

## COMMITTEE REPORT

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### APPLICATION DETAILS

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<b>APPLICATION No:</b>	DM/19/02852/FPA
<b>FULL APPLICATION DESCRIPTION:</b>	Proposed development of 256 residential dwellings with associated infrastructure (As amended 24/11/2023).
<b>NAME OF APPLICANT:</b>	Persimmon Homes
<b>SITE ADDRESS:</b>	Land To The North Of High West Road, Crook DL15 9NR
<b>ELECTORAL DIVISION:</b>	Crook
<b>CASE OFFICER:</b>	Callum Harvey Senior Planning Officer Tel. 07393 469 380 <a href="mailto:Callum.Harvey@durham.gov.uk">Callum.Harvey@durham.gov.uk</a>

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### DESCRIPTION OF THE SITE AND PROPOSALS

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#### The Site

1. The application site comprises a number of agricultural fields measuring 14.8 hectares (ha) in total area. The site is located at the western edge of the settlement of Crook, with neighbouring dwellings along Larchfield, Laurel and Briar Gardens to the east, and with further neighbouring dwellings and two farmsteads along High West Road to the south, and open fields to the west and north.
2. The site is outwith the built-up area of Crook and is therefore open countryside. The site is not within an Area of Higher Landscape Value, the closest being approximately 850m to the west.
3. The site lies within the Coalfield Development High Risk Coal Area as identified by the Coal Authority. There is a mine shaft located in the southeastern part of the site, with another located approximately 50m northwest of the site. The site also lies within the surface mined coal resource area and mineral safeguarding area as defined in the County Durham Plan.
4. Two public rights of way pass through the site; Footpath No. 48 (Crook Parish) runs through the southwestern part of the site, whilst Footpath No. 49 (Crook Parish)

passes north-south through the centre of the site. A third right of way, Footpath No. 51 (Crook Parish) runs to the south of the site.

5. There are no designated heritage assets within the site, with the nearest being the Grade II listed Low Woodfield Farmhouse located approximately 300m to the southwest of the site. The Grade II High Woodfield Farmhouse, East and West Cart Shed, Stables and Loft and Byre east of High Woodfield Farmhouse being more distant at approximately 640m and 680m to the south west of the site. Crook Conservation Area is located over 500m to the east of the site.
6. The site falls within Flood Zone 1 as identified by the Environment Agency, which is the lowest risk area of fluvial (river) flooding. There are some small pockets of land across the site which are at a Low Risk of pluvial (surface water following rainfall) flooding, located in the southwestern and northeastern corners, and in the centre of the site. There are also some pockets of Medium Risk pluvial flooding in the northeastern corner. There is a small pocket of High Risk pluvial flooding located near the centre of the site, to the east of Footpath No. 49 (Crook Parish).
7. The site is partially covered by the 'Land To The North Of High West Road Crook Tree Preservation Order 2019'. The Order identifies 71 protected trees across the site and adjacent land to the north, with no tree groups or woodland identified as being protected. The Order was made and confirmed following receipt of this planning application.
8. There are no ecological designations within the site, with the nearest being River Wear Harperley Local Wildlife Site (LWS) some 3.1km to the south west. Helme Park Wood, an Ancient Replanted Woodland is located approximately 2.5km west of the site. A small pond is located approximately 180m west of the site.
9. The site is allocated for housing in the County Durham Plan (adopted 2020), allocation reference H22. The allocation under County Durham Plan Policy 4 states that the 15.1 hectare site is expected to yield approximately 250 dwellings.

## The Proposal

10. The application as originally submitted sought planning permission for
  - Full planning consent for 103 dwellings; and
  - Outline consent for a further 364 dwellings
11. Following the receipt of the application, the site was allocated for housing development in the County Durham Plan for approximately 250 dwellings. The applicant has since worked with officers through a number of revisions to the scheme, resulting in the current proposal for 256 dwellings. The revised proposal seeks consent for the following mix:
  - 26 two-bedroom bungalows;
  - 44 two-bedroom houses;
  - 128 three-bedroom houses;
  - 49 four-bedroom houses; and
  - 9 five-bedroom houses.
12. The application submits the following Affordable Housing provision:
  - 1 two-bedroom house and 15 three-bedroom houses as Discount Open Market Value;
  - 10 two-bedroom houses and 3 four-bedroom houses as Affordable Rent; and
  - 9 no two-bedroom houses as First Homes.

13. 570 private parking bays are proposed, with an additional 64 visitor parking bays distributed across the site. Each dwelling would benefit from an Electric Vehicle charging point, whilst each dwelling without a garage would benefit from dedicated cycle storage space in the rear garden.
14. The proposed vehicular access to the site would be from High West Road in the southwest corner of the site. Footpath links are also proposed at the northwestern, southern and eastern site boundaries.
15. The proposal also seeks to create a Sustainable Urban Drainage System (SuDS) basin in the southwest corner of the site, and another larger basin in the southeast corner. The proposed layout includes a number of swales which are integrated into green corridors running through the site.
16. The development would be a mix of single storey, two storey and two-and-a-half storey dwellings, each with their own parking areas and private rear gardens. The development would be split into three character areas; the 'rural' area in the southwest corner which would be seen first when entering the site, the 'village' area in the centre, and the 'urban' area in the eastern part of the site. The rural character area draws upon features seen on buildings in the rural areas to the west and north of the site, and would be of a lower density than the rest of the development. The dwellings in this area would be constructed of:
  - a mix of sandstone slip elevations and red brick elevations;
  - cottage-style windows with artstone heads and cills; and
  - dark grey concrete roof tiles.
17. The village character area draws upon features seen on buildings along High West Road to the south of the site. The dwellings in this area would be constructed of:
  - a mix of yellow and red brick elevations, with white render feature gables on some plots with brick quoins, and areas of white render at first floor level on some plots;
  - single storey bay windows on some plots;
  - artstone window cills and arched brick window heads; and
  - concrete dark grey roof tiles.
18. The urban character area draws upon features typically found in more built-up areas, and would be at the eastern end of the site closest to the existing built form of Crook. The dwellings in this area are proposed in a denser layout than the rest of the development, and would be constructed of:
  - predominantly red brick with a mix of yellow and dark grey bricks;
  - dark grey windows; and
  - dark grey roof tiles.
19. Boundary treatments would also vary in each character area, with:
  - the rural area featuring a mix of 1.65m high brick screening walls to rear gardens and 0.75m high dwarf walls to front gardens;
  - the village area featuring 1.8m high brick and vertical timber panel boundaries to rear gardens and formal hedgerows to front gardens; and
  - the urban area featuring 1.8m high close boarded fencing to rear gardens and 0.8m high iron railing boundaries to front gardens.
20. This application is being reported to the County Planning Committee because it involves residential development proposal involving more than 200 dwellings as well as being a site of more than 4 hectares.

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## PLANNING HISTORY

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21. The site has no history of previous planning applications.

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## PLANNING POLICY

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### NATIONAL POLICY

22. The following elements of the National Planning Policy Framework (NPPF) are considered relevant to this proposal:
23. *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.
24. *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.
25. *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.
26. *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.
27. *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.
28. *NPPF Part 11 – Making Effective Use of Land.* Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.

29. *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.
30. *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.
31. *NPPF Part 15 – Conserving and enhancing the natural environment.* Planning policies and decisions should contribute to and enhance the natural and local environment.
32. *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:**

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

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

#### **LOCAL PLAN POLICY:**

The County Durham Plan (October 2020)

34. *Policy 1 – Quantity of Development.* Outlines the levels of employment land and housing delivery considered to be required across the Plan period.
35. *Policy 4 – Housing Allocations.* Identifies a number of sites across the County which are allocated for housing, to deliver the new homes needed across the County to ensure the County Council meets its Local Housing Need. The Policy states that planning applications for housing on these allocations, that are in accordance with the site specific requirements in this policy and any infrastructure constraints identified in the Infrastructure Delivery Plan, will be approved if the proposed scheme is in accordance with other relevant policies in the Plan. The application site is allocated for development of approximately 250 homes, reference H22, and the allocation states:

Development of the site will:

- provide significant structural planting (in the order of 30 to 50 metres wide) along the north western boundary;
- incorporate pedestrian and cycle routes within and connecting to, adjoining facilities;
- retain mature hedgerows within the site to form the basis of green corridors and linkages with the wider countryside;
- locate open space to the rear of existing properties adjoining the site, in order to protect their privacy;
- provide access from a new roundabout on the A689 with additional traffic calming to be provided on that road.

36. *Policy 10 – Development in the Countryside.* States development in the countryside will not be permitted unless allowed for by specific policies in the Plan, by relevant policies within an adopted Neighbourhood Plan relating to the application site, or where the proposal relates to one or more of the following exceptions; economic development, infrastructure development or the development of existing buildings. New development in the countryside must accord with all other relevant development plan policies and with the General Design Principles set out in Policy 10.
37. *Policy 14 – Best and Most Versatile Agricultural Land and Soil Resources.* States that development of the best and most versatile agricultural land will be permitted where it is demonstrated that the benefits of the development outweigh the harm, taking into account economic and other benefits.
38. *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 and 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. The Policy states that on sites with 10 or more units, 10% of the homes provided should be for affordable home ownership (starter homes, discount market sale housing and other affordable routes to home ownership). In line with the requirements in Table 8 of the Plan, any contribution above 10% should be provided as affordable housing for rent. The Policy goes on to state that where it can be evidenced by the applicant to the Council's satisfaction that this tenure mix would make the required affordable housing contribution unviable or that alternative affordable housing products are required to meet local needs, then proposals for an alternative tenure mix as proposed by the applicant will be considered.
39. *Policy 19 – Type and Mix of Housing.* States that on all new housing developments the Council will seek to secure an appropriate mix of dwelling types and sizes, taking account of existing imbalances in the housing stock, site characteristics, viability, economic and market considerations and the opportunity to facilitate self build or custom build schemes.
40. *Policy 21 – Delivering Sustainable Transport.* States that all development shall deliver sustainable transport by (in part) ensuring that any vehicular traffic generated by new development, following the implementation of sustainable transport measures, can be safely accommodated on the local and strategic highway network and does not cause an unacceptable increase in congestions or air pollution and that severe congestion can be overcome by appropriate transport improvements.
41. *Policy 25 – Developer Contributions.* States that new development will be approved where any mitigation necessary to make the development acceptable in planning terms is secured through appropriate planning conditions or planning obligations.

42. *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.
43. *Policy 29 – Sustainable Design.* Requires all development proposals to achieve well designed buildings and places having regard to advice within Supplementary Planning Documents (SPDs) and sets out detailed criteria which sets out that where relevant development is required to meet including; making a positive contribution to an areas character and identity; provide adaptable buildings; minimise greenhouse gas emissions and use of non-renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; providing suitable landscape proposals; provide convenient access for all users; adhere to the Nationally Described Space Standards (subject to transition period).
44. *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.
45. *Policy 32 – Despoiled, Degraded, Derelict, Contaminated and Unstable Land.* States [in part] that development will not be permitted unless the developer can demonstrate that the site is suitable for the proposed use, and does not result in unacceptable risks which would adversely impact on the environment, human health and the amenity of local communities.
46. *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.
47. *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 waste-water 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.
48. *Policy 39 – Landscape.* States that 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 and that development affecting valued landscapes will only be permitted where it conserves, and where appropriate enhances, the special qualities of the landscape, unless the benefits of the development in that location clearly outweigh the harm.

49. *Policy 40 – Trees, Woodlands and Hedges.* States that proposals will be expected to retain existing trees where they can make a positive contribution to the locality or to the development, maintain adequate standoff distances between them and new land-uses, including root protection areas where necessary, to avoid future conflicts, and integrate them fully into the design having regard to their future management requirements and growth potential.
50. *Policy 41 – Biodiversity and Geodiversity.* States that proposals 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.
51. *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.
52. *Policy 44 – Historic Environment.* States that great weight will be given to the conservation of all designated assets and their settings (and non-designated heritage assets of archaeological interest that are demonstrably of equivalent significance to scheduled monuments)(164). Such assets should be conserved in a manner appropriate to their significance, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. This aligns with Chapter 16 of the NPPF.
53. *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.

#### **NEIGHBOURHOOD PLAN:**

54. The application site is not within a designated Neighbourhood Plan Area.

*The above represents a summary of those policies considered relevant. The full text, criteria, and justifications can be accessed at: <http://www.durham.gov.uk/article/3266/Development-Plan-for-County-Durham> (Adopted County Durham Plan)*



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## CONSULTATION AND PUBLICITY RESPONSES

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### STATUTORY RESPONSES:

55. *Highways* – No objection following receipt of amended plans. Access arrangement and car parking provision acceptable. Technical matters relating to the detail of the internal road layout can be addressed during technical approval process under the Highways Act. Standard conditions relating to the access, car parking provision, cycle parking provision, and refuse storage and collection recommended.
56. *Drainage & Coastal Protection (Lead Local Flood Authority)* – No objection following receipt of amended plans showing proposed outflow connection to Northumbrian water's sewer network, and showing a temporary drainage solution during initial works prior to occupation of the first dwelling. Officers advise that the standard condition securing further details is no longer required due to the level of detail already submitted, provided the development complies with the submitted engineering drawings, and the submitted Construction Management Plan and note.
57. *Northumbrian Water* – note that the planning application has been amended with a significant reduction in the proposed dwellings, which would result in a reduction in the proposed impermeable area. No objection subject to recommended condition regarding proposed connection to Northumbrian Water's network.
58. *Coal Authority* – No objection subject to conditions. Their records indicate that the site has been subject to historic recorded underground coal mining at shallow depth, and that the site is likely to have been subject to historic unrecorded underground coal mining at shallow depth. Their records also indicate the presence of a mine entry (shaft) in the eastern part of the site, and that the western part of site has been subject to past surface mining operations.
59. Following initial concerns, further information has been received, whilst the layout of the development has been amended to include a 20m exclusion zone around the identified mine shaft, and the Coal Authority consider this to be acceptable. They have recommended conditions to ensure further intrusive site investigation works and remediation are carried out prior to works commencing.

### INTERNAL CONSULTEE RESPONSES:

60. *Spatial Policy* – offers key policy observations. The site is allocated for housing development under Policy 4 of the County Durham Plan, therefore the principle of the development is established as acceptable. Matters of detail will need to accord with the relevant criteria set out within Policy 4. The site is also within the open countryside therefore the relevant criteria set out within Policy 10 of the Plan are also applicable.
61. Concerns had previously been raised in respect of the use of the Thrunton housetype when seeking to meet the needs of older persons, as that one-and-a-half storey housetype does not meet the level access requirement under Policy 15 of the County Durham Plan. Following receipt of amended plans showing the use of the single storey Wentwood bungalow housetype instead, the Spatial Policy officer has advised that this is acceptable.
62. In respect of Affordable Housing provision, the proposed number and mix of units is considered acceptable. Advice on their tenure has been sought from the Affordable Housing Officer, set out further below.

63. *Affordable Housing* – consider the tenure of the proposed Affordable Housing is acceptable in this instance, due to current demand in the local area being for Discounted Market Sale units over First Homes units.
64. Details of the Registered Provider, and of the level of discount to be applied to the Discount Market Value units, remain outstanding, however they can be agreed as part of a Section 106 Agreement should Members be minded to grant planning permission.
65. The Affordable Housing officer does raise concerns with the distribution of affordable units across the site, noting a heavy concentration in the northeastern corner of the site. Officers have then discussed this issue with the applicant, and amended plans have been received showing a more even distribution, however the Affordable Housing officer maintains their concerns, seeking a greater number of affordable units toward the southwestern corner of the site.
66. *Education* – based on methodology set out in the Council's adopted 'Securing Developer Contributions towards Education Provision in County Durham' document, the proposed development of 256 dwellings would produce 77 pupils of Primary School age and 28 pupils of Secondary School age.
67. In relation to Primary School pupils, there would be sufficient space at Crook Primary and Hartside Primary to accommodate the pupils generated by the development, therefore no contribution would be required to facilitate the provision of additional teaching accommodation.
68. In relation to Secondary School pupils, it is noted that the nearest school to the proposed development is Parkside Academy School, which has capacity for 900 pupils. Based on the projected rolls of the school, taking into the account the likely implementation timeframe of the development, build rates and other committed housing sites, there would not be sufficient space to accommodate pupils generated by this development whilst maintaining a 5% surplus. In order to mitigate the impact, a financial contribution of £463,512 (28 pupils x £16,554) would be required to facilitate the provision of additional teaching accommodation at Parkside Academy. The sum can be secured by a Section 106 Agreement.
69. *Access & Rights of Way* – note that as part of the proposed diversion of Footpath No. 48 (Crook Parish), dropped kerbs are proposed to enable improved pedestrian access across High West Road (A689). This is welcomed, however a traffic island would also be welcomed to enable safer access.
70. Access & Rights of Way also note that proposed vegetation planting including trees which would obstruct a grass surfaced footpath off the proposed access road located in the western corner of the site, north of the proposed vehicular access from High West Road. They advise that the footpath must remain free from formal planting and plans should be amended to show this. They recommend a minimum 3 metre wide clearance of planting along that footpath.
71. *Sustainable Travel* – no objection, no conditions recommended. The Sustainable Travel officer had initially objected to this application however the updated Travel Plan is considered acceptable.
72. *Design and Conservation* – advise the proposed development and the numerous iterations have been considered in detail through consultation responses and the internal Design Review process on a number of occasions. The amended plans address the issues previously raised and there are no further comments from a design perspective.

73. The most recent internal Design Review rescore concluded that the amended proposal received 6 'Green', 5 'Amber' and 0 'Red' scores. 1 'Unknown' score was given until the Highways officer provided further advice.
74. *Archaeology* – no objection subject to conditions. An acceptable written scheme of investigation for the further archaeological works required for this site has been received under the current application.
75. *Landscape* – consider the proposed structured landscaping belt along the northwestern site boundary is acceptable.
76. Concerns were previously raised in respect of a lack of landscaping around the larger SuDS drainage basin in the southeast corner of the site. The applicant has worked with officers to address those concerns, and following receipt of amended plans showing more planting in that area, they have no concerns in this respect.
77. The Landscape officer maintains concerns with the proposed location of some of the street trees. Whilst a sufficient number of trees are proposed, the Landscape officer wishes to see the ones proposed within residential curtilages to be relocated outside of residential curtilages into areas of public open space, to have greater confidence that the trees would be retained in future.
78. *Arboricultural (Trees)* – have considered the revised Arboricultural Impact Assessment and they find it to be comprehensive and acceptable. They note the 2019 Tree Preservation Order which covers 71 trees across the site. They also note that a number of trees and sections of hedgerows are proposed to be removed.
79. With regards to the positioning of new trees, they note that this has been commented by the Landscape officer, and they note that all new trees should be provided with sufficient rooting area to allow for future expansion to ensure the trees can grow to maturity.
80. *Ecology* – have no objection following receipt of further information. Conditions are recommended, and they advise a Biodiversity Management and Monitoring Report is required, to be secured by an appropriate legal agreement. Subject to these measures they advise the proposal would not have an adverse impact on protected species, whilst the proposal would deliver a Biodiversity Net Gain.
81. *Environmental Health and Consumer Protection (Air quality)* – no objection, no conditions recommended.
82. *Environmental Health and Consumer Protection (Contaminated Land)* – no objection, conditions recommended in respect of assessing and where necessary mitigating for contaminated land risks. Informatives recommended in respect of encountering any previously unidentified contamination, and in respect of ground gas mitigation measures.
83. *Environmental Health and Consumer Protection (Nuisance Action)* – no objection, it is recommended that the noise mitigation measures set out within the submitted noise report are secured by condition.

## **EXTERNAL CONSULTEE RESPONSES:**

84. *NHS* – no objection subject to a financial contribution of £123,648 toward increasing GP surgery capacity. The sum can be secured by a Section 106 Agreement.
85. *Police Architecture Liaison* – no objection. Advice provided on design and layout of the development.
86. *Natural England* – advises it has no comment on the application.
87. *Sport England* – is not a statutory consultee on this application as the proposal would not lead to a loss of existing sports pitches or facilities within the site, which currently comprises agricultural fields. The Government's Planning Practice Guidance (PPG) advises that Local Authorities should consult Sport England on proposals for over 300 dwellings.
88. Sport England was initially consulted on receipt of this application in 2019 when the proposal had sought consent for up to 467 dwellings. They responded in December 2019 advising that the proposal due to its scale at the time required a financial contribution of £374,036 to cover the projected impact on sports facilities such as swimming pools, sports halls and artificial grass pitches. This figure would be in addition to the Council's Open Space Needs Assessment requirement, and could be secured by a Section 106 Agreement.
89. Sport England was later consulted in 2021 following the reduction in the number of proposed dwellings to 260. Despite this reduction, Sport England advised that the tools they use to estimate financial contributions had been updated, and advised that the following amounts should be sought:
  - £313,028 toward sports halls and swimming pools; and
  - £199,460 toward playing pitches.
90. Sport England was recently consulted on the current proposal for 256 dwellings, and have re-iterated that a financial contribution should still be sought toward enhancing existing local sporting infrastructure, so that it is capable of meeting the additional demand placed upon it as a result of this development. Using the most up to date calculator tools they advise that the following amounts should be sought:
  - £234,834 toward sports halls and swimming pools; and
  - £137,112 toward playing pitches.
91. In light of the above, Sport England considers that the validity of the calculator requirements should be assessed against assessments of the adequacy of playing pitch, pools and sports halls provision contained within the County Durham Playing Pitch Strategy, and Indoor Facilities Strategy. Until it is shown that the local sports facilities which will serve this development have capacity to absorb the demand that it will create, Sport England wishes to sustain its objection. The objection would be resolved if the developer were to enter into the required financial contribution.

## **PUBLIC RESPONSES:**

92. The application has twice been advertised in the local press (the Northern Echo), by site notice, and through neighbour notification letters sent to 254 individual properties as part of the planning procedures. The first consultation was carried out in November 2019, when the application was first received. Given the subsequent changes to the scheme and the length of time that had passed, a second consultation was carried out in December 2023.

93. Since this application was received in 2019, 47 representations from 23 properties have been received, as well as 6 further representations from no given address, leading to a total of 53 representations. 13 of these representations from 9 properties were received during the most recent consultation on the amended scheme from November 2023 onwards, with 1 further representation from no given address.

## Objection

94. 52 of the representations object to the proposal, raising the following concerns:
- Poor location for housing, better alternative sites elsewhere
  - Loss of agricultural land
  - No need for more housing due to existing vacant housing in Crook
  - Occupiers' reliance on private vehicles due to site located on edge of settlement, and subsequent environmental highway safety and environmental impacts
  - Proposal would not create sustainable local jobs or support economic growth
  - Poor design and impact on character of surrounding built environment
  - Impact on wider landscape
  - Loss of trees and hedgerows
  - Impact on amenity of neighbouring properties due to insufficient separation distances
  - Impact on amenity of neighbouring properties during construction phase
  - Impact on amenity of neighbouring properties following occupation of the development
  - Increased noise impact from increased traffic on neighbouring roads
  - Impact on biodiversity
  - Impact on public rights of way
  - Located in Higher Risk Coal Advice Area with a mine shaft located within the site, leading to potential instability and contamination concerns
  - Insufficient provision of larger dwellings and executive dwellings
  - No local need for affordable housing
  - Impact on highway safety from access arrangement onto High West Road and from increase in traffic on High West Road
  - Current footpath along High West Road is insufficient leading to pedestrian safety impact
  - Flood risk
  - Capacity of local GP and dentist surgeries
  - Capacity of local schools
  - Capacity of local sport and leisure facilities
  - Capacity of Police and Fire Services
  - Level of unemployment in Crook
  - Impact on tourism
  - Risk of crime during construction period and due to increase in town's population
  - Maintenance of hedgerows along site boundaries
95. Concerns have also been raised in respect of devaluing neighbouring properties and loss of views from those properties, however these are not material considerations when assessing and determining a planning application. Concerns have also been raised in respect of impact on the Green Belt, however the site is not in the Green Belt.

## Support

96. 1 representation in support has also been received from a nearby property, making the following comments:
- Site is within walking distance of the town centre

- Provision of affordable housing
- Provision of a mixture of houses
- Nearby businesses would benefit from the increased footfall

## Neutral

97. Comments have been received from the Campaign to Protect Rural England (CPRE). They are neither in support of nor objecting to the application. Whilst noting the allocation of the site for housing, they still raise the following concerns:
- Scale of development / amount of proposed houses
  - Loss of trees and hedgerows
  - Impact on biodiversity
98. Comments have also been received from the County Durham Green Party (CDGP), who are neither in support of nor objecting to the application. The comments welcome the reduction of the scale of the development over the years that the application has been considered, and note that the greenfield site is allocated for development. They also make the following observations in the interest of climate and ecological emergencies:
- Ecological mitigation measures should be secured should permission be granted
  - Request to widen the eastern landscape buffer to provide a more viable wildlife corridor
  - Unsure of amount of Biodiversity Net Gain (BNG)
  - A Biodiversity Management and Monitoring Plan (BMMP) should be secured should permission be granted
  - A Tree Planting and Management Plan should be secured should permission be granted
  - Number of parking bays seems excessive, leading to a car-dominated development and streetscape design
  - Passive rather than Active Electric Vehicle Charging Points are proposed for each plot
  - Proposal does not seek to widen footpath along the A689, which would encourage walking into the town centre, and the proposed crossing point on the A689 is too far west considering pedestrian desire lines
  - Welcome installation of roof-mounted solar panels, however gas boilers are still proposed. An Energy Plan including consideration of a district heating scheme and/or Air Source Heat Pumps would be welcomed.
  - Insufficient number of living rooms facing southward indicates poor design in respect of solar gain for proposed dwellings.

## **APPLICANT'S STATEMENT:**

99. The proposed development will deliver a high-quality housing development upon a site allocated for housing within the adopted County Durham Plan. The proposals have changed significantly through the planning process, guided by the Council's Design Review Panel process, and offers a high-quality development that respects and echoes local character; creating a new gateway to Crook, reflecting the rural character to the west of the site whilst assimilating with the existing urban area of the settlement to the east, through the proposing of three distinct and attractive Rural, Village and Urban Character Areas.
100. The Site itself is highly sustainable and suitable for residential development, as evidenced by its allocation in the County Durham Plan. Despite lying to the outer edge of Crook, the settlement is well served by a full range of services and facilities including bus routes; accessible within acceptable walking distances. The proposed

development offers genuine sustainable travel options to these facilities through the provision of a network of internal footways and cycleways and incorporation of four pedestrian access points to the existing urban area on its eastern and southern boundaries.

101. The proposal accords with the relevant local and national policy framework including the criteria of Policies 4 and 29. The scheme will contribute to all three elements of sustainable development; with benefits weighing heavily in favour of approval of the scheme.
102. Economic Benefits - Significant contribution to the local economy including the creation of an estimated 92 Direct construction jobs per year and 125 Indirect and Induced jobs per year during the estimated seven year construction period. Long term the additional retail spending power per year associated with the new residents will support the vitality and viability of the local area. Over £350,000 additional Council Tax payments per year will be generated and circa £700,000 is to be contributed through the Section 106 towards improved offer for education, healthcare and open space within the area.
103. Social Benefits – delivery of 256 new, high-quality homes on the edge of Crook incorporating a range of house size (2-5 bed), types and tenures and including a policy compliant 15% affordable housing and 10% elderly person bungalow housing provision. The proposal will increase the housing choice in the local area by providing a range of new accommodation catering for a wide range of need, promoting inclusive and sustainable communities.
104. Environmental Benefits – delivery of a landscape-led development which creates a network of multifunctional greenspaces intersecting the developed areas; providing circa 16 acres / 6.5 hectares of amenity, natural, recreation and play space, enabling the retention of significant number of existing mature trees and hedgerows within the site and facilitating a 16% Net Gain in Biodiversity. The site is located within safe walking distance of a public transport corridor and within short walking distance of a wide range of existing local amenities within Crook. All homes on the site shall be built to a minimum of 2021 Part L Building Regulations (31% reduction in carbon emissions over previous 2013 Building Regulations) with 225 of the proposed 256 homes forward design to be Future Homes Standard complaint (80% reduction in carbon emissions over 2013 Building Regulations).
105. Persimmon Homes have worked closely with the planners at the Council, as well as with internal and statutory consultees. Following adaption of the proposals the development has the full support of the Council's Internal Design Review Panel and there are no major outstanding objections which, on a planning balance, would warrant refusal.
106. In summary, the application seeks to deliver a site allocated for residential development in the adopted Local Plan and will deliver a high quality and sustainable development. There are no adverse impacts which would significantly and demonstrably outweigh the benefits of developing this site to realise much needed family housing within the area.

*The above is not intended to list every point made and 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/search.do?action=simple&searchType=Application>*

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## PLANNING CONSIDERATIONS AND ASSESSMENT

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107. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that if regard is to be had to the development plan, decisions should be made in accordance with the development plan unless material considerations indicate otherwise. In accordance with advice within the National Planning Policy Framework (NPPF), the policies contained therein are material considerations that should be taken into account in decision making. Other material considerations include representations received. In this context, it is considered that the main planning issues in this instance relate to the principle of development agricultural land, type and mix of housing, addressing housing need, layout and design, trees and hedgerows, residential amenity, highway safety, public rights of way, ecology, surface water and foul drainage, heritage and archaeology, contaminated land and coal mining risk, energy efficiency, planning contributions, other matters and public sector equality duty.

### Principle of Development

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

109. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or,

ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

110. In light of the recent adoption of the CDP the Council has an up-to-date development plan. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means approving development proposals that accord with an up-to-date development plan without delay (Paragraph 11 c). Accordingly, Paragraph 11(d) of the NPPF is not engaged.

111. Policy 1 of the County Durham Plan (CDP) states that in order to meet the needs and aspirations of present and future residents of County Durham, and to deliver a thriving economy, the following levels of development are proposed up to 2035:

a. 300 hectares of strategic and general employment land for office, industrial and warehousing purposes; and

b. a net minimum of 24,852 new homes of mixed type, size and tenure over the period 2016 to 2035 (1,308 new homes per year).

112. In order to meet the above housing need of the County, the CDP has allocated a number of sites for housing development under CDP Policy 4. This application site is one such allocation, reference H22. The allocation is for an approximate yield of 250 dwellings, and states the following:



Development of the site will:

- provide significant structural planting (in the order of 30 to 50 metres wide) along the north western boundary;
- incorporate pedestrian and cycle routes within and connecting to, adjoining facilities;
- retain mature hedgerows within the site to form the basis of green corridors and linkages with the wider countryside;
- locate open space to the rear of existing properties adjoining the site, in order to protect their privacy;
- provide access from a new roundabout on the A689 with additional traffic calming to be provided on that road.

113. CDP Policy 4 then states that planning applications for housing on these allocations, that are in accordance with the site-specific requirements in this Policy and any infrastructure constraints identified in the Infrastructure Delivery Plan, will be approved if the proposed scheme is in accordance with other relevant Policies in the County Durham Plan.
114. Turning first to the size of the site and the number of dwellings it proposed, it is noted that the allocation is for an approximate yield of 250 dwellings. It is considered that the proposed 256 dwellings within the 14.8 hectare site is in accordance with this approximate yield, therefore the scale of development is in line with the allocation of the site for housing.
115. Turning next to the landscape buffer along the northwestern boundary, it is noted that a 30m buffer is proposed along the length of this boundary. The outer edge of the buffer would comprise a woodland made up of a mix of native tree species, with the remaining buffer comprising a mix of native shrubland and wildflower grassland. As discussed later in this report, the Landscape officer considers the proposed planting mix to be acceptable.
116. Turning next to pedestrian and cycle connectivity, within the site the proposal includes footpaths adjacent to roads, providing connections throughout the built area of the site. Further to this, a 3m wide shared cycle/footpath is proposed from the southwestern corner at High West Road to the eastern edge of the site where it would connect to Briar Gardens. Additional footpaths are also proposed throughout the landscaped areas of the site, including an unsurfaced 'welly walk' through the landscape buffer on the northwestern edge. Pedestrian connection points would be retained along the southern boundary onto High West Road, whilst two new connections would be created along the eastern boundary, providing connections onto facilities at the centre of Crook. Following discussions with officers, a plan has been received showing one such connection would be provided by the occupation of the 92<sup>nd</sup> dwelling, with the second connection provided by the occupation of the 157<sup>th</sup> dwelling, to ensure the timing of the construction of the connections better reflects the timing of the construction of the dwellings. Two public rights of way are indicated to be diverted; the principle of the routes of these diversions would be acceptable in planning terms, though as discussed later in this report, it is noted that this is subject to a Diversion Order outside of the Planning process.
117. Turning next to hedgerows, officers note that in order to develop the site, some sections of hedgerow would need to be lost, such as the hedgerow located at the proposed access point onto High West Road, and the hedgerows running through the centre of the site. Officers note that the principle of the access arrangement onto High West Road was established when the site was allocated for development, and that there is no scope to amend the access arrangement to prevent the proposed

hedgerow loss. It is considered that the proposed loss of hedgerows has been minimised where possible, and that the remaining areas of loss are justified. It is noted that the application seeks maintain the retained hedgerows during the works and thereafter. These retained hedgerows would also form part of green corridors linking the development to the open countryside to the north of the site.

118. Turning next to separation distances from existing properties outside of the site, it is noted that the southern and eastern edges of the development feature landscaped buffers which would ensure separation distances well in excess of the 21m requirements set out in the Residential Standards SPD. The matter of residential amenity is considered in greater detail later within this report.
119. Turning next to the access arrangement onto High West Road, following the Highways officer's assessment it is considered that a T-junction access including a ghost island and pedestrian refuge is the preferred access arrangement, as opposed to the use of a roundabout as described in Policy 4 of the CDP. These works require the widening of the road to accommodate the ghost island. As discussed later in this report, the Highways officer considers the detailed design of the access is acceptable, whilst the application can demonstrate sufficient visibility splays onto High West Road. The matter of highway safety is considered in greater detail later within this report.
120. By allocating the site for housing development through the CDP, it is considered that the site is a sustainable location for development. For the reasons set out above, the proposal does not conflict with the site's requirements when allocated for approximately 250 dwellings, and therefore does not conflict with CDP Policy 4. It is considered that the principle of the development in this location is acceptable.

#### Agricultural Land

121. Paragraph 180 of the NPPF seeks to protect best and most versatile land. CDP Policy 14 states that development of the best and most versatile agricultural land will be permitted where it is demonstrated that the benefits of the development outweigh the harm, taking into account economic and other benefits.
122. The NPPF defines the 'best and most versatile agricultural land' as being Grades 1, 2, and 3a.
123. The site is on land classed as Grade 4 by Natural England, who define Grade 4 as being of 'poor' agricultural value. The site therefore is not 'best and most versatile agricultural land' as defined by the NPPF.
124. It is also noted that the site is allocated for housing in the County Durham Plan, establishing the principle of the loss of agricultural land within the site.
125. CDP Policy 14 goes on to state that all development proposals relating to previously undeveloped land must demonstrate that soil resources will be managed and conserved in a viable condition and used sustainably in line with accepted best practice. A condition is recommended to secure details of soil management during the construction works.
126. It is considered that the proposal would not lead to a loss of notably valued agricultural land, or lead to a loss of valued soils, and would therefore not conflict with Policy 14 of the County Durham Plan or with Paragraph 174 b) of the NPPF.

#### Safeguarding Mineral Resources

127. CDP Policy 56 advises 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, or which will sterilise an identified 'relic' natural building and roofing stone quarry as shown on Map C of the policies map document unless certain criteria apply.
128. The site does not lie within a Mineral Safeguarding Area (MSA) as defined in the CDP, though does lie within the Minerals Surface Mined Coal Resource Area. Because the site does not fall within the MSA there would be no conflict with CDP Policy 56 or with Part 17 of the NPPF. Officers also note that as an allocated site for housing in the CDP, any implications of loss of mineral resource beneath the site have already been considered and the principle of any such loss established.

## Type and Mix of Housing

129. Paragraph 5.187 of the CDP recognises that the County has an imbalanced housing stock in relation to type and mix. CDP Policy 19 therefore states that, on all new housing developments, the Council will seek to secure an appropriate mix of dwelling types and sizes, taking account of existing imbalances in the housing stock, site characteristics, viability, economic and market considerations and the opportunity to facilitate self-build or custom-build schemes. Paragraph 60 of the NPPF states that 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. The overall aim should be to meet as much of an area's identified housing need as possible, including with an appropriate mix of housing types for the local community.
130. The current proposal seeks to construct 256 dwellings of the following mix:
- 26 two-bedroom bungalows;
  - 44 two-bedroom houses;
  - 128 three-bedroom houses;
  - 49 four-bedroom houses; and
  - 9 five-bedroom houses.
131. It is considered that the proposed development provides for an mix of housing and is acceptable for a development of this scale, in accordance with CDP Policy 19 and Part 5 of the NPPF.

## Addressing Housing Need

### *Affordable Housing Provision*

132. Policy 15 of the CDP establishes the requirements for developments to provide on-site affordable housing, the circumstances when off-site affordable housing would be acceptable, the tenure and 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. The Policy states that on sites with 10 or more units, 10% of the homes provided should be for affordable home ownership (starter homes, discount market sale housing and other affordable routes to home ownership). In line with the requirements in Table 8 of the Plan, any contribution above 10% should be provided as affordable housing for rent. The Policy goes on to state that where it can be evidenced by the applicant to the Council's satisfaction that this tenure mix would make the required affordable housing contribution unviable or that alternative affordable housing products are required to

meet local needs, then proposals for an alternative tenure mix as proposed by the applicant will be considered.

133. The application submits the following Affordable Housing provision:
  - 1 two-bedroom house and 15 three-bedroom houses as Discount Market Sale;
  - 10 two-bedroom houses and 3 four-bedroom houses as Affordable Rent; and
  - 9 two-bedroom houses as First Homes (a form of Discount Market Sale for first time buyers only).
134. The site is within the medium viability area as identified in the County Durham Plan. Major-scale residential developments in this area are required to provide at least 15% of dwellings as affordable housing. It is noted that the provision of 38no. affordable units equates to 15% of dwellings across the proposed 256 dwelling development, and is therefore accepted.
135. Spatial Policy Officers note that 25% of the proposed Affordable units would need to be First Homes, equating to 9 units in this instance and 9 are proposed as part of this application. They also note that 10% of all units across the site would need to be Affordable Home Ownership, equating to 25 units in this instance. The 9 First Homes, and 16 Discount Market Sale units would equate to 25 units. 13 further units are proposed as Affordable Rent. It is considered that this mix and tenure accords with Policy 15 of the County Durham Plan and with Paragraph 65 of the NPPF.
136. The Council's Affordable Housing Officer note that the proposed mix and tenure are deemed acceptable. The applicant proposes to offer the Discount Market Sale units with a reduction of 20% over the open market value of the units (the minimum required by the NPPF) together with a 30% discount to on open market rental values for the Affordable Rented units. The Affordable Housing officer still requires the Original Market Value to be clarified before the affordable values can be secured. This information would need to be agreed with the applicant prior to the completion of a Section 106 Agreement should Members be minded to grant planning permission.
137. Notwithstanding the above, the Affordable Housing officer maintains concerns with the proposed distribution of Affordable homes across the site, requesting that a greater number of units be secured at earlier stages of the development, in the southwestern part of the site. Planning officers have since discussed this in detail with the applicant and have secured an amended layout along with an amended built-out route to secure a greater number of Affordable units in the first build phase of the development. It is noted that further changes would require a more fundamental change to the layout of the site, which has previously been agreed following lengthy discussions in respect of design, landscaping, drainage, highway safety and other matters. Whilst the Affordable Housing officer maintains their concerns, Planning officers consider that the proposed distribution and build-out route is on balance in acceptable.
138. The application would provide a sufficient number of affordable housing for a development of this scale, whilst also providing a sufficient number of each required tenure. The development would help address local housing needs, and would not conflict with CDP Policy 15 or with Paragraph 65 of the NPPF.

#### *Meeting the Needs of Older People and People with Disabilities*

139. CDP Policy 15 also aims to meet the needs of older people and people with disabilities, achieving this in two ways.
140. The first part is that 66% of the units on schemes of 5 units or more need to be accessible and adaptable to meet the needs of older people and people with

disabilities. This is achieved by adhering to Building Regulations Requirement M4(2) (accessible and adaptable dwellings) standard.

141. Based on the proposed 256 dwellings, 169 would be required to be built to M4(2) standard. The amended plans show the provision of 169 dwellings which would be M4(2) compliant, equating to 66% of dwellings across the site. This provision is therefore acceptable.
142. The second part of CDP Policy 15 requires a minimum of 10% of the total number of dwellings on the site to be of a design and type that increases the housing options of older people. This means it has to be built as a suitable product from the outset, so that it is available at the point of first occupation (i.e. now/immediately) to meet the needs of older people. These properties should also be built to M4(2) standard and would contribute to meeting the 66% requirement set out above. They should be situated in the most appropriate location within the site for older people. Appropriate house types considered to meet this requirement include:
  - level access flats;
  - level access bungalows; or
  - housing products that can be shown to meet the specific needs of a multi-generational family.
143. Planning officers have been in lengthy discussions with the applicant on this point, as the proposal previously sought to provide one-and-a-half storey 'Thrunton' bungalows toward this requirement. Following concerns raised by the Spatial Policy officer, the applicant has agreed to instead provide single storey 'Wentwood' bungalows toward this requirement. The Spatial Policy officer has advised that this amended housetype addresses their concerns.
144. It is noted that 26 of the two-bedroom 'Wentwood' bungalows are proposed, which would also be built to M4(2) standard. This equates to 10% of dwellings across the site, which is considered acceptable.
145. For the above reasons it considered that the proposed mix of housing would sufficiently contribute to meeting the needs of older people and people with disabilities, and subject to the imposition of a condition securing delivery of the required about of M4(2) properties is in accordance with CDP Policy 15 and Paragraph 60 of the NPPF.

#### Layout and Design

146. Section 12 of the NPPF seeks to achieve well-designed places, with Paragraph 131 stating that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.
147. Paragraph 135 of the NPPF then states that planning policies and decisions should ensure that developments:
  - a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
  - b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users<sup>4</sup>; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

148. Paragraph 136 of the NPPF then states that trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible. Applicants and local planning authorities should work with highways officers and tree officers to ensure that the right trees are planted in the right places, and solutions are found that are compatible with highways standards and the needs of different users.
149. Paragraph 137 of the NPPF then states that design quality should be considered throughout the evolution and assessment of individual proposals. Early discussion between applicants, the local planning authority and local community about the design and style of emerging schemes is important for clarifying expectations and reconciling local and commercial interests.
150. Paragraph 139 of the NPPF then states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:
- a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or
  - b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area so long as they fit in with the overall form and layout of their surroundings.
151. Turning next to the CDP, as discussed earlier in this report the application site is allocated for development under Policy 4, reference H22. The allocation requires the proposal to achieve the following in respect of design and layout:
- provide significant structural planting (in the order of 30 to 50 metres wide) along the north western boundary;
  - incorporate pedestrian and cycle routes within and connecting to, adjoining facilities;
  - retain mature hedgerows within the site to form the basis of green corridors and linkages with the wider countryside;
  - locate open space to the rear of existing properties adjoining the site, in order to protect their privacy.

152. Whilst the site is allocated for development, it still lies within the open countryside, therefore CDP Policy 10 applies. Policy 10 states that new development in the countryside must accord with all other relevant Development Plan Policies, and by virtue of their siting, scale, design and operation must not:
- give rise to unacceptable harm to the heritage, biodiversity, geodiversity, intrinsic character, beauty or tranquillity of the countryside either individually or cumulatively, which cannot be adequately mitigated or compensated for; and
  - impact adversely upon the setting, townscape qualities, including important vistas, or form of a settlement which cannot be adequately mitigated or compensated for.
153. CDP Policy 26 covers Green Infrastructure, and states that development will be expected to maintain and protect, and where appropriate improve, the County's Green Infrastructure network. This will in turn help to protect and enhance the County's natural capital and ecosystem services. Development proposals should incorporate appropriate Green Infrastructure (GI) that is integrated into the wider network, which maintains and improves biodiversity, landscape character, increases opportunities for healthy living and contributes to healthy ecosystems and climate change objectives. The Policy later states that development proposals should provide for new green infrastructure both within and, where appropriate, off-site, having regard to priorities identified in the Strategic GI Framework. New Green Infrastructure will be required to be appropriate to its context and of robust and practical design, with provision for its long term management and maintenance secured. The Council expects the delivery of new green space to make a contribution towards achieving the net gains in biodiversity and coherent ecological networks as required by the National Planning Policy Framework (NPPF).
154. CDP Policy 29 sets out requirements to achieve Sustainable Design. The Policy states that all development proposals will be required to achieve well designed buildings and places, having regard to supplementary planning documents and other local guidance documents where relevant, and:
- a. contribute positively to an area's character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities;
  - b. create buildings and spaces that are adaptable to changing social, technological, economic and environmental conditions and include appropriate and proportionate measures to reduce vulnerability, increase resilience and ensure public safety and security;
  - c. minimise greenhouse gas emissions, by seeking to achieve zero carbon buildings and providing renewable and low carbon energy generation, and include connections to an existing or approved district energy scheme where viable opportunities exist. Where connection to the gas network is not viable, development should utilise renewable and low carbon technologies as the main heating source;
  - d. 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;
  - e. provide high standards of amenity and privacy, and minimise the impact of development upon the occupants of existing adjacent and nearby properties; and
  - f. contribute towards healthy neighbourhoods and consider the health impacts of development and the needs of existing and future users, including those with dementia and other sensory or mobility impairments.
155. In respect of landscaping, CDP Policy 29 then states that proposals should:
- g. respond creatively to topography and to existing features of landscape or heritage interest and wildlife habitats;

- h. respect and where appropriate take opportunities to create attractive views of and from the site;
- i. reflect in the detailed design any features characteristic of the locality such as boundaries, paving materials and plant species;
- j. create opportunities for wildlife including though the use of locally native species;
- k. make appropriate provision for maintenance and long term management; and
- l. in the case of edge of settlement development, provide for an appropriate level of structural landscaping to screen or assimilate the development into its surroundings and provide an attractive new settlement boundary.

156. In respect of designing places and spaces, CDP Policy 29 then states that major development proposals, and those which affect, or add to, the public realm should:
- m. create a well-defined, easily navigable and accessible network of streets and spaces which respond appropriately to local context, to ensure that:
    - 1. the public realm, including new roads, paths and other rights of way, open spaces, hard and soft landscaping, boundary features and other structures, are designed to be functional, well-managed safe and durable, taking into account the lifetime needs of its users;
    - 2. convenient access is provided for all users whilst prioritising the needs of pedestrians, cyclists, public transport users, people with a range of disabilities, and, emergency and service vehicles;
    - 3. connections are made to existing cycle and pedestrian networks;
    - 4. the public realm benefits, where possible, from natural surveillance;
    - 5. amenity open space is designed with regard to the local micro-climate including sunlight, shade and shelter; and
    - 6. private and communal amenity space is well-defined, defensible and appropriate in its design, size and location to the needs of its users.
157. In respect of designing buildings, CDP Policy 29 states that all major new residential development will be required to:
- n. when assessed against the Building for Life Supplementary Planning Document, secure as many Greens as possible, whilst minimising the number of Ambers. Schemes with one or more Red score(s) will not be acceptable and will be refused planning permission unless there are significant overriding reasons;
  - o. achieve reductions in CO2 emissions of 10% below the Dwelling Emission Rate (DER) against the Target Emission Rate (TER) based on current Building Regulations. The policy would not apply in the event that the relevant Building Regulations were enhanced; and
  - p. be built to at least 30 dwellings per hectare (dph) net in and around town centres and locations where there is good access to facilities and frequent public transport services. Lower densities may be acceptable in other locations or where it is necessary to:
    - 1. ensure good design and development that is compatible with its surroundings and character;
    - 2. secure particular house types to meet local needs; and,
    - 3. meet infrastructure requirements.
158. CDP Policy 39 focuses on a proposal's impact on the County's landscape, and that states that 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, and that development affecting valued landscapes will only be permitted where it conserves, and where appropriate enhances, the special qualities of the landscape, unless the benefits of the development in that location clearly outweigh the harm. Paragraph 5.415 of the Plan, which forms part of the surrounding text for Policy 39, then states that the NPPF notes the desirability of new development making a positive contribution to local character and distinctiveness and



advises that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. Development can make a positive contribution to the landscape either directly through its design, through off-site works, or through financial contributions supporting the delivery of landscape improvements in the surrounding area.

159. A Building for Life Supplementary Planning Document (2019) (BfL SPD) has been adopted by the Council, and this is a key document used in the assessment of Major scale housing developments which is referred to in Policy 29 of the County Durham Plan. In recognition of national planning advice and to achieve high quality housing developments, the Council has adopted an internal Design Review process to assess schemes against the Building for Life 12 (BfL 12) Standards. The BfL SPD formalises the review process and establishes the guidelines and standards for its operation and is linked to the Sustainable Design Policy (29) in the County Durham Plan. The scoring is based on a traffic light system with the aim of the proposed new development to secure as many “Greens” as possible, minimise the number of “Ambers” and avoid “Reds”. The more “Greens” achieved the better the development will be, “Ambers” are usually concerns that can be raised to “Green” with revisions, whereas a “Red” gives a warning that a particular aspect needs strong reconsideration. CDP Policy 29 states that schemes with one or more Red scores will not be acceptable and will be refused planning permission unless there are significant overriding reasons.
160. The application site comprises a number of agricultural fields measuring 14.8 hectares in total area. The site is located at the western edge of the settlement of Crook, with dwellings along Larchfield, Laurel and Briar Gardens to the east, dwellings and two farmsteads along High West Road to the south, and open fields to the west and north. The dwellings located along High West Road are large detached properties, many of which are set within large well-screened plots. When entering Crook from the west along the A689/High West Road, the built form transitions from larger plots to more dense terraced housing when approaching the town centre. The dwellings along this road are predominately 2 storey red brick buildings which some examples of render elevations and bungalows. The properties located along Larchfield, Laurel and Briar Gardens to the east of the site are more uniform in character and are predominately semi-detached 2 storey brick dwellings with on-street parking.
161. In response to this transition in character at the western edge of Crook, the applicant proposes three distinct character areas across the L-shaped development, which are separated by north-south landscaped corridors. At the southwest corner of the site would be the rural character area, which would form the gateway into the development. Dwellings in this area are arranged into three smaller clusters with landscaping in between and would feature a lower density than the rest of the site. Dwellings in this area would be constructed of reconstituted sandstone external elevations, red brick elevations, grey concrete roof tiles and artstone heads and cills. The western most cell would be prominent when entering the site and passing the entrance along High West Road, the proposal features a short terrace of bungalows with corner turner houses at each end, and dwarf wall front boundary treatments. Rear boundary treatments would comprise 1.7m high brick walls. To the west of the access on High West Road would be a landscaped area acting as a buffer between the built form to the east and the open countryside to the west.
162. At the centre of the site would be the village character area, comprising dwellings grouped in back to back clusters with an average density. Dwellings in this area would be constructed of yellow brick external elevations and red brick external elevations, with some plots featuring white rendered panels or white rendered gable walls, along with grey concrete roof tiles and artstone heads and cills. Front boundary treatments

would comprise hedgerows, whilst rear boundary treatments would comprise brick walls with timber panels.

163. The northeastern area of the site would be the urban character, which is of a higher than average density and is of a layout and character typical of an urban area which reflects the adjacent dwellings to the east of the site. The dwellings in this area would be constructed of predominately red brick elevations which some use of yellow and grey bricks to add some variety within the streetscenes. Grey upvc openings are proposed with flat roof dormers, porches and door canopies. Ground floor front elevation windows would feature artstone surrounds. Front boundary treatments would comprise black metal railings with 1.8m high close timber fencing for rear boundaries.
164. Several layouts have been considered by Officers during the course of the application, with the applicant working with officers following feedback. During the most recent consideration of the application by the Internal Design Review Panel in 2023, the scheme received 0 "Red", 6 "Amber", 5 "Green" and 1 "Unknown" scores, representing a notable improvement over the initial scores when the application was first received. The unknown score related to bin storage provision which was to be checked by the case officer following the design review panel's consideration.
165. In respect of Question 1: Connections to help integrate the development with its surroundings, it is noted that there are sufficient pedestrian and cycle connections to the southern and eastern boundaries, enabling users of the development to access bus stops along High West Road and the centre of Crook. The proposal has scored Green in this respect.
166. In respect of Question 2: Proximity to facilities and amenities, whilst noting the footpath and cycle connections to the southern and eastern boundaries, it is also noted that the site is allocated for housing. It is considered that the site is a sustainable location for housing development, and the proposal has scored Green in this respect.
167. In respect of Question 3: Public transport, as noted above the site is well connected to bus stops along High West Road and to the centre of Crook. The proposal has scored Green in this respect.
168. In respect of Question 4: Meeting local housing requirements, as noted earlier in this report the proposed housing mix and affordable housing provision is supported. The proposal has scored Green in this respect.
169. In respect of Question 5: Character, it is noted that the design and layout of the scheme is much improved when compared to the initial submission. The inclusion of character areas and variety of housetype designs across the site is welcomed, and better reflects the character of the surrounding area. Officers still feel that the density is high in the northeastern corner and that the design of the housetypes and front boundary treatments in that part of the site is not truly inspired or distinctive, however it is still acceptable. The proposal has therefore scored Amber in this respect.
170. In respect of Question 6: Working with the site's constraints and surrounding context, this has been a challenging aspect for this proposal due to the site's topography and the open landscape to the west and north. Concerns were previously raised due to a lack of sufficient structured landscaping along the northwestern boundary to form a robust settlement edge, whilst there were notable concerns relating to drainage features. The amended scheme now shows a 30m structured landscape buffer and the use of swales and other drainage features where suggested by officers. The landscape buffers between the built form of the development and adjacent housing to the south and east are also welcomed. Following the design review score, the

applicant has submitted further landscaping and drainage details to further address officer feedback. Whilst the proposal had scored Amber in this respect, the most up to date drawings are now considered to score Green.

171. In respect of Question 7: Well defined streets and spaces, again the proposal has much improved over the course of this application. The amended layout, use of a structured landscaping buffer, improving landscape provision across the wider site, and introduction of character areas helped address concerns. Following the design review score, a number of true corner turner units are also proposed at key plots. Some concerns remain with the density in the urban character area in the northeastern corner of the site, resulting in some car-dominated streetspaces, however the density in this area of the site alone is not considered unacceptable. The Landscape officer also maintains concerns with a lack provision of street trees in public spaces in some areas of the site, with the proposal instead reliant on trees located within residential plots on some streets which would be beyond the control of a landscape management plan. Officers have carefully considered this element of the scheme and on balance it is considered that the overall provision of street trees in public spaces across the wider site is not unacceptable. Drawing all of the above together, the proposal has scored Amber in respect of well defined streets and spaces.
172. In respect of Question 8: Wayfinding, the provision of clear character areas is welcomed, and it is noted that the irregular shape of the site leads to a somewhat convoluted layout which the applicant has sought to address. Following the design review score, a number of true corner turner units are also proposed at key plots. Whilst the proposal had scored Amber in this respect, the subsequent addition of the true corner turners are now considered to score Green.
173. In respect of Question 9: Streets for all, it is noted that the proposed access onto High West Road is acceptable, whilst traffic calming measures have been introduced within the site. The Highways officer therefore has no concerns with the proposed layout. However, the dominance of car parking in the urban character area in the northeast corner of the site leads to poor social spaces. Whilst noting that this only affects some streets in one part of the site, on balance it is considered that the proposal scores Amber in this respect.
174. In respect of Question 10: Car parking, it is noted that the Highways officer has no objection to the proposed private parking bay and visitor parking bay provision across the site. As mentioned above there is a dominance of car parking on some streets in the urban character area in the northeast corner of the site, however for the purpose of this aspect of the design review, on balance due to only some streets being adversely affected, it is considered that the proposal scores Green.
175. In respect of Question 11: Public and private spaces, this is an aspect of the proposal which has much improved over the course of this application. Sufficient public open space is now provided across the site, including a children's play area which has been relocated to the centre of the site. The structured landscape buffer along the northeastern boundary also features an informal welly walk which improves the accessibility and quality of this amenity/green space. A large open area is proposed in the southeast corner which can be used for informal outdoor recreation, and following the design review scoring the applicant has worked with the Drainage and Landscape officers to design a well-landscaped area which includes a dry SuDS basin. Whilst the proposal had scored Amber in this respect, the subsequent relocation of the play area and improvements to the southeastern area of the site around the SuDS basin leads this aspect of the proposal to now score Green.

176. In respect of Question 12: External storage, it is noted that sufficient length rear gardens are proposed whilst all plots feature sufficient bin provision in close proximity to dwellings. The Highways officer has no concerns with the bin storage provision locations which would not lead to collection implications. Whilst the proposal had scored Unknown in this respect, Officers now consider the proposal to score Green.
177. The amended proposal as currently presented benefits from 9 Green and 3 Amber scores. It is noted that a Red score would conflict with CDP Policy 29.
178. As mentioned above, the proposal has made notable improvements to the layout and overall design, and now proposes a scheme of a density in line with the site's allocation whilst also addressing the main concerns which were raised by officers. The proposal has responded positively to officer feedback on site constraints, including sufficient structural landscaping to form a robust settlement edge. There are some remaining concerns in relation to car parking in the northeast corner of the site, and the use of street trees within residential curtilages on some streets, however on balance these issues are not deemed to be unacceptable. The allocation of the site for approximately 250 dwellings and the provision of a notable amount of landscaped areas across the site are key considerations in this instance.
179. Details of external materials, hard surfaces, soft landscaping and boundary treatments have been submitted and are considered acceptable. Landscape officers have recommended a Landscape Management Plan be secured by condition to ensure the proposed landscaping beyond residential curtilages is planted and maintained thereafter.
180. Officers note a proposed electric substation shown on the received site plans. No details of its height or external appearance have been received, therefore it is recommended these details be secured by condition.
181. It is considered that the proposal is of an acceptable layout and design, which would not have an adverse impact on the character of the surrounding built form or on the amenity of the wider landscape to the west and north. Sufficient public open space and green infrastructure are proposed, whilst the development would benefit from integrated surface water drainage features. The proposal therefore does not conflict with CDP Policies 4, 10, 29 and 39 and with Part 12 of the NPPF.

#### Trees and Hedgerows

182. In respect of trees, CDP Policy 40 states that proposals for new development will not be permitted that would result in the loss of, or damage to, trees of high landscape, amenity or biodiversity value unless the benefits of the proposal clearly outweigh the harm. Where development would involve the loss of ancient or veteran trees it will be refused unless there are wholly exceptional reasons and a suitable compensation strategy exists. Proposals for new development will be expected to retain existing trees where they can make a positive contribution to the locality or to the development, maintain adequate stand-off distances between them and new land-uses, including root protection areas where necessary, to avoid future conflicts, and integrate them fully into the design having regard to their future management requirements and growth potential. Where trees are lost, suitable replacement planting, including appropriate provision for maintenance and management, will be required within the site or the locality. Where applications are made to carry out works to trees in Conservation Areas or that are covered by a Tree Preservation Order, they will be determined in accordance with the council's Tree Management Policy Document (or any subsequent revisions).

183. In respect if hedgerows, CDP Policy 40 goes on to state that proposals for new development will not be permitted that would result in the loss of hedges of high landscape, heritage, amenity or biodiversity value unless the benefits of the proposal clearly outweigh the harm. Proposals for new development will be expected to retain existing hedgerows where appropriate and integrate them fully into the design having regard to their management requirements. Where any hedges are lost, suitable replacement planting or restoration of existing hedges, will be required within the site or the locality, including appropriate provision for maintenance and management.
184. CDP Policy 4, when allocating the site for development, requires the proposal to retain mature hedgerows within the site to form the basis of green corridors and linkages with the wider countryside.
185. Paragraph 136 of the NPPF states that trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change.
186. The site is partially covered by the 'Land To The North Of High West Road Crook Tree Preservation Order 2019'. The Order identifies 71 protected trees across the site and adjacent land to the north, with no tree groups or woodland identified as being protected. The Order was made and confirmed in June 2020 following receipt of this planning application.
187. The application is supported by an Arboricultural Impact Assessment (AIA) dated July 2023, which makes a number of recommendations following a survey of the trees and hedgerows across the site. The Council's Trees officer has been consulted.
188. Only one individual tree would need to be felled as part of the works; a Category C Field Maple located to the east of the site, due to the proposed footpath link to Larchfield Gardens at the northeastern edge of the site. This tree is not protected by the Tree Preservation Order (TPO) and is of Category C status due to its low quality and value. The loss of this tree located beyond the application site is not considered unacceptable.
189. A group of Ash and Hawthorn trees located to the south of proposed Plot 27, identified as Group 1 in the AIA, are also proposed to be felled to make way for a new footpath. The AIA submits that the group of trees are Category C due to its low quality and value. The group is not protected by the TPO. The loss of this group is not considered unacceptable.
190. The AIA has identified 8 further trees within the site which are covered by the TPO that are in poor condition, meaning they are currently of low quality and value, whilst any existing value would be lost within 10 years. The layout of the development has been designed to allow for the retention of these trees, however given the AIA's advice, officers would not raise concerns with the loss of those 8 trees within the site. Further to this, the AIA also advises that some of these trees may already need to be removed on safety grounds. Having considered the proposals, in the context of the amount of tree planting across the development, the loss of these 8 trees, which are already in poor condition, is justified and would therefore not be unacceptable.
191. With regard to hedgerows, as discussed earlier in this report, in order to develop the site some short sections of hedgerow would need to be lost, such as the hedgerow running north-south through the centre of the site. It is noted that the majority of the length of these hedgerows would be retained and maintained during the works and thereafter. These hedgerows also form part of green corridors linking to the open countryside to the north of the site.

192. The proposed loss of the majority of the hedgerow along the north side of High West Road where the access is proposed is noted. However, the extent of the hedgerow removal is necessary to accommodate both the proposed access and the visibility splays, whilst the principle of that access arrangement onto High West Road was established when the site was allocated for development. It is noted that there is no scope to amend the access arrangement to prevent the proposed hedgerow loss. Therefore, it is considered that this extent of loss of hedgerow is justified in this instance.
193. The Council's Arboricultural (Trees) Officer has recommended that an Arboricultural Method Statement including a Tree Protection Plan be secured by condition, to ensure that the development would not have an adverse impact on the trees and hedgerows to be retained across the site.
194. It is considered that the proposed tree and hedgerow removal is justified, whilst a condition is recommended to ensure the protection of retained trees and hedgerows during the works. The proposal therefore does not conflict with CDP Policies 4, 10 and 40, or with the NPPF.

#### Residential amenity

195. Paragraph 180 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of air or noise pollution. Development should, wherever possible, help to improve local environmental conditions such as air quality and water quality. Paragraph 191 of the NPPF states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. Paragraph 192 of the NPPF advises that planning decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement. Paragraph 193 of the NPPF advises that planning decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs).
196. CDP Policies 29 and 31 outline that developments should provide high standards of amenity and privacy, minimise the impact of development upon the occupants of existing adjacent and nearby properties, and not lead to unacceptable levels of pollution. The Policies are informed by Parts 12 and 15 of the NPPF, which 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 including noise pollution.
197. Concerns have been raised by neighbouring residents in respect of maintenance of proposed hedgerows along the southern and eastern boundaries, due to their proximity to their properties. Officers note that the hedgerows would help screen the development from the neighbouring properties, though if their height were to be left unchecked this could lead to tall, dense hedgerows which could lead to future overbearing and loss of light issues for the neighbouring properties. Officers do not wish to relocate the hedgerows further from the site boundaries to ensure areas with

little to no natural surveillance are not created. As mentioned earlier in this report officers are recommending the use of a condition securing details of the ongoing management of landscaping across the site; in response to the concerns raised by neighbouring residents a second condition is recommended ensuring the maintenance of the height of the hedgerows at up to 2.5m.

198. Environmental Health and Consumer Protection (Nuisance Action) have no objection. It is recommended that noise mitigation measures for Plots 1-14, located in the southwest corner of the site, be secured by condition. No further conditions are recommended in relation to dust emissions or other forms of nuisance. Officers consider the measures set out in the submitted Construction Management Plan are acceptable.
199. The Environmental Health and Consumer Protection (Air quality) officer has been consulted and they have no objection to the proposal, whilst not recommended any conditions.
200. The applicant has indicated that construction of the development would take around seven years. A Construction Management Plan and accompanying note has been received which establishes mitigation measures in relation to noise, dust and lighting, in the interest of the amenity of neighbouring residents. These measures are considered acceptable, and it is recommended that the plan and note are listed in the approved plans/documents condition to ensure the developer complies with them during the construction phase.
201. Concerns have been raised by neighbouring residents in respect of separation distances between the proposed dwellings and neighbouring properties to the south and east of the site. It is noted that CDP Policy 4, when allocating the site for development, requires the proposal to locate open space to the rear of existing properties adjoining the site, in order to protect their privacy. The received plans show this is proposed. As a result, officers note that even when factoring in the differences in levels, the distances between existing and proposed dwellings along the southern and eastern site boundaries are well in excess of the 21m separation requirement as set out in Council's Residential Amenity Standards Supplementary Planning Document. It is also noted that there are no neighbouring properties to the west and north of the site, with the nearest approximately 300m northwest, and approximately 200m west of the site, with agricultural fields in between.
202. Planning Officers have also considered the separation distances between the proposed dwellings within the site, in line with then Council's Residential Amenity Standards Supplementary Planning Document. The separation distances across the development are considered acceptable.
203. Consideration has also been given to the size of the proposed gardens across the site, which provide private amenity space for occupiers of the development, in line with then Council's Residential Amenity Standards Supplementary Planning Document which expects rear garden depths to be 9m in length subject to site and plot specific considerations. The garden depths across the development are considered acceptable.
204. Subject to conditions highlighted above, is considered that the development would not lead to an adverse impact on the amenity of neighbouring residents during the construction phase and during subsequent occupation of the development, whilst the proposal would also protect the amenity of occupiers of the development. The proposal would not conflict with CDP Policies 10, 29 and 31 or with Sections 12 and 15 of the NPPF.

## Highway Safety

205. The application seeks to construct 256 new dwellings which would be served by a new access onto the A689, known as High West Road.
206. Paragraph 114 of the NPPF states that when assessing proposals, it should be ensured appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location. It should also be ensured that safe and suitable access to the site can be achieved for all users; that the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and that any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree
207. Paragraph 115 of the NPPF then states that development should only be refused on transport grounds where the residual cumulative impacts on development are severe. Policy 21 of the County Durham Plan outlines that development should not be prejudicial to highway safety or have a severe cumulative impact on network capacity. It also expects developments to deliver well designed pedestrian routes and sufficient cycle and car parking provision.
208. As set out earlier in this report, the site's allocation under CDP Policy 4 required the proposal to connect to High West Road through a new roundabout. However, the Council as Highway Authority has considered the detail of the access arrangement under the current application, and following discussions with the applicant it has been agreed that a T-junction arrangement is more suitable for a development of this scale on this section of High West Road. The access requires the northern side of the highway to be extended to allow a protected right turn for westbound traffic entering the site to be located in the centre of the carriageway. Sufficient visibility splays would be provided for a 30mph highway; it is noted that the 30mph zone starts approximately 300m to the west of the access.
209. No objection is raised by the Highways officer, who considers the proposed access arrangement to be acceptable. When the site was first allocated for development in the County Durham Plan, Policy 4 required a roundabout to be created onto High West Road, however officers have since noted that a T-junction would be acceptable for a development of 256 dwellings, and that a roundabout is no longer necessary. The provision of a T-junction would therefore not lead to an unacceptable conflict with the site's allocation under CDP Policy 4.
210. The site is allocated for approximately 250 dwellings, establishing the principle of the number of vehicle trips associated with a development of this size to be using a single access from High West Road. The Highways officer considers the local road network to be sufficient to safely accommodate the anticipated vehicle trips from the proposed development.
211. Turning next to car parking provision, the proposal has been updated following the adoption of the Parking and Accessibility SPD in October 2023. The Highways officer considers the proposed number and location of private and visitor parking bays is acceptable.
212. Electric Vehicle charging points are proposed at each dwelling and this is considered acceptable. Officers note that EV charging point provision is already required under Part S of Building Regulations following an update in 2021.



213. The Highways officer also advises that the proposed layout of the development would not lead to highway safety concerns. Technical details would be secured through the Section 38 process under the Highways Act, separate from the planning process.
214. The Highways officer has no objection to the proposal subject to standard conditions relating to the access onto High West Road, car parking provision, cycle parking provision, and refuse storage and collection.
215. Concerns have been raised by neighbouring residents in relation to the width of the footpath along High West Road, and request that this be widened in the interest of pedestrian safety. A footpath runs along the full length of the highway from the proposed access into the centre of Crook, on the southern side of the carriageway. It is considered that the existing width of the footpath is acceptable and that it would therefore not be reasonable to require the developer to pay for upgrade works to the footpath. The proposed footpath links along the eastern site boundary would also provide separate pedestrian and cycle access to the centre of Crook, therefore not all of the proposed development would be reliant on using the existing footpath along High West Road to the south of the site.
216. Subject to recommended conditions, the proposal would not lead to an adverse impact on highway safety, and would not conflict with CDP Policies 10 and 21, or with Paragraphs 114 and 115 of the NPPF. The proposed access arrangement would not lead to an unacceptable conflict with the site's allocation under CDP Policy 4.

#### Sustainable Travel

217. CDP Policy 21 requires proposals to deliver, accommodate and facilitate investment in safe sustainable modes of transport in the following order of priority: those with mobility issues or disabilities, walking, cycling, bus and rail transport, car sharing and alternative fuel vehicles.
218. The proposed development would benefit from pedestrian and cycle connections at the southern and eastern boundaries, providing access toward the centre of Crook and to the bus stops along High West Road. The application is supported by a Travel Plan setting out a range of measures to encourage walking and cycling, and to encourage use of the bus stops along High West Road. The Travel Plan also highlights that electric vehicle charging points are proposed at each dwelling. The measures are intended to reduce the occupiers of the development's reliance on private vehicles for their day-to-day needs. The Travel Plan also highlights that electric vehicle charging points are proposed at each dwelling.
219. The Sustainable Travel officer has been consulted and following receipt of an updated Travel Plan in line with officer feedback, they have no objections. No conditions are recommended, however officers do recommend that the Travel Plan does form part of the approved plans/documents list should Members be minded to grant permission.
220. The measures and monitoring programme set out in the Travel Plan are considered acceptable in accordance with CDP Policies 10, 21 and 29 and with Paragraph 117 of the NPPF.

#### Public Rights of Way

221. Part 8 of the NPPF seeks to promote healthy communities with a key reference being towards the protection and enhancement of public rights of way and access. CDP Policy 26 states that development will be expected to maintain or improve the

permeability of the built environment and access to the countryside for pedestrians, cyclists and horse riders. Proposals that would result in the loss of, or deterioration in the quality of, existing Public Rights of Way (PROWs) will not be permitted unless equivalent alternative provision of a suitable standard is made. The Policy goes on to state that where diversions are required, new routes should be direct, convenient and attractive, and must not have a detrimental impact on environmental or heritage assets.

222. CDP Policy 4, when allocating the site for development, requires the proposal to incorporate pedestrian and cycle routes within [the site] and connecting to adjoining facilities [in Crook].
223. Two public rights of way pass through the site; Footpath No. 48 (Crook Parish) runs through the southwestern part of the site, whilst Footpath No. 49 (Crook Parish) passes north-south through the centre of the site. A third right of way, Footpath No. 51 (Crook Parish) runs to the south of the site adjacent to the proposed Plot 27 and joins Footpath No. 49 to the west of proposed Plot 32. Currently there is no means of access to the site from the eastern boundary.
224. The Access and Rights of Way officers note that the applicant for this planning application has also applied to divert parts of Footpath Nos. 48 and 49 (Crook Parish) where they pass through the site. It is noted that the applicant has applied for a Diversion Order under delegated powers, and four objections were received from the public in the statutory notice period. Determination of that Diversion Order, in the event Members decide to grant planning permission, will be made separately from the Planning process under separate legislation. For the purpose of this planning application, it is considered that the indicated route is acceptable, however this does not prejudice the determination of the Diversion Order.
225. The Access and Rights of Way officers have raised concerns that proposed vegetation planting including trees would obstruct a grass surfaced footpath off the proposed access road located in the western corner of the site, north of the proposed vehicular access from High West Road. They advised that the footpath must remain free from formal planting and plans should be amended to show this. They recommended a minimum 3 metre wide clearance of planting along that footpath. Planning officers have since double checked the plans and note that these requirements are already shown on the plans, therefore this concern has been addressed.
226. The Access and Rights of Way officers also note that as part of the proposed diversion of Crook Public Footpath 48, dropped kerbs and tactile paving are proposed to enable improved pedestrian access across High West Road (A689), to the east of the process access. This is welcomed, however they would prefer to see a pedestrian refuge island at this point along the highway as it forms part of the desire line for pedestrians crossing between the north and south pavements, rather than walking to the west of the proposed access to use the pedestrian refuge island proposed there. Following discussion with the Highways officer it is noted that there would likely be road width issues and visibility splay issues for existing accesses onto the highway if the pedestrian refuge island were to be relocated to this point. Therefore, the provision of only dropped kerbs with tactile paving at this point is considered justified. Officers are also mindful of the proposed footpath links along the eastern site boundary which also provide pedestrian and cycle access to the centre of Crook, therefore not all of the proposed development would be reliant on using the existing footpath along High West Road to the south of the site when travelling into the centre of Crook.

227. For the purpose of this planning application, the proposed works would not have an adverse impact on the Public Right of Way network, and would not conflict with CDP Policies 4, 10 and 26 or with Part 8 of the NPPF.

## Ecology

228. Part 15 of the NPPF seeks to ensure that developments protect and mitigate harm to biodiversity interests, and where possible, improve them.

229. Paragraph 186 of the NPPF sets out the Government's commitment to halt the overall decline in biodiversity by minimising impacts and providing net gains where possible and stating that development should be refused if significant harm to biodiversity cannot be avoided, mitigated or, as a last resort, compensated for. CDP Policy 41 reflects this guidance by stating that proposals 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. CDP Policy 43 states that 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. The Policy also considers protected species and their habitats.

230. CDP Policy 26 states that development proposals should incorporate appropriate Green Infrastructure (GI) that is integrated into the wider network, which maintains and improves biodiversity. The Policy later states that the Council expects the delivery of new green space to make a contribution towards achieving the net gains in biodiversity and coherent ecological networks as required by the National Planning Policy Framework (NPPF).

231. The presence of protected species is a material consideration in planning decisions as they are a protected species under the Wildlife and Countryside Act 1981 and the European Union Habitats Directive and the Conservation of Habitats and Species Regulations 2017 (as amended). The Habitats Directive prohibits the deterioration, destruction or disturbance of breeding sites or resting places of protected species. Natural England has the statutory responsibility under the regulations to deal with any licence applications but there is also a duty on planning authorities when deciding whether to grant planning permission for a development which could harm a European Protected Species to apply three tests contained in the Regulations in order to determine whether a licence is likely to be granted. These state that the activity must be for imperative reasons of overriding public interest or for public health and safety, there must be no satisfactory alternative, and that the favourable conservation status of the species must be maintained. Brexit does not change the Council's responsibilities under the law.

232. There are no ecological designations within the site, with the nearest being River Wear Harperley Local Wildlife Site (LWS) some 3.1km to the south west. Helme Park Wood, an Ancient Replanted Woodland is located approximately 2.5km west of the site. A small pond is located approximately 180m west of the site.

233. Ecology Officers have been consulted and they note the updated Ecological Impact Assessment and accompanying Breeding Bird Survey, which conclude that mitigation measures are required to address potential impacts on breeding birds, on small mammals and amphibians, and on bats during both the works and the subsequent occupation of the development. However, as a licence is not required, there is no need to consider the derogation tests. Conditions are recommended to secure these mitigation measures.

234. Ecology Officers have also noted the submitted Biodiversity Net Gain measures, which include landscape planting within the site and provision of an offsite farmland bird mitigation strip. It is noted that these measures would secure a 16% Biodiversity Net Gain, and it is recommended that a Biodiversity Management and Monitoring Plan (BMMP) be secured through a legal agreement as well as the long term management and maintenance of the biodiversity land.
235. Subject to mitigation measures to be secured by conditions, the proposal would not have an adverse impact on protected species or on non-protected species. The proposal would not have an adverse impact on the nearest designated ecological sites. Subject to a legal agreement securing a BMMP the proposal would also deliver a 16% Biodiversity Net Gain. The Ecology officer has no objection, and the proposal does not conflict with CDP Policies 10, 26, 41 and 43, or with Part 15 of the NPPF.

### Surface Water and Foul Drainage

236. Part 14 of the NPPF directs Local Planning Authorities to guard against flooding and the damage it causes. Protection of the water environment is a material planning consideration and development proposals, including waste development, should ensure that new development does not harm the water environment. Paragraph 180 of the NPPF advises that planning decisions should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of water pollution. Development should, wherever possible, help to improve local environmental conditions such as water quality.
237. Paragraph 173 of the NPPF states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment it can be demonstrated that it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate, and any residual risk can be safely managed.
238. CDP Policies 35 and 36 relate to flood water management and infrastructure. CDP Policy 35 requires agreement of flood risk and use of sustainable drainage systems with all development proposals required to consider the effect of the proposed development on flood risk, both on-site and off-site, commensurate with the scale and impact of the development and taking into account the predicted impacts of climate change for the lifetime of the proposal. It is not reasonable for development proposals to mitigate separate existing issues. Policy 35 also states that for major developments such as the current proposal, the management of water must be an intrinsic part of the overall development.
239. Policy 36 addresses the disposal of foul water in the consideration of development proposals, and the hierarchy of drainage options that must be considered and discounted for foul water. National advice within the NPPF and PPG with regard to flood risk advises that a sequential approach to the location of development should be taken with the objective of steering new development to flood zone 1 (areas with the lowest probability of river or sea flooding). When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where a sequential test and some instances exception test are passed, informed by a site-specific flood risk assessment.

240. The site falls within Flood Zone 1 as identified by the Environment Agency, which is the lowest risk area of fluvial (river) flooding. There are some small pockets of land across the site which are at a Low Risk of pluvial (surface water following rainfall) flooding, located in the southwestern and northeastern corners, and in the centre of the site. There are also some pockets of Medium Risk pluvial flooding in the northeastern corner. There is a small pocket of High Risk pluvial flooding located near the centre of the site, to the east of Footpath No. (Crook Parish).
241. The application is supported by a Flood Risk Assessment and Drainage Strategy, which has informed the proposed layout. The proposal seeks to create a SuDS basin at the southwestern corner of the site, with a second larger basin to be located in the southeastern corner. A network of swales throughout the site leads to a drainage system integrated with the layout of the development. The proposal seeks to provide the SuDS basins to store run-off following periods of rainfall, with an outflow to connect to Northumbrian Water's mains sewer system to the east of the site.
242. Drainage and Coastal Protection Officers have been consulted on the amended plans and they support the proposed drainage features across the site. The proposed drainage strategy demonstrates that the proposal would not lead to an increased risk of surface water flooding within the site or elsewhere, whilst also factoring in the projected effects of climate change.
243. The proposal seeks to connect to Northumbrian Water's network for both surface water and foul drainage. Northumbrian Water have been consulted and they have no objection subject to the use of a condition. It is considered that there is sufficient capacity within their network to accommodate the flows from this development.
244. The applicant is seeking to commence works in the southwest corner of the site prior to installing the agreed outflow solution to Northumbrian Water's sewer to the east of the site. These initial works include further archaeological investigations and implementing mitigation measures required by the Coal Authority such as grouting. Following discussions between officers and the applicant, it has been agreed to include the use of a temporary drainage solution during this first phase of the works in the southwest corner of the site. The temporary drainage solution comprises two small temporary drainage basins adjacent to the southern boundary of the site, and associated site fencing barriers and V-channels. These measures are included to provide an additional level of protection against surface water flooding for neighbouring properties to the south during the early stages of the construction period. As required by Drainage and Coastal Protection Officers, the development shall then connect to Northumbrian Water's network for overflows from the site prior to the first dwelling being constructed and occupied; once this permanent connection is made the temporary drainage works would no longer be necessary and can then be removed. The Drainage and Coastal Protection officer has advised that complying with these details as shown on the received engineering plans would be acceptable, and no further conditions are recommended.
245. It is considered that the proposal would not lead to a greater surface water flood risk either within the site or potentially elsewhere, therefore the proposal would not conflict with CDP Policies 10, 35 or 36, or with Paragraphs 173 and 175 of the NPPF.

#### Heritage and Archaeology

246. In assessing the proposed development regard must be had to the statutory duty imposed on the Local Planning Authority under the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character and appearance of a conservation area. In addition, the

Planning (Listed Buildings and Conservation Areas) Act 1990 also imposes a statutory duty that, when considering whether to grant planning permission for a development which affects a listed building or its setting, the decision maker shall 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. If harm is found this gives rise to a strong (but rebuttable) statutory presumption against the grant of planning permission. Any such harm must be given considerable importance and weight by the decision-maker.

247. Part 16 of the NPPF requires clear and convincing justification if development proposals would lead to any harm to, or loss of, the significance of a designated heritage asset. CDP Policy 44 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.
248. There are no designated heritage assets within the site, with the nearest being the Grade II listed Low Woodfield Farmhouse located approximately 300m to the southwest of the site. There are no known above-ground non-designated heritage assets either within or near to the site. Given the above, Design and Conservation Officers have responded with no comment. It is considered that the proposed development would not have an adverse impact on above-ground heritage assets, therefore there would be no conflict with CDP Policies 10 or 44 or with Part 15 of the NPPF.

### *Archaeology*

249. Paragraph 200 of the NPPF states that where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, Local Planning Authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.
250. Footnote 68 of the NPPF states that non-designated heritage assets of archaeological interest, which are demonstrably of equivalent significance to scheduled monuments, should be considered subject to policies for designated heritage assets. Therefore Paragraphs 200, 206 and 207 the NPPF are applicable, which require any harm to or loss of such assets to require clear and convincing justification. This is reflected in Policy 44 of the CDP.
251. The application site is greater than 1ha in size, therefore an archaeological assessment is required in support of this application. A desktop assessment has been submitted which notes that development across most of the site is unlikely to impact on any archaeological deposits, and no further archaeological work is required here. Groundworks associated with the development including landscaping, foundations for buildings and roads, and drainage are likely to remove or significantly truncate archaeological deposits and associated artefacts and paleoenvironmental remains relating to Mown Meadows Farm. The assessment advises that an archaeological excavation is required to mitigate the impact of the development on the archaeological resource.
252. Archaeology Officers have no objection subject to recommended conditions relating to the further investigate works recommended by the received assessment. The proposal would not lead to an archaeological impact and would therefore not conflict with CDP Policy 44 or with Paragraph 200 of the NPPF.

253. It is considered that, subject to conditions, the proposal would cause no harm to heritage assets or archaeological remains, therefore there would be no conflict with CDP Policies 10 or 44 or with Part 16 of the NPPF and the Listed Building Act.

#### Contaminated Land and Coal Mining Risk

254. Part 15 of the NPPF (Paragraphs 124, 180, 189 and 190) requires the planning system to consider remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land where appropriate. Noting that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner. CDP Policy 32 states that development will not be permitted unless the developer can demonstrate that the site is suitable for the proposed use, and that the proposal does not result in unacceptable risks which would adversely impact on the environment, human health and the amenity of local communities.

255. The site lies within the Coalfield Development High Risk Coal Area as identified by the Coal Authority. The site also lies within the surface mined coal resource area and mineral safeguarding area as defined in the County Durham Plan. There is a mine shaft located in the southeastern part of the site, with another located approximately 50m northwest of the site.

256. A Coal Mining Risk Assessment and Phase 1 and Phase 2 Geo-environmental Appraisals have been submitted, which identify three coal seams, a mine shaft and a number of associated workings beneath the site, along with the potential for further unrecorded workings. Given the complexity and number of potential features and workings beneath the site, a number of mitigation measures are recommended to make the site safe for residential development, including drilling and grouting and maintaining a 20m stand off distance from the identified mine shaft. The shaft is located at the centre of the site as marked on the site plans, with no built works located above it or within the stand off area.

257. The Coal Authority has been consulted and their previous concerns relating to a lack of information have been addressed. They note that shallow coal mine workings pose a risk to the proposed development and that further intrusive site investigation works and remediation should be undertaken prior to development. They also note the 20m stand off distance around the identified mine shaft within the site. They have no objection subject to these mitigation measures being secured by recommended conditions.

258. Following the Coal Authority's response, the applicant has sought to amend one of the recommended conditions to allow remediation measures to be carried out on a phased basis across the site, to enable initial ground works to be carried out in the southwestern area of the site prior to carrying out lengthy remediation works required elsewhere within the site. Officers have liaised with the Coal Authority, and they have not raised concerns with the proposed phasing of the remediation works.

259. Environmental Health and Consumer Protection (Contaminated Land) has been consulted and their previous concerns regarding a lack of information have been addressed. They note that remedial works are required with regard to a lead hotspot and ground gas protection measures are required. They have no objection subject to mitigation measures being secured by recommended conditions.

260. Subject to the conditions outlined above, the proposal would not result in unacceptable risks which would adversely impact on the environment, human health and the amenity of local communities and it is considered that the proposals with appropriate mitigation

would provide an acceptable standard of residential amenity. The proposal would therefore not conflict with Policies 10 or 32 of the CDP or with Part 15 of the NPPF in this respect.

## Energy Efficiency

261. CDP Policy 29 requires proposals to minimise greenhouse gas emissions, by seeking to achieve zero carbon buildings and providing renewable and low carbon energy generation, and include connections to an existing or approved district energy scheme where viable opportunities exist. Where connection to the gas network is not viable, development should utilise renewable and low carbon technologies as the main heating source. The Policy goes on to require proposals 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.
262. CDP Policy 29 also refers specifically to reducing CO2 emissions for new buildings based upon building regulations requirements at the time the County Durham Plan was adopted in 2020, however Part L of the Building Regulations has since been revised in 2021, and the levels now required exceed that of Policy 29 of the CDP. The applicant will be required to accord with those Building Regulations which would be enforced outside the Planning process. These Building Regulations require a further 31% reduction in carbon emissions over previous 2013 Building Regulations, with 225 of the proposed 256 dwellings designed to be Future Homes Standard compliant (80% reduction in carbon emissions over 2013 Building Regulations).
263. Officers are mindful that the site is allocated for development for approximately 250 dwellings, establishing the principle of the development of this site as acceptable. The proposal is for 256 dwellings. The site is in a sustainable location as it is within reasonable walking distance of the bus stops along High West Road, which provide frequent bus connections to the facilities, services and amenities in Crook. As a result, occupiers of the development would not be dependent on their private vehicles for their day-to-day needs.
264. The proposal also indicates use of roof-mounted solar panels, electric vehicle charging points, and cycle parking.
265. Several concerns have been raised by the County Durham Green Party (CDGP) relating to energy efficiency. In respect of EV charging points, officers appreciate why the CDGP are seeking Active rather than Passive points for each plot, however there is no requirement within the County Durham Plan or the NPPF to secure Active points, therefore it would be unreasonable to require the developer to provide them. It is also noted that the provision of EV charging points is now controlled by Part S of the Building Regulations following an update in 2021, therefore it is not necessary to secure their provision through the Planning process.
266. The CDGP has also raised concerns with the amount of car parking proposed. Officers note the parking provision is in accordance with the recently adopted Parking and Accessibility SPD, and is therefore acceptable.
267. The CDGP has requested the footpath along the A689 be widened to encourage walking into the town centre. As discussed in the Highway safety section of this report, officers note the footpath runs along the full length of the highway from the proposed access into the centre of Crook, on the southern side of the carriageway. It is considered that the width of the footpath is acceptable and that it would not therefore



be reasonable to require the developer to pay for upgrade works to the footpath. Notwithstanding this, the proposed footpath and cycleway connections along the eastern site boundary assist connectivity to the town centre for the development.

268. The CDGP has also requested an Energy Plan including consideration of a district heating scheme and/or Air Source Heat Pumps. Given the carbon emission reductions already secured through Building Regulations; and the provision of roof mounted solar panels as shown on the plans; and given that that this is an allocated site for residential development in a sustainable location; officers do not consider it necessary or reasonable to require the applicant to provide these additional energy efficiency measures for this development.
269. The CDGP has also raised concerns with a lack of living rooms facing southward, indicating poor design in respect of solar gain for proposed dwellings. Officers are mindful of the benefits of solar gain, however the layout and orientation of dwellings is also subject to a number of other factors. In this instance the site is constrained by its shape, by the various trees and hedgerows located throughout, and by drainage and highway safety requirements, which affect the positioning of dwellings. The internal road layout combined with the requirement to maintain sufficient garden depths and separation distances between dwellings has also affected the positioning and orientation of dwellings. It is therefore considered that the proposal would not lead to an unacceptable number of properties whose living rooms do not face southward.
270. For the above reasons, the proposal would be an energy efficient form of development which would not conflict with CDP Policies 10 and 29 or with Parts 9, 12 and 14 of the NPPF.

#### Broadband

271. 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.
272. Paragraph 118 of the NPPF states that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections. Policies should set out how high quality digital infrastructure, providing access to services from a range of providers, is expected to be delivered and upgraded over time; and should prioritise full fibre connections to existing and new developments (as these connections will, in almost all cases, provide the optimum solution).
273. In considering this policy requirement, due to the location of the development adjacent to the settlement of Crook, there would be existing high-speed broadband availability in the area to comply with CDP Policy 27. Details of broadband provision can be secured by condition in accordance with CDP Policy 27 and Paragraph 118 of the NPPF.

#### Planning Contributions

274. CDP Policy 25 states that new development will be approved where any mitigation necessary to make the development acceptable in planning terms is secured through appropriate planning conditions or planning obligations. Such mitigation will relate to

the provision, and/or improvement, of physical, social and environmental infrastructure taking into account the nature of the proposal and identified local or strategic needs. Policy 25 goes on to state that developers will be required to enter into Planning Obligations which are directly related to the development and fairly and reasonably related in scale and kind to the development, in order to secure the mitigation that is necessary for a development to be acceptable in planning terms. Policy 25 reflects Paragraphs 55 and 57 of the NPPF.

275. CDP Policy 25 requires planning applications which do not propose policy compliant levels of affordable housing and/or obligations necessary to mitigate the impact of development will need to be supported by a robust viability assessment. Any viability assessment accompanying a planning application should refer back to the assessment that informed the Plan and provide evidence of what has changed since then. No such assessment has been submitted as part of this application.
276. Under the provisions of Section 106 of the Town and Country Planning Act 1990 (as amended) the applicant is proposing a planning obligation should planning permission be granted covering a number of matters as set out below.

#### *Affordable Housing*

277. If planning permission were to be granted, a Section 106 agreement would be required to secure the following provision in accordance with CDP Policy 15:
- 1 two-bedroom house and 15 three-bedroom houses as Discount Market Sale;
  - 10 two-bedroom houses and 3 four-bedroom houses as Affordable Rent; and
  - 9 two-bedroom houses as First Homes.

#### *Education*

278. Based on methodology set out in the Council's adopted 'Securing Developer Contributions towards Education Provision in County Durham' document, the proposed development of 256 dwellings would produce 77 pupils of Primary School age and 28 pupils of Secondary School age.
279. In relation to Primary School pupils, the Council's Education officer advises there would be sufficient space at Crook Primary and Hartside Primary to accommodate the pupils generated by the development, therefore no contribution would be required to facilitate the provision of additional teaching accommodation.
280. In relation to Secondary School pupils, it is noted that the nearest school to the proposed development is Parkside Academy School, which has capacity for 900 pupils. Based on the projected rolls of the school, taking into the account the likely implementation timeframe of the development, build rates and other committed housing sites, the Education officer advises there would not be sufficient space to accommodate pupils generated by this development whilst maintaining a 5% surplus. In order to mitigate the impact, a financial contribution of £463,512 (28 pupils x £16,554) would be required to facilitate the provision of additional teaching accommodation at Parkside Academy. The sum can be secured by a Section 106 Agreement.

#### *Healthcare*

281. The NHS has been consulted and advise that a contribution of £123,468 is required toward increasing local GP surgery capacity to accommodate the development.

## *Public Open Space Provision*

282. CDP Policy 26 requires proposals for new residential development to make provision for open space to meet the needs of future residents having regard to the standards of open space provision set out in the Open Space Needs Assessment (OSNA). The OSNA sets out the most up to date position in respect to open space provision across the county and provides a formula for calculating requirements on a site-specific basis.
283. Using the OSNA's methodology, it is noted that a scheme of 256 dwellings would lead to 563no. persons, at 2.2 persons per household. At 1000 persons per hectare of open space, the following open space would normally be expected on-site for a 256 unit scheme:
- Allotments: 5,069 sq.m.
  - Amenity/ Natural Green Space: 8,448 sq.m.
  - Parks, Sports and Recreation Grounds: 7,884 sq.m.
  - Equipped Play Space for Children: 282 sq.m.
  - Play Space for Youth: 226 sq.m.
284. An Open Space Needs Statement and accompanying site plan have been submitted highlighting all green spaces across the site which are not residential curtilage, and state that the following open space would be provided on-site:
- Allotments: None on-site
  - Amenity/ Natural Green Space: 47,810 sq.m.
  - Parks, Sports and Recreation Grounds: 16,890 sq.m.
  - Equipped Play Space for Children: 1 formally equipped area measuring 286 sq.m.
  - Play Space for Youth: None on-site.
285. Turning first to provision of Amenity/Natural Green Space, officers are mindful of the guidance in Section 6.3 of the OSNA, which describes the quality standards of this type of public open space. It is noted that a number of swales, field drains and small pockets of amenity grassed areas are included within the submitted 47,810 sq.m. figure, and these areas are not of sufficient quality to meet the purposes set out in the OSNA. However, even when removing these areas from the total, officers are mindful of a significant overprovision compared to the 8,448 sq.m. requirement.
286. Turning next to Parks, Sports and Recreation Grounds, the indicated area in the southeast corner of the site includes a SuDS basin and an area of planting. Following discussion with the Drainage and Coastal Protection and Landscape Officers it is noted that the detailed design of this area of the site would still allow it to be of sufficient quality to be used as Parks, Sports and Recreation Grounds, in line with the advice in Section 6.4 of the OSNA, and in accordance with the 2015 SuDS Manual published by CIRIA. Further to this, officers are mindful of a significant overprovision compared to the 7,884 sq.m. requirement.
287. With regard to Play Space for Children, it is noted that the indicated size and detail of the proposed formally equipped children's play area is acceptable. At the request of Officers the area has been relocated from the southeast corner of the site to the centre, so that it is better integrated with the development whilst benefitting from greater natural surveillance.
288. In terms of Allotments and Play Space for Youths, the proposal does not seek to provide these on-site and instead seeks to pay financial contributions for off-site provision. This has been discussed at length with Officers who are mindful that this is an allocated site for housing development in the County Durham Plan, whilst there is a notable amount of existing provision of both these open space typologies within

Crook. On balance, and in this particular instance, officers have agreed to the principle of off-site provision for both of these open space typologies. In respect of Allotments, the proposal seeks to provide a contribution of £76,032 toward either (or both of) the existing allotments at Foundry Fields and at Tennyson Terrace. In respect of Play Space for Youth, the proposal seeks to provide a contribution of £38,297.60 toward the existing play space at Glenholme Skate Park. These amounts are considered acceptable for a development of this scale.

### *Adoption of Public Open Space*

289. The applicant seeks to offer the proposed Children's Play Area for adoption by the County Council, rather than transfer it to the responsibility of a private management company. The Council's Outdoor Facilities Co-ordinator Officer has advised that the design of the play area is acceptable. The applicant is still in discussions with that officer on the precise sum for adopting the play area, which would be agreed and secured through a legal agreement. During discussions between officers and the applicant it has been agreed that the play area be installed and made available for use prior to the occupation of the 92<sup>nd</sup> dwelling on the development, which ties into the installation of the first footpath connection at the eastern boundary of the site, which then runs immediately adjacent to the play area. This can be secured by condition.
290. The applicant also seeks to offer the remaining open space within the site for adoption by the County Council, rather than transfer it to the responsibility of a private management company. The Outdoor Facilities Co-ordinator officer has advised that this is welcomed, however the adoption would not take place until the point of the internal road layout being adopted by the Council as Highways Authority. Therefore, the mechanism for adopting the open space outside of the play area will be agreed as part of a S106 agreement.

### *Sport Infrastructure*

291. Sport England is not a statutory consultee on this application as the proposal would not lead to a loss of existing sports pitches or facilities within the site, which currently comprises agricultural fields. The Government's Planning Practice Guidance (PPG) advises that Local Authorities should consult Sport England on proposals for over 300 dwellings.
292. Sport England was recently consulted on the current proposal for 256 dwellings, and have re-iterated that a financial contribution should still be sought toward enhancing existing local sporting infrastructure, so that it is capable of meeting the additional demand placed upon it as a result of this development. Using the most up to date calculator tools they advise that the following amounts should be sought:
- £234,834 toward sports halls and swimming pools; and
  - £137,112 toward playing pitches.
293. In light of the above Sport England considers that the validity of the calculator requirements should be assessed against assessments of the adequacy of playing pitch, pools and sports halls provision within County Durham as set out in the relevant strategies. Until it is shown that the local sports facilities which will serve this development are shown to have capacity to absorb the demand that it will create, Sport England wishes to sustain its objection.
294. Officers are mindful that the above sums have been calculated using the projected population of the development; it is then for the County Council as the Local Planning Authority to determine whether there is a requirement for the sums to be sought for each development on a case-by-case basis.

295. Turning first to sports halls, officers have considered the Strategic Assessment of Sports Hall Provision for County Durham (August 2018), produced by Sport England. Officers note that Table 7.1 of the assessment lists the County's sports halls, with the Spectrum Leisure Complex located in Willington being the nearest sports hall to this site. Spectrum Leisure Complex benefits from both a main hall and a smaller activity hall, which operates well below capacity. It is considered that there is sufficient existing capacity to accommodate the proposed development, therefore a contribution toward provision for sports halls is not necessary or reasonable.
296. Turning next to swimming pools, officers have considered the Strategic Assessment of Swimming Pool Provision for County Durham (August 2018), produced by Sport England. The assessment concludes that the overall County-wide provision is lower than required, however the outstanding need is focused around Chester-le-Street and the area to the north of Durham City, as well as in the far west of the County, and around Seaham and the area to the south of Seaham. Paragraphs 9.27 and 9.28 and Table 7.1 of the assessment note that the nearest public swimming pools to this site, Wolsingham and Spennymoor, are operating at below the 70% capacity threshold. Whilst noting there is a County-wide capacity issue for swimming pools, officers consider that there is sufficient existing capacity in the nearest swimming pools to the current site at Crook to accommodate the proposed development, therefore a contribution toward provision for swimming pools is not necessary or reasonable.
297. Turning next to playing pitches, officers have considered the Durham County Council Playing Pitch Strategy & Action Plan (June 2021), produced by Knight, Kavanagh & Page Ltd. Crook is located in the southern study area of the County, whilst the Table under Paragraph 6.6 of the document summarises a shortfall in provision of 3G football, cricket, hockey, rugby league and rugby union pitches across this study area. At a more local level, the report also notes that the 9v9 youth football pitch at Crook Farrers Arms is currently unused and is of poor quality; and notes the 11v11 adult football pitch at Crook Peases West Stadium is also unused and is of poor quality. Given the existing provision issues in the southern area of the County, as well as the existing football pitches at Crook which are in need for funding to improve their quality and to be made publicly available, it is considered reasonable and necessary for the Council to secure a sum for the currently development.
298. Officers are mindful that the proposal is on an allocated site for housing in the CDP, and that the development is proposing a significant overprovision for open space within the site when assessed against the Council's Open Space Needs Assessment (OSNA). However, these considerations do not outweigh the requirement to provide for an existing shortfall in playing pitch provision at Crook.
299. At the time of writing this report, officers are still discussing the precise sum toward provision of playing pitches, however the principle of paying a contribution has been agreed. Officers will update Members verbally of the agreed sum on the day of the committee meeting. The sum can be secured by a Section 106 Agreement.

### *Biodiversity Net Gain*

300. Ecology Officers have noted the submitted Biodiversity Net Gain measures, which include landscape planting within the site and provision of an offsite farmland bird mitigation strip. It is noted that these measures would secure a 16% Biodiversity Net Gain. Due to the measures including off-site works, it is recommended that a Biodiversity Management and Monitoring Plan (BMMP) be secured through a legal agreement rather than by planning condition together with the long term management, maintenance and monitoring of the biodiversity land.

## *Summary of Planning Contributions*

301. For the reasons set out above, the proposal would provide sufficient public open space within the site. The financial contributions for off-site open space provision, off-site provision of playing pitches, for healthcare provision and for education provision; as well as the securing of affordable housing, would be secured by the Council through a Section 106 Agreement. The applicant has indicated their agreement to these requirements in principle and discussions are ongoing with officers on the formal agreement.
302. With regard to the CIL Regulation tests, it is considered that the obligations being sought are necessary to make the development acceptable in planning terms; are directly related to the development; and are fairly and reasonably related in scale and kind to the development. Therefore, the obligations being sought accord with these tests.
303. The proposal therefore accords with CDP Policies 25 and 26 and with Paragraph 55 of the NPPF.

### Other Matters

304. Concerns have been raised from members of the public in respect of devaluing neighbouring properties and loss of views from those properties, however these are not material considerations when assessing and determining a planning application. Concerns have also been raised in respect of impact on the Green Belt, however the site is not in the Green Belt.

### Public Sector Equality Duty

305. 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.
306. In this instance, officers have assessed all relevant factors and do not consider that there are any equality impacts identified. Accordingly, no changes to the proposal were required to make it acceptable in this regard.

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## **CONCLUSION**

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307. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions.
308. The site is allocated for housing in the County Durham Plan, with an expected yield of approximately 250 dwellings. The application as originally submitted sought planning permission for 467 dwellings, however following the adoption of the County Durham Plan the applicant has worked with officers through a number of revisions to the scheme, resulting in the current proposal for 256 dwellings.

309. The allocation of the site for housing establishes the site as a sustainable location for development, whilst the delivery of the site would contribute to addressing the identified need for housing across the County. The allocation of the site is subject to a number of criteria, and as set out in the above assessment it is considered that the proposal does not conflict with these requirements. The principle of the development is therefore supported by officers.
310. Consideration has also been given to the type and mix of housing, addressing housing need, layout and design, trees and hedgerows, residential amenity, highway safety, public rights of way, ecology, surface water and foul drainage, heritage and archaeology, contaminated land, energy efficiency, planning contributions and other matters. The development has been assessed against relevant development plan policies and material considerations and, subject to conditions where appropriate, the impacts are considered to be acceptable.
311. The application has been through numerous changes since first being received in 2019, with the applicant working with officers on a number of matters to address concerns. Whilst some concerns remain in respect of loss of some hedgerows, the distribution of affordable housing, the distribution of street trees and the density of parking bays in the northeast corner of the site, it is considered that these issues are justified and are therefore, on balance, not unacceptable. Officers consider that the proposal broadly accords with the County Durham Plan and the NPPF, securing a high-quality development on an allocated site for housing.
312. The proposed development has generated some public interest, with letters of objection and support having been received. Concerns expressed regarding the proposal have been taken into account by officers, and carefully balanced against the scheme's wider social, environmental and economic benefits.

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## **RECOMMENDATION**

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313. That the application is **APPROVED** subject to the following conditions and completion of an agreement under Section 106 of the Town and Country Planning Act 1991 (as amended) to secure:
- £114,329 towards improving off-site open space;
  - Transfer and adoption of Children's Play Area and public open space;
  - £137,112 towards improving existing playing pitches;
  - £463,512 contribution toward increasing capacity at Parkside Academy;
  - £123,648 contribution toward NHS increasing GP surgery capacity;
  - 15% of Affordable housing on site;
  - Entering into a Section 39 agreement to secure a Biodiversity Management and Monitoring Plan as well as long term management, maintenance and monitoring.

### **Time Limit**

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

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

## Plans

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

Plan	Drawing No.	Date Received
Red Line Blue Line Location Plan	CHWR – 000	24/11/23
Proposed Detailed Layout	CHWR – 001 Rev X	07/02/24
Tenure Layout	CHWR – HT Rev W	16/02/24
External Materials Layout	CHRW – EM	24/11/23
Character Areas	CHWR – CA	24/11/23
Masterplan	CHWR – MP	24/11/23
Greenspace Layout	CHWR – GS	24/11/23
Footpath Condition Trigger Plan	CHRW – FTP Rev A	16/01/24
Parking Distribution Layout	CHWR – PAL	24/11/23
Proposed Overall Layout Vehicle Tracked	CHWR – ATL	24/11/23
Refuse Storage & Collection Location Layout	CHWR – RC	24/11/23
Highways Technical Note	16-093 - March 2023	24/11/23
Site Access Drawing – Crook	16093 012 Rev A	24/11/23
Wentwood		
R20 Rural	WW-WD11 Rev A	16/01/24
R20 Rural Stone	WW-WD12 Rev A	16/01/24
R25 Village	WW-WD16 Rev A	16/01/24
R25 Urban	WW-WD17	16/01/24
Haldon		
R20 Rural	HL-WD11	24/11/23
R25 Village	HL-WD16	24/11/23
R25 Urban	HL-WD17	24/11/23
Danbury		
R20 Rural Stone	DY-WD12 Rev G	24/11/23
R25 Village	DY-WD16	24/11/23
R25 Urban	DY-WD17	24/11/23
Deepdale		
R21 Rural Stone	Dp_MA_End_R21G-901 Rev A	24/11/23
R21 Rural Stone	Dp_MA_End_R21G-902 Rev A	24/11/23
R21 Rural Stone	Dp_MA_End_R21G-907	24/11/23



Galloway Village Village Village Urban Urban Urban	Ga_End_R25 – 901 Rev A Ga_End_R25 – 902 Rev A Ga_End_R25 – 907 Rev A Ga_End_R25 – 901 Rev A Ga_End_R25 – 902 Rev A Ga_End_R25 – 908 Rev A	24/11/23 24/11/23 24/11/23 24/11/23 24/11/23 24/11/23
Sherwood Corner R25 Village R25 Village Bay R25 Village Feature R25 Urban	SW- WDCB06 SW- WDCB06 SW- WDCBR06 SW-WDC17	24/11/23 24/11/23 24/11/23 24/11/23
Sherwood R21 Rural Stone R25 Village R25 Urban	SW-WD12 Rev H SW-WD16 SW-WD17	24/11/23 24/11/23 24/11/23
Barnwood Corner R25 Village R25 Village Corner Bay	BW-WDC16 CW-WDCB16	24/11/23 24/11/23
Charnwood Corner R21 Rural Stone	CW-WDC11	14/02/24
Charnwood R25 Urban	CW-WD17	24/11/23
Saunton R21 Rural R25 Village R25 Urban	SN-WD11 SN-WD16 SN-WD17	24/11/23 24/11/23 24/11/23
Burnham R25 Village R25 Urban	BM-WD06 BM-WD17	24/11/23 24/11/23
Marston R25 Village R25 Urban	MT-WD16 MT-WD17	24/11/23 24/11/23
Kennet R25 Urban	KNWD17	24/11/23
Whiteleaf R20 Rural Stone	WL-WD11 Rev H	24/11/23
Whiteleaf Corner R20 Rural Stone	WL-WDC11 Rev H	24/11/23
Brampton Corner R25 Village R25 Urban	BP-WDC16 BP-WDC16	24/11/23 24/11/23
Lambridge		

R25 Urban	LB-WD12	24/11/23
Brightstone		
R25 Village	BS-WD16	24/11/23
R25 Urban	BS-WD17	24/11/23
Single / Double Garage	SGD-01 rev B	13/07/22
Travel Plan MTP	16-093 N Rev D	16/01/24
Construction Management Plan Note	Revision A	14/02/24
Construction Plan	CHWR-010 Revision I	15/02/24
Engineering Layout Overall Plan	200 – T1	26/01/24
Engineering Layout Sheet 1	201 – T1	26/01/24
Engineering Layout Sheet 2	202 – T1	26/01/24
Engineering Layout Sheet 3	203 – T1	26/01/24
Engineering Layout Sheet 4	204 – T1	26/01/24
Engineering Layout Sheet 5	205 – T1	26/01/24
Engineering Layout Sheet 6	206 – T1	26/01/24
Engineering Layout Sheet 7	207 – T1	26/01/24
Flood Risk Assessment & Drainage Strategy	20069-FRA-01 Revision 4	26/01/24
Temporary Drainage Works	209 – P3	13/02/24
Detailed Landscape Proposals (1 of 7)	3808/1 Rev P	16/01/24
Detailed Landscape Proposals (2 of 7)	3808/2 Rev P	16/01/24
Detailed Landscape Proposals (3 of 7)	3808/3 Rev P	16/01/24
Detailed Landscape Proposals (4 of 7)	3808/4 Rev P	16/01/24
Detailed Landscape Proposals (5 of 7)	3808/5 Rev P	16/01/24
Detailed Landscape Proposals (6 of 7)	3808/6 Rev P	16/01/24
Detailed Landscape Proposals (7 of 7)	3808/7 Rev P	16/01/24
Composite Plan	3808/8 Rev F	16/01/24
General Layout	SC14141-01B Rev B	24/11/23

*Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with, Policies 10, 21, 26, 29, 31, 32, 35, 39, 40, 41, 42, 43 and 44 of the County Durham Plan, and Parts 9, 12, 14 and 15 of the National Planning Policy Framework.*

### **Substation**

3) Prior to the construction of the substation hereby approved, full details of its design, appearance and scale shall be submitted to and agreed in writing by the Local Planning Authority. Once agreed, the substation shall be constructed in accordance with the details approved.

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

### **Finished Floor Levels**

4) No development, other than site investigations, archaeological investigations, topsoil strip, grouting and remediation works, shall commence until precise details of Finished Floor Levels have been submitted to and agreed in writing by the Local Planning Authority.

Thereafter, the development shall be carried out in accordance with the agreed details.

*Reason: In the interest of the appearance of the development, the amenity of occupiers of the development, and the amenity of neighbouring dwellings, in accordance with Policies 10, 29, 31 and 39 of the County Durham Plan and with the National Planning Policy Framework.*

### **Construction Management Plan and Phasing**

5) The construction of the development shall be carried out in accordance with the hereby approved documents:

- i) Construction Management Plan Note Revision B – received 14.01.2024
- ii) Construction Plan CHWR-010 Revision I – received 15.02.2024

*Reason: In the interest of highway safety, and to protect the residential amenity of existing and future residents from the development, in accordance with Policies 21 and 31 of the County Durham Plan and with the National Planning Policy Framework.*

### **Working Hours**

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

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

No construction works or works of demolition whatsoever, including deliveries, external running of plant and equipment, internal works whether audible or not outside the site boundary, shall take place on Sundays, Public or Bank Holidays without express permission from the Local Authority.

Banksmen will be employed to escort deliveries and manage traffic when reversing onto the public highway or other activity which may impact on road safety. All off-loading of plant, equipment and materials will be carried out on site and vehicles would turn around before leaving.

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

### **Noise**

7) Prior to the individual occupation of Plots 1 to 14, the requirements of section 6 of the noise report, entitled 'Assessment of Noise Levels and Noise Amelioration Measures', produced by LA Environmental Consultants, reference LAE1156.1 dated 10th July 2023 and Noise Measures Layout DRG No. CHWR – 013 shall be fully implemented for each plot.

*Reason: To protect the residential amenity of occupiers of those dwellings, in accordance with Policy 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework.*

### **Coal Authority**

8) No development shall commence until:

a) A Plan identifying the phased grouting of the site together with a further scheme of intrusive site investigations to establish the risk posed to the development by shallow coal mine workings have been submitted and agreed with the Local Planning Authority;

b) No development shall commence within a grouting phase as agreed under part A of this condition until any remediation works and/or mitigation measures to address the shallow coal mine workings within that grouting phase area, as may be necessary, have been implemented on site in full in order to ensure that the site is safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance in relation to Coal Mining.

*Reason: To ensure the safety and stability of the development, in accordance with Policy 32 of the County Durham Plan, and with the National Planning Policy Framework. Required to be a pre-commencement condition to ensure any required remedial measures are implemented before works commence, in the interest of the safety and stability of the development.*

9) Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration confirming that the site is, or has been made, safe and stable for development shall be submitted to the Local Planning Authority for approval in writing.

This statement shall detail the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by the recorded mine entry.

*Reason: To ensure the safety and stability of the development in relation to Coal Mining, in accordance with Policy 32 of the County Durham Plan, and with the National Planning Policy Framework.*

## **Contaminated Land**

10) No development shall commence until a land contamination scheme has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall be compliant with the YALPAG guidance and include a Phase 3 remediation strategy and where necessary include gas protection measures and method of verification.

*Reason: To ensure that the presence of contamination is identified, risk assessed and proposed remediation works are agreed in order to ensure the site is suitable for use, in accordance with Policy 32 of the County Durham Plan and with the National Planning Policy Framework. Required to be pre-commencement to ensure that the development can be carried out safely.*

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

*Reason: To ensure that the presence of contamination is identified, risk assessed and proposed remediation works are agreed in order to ensure the site is suitable for use, in accordance with Policy 32 of the County Durham Plan and with the National Planning Policy Framework.*

12) If unforeseen contamination is encountered during construction works, the Local Planning Authority shall be notified in writing immediately. Operations on the affected part of

the site shall cease until an investigation and risk assessment, and if necessary a remediation strategy is carried out in accordance with the YALPAG guidance and agreed with the Local Planning Authority.

The development shall then be completed in accordance with any amended specification of works.

*Reason: To ensure that the presence of contamination is identified, risk assessed and proposed remediation works are agreed in order to ensure the site is suitable for use, in accordance with Policy 32 of the County Durham Plan and with the National Planning Policy Framework.*

## **Drainage**

13) The temporary drainage basins and associated silt fencing barriers hereby approved shall be removed from the site as soon as practical following occupation of the first dwelling.

*Reason: In the interests of the visual amenity of the development and to ensure the land is available as amenity public open space, in accordance with Policies 10, 26 and 29 of the County Durham Plan and the NPPF.*

14) Development shall be implemented in line with the drainage scheme contained within the submitted document titled 'Flood Risk Assessment & Drainage Strategy Report Number: 20069-FRA-01 Revision 4', dated 10th January 2024. The drainage scheme shall ensure that foul flows discharge to the combined sewer at manhole 7403 and ensure that surface water discharges to the surface water sewer at manhole 7206. The surface water discharge rate shall not exceed the available capacity of 50l/sec that has been identified in this sewer. The surface water sewer in question discharges to a culverted watercourse so the final surface water discharge rate shall be agreed by the Lead Local Flood Authority.

*Reason: To prevent the increased risk of flooding from any sources, in accordance with Policies 35 and 36 of the County Durham Plan and with the National Planning Policy Framework.*

## **Ecology**

15) No development shall commence until details of the following recommendations and mitigations measures, taken from Section F of the Ecological Impact Assessment report (E3 Ecology, November 2023), are submitted to and approved in writing by the Local Planning Authority:

- i) Working method statements establishing the careful timing of works, and careful working methods to avoid impacts on breeding birds, hedgehogs and amphibians; and
- ii) Updated Badger survey.

The development shall then be carried out in accordance with the approved details.

*Reason: In the interest of the conservation of protected species, and in the interest of securing Biodiversity Net Gain, in accordance with Policies 41 and 43 of the County Durham Plan and with the National Planning Policy Framework. Required to be a pre-commencement condition to ensure protected species are not harmed during the works.*

16) No development other than site investigations, archaeological investigations, top soil strip, grouting and remediation works, shall commence until details of the following recommendations and mitigations measures, taken from Section F of the Ecological Impact Assessment report (E3 Ecology, November 2023), are submitted to and approved in writing by the Local Planning Authority:

- i) Detailed sensitive lighting strategy;
- ii) Provision of adequate gaps under fencing (both garden and any other boundary fencing) to enable the movement of hedgehogs through the site and linking in with the wider countryside;
- iii) Provision of integrated bat boxes for at least 10% of the properties;
- iv) Provision of integrated swift boxes (appropriately sited in line with guidance) for at least 10% of properties.

The development shall then be carried out in accordance with the approved details.

*Reason: In the interest of the conservation of protected species, and in the interest of securing Biodiversity Net Gain, in accordance with Policies 41 and 43 of the County Durham Plan and with the National Planning Policy Framework.*

17) Prior to the occupation of the 256<sup>th</sup> and final dwelling, an 'as-built' updated Defra Metric and any required supporting documents shall be submitted to and approved in writing by the Local Planning Authority.

*Reason: To ensure the Biodiversity Net Gains originally proposed have been achieved, in accordance with Policies 41 and 43 of the County Durham Plan and Part 15 of the National Planning Policy Framework.*

18) Prior to the felling of the tree identified as T66, an updated bat survey shall be submitted to and approved in writing by the Local Planning Authority. The survey shall be undertaken in the bat survey season prior to those tree works being carried out (May to September inclusive), and done in accordance with the details in Section F of the Ecological Impact Assessment report (E3 Ecology, November 2023).

The development shall then be carried out in accordance with the approved details.

*Reason: In the interest of the conservation of protected species, in accordance with Policies 41 and 43 of the County Durham Plan and with the National Planning Policy Framework.*

19) No tree or hedgerow removal works shall be undertaken between 1 March and 31 August unless a suitably qualified ecologist has first confirmed that no bird's nests that are being built or are in use, eggs or dependent young will be damaged or destroyed.

*Reason: In the interest of the conservation of protected species, and in the interest of the appearance of the development, in accordance with Policies 29, 41 and 43 of the County Durham Plan and with Part 16 of the National Planning Policy Framework.*

### **Landscape Planting, Trees and Hedgerows**

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

*Reason: In the interests of the visual amenity of the area, in accordance with Policy 29 of the County Durham Plan and with the National Planning Policy Framework.*

21) Prior to the occupation of the first dwelling, a scheme for the ongoing maintenance of the areas of public open space within the development, and of the structural landscaping along the northwestern site boundary, shall be submitted to and approved in writing by the Local Planning Authority.

In the event of proposals to maintain the public open space by means other than through transfer to the Local Authority then the scheme shall provide for details of an agreed maintenance schedule in perpetuity.

*Reason: To ensure that surface and foul water are adequately disposed of, in accordance with Policies 35 and 36 of the County Durham Plan and Parts 14 and 15 of the National Planning Policy Framework.*

22) The hedgerows adjacent to the southern and eastern site boundaries, as shown on the hereby approved plans, shall be maintained at a height of no more than 2.5 metres.

*Reason: To protect the residential amenity of existing neighbouring residents from the development, and in the interest of the visual amenity of the development, in accordance with Policies 29 and 31 of the County Durham Plan and the National Planning Policy Framework.*

23) Prior to works commencing, an Arboricultural Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The Method Statement shall follow the recommendations set out within 'Arboricultural Impact Assessment, Reference ARB/CP/1288' dated July 2023; and shall also be in accordance with BS 5837:2012

The approved tree protection measures shall then be retained throughout the construction period. No materials, equipment or vehicles shall be stored within the approved protective fencing.

*Reason: In the interests of the visual amenity of the area in accordance with Policies 4, 26 and 29 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework. Required to be a pre-commencement condition to ensure retained trees are not harmed during the works.*

## **Play Area**

24) Prior to the occupation of the 92<sup>nd</sup> dwelling, the on-site equipped Childrens Play Area shall be installed in accordance with the drawing 'SC14141-01B General Layout Rev B', and shall be constructed and made available for use.

In the event of proposals to maintain the Childrens Play Area by means other than through transfer to the Local Authority then the scheme shall provide for details of an agreed maintenance schedule in perpetuity.

*Reason: In the interest of ensuring the delivery of a play area of acceptable size and quality, in accordance with Policies 26 and 29 of the County Durham Plan, and the National Planning Policy Framework.*

## **Archaeology**

25) No development shall commence (excluding Top Soil Strip of the site) until the fieldwork set out in the Revised Written Scheme of Investigation produced by Archaeological Services Durham University (Reference 22297, received 13.02.2024) has been completed. Evidence of this fieldwork being completed shall be submitted to and approved in writing by the Local Planning Authority.

*Reason: To safeguard any archaeological interest in the site, in accordance with Policy 44 of the County Durham Plan and with the National Planning Policy Framework. Required to be a pre-commencement condition as the archaeological investigation/mitigation must be completed prior to the development being implemented.*

26) The development shall not be occupied until the post-investigation assessment has been completed in accordance with the Written Scheme of Investigation produced by Archaeological Services Durham University (Reference 22297). The provision made for analysis, publication and dissemination of results, and archive deposition, should be confirmed in writing to, and approved by, the Local Planning Authority.

*Reason: To comply with Paragraph 205 of the National Planning Policy Framework, which requires the developer to record and advance understanding of the significance of heritage assets, and to ensure information gathered becomes publicly accessible.*

## **Highways**

27) Prior to occupation of the first dwelling the main site access to the A689 (High West Road) as shown on plan: 'Possible Site Access – Ghost Island Option 1 16093/012 Revision A' shall be constructed and made available for use.

*Reason: To ensure that the development has safe access to the highway network in accordance with Policy 21 of the County Durham Plan and Part 9 of the National Planning Policy Framework.*

28) No new dwelling shall be occupied until the car parking area for that dwelling, as indicated on the approved plans, has been implemented in accordance with the approved plans. Thereafter, the car parking areas shall be retained in accordance with the approved plans and shall not be used for any purpose other than the parking of vehicles associated with the development.

*Reason: In the interest of highway safety, in accordance with Policy 21 of the County Durham Plan and the National Planning Policy Framework.*

29) No new dwelling shall be occupied until the cycle parking for that dwelling, as shown on the hereby approved plans, has been implemented. Thereafter, the cycle parking shall be retained in accordance with the approved plans and shall be kept available for the parking of cycles at all times.

*Reason: In the interests of highway safety and sustainable development, in accordance with Policies 21 and 29 of the County Durham Plan and the National Planning Policy Framework.*

30) Prior to the occupation of the first dwelling, details of bin stores shall be submitted to and approved in writing by the Local Planning Authority. The bin stores shall be constructed in accordance with the approved details and be made available prior to the occupation of the dwelling to which they relate.

*Reason: In the interests of visual amenity and highway safety, in accordance with Policies 21 and 29 of the County Durham Plan and the National Planning Policy Framework.*

## **Footpath Connections**

31) Prior to the Occupation of the 92<sup>nd</sup> unit, as per the drawing 'Crook HWR – Footpath Condition Trigger Plan DRG No. CHWR – FTP Revision A', the South Easterly most Footpath Connection point shall be installed and ready for use.

*Reason: To promote the connectivity and sustainability of the development, in accordance with Policies 21 and 29 of the County Durham Plan and with the National Planning Policy Framework.*



31) Prior to the Occupation of the 157<sup>th</sup> unit, as per the drawing 'Crook HWR – Footpath Condition Trigger Plan DRG No. CHWR - FTP Revision A' the North Easterly most Footpath Connection point shall be installed and ready for use.

*Reason: To promote the connectivity and sustainability of the development, in accordance with Policies 21 and 29 of the County Durham Plan and with the National Planning Policy Framework.*

### **Broadband**

32) Prior to the construction of the first dwelling, details of the means of broadband connection to the site shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the agreed details.

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

### **Soil Management**

33) No development shall commence until a soil resource management strategy has been submitted to and approved in writing by the Local Planning Authority. The strategy shall clearly describe the proposed use of all soils on site and demonstrate that soil resources will be managed and conserved in a viable condition and used sustainably in line with accepted best practice. The strategy should detail soil handling, storage and replacement methods to be used appropriate to the grade of soil and intended after-use. The strategy shall also include details of the proposed soil depths upon replacement and plant and machinery to be used as well as, where appropriate, steps to prevent the spread of any soil-borne plant or animal diseases. If soils are to be removed from site, then details of quantities and a programme for removal shall be submitted. Thereafter, development shall take place in accordance with the approved details.

*Reason: In the interests of the protection of soil resources and to comply with Policy 14 of the County Durham Plan and Part 15 of the National Planning Policy Framework. Required to be a pre-commencement condition to ensure soils present on the site are protected throughout the works.*

### **Retention of Garages and Drives**

34) Before the dwelling(s) hereby approved are occupied those with garage(s) and hardstanding(s)/drive(s) shall be constructed and made available for use, thereafter they shall be used and maintained in such a manner as to ensure their availability at all times for the parking of private motor vehicles.

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

### **Housing Technical Standards**

35) Prior to the construction above damp proof course level of any of the dwellings hereby approved in a phase, a report setting out how at least 66% of the total number of units approved for each phase or part thereof will conform to Buildings Regulations M4(2) standard shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.

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

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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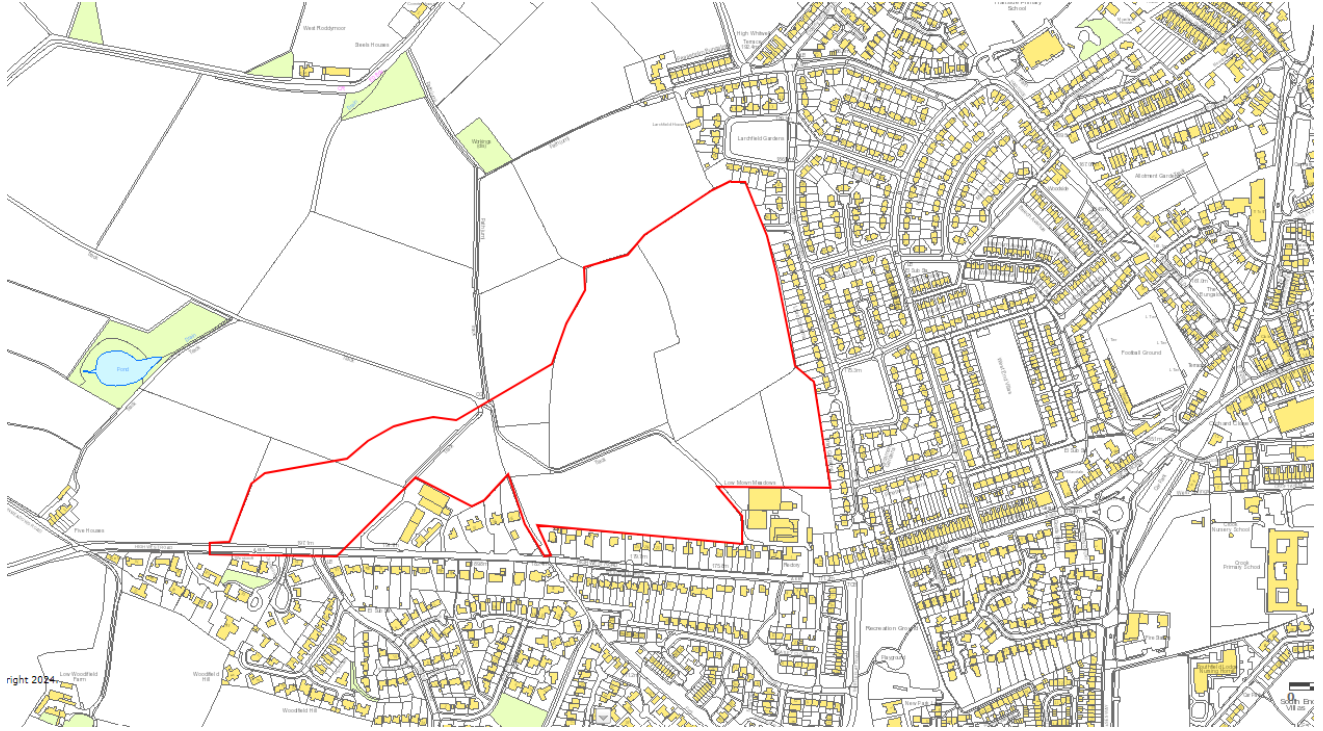
In accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has, without prejudice to a fair and objective assessment of the proposals, issues raised and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF. Whilst agreement has not been reached on the principle of development discussions have enabled agreement on a number of topics to allow for focus on the outstanding issues.

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## **BACKGROUND PAPERS**

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- Submitted application form, plans, supporting documents and subsequent information provided by the applicant
- Statutory, internal and public consultation responses
- The National Planning Policy Framework
- National Planning Practice Guidance Notes
- County Durham Plan (2020)
  - Residential Amenity Standards SPD (2023)
  - Parking and Accessibility SPD (2023)
  - Durham County Council Open Space Needs Assessment (2018)
- CIRIA The SuDS Manual (2015)
- Strategic Assessment of Sports Hall Provision for County Durham (August 2018)
- Strategic Assessment of Swimming Pool Provision for County Durham (August 2018)
- Durham County Council Playing Pitch Strategy & Action Plan (June 2021)



**Planning Services**

DM/19/02852/FPA

Proposed development of 256 residential dwellings with associated infrastructure (As amended 24/11/2023)

Land To The North Of High West Road, Crook DL15 9NR

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**Comments**

**Date** February 2024

**Scale** Not to Scale