

# COMMITTEE REPORT

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## APPLICATION DETAILS

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

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## DESCRIPTION OF THE SITE AND PROPOSAL

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### The Site

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

### The Proposal

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

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

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

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## **PLANNING HISTORY**

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6. None relevant.

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## **PLANNING POLICY**

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### **National Policy**

7. A revised National Planning Policy Framework (NPPF) was published in September 2023. The overriding message continues to be that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways.
8. *NPPF Part 2 Achieving Sustainable Development* - The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three overarching objectives - economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.
9. *NPPF Part 4 Decision-making* - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
10. *NPPF Part 5 Delivering a Sufficient Supply of Homes* - To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

11. *NPPF Part 6 Building a Strong, Competitive Economy* - The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.
12. *NPPF Part 8 Promoting Healthy and Safe Communities* - The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
13. *NPPF Part 9 Promoting Sustainable Transport* - Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
14. *NPPF Part 12 Achieving Well-Designed Places* - The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
15. *NPPF Part 14 Meeting the Challenge of Climate Change, Flooding and Coastal Change* - The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.
16. *NPPF Part 15 Conserving and Enhancing the Natural Environment* - Conserving and enhancing the natural environment. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from Page 73 pollution and land stability and remediating contaminated or other degraded land where appropriate.
17. *NPPF Part 16 - Conserving and enhancing the historic environment.* Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

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

## National Planning Practice Guidance:

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

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

## Local Plan Policy:

The County Durham Plan (CDP)

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

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

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

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

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

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

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

#### **Neighbourhood Plan:**

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

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## **CONSULTATION AND PUBLICITY RESPONSES**

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#### **Statutory Consultee Responses:**

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

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

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

#### **Non-Statutory Responses:**

42. *Spatial Policy* – Advise that the site is located within the settlement of Crook. Allocated employment land exists to the south with residential housing to the south. The principle can be assessed under Policy 6 of the CDP and the key issue is ensuring that the new dwellings would provide future occupiers with the required level of amenity and privacy and the dwellings have the requisite garden dimensions and spacing between dwellings. 15 bungalows would provide a form of housing which would meet the needs of older people (Policy 15: Addressing Housing Need). 66% would need to be built to M4(2) standard, but ideally all units should meet this standard. 15% affordable housing provision would be required which would equate to two units. Green Infrastructure contributions would be required under Policy 26.
43. *Affordable Housing Team* – Advise that there is very high demand for affordable homes in the area. Affordable Home Ownership above the policy requirement for First Homes should meet the definition as set out in the NPPF, however it is recommended that shared ownership be considered in this area as there is a demand for this product specifically for bungalows to meet local housing need. Should a registered provider not take the units, then bungalows at Discount Market Sale would be acceptable.



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

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

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

#### **External Consultees**

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

#### **Public Responses:**

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

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

## **Applicants Statement**

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

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## **PLANNING CONSIDERATION AND ASSESSMENT**

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

### **Principle of Development**

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

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

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

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

#### Locational Sustainability of the Site

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

## Scale/Design/Landscaping and Visual Impact

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

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

#### Highway Safety/Access

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

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

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



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

#### Residential Amenity

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

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

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

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

#### Infrastructure and open space provision

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

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

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

#### Affordable, Accessible and Adaptable Homes

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

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

## Ecology

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

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

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

#### Flooding/Drainage

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

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

#### Ground Conditions

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

#### Sustainability

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

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

#### Broadband

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

#### Other Matters

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

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### CONCLUSION

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



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

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

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

#### Public Sector Equality Duty

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

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### **RECOMMENDATION**

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

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

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

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

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## **BACKGROUND PAPERS**

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Submitted Application Forms, Plans and supporting documents

National Planning Policy Framework

The County Durham Plan (CDP)

County Durham Plan Building for Life Supplementary Planning Document 2019

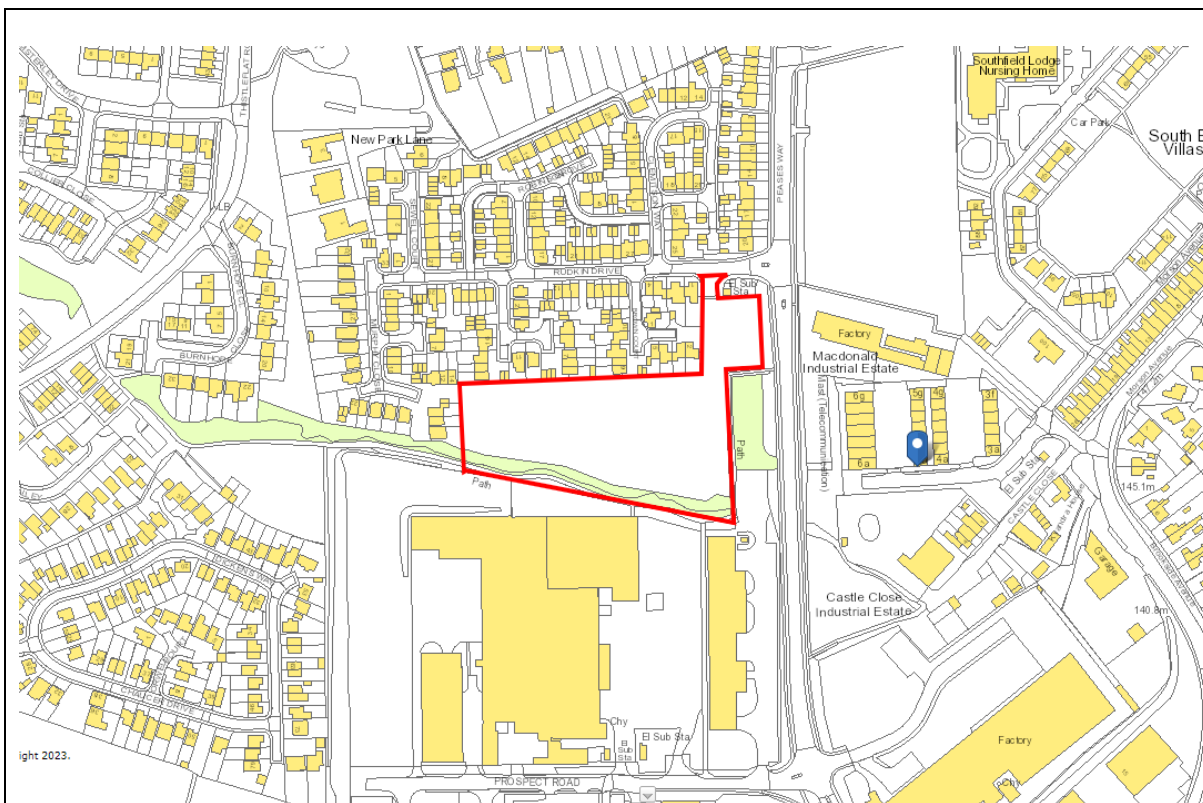
County Durham Parking and Accessibility SPD 2023

Residential Amenity Standards Supplementary Planning Document 2020

Statutory consultation responses

Internal consultation responses

External consultation responses



**Planning Services**

**Erection of 15no. bungalows**

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**Comments**

**Date:**

**14<sup>th</sup> December 2023**