

COMMITTEE REPORT

APPLICATION DETAILS

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

DESCRIPTION OF THE SITE AND PROPOSAL

The Site

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

The Proposal

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

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

PLANNING HISTORY

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

PLANNING POLICY

National Policy

14. A revised National Planning Policy Framework (NPPF) was published in September 2023. The overriding message continues to be that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways.
15. *NPPF Part 2 Achieving Sustainable Development* - The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three overarching objectives - economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.
16. *NPPF Part 4 Decision-making* - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
17. *NPPF Part 5 Delivering a Sufficient Supply of Homes* - To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
18. *NPPF Part 6 Building a Strong, Competitive Economy* - The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.
19. *NPPF Part 8 Promoting Healthy and Safe Communities* - The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
20. *NPPF Part 9 Promoting Sustainable Transport* - Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
21. *NPPF Part 12 Achieving Well-Designed Places* - The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.

22. *NPPF Part 14 Meeting the Challenge of Climate Change, Flooding and Coastal Change* - The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.
23. *NPPF Part 15 Conserving and Enhancing the Natural Environment* - Conserving and enhancing the natural environment. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from Page 73 pollution and land stability and remediating contaminated or other degraded land where appropriate.
24. *NPPF Part 16 - Conserving and enhancing the historic environment*. Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

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

National Planning Practice Guidance:

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

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

Local Plan Policy:

The County Durham Plan (CDP)

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

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

27. *Policy 15 (Addressing Housing Need)* establishes the requirements for developments to provide on-site affordable housing, the circumstances when off-site affordable housing would be acceptable, the tenure mix of affordable housing, the requirements of developments to meet the needs of older people and people with disabilities and the circumstances in which the specialist housing will be supported.
28. *Policy 19 (Type and Mix of Housing)* advises that on new housing developments the council will seek to secure an appropriate mix of dwelling types and sizes, taking account of existing imbalances in the housing stock, site characteristics, viability, economic and market considerations and the opportunity to facilitate self build or custom build schemes.
29. *Policy 21 (Delivering Sustainable Transport)* requires all development to deliver sustainable transport by: delivering, accommodating and facilitating investment in sustainable modes of transport; providing appropriate, well designed, permeable and direct routes for all modes of transport; ensuring that any vehicular traffic generated by new development can be safely accommodated; creating new or improvements to existing routes and assessing potential increase in risk resulting from new development in vicinity of level crossings. Development should have regard to Parking and Accessibility Supplementary Planning Document.
30. *Policy 25 (Developer Contributions)* advises that any mitigation necessary to make the development acceptable in planning terms will be secured through appropriate planning conditions or planning obligations. Planning conditions will be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Planning obligations must be directly related to the development and fairly and reasonably related in scale and kind to the development.
31. *Policy 26 (Green Infrastructure)* states that development will be expected to maintain and protect, and where appropriate improve, the County's green infrastructure network. Advice is provided on the circumstances in which existing green infrastructure may be lost to development, the requirements of new provision within development proposals and advice in regard to public rights of way.
32. *Policy 27 (Utilities, Telecommunications and Other Broadcast Infrastructure)* supports such proposals provided that it can be demonstrated that there will be no significant adverse impacts or that the benefits outweigh the negative effects; it is located at an existing site, where it is technically and operationally feasible and does not result in visual clutter. If at a new site then existing site must be explored and demonstrated as not feasible. Equipment must be sympathetically designed and camouflaged and must not result in visual clutter; and where applicable it proposal must not cause significant or irreparable interference with

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

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

33. *Policy 29 (Sustainable Design)* requires all development proposals to achieve well designed buildings and places having regard to SPD advice and sets out 18 elements for development to be considered acceptable, including: making positive contribution to areas character, identity etc.; adaptable buildings; minimising greenhouse gas emissions and use of non-renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; and suitable landscape proposals. Provision for all new residential development to comply with Nationally Described Space Standards.
34. *Policy 31 (Amenity and Pollution)* sets out that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and that they can be integrated effectively with any existing business and community facilities. Development will not be permitted where inappropriate odours, noise, vibration and other sources of pollution cannot be suitably mitigated against, as well as where light pollution is not suitably minimised. Permission will not be granted for sensitive land uses near to potentially polluting development. Similarly, potentially polluting development will not be permitted near sensitive uses unless the effects can be mitigated.
35. *Policy 32 (Despoiled, Degraded, Derelict, Contaminated and Unstable Land)* requires that where development involves such land, any necessary mitigation measures to make the site safe for local communities and the environment are undertaken prior to the construction or occupation of the proposed development and that all necessary assessments are undertaken by a suitably qualified person.
36. *Policy 35 (Water Management)* requires all development proposals to consider the effect of the proposed development on flood risk, both on-site and off-site, commensurate with the scale and impact of the development and taking into account the predicted impacts of climate change for the lifetime of the proposal. All new development must ensure there is no net increase in surface water runoff for the lifetime of the development. Amongst its advice, the policy advocates the use of SuDS and aims to protect the quality of water.
37. *Policy 36 (Water Infrastructure)* advocates a hierarchy of drainage options for the disposal of foul water. Applications involving the use of non-mains methods of drainage will not be permitted in areas where public sewerage exists. New sewage and wastewater infrastructure will be approved unless the adverse impacts outweigh the benefits of the infrastructure. Proposals seeking to mitigate flooding in appropriate locations will be permitted though flood defence infrastructure will only be permitted where it is demonstrated as being the most sustainable response to the flood threat.

38. *Policy 39 (Landscape)* states that proposals for new development will only be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals are expected to incorporate appropriate mitigation measures where adverse impacts occur. Development affecting Areas of Higher landscape Value will only be permitted where it conserves and enhances the special qualities, unless the benefits of the development clearly outweigh its impacts
39. *Policy 40 (Trees, Woodlands and Hedges)* states that proposals for new development will not be permitted that would result in the loss of, or damage to, trees, hedges or woodland of high landscape, amenity or biodiversity value unless the benefits of the scheme clearly outweigh the harm. Proposals for new development will be expected to retain existing trees and hedges or provide suitable replacement planting. The loss or deterioration of ancient woodland will require wholly exceptional reasons and appropriate compensation.
40. *Policy 41 (Biodiversity and Geodiversity)* states that proposal for new development will not be permitted if significant harm to biodiversity or geodiversity resulting from the development cannot be avoided, or appropriately mitigated, or as a last resort, compensated for.
41. *Policy 43 (Protected Species and Nationally and Locally Protected Sites)* development proposals that would adversely impact upon nationally protected sites will only be permitted where the benefits clearly outweigh the impacts whilst adverse impacts upon locally designated sites will only be permitted where the benefits outweigh the adverse impacts. Appropriate mitigation or, as a last resort, compensation must be provided where adverse impacts are expected. In relation to protected species and their habitats, all development likely to have an adverse impact on the species' abilities to survive and maintain their distribution will not be permitted unless appropriate mitigation is provided or the proposal meets licensing criteria in relation to European protected species.
42. *Policy 44 (Historic Environment)* seeks to ensure that developments should contribute positively to the built and historic environment and seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets. The policy advises on when harm or total loss of the significance of heritage assets can be accepted and the circumstances/levels of public benefit which must apply in those instances.
43. *Policy 56 (Safeguarding Mineral Resources)* states that planning permission will not be granted for non-mineral development that would lead to the sterilisation of mineral resources within a Mineral Safeguarding Area. This is unless it can be demonstrated that the mineral in the location concerned is no longer of any current or potential value, provision can be made for the mineral to be extracted satisfactorily prior to the non-minerals development taking place without unacceptable adverse impact, the non-minerals development is of a temporary nature that does not inhibit extraction or there is an overriding need for the non-minerals development which outweighs the need to safeguard the mineral or it constitutes exempt development as set out in the Plan. Unless the proposal is exempt development or temporary in nature, all planning applications for non-mineral development within a Mineral Safeguarding Area must be accompanied

by a Mineral Assessment of the effect of the proposed development on the mineral resource beneath or adjacent to the site of the proposed development.

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

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

Neighbourhood Plan:

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

CONSULTATION AND PUBLICITY RESPONSES

Statutory Consultee Responses:

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

Non-Statutory Responses:

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

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

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

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

External Consultees

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

Public Responses:

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

Principle of the Development

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

Natural Environment

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

Highways

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

Residential Amenity

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

Sustainability

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

Design

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

Other

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

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <https://publicaccess.durham.gov.uk/online-applications/>

Applicants Statement

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

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

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

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

PLANNING CONSIDERATION AND ASSESSMENT

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

Principle of Development

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

73. In relation to the Strategic Housing Land Availability Assessment (SHLAA), the site has been assessed under this in two sections. The first section relates to a proportion of the northern section of the site and is assessed under entry 3/CO/10b which states: *'Planning permission for 8 detached dwellings was allowed previously on appeal which confirmed the suitability of the site from a landscape, highways and relationship to settlement perspective.'* This SHLAA assessment was made in reference to the first planning permission on this section of the site which was for eight dwellings only (3/2008/0783). The southern section of the site was assessed under the SHLAA reference 3/CO/10a which the assessment stating: *'Site has permission for residential development'* which relates to the outline application (DM/17/00912/OUT) for 30 dwellings across both land parcels 3/CO/10a and 3/CO/10b. However, whilst the parts of this site have been included in the SHLAA, this was based on the extant planning permissions of the time which have since lapsed, as highlighted above and does not represent a fallback position for the proposal. Also, the previous planning approvals have been for a significantly reduced quantum of development compared to the current proposal and the impacts of each need to be assessed on their own merits.
74. Accordingly, the proposal will need to be assessed against the most up to date development plan for the area, the County Durham Plan 2020 and the National Planning Policy Framework as well as relevant SPDs and guidance.
75. Turning to an assessment against relevant County Durham Plan (CDP) Policies. The application site is not allocated for housing within CDP Policy 4 and therefore, the application is an unallocated site within the County. As the site is unallocated, CDP Policy 6 is applicable as this policy sets out that the development of sites which are not allocated in the plan or a Neighbourhood Plan (i) within a built-up area; or (ii) outside the built-up area but well-related to a settlement will be permitted where they accord with all relevant development plan policies, and which:
- a. *are compatible with, and not prejudicial to, any existing, allocated or permitted use of adjacent land;*
 - b. *do not contribute to coalescence with neighbouring settlements, would not result in ribbon development, or inappropriate backland development;*
 - c. *do not result in the loss of open land that has recreational, ecological or heritage value, or contributes to the character of the locality which cannot be adequately mitigated or compensated for;*
 - d. *are appropriate in terms of scale, design, layout, and location to the character, function, form and setting of the settlement;*
 - e. *would not be prejudicial to highway safety or have a severe residual cumulative impact on network capacity;*
 - f. *have good access by sustainable modes of transport to relevant services and facilities and reflects the size of the settlement and the level of service provision within that settlement;*

- g. *do not result in the loss of a settlement's or neighbourhood's valued facilities or services unless it has been demonstrated that they are no longer viable;*
 - h. *minimise vulnerability and provides resilience to impacts arising from climate change, including but not limited to, flooding;*
 - i. *where relevant, make as much use as possible of previously developed (brownfield) land; and*
 - j. *where appropriate, reflect priorities for urban regeneration.*
76. In the first instance, an assessment of whether or not the development is within the built-up area of Coundon; or outside the built-up area but well-related to the settlement needs to be made before moving onto the specific criteria of CDP Policy 6. In this case, the dominant built-up core of Coundon as a settlement is focused around a triangular core of the residential development around the B6287 to the north; Victoria Lane to the east and Collingwood Street to the southern element with further residential development expanding from this core development area. Between this core and the application site, there are transitional parcels of land between the built-up settlement and the open countryside with St James Church and its grounds, followed by the allotments and further open countryside before reaching the application site. In its wider context, the site reads as agricultural pastureland at a raised level compared to the B6287 which frames the rural character of the settlement core of Coundon especially when approaching the settlement from the south west. The application site would only be bound by existing residential development at either side of the proposed entrance with one linear row of terrace properties to the immediate west, and only two residential properties to the immediate east. To the other boundaries, there is open countryside in each direction except for an existing farmstead which is characteristic in rural settings.
77. In considering the application site as a whole, it is not considered to be within the built-up area of Coundon due to its sprawl into the open countryside which also leads to the site not being well related to the settlement when assessed as a whole site in its entirety. Therefore, as the proposal is not considered to be within the built-up area and is not well-related to the settlement, the proposal fails the first requirement of CDP Policy 6 and would therefore be considered against CDP Policy 10. However, for completeness the proposal will be assessed against the criteria of CDP Policy 6 throughout this report.
78. CDP Policy 10 relates to 'Development in the Countryside' and sets out that development in the countryside will not be permitted unless allowed for by specific policies in the plan, relevant policies within an adopted neighbourhood plan relating to the application site, or where the proposal meets one of the exceptions of CDP Policy 10. This application seeks open market housing which does not comply with any of the exceptions of CDP Policy 10, there is no relevant neighbourhood plan in the area and as discussed above, does not comply with any other specific policy in the plan in this case.
79. Therefore, the principle of the development would fail to accord with Policies 6 and 10 of the County Durham Plan and would be unacceptable in principle.

Locational Sustainability of the Site

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

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

Scale/Design/Landscaping and Visual Impact

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

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

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

Highway Safety/Access

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

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

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

Residential Amenity

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

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

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

Infrastructure and open space provision

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

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

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

Affordable, Accessible and Adaptable Homes

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

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

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

Ecology

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

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

Flooding/Drainage

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

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

Ground Conditions

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

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

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

Sustainability

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

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

Other Matters

Broadband

158. CDP Policy 27 relates to utilities, telecommunications and other broadband infrastructure and requires any residential and commercial development to be served by a high-speed broadband connection and where this is not appropriate, practical or economically viable, developers should provide appropriate infrastructure to enable future installation.
159. In considering this policy requirement, due the location of the development, there would be existing high-speed broadband availability in the area to comply with CDP Policy 27. A condition is recommended requiring the precise broadband details to be submitted to comply with CDP Policy 27.

Air Quality

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

CONCLUSION

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

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

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

Public Sector Equality Duty

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

RECOMMENDATION

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

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

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

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

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documents

National Planning Policy Framework

The County Durham Plan (CDP)

County Durham Strategic Housing Market Assessment 2019

County Durham Plan Building for Life Supplementary Planning Document 2019

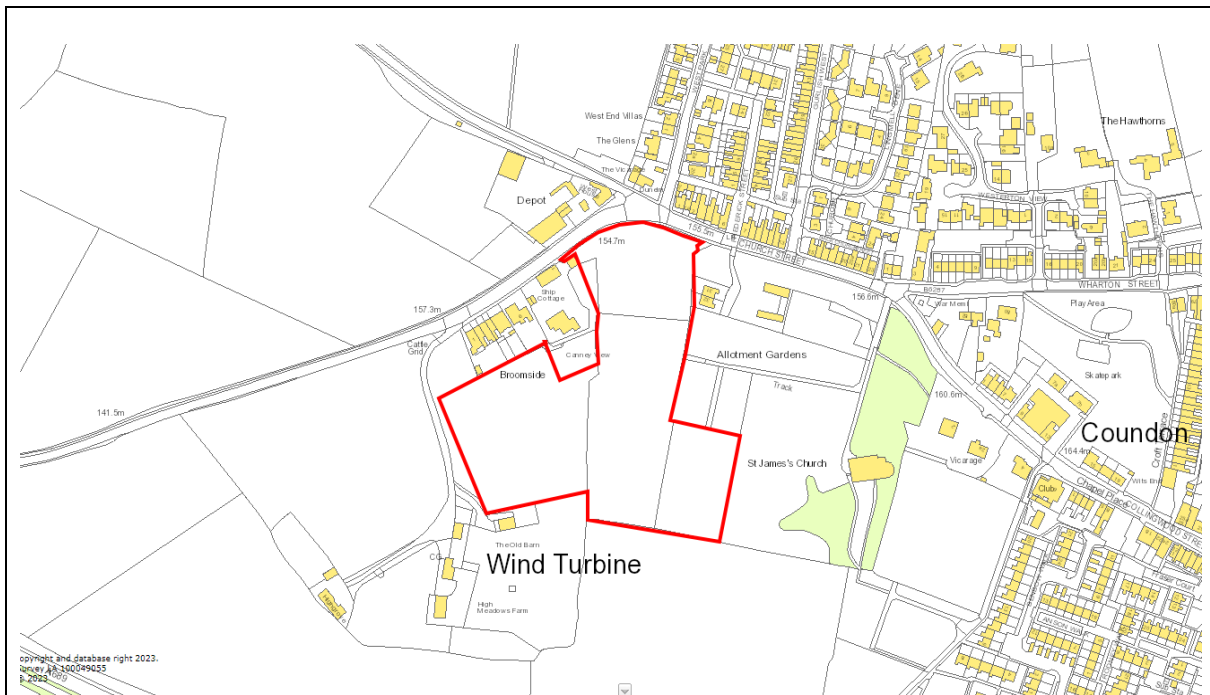
Parking and Accessibility SPD 2023

Residential Amenity Standards Supplementary Planning Document 2020

Statutory consultation responses

Internal consultation responses

External consultation responses



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