Subject to the above, the proposal will be acceptable in accordance with Policy 41 of the County Durham Plan and Paragraph 180 of the National Planning Policy Framework subject to adherence to the working methods outlined in Section 6 of the EclA Report being conditioned.

Heritage and Archaeology

134. Policy 44 (Historic Environment) of the County Durham Plan seeks to ensure that developments should contribute positively to the built and historic environment and seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets. The policy advises on when harm or total loss of the significance of heritage assets can be accepted and the circumstances/levels of public benefit which must apply in those instances.
135. The application site is not located within a Conservation Area and there are no Listed Buildings or structures within the immediate vicinity. The Council's Archaeology Team have been consulted and comment that the site is known to be of an historic potter which was shown on the first edition Ordnance Survey of 1850s and was cleared around the 1940s. Remains of this historic potter may still survive and therefore, archaeological works in the form of a watching brief is required to allow recording of any remains that may be encountered which can be secured via condition.
136. In conclusion, subject to the imposition of planning conditions to secure a watching brief and relevant required work on the site from an archaeology perspective, the proposal accords with Policy 44 of the County Durham Plan and Part 16 of the National Planning Policy Framework.

Drainage

137. 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.
138. 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.

139. The site is not located within a flood zone. The application is supported by a Flood Risk Assessment and a Drainage Strategy. The drainage strategy proposes to attenuate water on the site using an attenuation tank and then discharging it at a greenfield run off rate. The Lead Local Flood Authority have reviewed the submitted information and confirm that the proposed drainage strategy is acceptable from their point of view. Subject to adherence to the approved drainage documents, no further drainage conditions are required.
140. The application is considered to demonstrate that the proposed development would be safe without increasing or exacerbating flood risk elsewhere as required by Policy 35 and 36 of the County Durham Plan and Part 14 of the National Planning Policy Framework.

Ground Conditions

141. 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.
142. Policy 56 of the CDP seeks to safeguard mineral resources. Significant areas of the County fall into such mineral safeguarding areas, including the application site and wider area. Although a non-mineral development is proposed, it is not considered that the current proposals would sterilise mineral resource taking into account the scale of the site and residential setting. No objections are raised in this regard and the proposal does not conflict with Policy 56.
143. The Coal Authority confirm that the application site falls marginally within the defined Development High Risk Area. Their records indicate that the potential zone of influence of an off-site recorded mine shaft abuts the northern site boundary. The Coal Authority has reviewed the submitted information and confirm they are sufficient for the purposes of the planning system and meet the requirements of the NPPF in demonstrating that the application site is safe and stable for the proposed development. The Coal Authority have no objection to the proposed development but state that more information in regard to ground conditions and foundation design may be required by Building Regulations which is outside of the planning remit.
144. Concerns have been raised by members of the public in relation to the quality of the land as it is believed to have been used as a landfill in the 1960s/70s. In considering this, the Contaminated Land Team have been consulted and comment that a Phase 2-3 report to include ground gas risk assessment and a remediation strategy will be required for the development as well as a Phase 4 verification report to verify the required works have been carried out. This can be secured via planning conditions.
145. With this condition, the proposal is considered to comply with CDP Policy 32 and 56 of the County Durham Plan and National Planning Policy Framework Paragraph 183.

Sustainability

146. Criterion c) of CDP 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.
147. 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.
148. 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.
149. No energy assessment or similar has been provided to demonstrate compliance with CDP Policy 29. However, the Building Regulations have changed since the submission of this application and now require all new homes to produce 31% less CO2 emissions than what was previously acceptable in the Part L regulations and there have been changes to Part F in respect of ventilation with new regulations in respect of overheating and electric vehicle charging. In light of the changes to Building Regulations, the development would now need to meet this new requirement and as this is covered under separate legislation there is no need for a condition to reflect this.
150. By virtue of the recent changes to Building Regulation requirement, the proposal is considered to exceed the requirements of Policy 29 of the County Durham Plan and accords with Part 2 of the National Planning Policy Framework.

Other Matters

151. Policy 27 of the County Durham Plan relate to utilities, telecommunications and other broadband infrastructure and requires any residential and commercial development to be served by a high-speed broadband connection and where this is not appropriate, practical or economically viable, developers should provide appropriate infrastructure to enable future installation.
152. In considering this policy requirement, due the location of the development near Bishop Auckland, there will be existing high-speed broadband availability in the area to comply with Policy 27. A condition will be imposed requiring the precise broadband details to be submitted which is considered to comply with Policy 27 of the County Durham Plan.

CONCLUSION

153. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material

considerations indicate otherwise. The Council has an up-to-date development plan which is the County Durham Plan. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision making, this means approving development proposals that accord with an up-to-date development plan without delay.

154. It is acknowledged that this proposal is not an allocated housing site under Policy 4 of the CDP. However, Policy 6 of the CDP does permit development on unallocated sites on the basis that specific criteria are met. It is concluded that the development of this application site for housing would not be in conflict with Policy 6 as it is well-related to the settlement, would not significantly affect the landscape character, is sustainably located with access to public transport and services, acceptably designed and would not be prejudicial to highway safety or have a severe residual cumulative impact on network capacity.
155. The application site is neither locally, nor nationally designated in terms of its landscape quality. Whilst the development would alter the character of site, it is not considered that this would cause harm to the wider area given the bounds of the application site between the A688 and existing residential development. An acceptable landscaping scheme has been devised which will be carried out on the site to aid in assimilating the site into its wider context. The proposal complies with Policies 29 and 39 in this regard.
156. Concerns have been raised by members of the public in terms of the highway safety implications of the development. However, these concerns have been taken into consideration in the assessment of the application, with the Council's Highways Team reviewing the details and having no objection to the development. Conditions will be imposed onto the consent to require specific engineering details of the new access and for this to be completed prior to the first occupation of any of the units. On balance the proposal complies with Policy 21 in this regard.
157. In terms of the residential amenity, concerns have been raised in relation to the loss of privacy and the impact of the development upon existing residential dwellings. The proposal does comply with the required separation distances as set out under the Residential Amenity Standards Supplementary Document with the exception of Plot 10 which would have a substandard relationship. However, this substandard relationship will be outweighed in the planning balance when considering the affordable housing the site will bring to the area, alongside its compliance with other policies in the plan.
158. In regard to the open space requirement, whilst a contribution of £24,347.00 is sought for open space to be secured via a Section 106 agreement, the applicant has submitted a detailed viability appraisal setting out in details the costs and revenues associated with the development. This has been reviewed by the Council's Viability Team and they advise that based on this information the open space contribution could not be borne by the development and would make it unviable for the scheme. The benefits of providing affordable dwellings on the site outweighs this in the planning balance.
159. The proposal is considered to comply with the requirements of the policies of the County Durham Plan in relation to ecological impacts, drainage, ground conditions and archaeological considerations.

160. Overall, the proposal is considered to be acceptable and in accordance with Policies 6, 15, 19, 21, 25, 26, 27, 29, 31, 32, 35, 36, 39, 40, 41, 44 and 56 of the County Durham Plan and Parts 2, 5, 8, 9, 12, 14 and 15 of the National Planning Policy Framework. Accordingly, the application is recommended for approval subject to a Section 106 Agreement.

Public Sector Equality Duty

161. Section 149 of the Equality Act 2010 requires public authorities when exercising their functions to have due regard to the need to i) the need to eliminate discrimination, harassment, victimisation and any other prohibited conduct, ii) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and iii) foster good relations between persons who share a relevant protected characteristic and persons who do not share that characteristic.
162. In this instance, officers have assessed all relevant factors and do not consider that there are any equality impacts identified.

RECOMMENDATION

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

- A financial contribution totalling £7,000.00 to deliver biodiversity net gain; and
- Provision of 100% affordable housing on site in perpetuity.

And the following conditions:

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

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

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

- Location Plan. Drawing Number: 19007/L01 received by the Local Planning Authority on 5th April 2022
- Site Plan. Drawing Number: 19007 F01 Rev L received by the Local Planning Authority on 5th April 2023
- Landscape Plan. Drawing Number: 832/LA1B received by the Local Planning Authority on 7th March 2023
- Plot 01 Elevations. Drawing Number: 19007 P10 received by the Local Planning Authority on 5th April 2022
- Plot 02 – 04 Elevations. Drawing Number: 19007 P11 received by the Local Planning Authority on 5th April 2022
- Plot 05 – 06 Elevations. Drawing Number: 19007 P12 received by the Local Planning Authority on 5th April 2022

- Plots 07-08 Elevations. Drawing Number: 19007 P13 received by the Local Planning Authority on 5th April 2022
- Plots 09 – 10 Elevations. Drawing Number: 19007 P16 received by the Local Planning Authority on 5th April 2022
- Plots 11 – 12 Elevations. Drawing Number: 19007 P14A received by the Local Planning Authority on 8th September 2022
- Plots 13 – 14 Elevations. Drawing Number: 19007 P15A received by the Local Planning Authority on 8th September 2022
- Floor Plans – Plots 01 to 14. Drawing Number: 19007 P27A received by the Local Planning Authority on 8th September 2022
- Floor Plans 4B6P House. Drawing Number: 19007 P24A received by the Local Planning Authority on 8th September 2022
- Floor Plans 2B3P Bungalow. Drawing Number: 19007 P20 received by the Local Planning Authority on 5th April 2022
- Floor Plans 2B3P Wheelchair-User Bungalow. Drawing Number: 19007 P21 received by the Local Planning Authority on 5th April 2022
- Floor Plans 3B5P Bungalow. Drawing Number: 19007 P22 received by the Local Planning Authority on 5th April 2022
- Floor Plans 3B5P House. Drawing Number: 19007 P23 received by the Local Planning Authority on 5th April 2022
- Roof Plans. Drawing Number: 19007 P30 received by the Local Planning Authority on 5th April 2022
- Flood Risk Assessment and Drainage Strategy by Portland Consulting Engineers Reference: 2020012 Rev H received by the Local Planning Authority on 15th May 2023
- Drainage Strategy. Drawing Number:000-00 Rev M received by the Local Planning Authority on 15th May 2023

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

3. Notwithstanding the information shown on the submitted plans, no development shall commence until details of the means of access, including the engineering and construction details, layout and phasing of works have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details.

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

4. No construction work shall take place, nor any site cabins, materials or machinery be brought on site until all trees and hedges, indicated on the approved tree protection plan (Appendix 1: Tree Protection Plan as included in Arboricultural Impact Assessment by Dendra dated March 2022) to be retained, are protected by the erection of fencing, placed as indicated on the plan and comprising a vertical and horizontal framework of scaffolding, well braced to resist impacts, and supporting temporary welded mesh fencing panels or similar approved in accordance with BS.5837:2010.

No operations whatsoever, no alterations of ground levels, and no storage of any materials are to take place inside the fences, and no work is to be done such as to affect any tree.

No removal of limbs of trees or other tree work shall be carried out.

No underground services trenches or service runs shall be laid out in root protection areas, as defined on the Tree Constraints Plan.

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

5. No development shall be carried out unless in accordance with the 'Ecological Impact Assessment' prepared by Dendra dated 7th March 2023.

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

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

Reason: In the interests of the appearance of the area and to comply with Policies 6 and 29 of the County Durham Plan and Part 12 of the National Planning Policy Framework.

7. No development shall commence until a written scheme of investigation setting out a programme of archaeological work in accordance with 'Standards for All Archaeological Work in County Durham and Darlington' has been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work will then be carried out in accordance with the approved scheme of works.

Reason: To safeguard any Archaeological Interest in the site, and to comply with Policy 44 of the County Durham Plan and Part 16 of the National Planning Policy Framework. Required to be a pre-commencement condition as the archaeological investigation/mitigation must be devised prior to the development being implemented.

8. The development shall not be occupied until the archaeological post investigation assessment has been completed in accordance with the approved Written Scheme of Investigation. The provision made for analysis, publication and dissemination of results, and archive deposition, should be confirmed in writing to, and approved by, the Local Planning Authority.

Reason: To comply with Policy 44 of the County Durham Plan and Part 16 of the National Planning Policy Framework, which requires the developer to record and advance understanding of the significance of heritage assets, and to ensure information gathered becomes publicly accessible.

9. No development shall commence until a land contamination scheme has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall be compliant with the YALPAG guidance and include a Ground gas risk assessment and 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. Required to be pre-commencement to ensure that the development can be carried out safely.

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

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

11. Prior to the first occupation of any of the dwellings hereby approved, details of 1no. electric vehicle charging point per dwelling as shown on 'Site Plan' Drawing Number: 19007 F01 Rev L shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be constructed in accordance with the approved details and retained in perpetuity unless replaced with an equivalent or better low carbon vehicle power source.

Reason: To ensure a satisfactory form of development in accordance with Policy 21 of the County Durham Plan and Part 9 of the National Planning Policy Framework.

12. Prior to the first occupation of any of the dwellings hereby approved, bat and bird boxes as shown on Figure 7 of 'Ecological Impact Assessment' by dendra dated 7th March 2023 shall be installed on the site and remain so in perpetuity.

Reason: In order for the development to meet biodiversity net gains as outlined in Policy 41 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

13. Prior to the first occupation of any of the dwellings hereby approved, the boundary treatments as detailed on 'Site Plan' Drawing Number: 19007 F01 Rev L shall be fully installed on the site and remain so in perpetuity.

Reason: In order to protect the amenity of future occupants from noise in accordance with Policy 31 of the County Durham Plan.

14. Prior to the first occupation of any of the dwellings hereby approved, a scheme detailing the precise means of broadband connection to the site shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the agreed details.

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

15. The development shall be carried out in accordance with 'Noise Impact Assessment' prepared by Apex Acoustics received by the Local Planning Authority on 5th April 2022.

Reason: In order to protect the amenity of future occupants from noise in accordance with Policy 31 of the County Durham Plan.

16. The drainage for the approved development shall be completed in accordance with the following:

- Flood Risk Assessment and Drainage Strategy by Portland Consulting Engineers Reference: 2020012 Rev H received by the Local Planning Authority on 15th May 2023
- Drainage Strategy. Drawing Number:000-00 Rev M received by the Local Planning Authority on 15th May 2023

Reason: To ensure effective drainage measures and sustainable principles are adhered to, and to safeguard the proposed development from flood risk, whilst not increasing flood risk elsewhere in accordance with Policy 35 of the County Durham Plan and Part 14 of the National Planning Policy Framework.

17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order), no development under Schedule 2 Part 1 Class A, AA, B, C, D or E for Plots 7, 8, 9 and 10 only shall take place without the grant of further specific planning permission from the Local Planning Authority.

Reason: In the interests of the amenity of the surrounding area in accordance with Policies 29 and 31 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.

18. In undertaking the development that is hereby approved:

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

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

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

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

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

19. All planting, seeding or turfing and habitat creation in the approved details of the landscaping scheme (Landscape Plan Drawing Number: 832/LA1B) shall be carried out in the first available planting season following the practical completion of the development.

No tree shall be felled or hedge removed until the removal/felling is shown to comply with legislation protecting nesting birds and roosting bats. Any approved replacement tree or hedge planting shall be carried out within 12 months of felling and removals of existing trees and hedges.

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

Replacements will be subject to the same conditions.

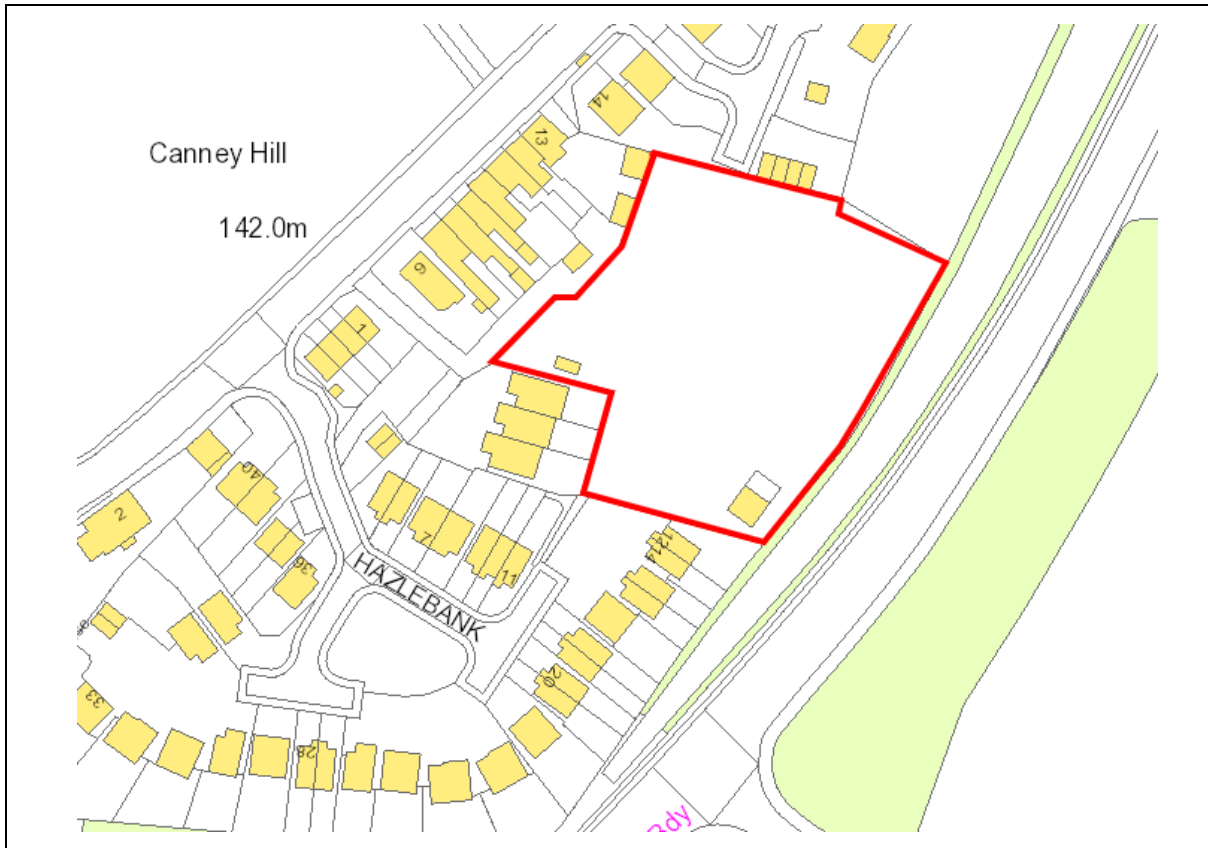
Reason: In the interests of the visual amenity of the area and to comply with Policy 29 of the County Durham Plan and Part 12 of the National Planning Policy Framework.

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
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>14no. Affordable rent dwellings comprising 10no. wheelchair user bungalows and 4no. houses with associated landscaping and access</p>	
<p>This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding. Durham County Council Licence No. 100022202 2005</p>	<p>Comments</p>	
	<p>Date: 22nd June</p>	