



Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

Application No:	DM/24/00315/FPA
Full Application Description:	Erection of 16no. dwellings, together with formation of the site access, and associated landscaping and external works
Name of Applicant:	Mandale Homes
Address:	Land West of 31 to 32 Church Street, Coundon
Electoral Division:	Coundon
Case Officer:	Gemma Heron Senior Planning Officer 03000 263 944 gemma.heron@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSAL

The Site

1. The application site relates to an undeveloped parcel of land that measures approximately 0.98 hectares in area. The site is bound by the public highway (Church Street) to the north, residential properties to the west and east of the site, with an existing farmstead and associated buildings to the southwest and open countryside to the south. A level change is evident across the site rising from the public highway to the north to higher land to the south of the site and beyond (amounting to a 13-metre change).
2. In terms of planning constraints, the Grade II Listed Building (St James Church) is located to the east and the Grade II Listed Coundon War Memorial is to the northeast. The site partially lies within a Coal Mining High Risk Area.

The Proposal

3. Full planning permission is sought for the erection of 16no. dwellings with the formation of a site access and associated landscaping and external works. The development would comprise five 2-bed bungalows and eleven 3-bed bungalows.

4. The dwellings would be laid out around a cul-de-sac road, served off a single access point taken from the B6287. A SUD's detention basin would be located to the northern site boundary with the dwellings arranged in a linear form, with engineering works including retaining walls to accommodate the site levels. The scheme proposes four house types, but would utilise a standard palette of materials, faced with stone, including water tabling detailing, chimneys and concrete roof tiles. Each of the dwellings would be compliant with the Nationally Described Space Standards (NDSS) and would be provided on an open market basis, with two units offered as affordable housing.
5. The application is being reported to planning committee in accordance with the Council's Scheme of Delegation as it constitutes a housing development which exceeds 10 dwellings.

PLANNING HISTORY

6. 3/2001/0085 – 3 bungalows (Outline). Approved 6th July 2001.
7. 3/2008/0783 – Residential development. Refused 23rd March 2009. Appeal Allowed.
8. 3/2012/0113 – Extension of time for planning application 3/2008/0783 for residential development. Approved 14th June 2012.
9. DM/14/02267/RM – Submission of reserved matters (access, layout, scale, appearance and landscaping) of planning application 3/2012/0113 (Outline planning permission for 8no. residential dwellings). Approved 29th October 2014.
10. DM/14/02268/FPA – Erection of 9 detached dwellings. Approved 29th October 2014.
11. DM/17/00912/OUT – Outline application for residential development for up to 30 dwellinghouses with all matters reserved except access. Approved subject to a S106 on 27th April 2018.
12. The above applications have not been implemented and the permissions have subsequently lapsed.
13. DM/23/01719/FPA – Erection of 51no. dwellings, together with formation of the site access, landscaping and associated works. This application was refused at South West Planning Committee on 14th December 2023 for seven reasons including relating to the principle of the development; poor design; unacceptable highway safety implications; loss in biodiversity; unacceptable surface and foul drainage; impacts of past coal mining activity and no provision of affordable housing or financial contributions. An appeal is ongoing.

PLANNING POLICY

National Policy

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

22. *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.
23. *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.
24. *NPPF Part 15 - Conserving and Enhancing the Natural Environment* - Conserving and enhancing the natural environment. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from Page 73 pollution and land stability and remediating contaminated or other degraded land where appropriate.
25. *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:

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

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

Local Plan Policy:

The County Durham Plan (CDP)

27. *Policy 6 (Development on Unallocated Sites)* states the development on sites not allocated in the Plan or Neighbourhood Plan, but which are either within the built-up area or outside the built up area but well related to a settlement will be permitted provided it: is compatible with use on adjacent land; does not result in coalescence with neighbouring settlements; does not result in loss of land of recreational, ecological, or heritage value; is appropriate in scale, design etc to character of the settlement; it is not prejudicial to highway safety; provides access to sustainable modes of transport; retains the settlement's valued facilities; considers climate change implications; makes use of previously developed land and reflects priorities for urban regeneration.
28. *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.
29. *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.
30. *Policy 15 (Addressing Housing Need)* establishes the requirements for developments to provide on-site affordable housing, the circumstances when off-site affordable housing would be acceptable, the tenure mix of affordable housing, the requirements of developments to meet the needs of older people and people with disabilities and the circumstances in which the specialist housing will be supported.
31. *Policy 19 (Type and Mix of Housing)* advises that on new housing developments the council will seek to secure an appropriate mix of dwelling types and sizes, taking account of existing imbalances in the housing stock, site characteristics, viability, economic and market considerations and the opportunity to facilitate self build or custom build schemes.
32. *Policy 21 (Delivering Sustainable Transport)* requires all development to deliver sustainable transport by: delivering, accommodating and facilitating investment in sustainable modes of transport; providing appropriate, well designed, permeable and direct routes for all modes of transport; ensuring that any vehicular traffic generated by new development can be safely accommodated; creating new or improvements to existing routes and assessing potential increase in risk resulting from new development in vicinity of level crossings. Development should have regard to Parking and Accessibility Supplementary Planning Document.

33. *Policy 25 (Developer Contributions)* advises that any mitigation necessary to make the development acceptable in planning terms will be secured through appropriate planning conditions or planning obligations. Planning conditions will be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Planning obligations must be directly related to the development and fairly and reasonably related in scale and kind to the development.
34. *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.
35. *Policy 27 (Utilities, Telecommunications and Other Broadcast Infrastructure)* supports such proposals provided that it can be demonstrated that there will be no significant adverse impacts or that the benefits outweigh the negative effects; it is located at an existing site, where it is technically and operationally feasible and does not result in visual clutter. If at a new site then existing site must be explored and demonstrated as not feasible. Equipment must be sympathetically designed and camouflaged and must not result in visual clutter; and where applicable it proposal must not cause significant or irreparable interference with other electrical equipment, air traffic services or other instrumentation in the national interest. Any residential and commercial development should be served by a high-speed broadband connection, where this is not appropriate, practical or economically viable developers should provide appropriate infrastructure to enable future installation.
36. *Policy 29 (Sustainable Design)* requires all development proposals to achieve well designed buildings and places having regard to SPD advice and sets out 18 elements for development to be considered acceptable, including: making positive contribution to areas character, identity etc.; adaptable buildings; minimising greenhouse gas emissions and use of non-renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; and suitable landscape proposals. Provision for all new residential development to comply with Nationally Described Space Standards.
37. *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.
38. *Policy 32 (Despoiled, Degraded, Derelict, Contaminated and Unstable Land)* requires that where development involves such land, any necessary mitigation measures to make the site safe for local communities and the environment are

undertaken prior to the construction or occupation of the proposed development and that all necessary assessments are undertaken by a suitably qualified person.

39. *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.
40. *Policy 36 (Water Infrastructure)* advocates a hierarchy of drainage options for the disposal of foul water. Applications involving the use of non-mains methods of drainage will not be permitted in areas where public sewerage exists. New sewage and wastewater infrastructure will be approved unless the adverse impacts outweigh the benefits of the infrastructure. Proposals seeking to mitigate flooding in appropriate locations will be permitted though flood defence infrastructure will only be permitted where it is demonstrated as being the most sustainable response to the flood threat.
41. *Policy 39 (Landscape)* states that proposals for new development will only be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals are expected to incorporate appropriate mitigation measures where adverse impacts occur. Development affecting Areas of Higher landscape Value will only be permitted where it conserves and enhances the special qualities, unless the benefits of the development clearly outweigh its impacts
42. *Policy 40 (Trees, Woodlands and Hedges)* states that proposals for new development will not be permitted that would result in the loss of, or damage to, trees, hedges or woodland of high landscape, amenity or biodiversity value unless the benefits of the scheme clearly outweigh the harm. Proposals for new development will be expected to retain existing trees and hedges or provide suitable replacement planting. The loss or deterioration of ancient woodland will require wholly exceptional reasons and appropriate compensation.
43. *Policy 41 (Biodiversity and Geodiversity)* states that proposal for new development will not be permitted if significant harm to biodiversity or geodiversity resulting from the development cannot be avoided, or appropriately mitigated, or as a last resort, compensated for.
44. *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.

45. *Policy 44 (Historic Environment)* seeks to ensure that developments should contribute positively to the built and historic environment and seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets. The policy advises on when harm or total loss of the significance of heritage assets can be accepted and the circumstances/levels of public benefit which must apply in those instances.
46. *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.
47. The Council's Residential Amenity Standards Supplementary Planning Document (SPD) 2023 provides guidance on the space/amenity standards that would normally be expected where new dwellings are proposed.
48. The Council's Parking and Accessibility Supplementary Planning Document (SPD) 2023 provides guidance on parking and access for new development.

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

Neighbourhood Plan:

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

CONSULTATION AND PUBLICITY RESPONSES

Statutory Consultee Responses:

50. *Lead Local Flood Authority* – Advise that the surface water drainage design is acceptable in principle but request additional information regarding the construction details of the basin and hydraulic calculations to be submitted for review. This can be controlled by condition.
51. *Coal Authority* – Object to the application. The Coal Authority records indicate that mine shafts are present within the northern part of the site. Due to potential plotting inaccuracies, the actual positions of these features could depart/deviate from their plotted positions by several metres. It is advised that the Phase 1: Desk Study and Phase 2: Site Investigations do not satisfactorily demonstrate that the proposed layout has been suitably informed by the presence of recorded mine entries. Further intrusive investigation is required prior to determination of the application to confirm the exact positions of both shafts

present within the site and to establish the extent of their associated zone of influence and corresponding 'no-build' zones which will inform the site layout.

52. *Highways Authority* – Object to the application as the proposal does not demonstrate that the required visibility splay for the site access is achievable in accordance with the recommended design standards.

Non-Statutory Responses:

53. *Spatial Policy* – Advise that the main issue with the proposal is whether the form of development is appropriate, taking into account of the interrelationships with existing properties and neighbouring uses in the local area. At the time the County Durham Plan was adopted, part of this site was treated as a housing commitment in recognition that it benefitted from outline planning permission for 30 units (DM/17/00912/OUT) at that time. However, this application will need to be assessed against Policy 6 of the CDP. It is advised that the site is within the low value viability area and accordingly, 10% of the dwellings need to be secured as affordable which means 2 affordable dwellings comprised of 1 First Home and 1 Affordable Home Ownership units. A financial contribution towards green infrastructure would be required to the sum of £50,371.20 to be secured via S106.
54. *Affordable Housing Team* – Advise that the proposal needs to comply with First Homes requirement.
55. *Archaeology* – Advise that the report on the geophysical survey undertaken in 2017 suggests the existence of potential archaeological features on part of the site. Consequently, trial-trenching needs to be undertaken pre-determination to clarify if the anomalies detected are archaeological and, if so, what mitigation measures would be appropriate. A Written Scheme of Investigation (WSI) for the trial-trenching prepared by a professional archaeological contractor should be submitted to the LPA prior to the commencement of the work.
56. *Ecology* – Advise that there is an overall loss in biodiversity. Further information is required as to how the calculated losses will be alleviated and a net gain achieved by the development.
57. *Landscape Section* – Advice provided through the Council's Design Review process.
58. *Education* – Advise that based on the projected rolls of schools, taking into account the likely implementation of the development, build out rates and other relevant committed development, there will be sufficient space to accommodate the pupils generated by the development in primary and secondary schools and no further mitigation is required. With regard to SEND pupils, there is a shortage of SEND places across the County. In order to mitigate the impact of the development on SEND provision, a contribution of £13,437 would be required.
59. *Environmental Health Nuisance* – Advise that a Construction Management Plan has been submitted, however the detail in relation to noise, dust controls and monitoring is not sufficient. However, this could be overcome through the use of planning conditions requiring the submission of a revised Construction

Management Plan, an acoustic report which can identify any noise mitigation measures if required prior to the commencement of the development.

60. *Environmental Health Land Contamination* – Advise that the Phase 2 Site Investigation recommends a clean cover system in area of soft landscaping. The details of this, including verification should be detailed in a Phase 3 Remediation Strategy and a final ground gas risk assessment is still required. Therefore, a contaminated land condition relating to the submission of a Phase 2 to 4 Report shall be applied.
61. *Arboricultural Officer* – Advise that the proposal has not identified any significant harm to any existing arboricultural features. T5 has been recommended for minor root pruning slightly within the Root Protection Area (RPA), however this is considered to be minor. There should be no negative impact on any existing hedgerows.
62. *Design and Conservation* – Advise provided through the Council's Design Review process which scored the proposal '8 'Red' classifications; 1 'Amber' and 3 'Green' classifications. Fundamental concerns have been raised stating how the scheme does not integrate appropriately into the surrounding and would result in a change in character of the edge of the village to accommodate the vehicular entrance; the design of the dwellings shows water tabling and chimney details which are overly formal and heavy, being at odds with the simple contemporary approach and this is a highly engineered response to the site which poorly addresses the settlement edge; the dwellings do not turn corners well and the useability of the public and private space is questionable given the topography of the site.
63. *Air Quality* – Advise that given the scale of the development and that the site is not located near to any Air Quality Management Areas, it is considered that the development would not have a significant impact upon air quality and there would be no air quality concerns for the future occupants of the development. Advise a Construction Management Plan is conditioned.

External Consultees

64. *NHS* – No comments.
65. *Northumbrian Water Ltd* – No response received.
66. *Police Architectural Liaison Officer* – No response received.

Public Responses:

67. The application has been advertised by way of a site notice, press notice and individual notification letters sent to neighbouring properties.
68. In response, 23 letters of objection have been received. The main concerns are summarised below and relate to:
 - The number of dwellings proposed has been reduced following the refusal of planning permission DM/23/01719/FPA and this application could be Phase

1 of the refused application. This development is a 'cut and paste' of the first part of the previous layout.

- The car parking for Plots 11 and 13 would allow for entry points into the remainder of the site to the south and west for further development on the site.
- Previous outline consent for up to 30no. dwellings was given prior to the adoption of the County Durham Plan and therefore, there have been policy revisions since then.
- The site is outside of the village of Coundon in the open countryside and does not meet CDP Policy 10.
- The settlement study identifies Coundon as having a score of 53 and in accordance with the sustainable development approach, no housing allocations were proposed in Coundon in the CDP.
- Proposal does not comply with Policy 6 and is not within or well-related to the settlement of Coundon and does not comply with the criteria.
- Principle of the development as previous housing development was approved prior to the adoption of the County Durham Plan and at a time when the LPA could not demonstrate a five-year housing land supply.
- There are more appropriate brownfield sites within the built-up area.

Natural Environment

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

Highways

- Visibility splay would be interrupted by an existing residential property, Fairview Cottage.
- Amount of traffic generated by the development and its impact upon highway safety as well as pressure upon parking provision.
- Access to the site being unsuitable and unsafe with it being located on a dangerous bend.

Residential Amenity

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

Sustainability

- No demand for additional houses in the area due to low house prices.
- No employment in the area for local people.
- Footpaths are too narrow to be fully utilised.
- The capacity of local schools, both primary and secondary and the impact the development will have upon them.
- The capacity of local Doctors and general NHS and the potential strain the development will have upon this.

- The settlement does not have the services or facilities to support additional people.
- Housing should be built in more urban locations supported by the necessary infrastructure and transport network.

Design

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

Other

- Submitted maps are out of date and fail to demonstrate the current topography of the connected/adjacent land.

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

Applicants Statement

69. In light of the previously refused scheme, which is presently subject to a live appeal, the latest proposals are for a dramatically reduced quantum of development on land that has had residential permission before.
70. In addition, effort has been made to improve the design of the proposed dwellings in response to previous comments, by introducing water tabling and chimney pots, which are noticeable features on existing dwellings opposite. Thus, the scheme will suitably reflect the local context, bearing in mind that such is already highly varied.
71. With the above in mind, the applicant considers that the detailed proposals will satisfy all relevant policies of the development plan and NPPF provisions, as well as supplementary guidance. This is on the basis the proposals have been informed by the constraints and opportunities of the site, and will:
- Make a positive contribution towards the Council maintaining a 5YHLS, on a site assessed as being a mix of developable and deliverable - and thus potentially suitable for housing - in the Council's Strategic Housing Land Availability Assessment (SHLAA);
 - Not introduce a land use that has not been approved previously on a significant part of the site, with outline consents for 8no. and 30no. dwellings, and full consent for 9no. dwellings, having been approved previously;
 - Be of an appropriate layout and density;
 - Use suitable materials, both in terms of the dwellings and hard landscaping, which can be secured by condition;
 - Deliver much needed bungalows, of two and three-bed sizes, with clear demand for such according to the latest Strategic Housing Market Assessment;

- Represent an appropriate scale of development, bearing in mind the topography of the site;
 - Not create any unacceptable residential amenity issues for either new or existing residents;
 - Be served by a previously approved point of vehicular access, which achieves the required visibility in either direction from the site entrance based on Manual for Streets standards, which are the appropriate standards to apply according to Transport Consultant advice. The Design Manual for Roads and Bridges standards sought by Council Highways are neither appropriate given the site context nor in line with what was sought during the previous consent(s). This represents inconsistent decision making;
 - Deliver a suitable quantum of resident and visitor parking;
 - Be located in a sustainable location, within walking distance of local facilities;
 - Not increase flood risk, on or off-site, with the site LLFA advising approval of the surface water drainage layout, subject to the provision of some additional details, which we feel can be adequately secured by condition(s);
 - Provide bat and bird boxes on the most suitable dwellings for such, based on Ecologist advice. This application was submitted before Biodiversity Net Gain became mandatory, but in the event BNG was sought this could be secured by condition, as confirmed by the Council during the aforementioned appeal;
 - Provide a policy compliant amount and type of affordable housing; and
 - Not give rise to any unacceptable heritage impacts, subject to further archaeology work, which can be secured by condition.
72. Turning to the Coal Authority objection, as part of the previous consents, including one for full planning DM/14/02268/FPA, it was acknowledged in the Officer's Report that: *'A small part of the phase 1 lies within a small area of High Risk Coal Mining Referral Area due to the presence of a coal seam. No Coal Mining Risk Assessment has been submitted as part of this application, given the nature of the application (Reserved Matters) it is considered that this matter be brought to the applicants attention by informative.'*
73. It is unclear why such an informative could not be applied again. Likewise Highways, this represents inconsistent decision making.
74. Lastly, we note there is a large residential application elsewhere in the village for 156no. dwellings, which is still undetermined after over a year. Surely Members would agree that it would be better for Coundon to be subject to smaller residential development, such as that proposed by our client, rather than large applications that appear to be completely out-of-scale with the village. We respectfully encourage the Committee to support the application, accordingly.

PLANNING CONSIDERATION AND ASSESSMENT

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

Adaptable Housing, Ecology, Flooding/Drainage, Ground Conditions, Sustainability and other matters.

Principle of Development

76. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The County Durham Plan (CDP) constitutes the statutory development plan and the starting point for determining applications as set out in the Planning Act and reinforced at Paragraph 12 of the NPPF.
77. Paragraph 11c of the NPPF requires applications for development proposals that accord with an up-to-date development plan to be approved without delay. Paragraph 12 of the NPPF states that where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.
78. In considering the previous planning history, planning application DM/23/01719/FPA related to the erection of 51no. dwellings together with the formation of site access, landscaping and associated works which was refused planning permission by Southwest Planning Committee in December 2023. The previous application (DM/23/01719/FPA) included this current site within its wider proposal for development. The application was refused and had seven reasons of refusal relating to the principle of the development; poor design; unacceptable highway safety implications; loss in biodiversity; unacceptable surface and foul drainage; impacts of past coal mining activity and no provision of affordable housing or financial contributions.
79. It is also recognised that, at the time the County Durham Plan was adopted, the site was treated as a housing commitment in recognition that it benefitted from outline planning permission for 30 dwellings (DM/17/00912/OUT). However, this permission has lapsed and does not provide a fallback position for the development of the site. The previous application was also assessed in the tilted balance in the presumption in favour of sustainable development due to the age of the relevant policies of the Wear Valley District Local Plan and the Councils Housing supply position at the time. Since the approval of the previous application, the local and national planning policy context has changed considerably, and the development is to be assessed under the up-to-date policies of the County Durham Plan. Therefore, the previous outline planning approval granted in 2018 is not a fallback position for the site.
80. In relation to the Strategic Housing Land Availability Assessment (SHLAA), the site has been assessed under entry 3/CO/10b which states: '*Planning permission for 8 detached dwellings was allowed previously on appeal which confirmed the suitability of the site from a landscape, highways and relationship to settlement perspective.*' This SHLAA assessment was made in reference to the first planning permission on this section of the site which was for eight dwellings only (3/2008/0783). Whilst the site has been included in the SHLAA, as a housing commitment, this was based on the extant planning permissions

of the time which have since lapsed, as highlighted above. The previous planning application does not represent a fallback position for the proposal. Since the publication of the SHLAA in 2019, the County Durham Plan has been adopted and has up to date policies for assessing planning applications. Therefore, as set out in the SHLAA Report 2019, all planning applications for residential development will continue to be determined against current development plan policies and other material planning considerations and assessed on their own merits. Being classified as green 'suitable' within a SHLAA does not grant a site planning permission and does not mean that the development of the site would be acceptable when the detailed considerations are prepared and brought forward. Overall, whilst the site is shown as 'suitable' within the SHLAA, the previously approved planning permission has since lapsed and therefore, there is no fallback position on the site. The SHLAA does not establish the principle of the development of the site for residential development.

81. Accordingly, the proposal would need to be assessed against the most up to date development plan for the area, the County Durham Plan 2020 and the National Planning Policy Framework as well as relevant SPDs and guidance.
82. Turning to an assessment against relevant County Durham Plan (CDP) Policies. The application site is not allocated for housing within CDP Policy 4 and therefore, the application is an unallocated site within the County. As the site is unallocated, CDP Policy 6 is applicable as this policy sets out that the development of sites which are not allocated in the plan or a Neighbourhood Plan (i) within a built-up area; or (ii) outside the built-up area but well-related to a settlement will be permitted where they accord with all relevant development plan policies, and which:
 - a. *are compatible with, and not prejudicial to, any existing, allocated or permitted use of adjacent land;*
 - b. *do not contribute to coalescence with neighbouring settlements, would not result in ribbon development, or inappropriate backland development;*
 - c. *do not result in the loss of open land that has recreational, ecological or heritage value, or contributes to the character of the locality which cannot be adequately mitigated or compensated for;*
 - d. *are appropriate in terms of scale, design, layout, and location to the character, function, form and setting of the settlement;*
 - e. *would not be prejudicial to highway safety or have a severe residual cumulative impact on network capacity;*
 - f. *have good access by sustainable modes of transport to relevant services and facilities and reflects the size of the settlement and the level of service provision within that settlement;*
 - g. *do not result in the loss of a settlement's or neighbourhood's valued facilities or services unless it has been demonstrated that they are no longer viable;*

- h. minimise vulnerability and provides resilience to impacts arising from climate change, including but not limited to, flooding;*
 - i. where relevant, make as much use as possible of previously developed (brownfield) land; and*
 - j. where appropriate, reflect priorities for urban regeneration.*
83. In the first instance, an assessment of whether or not the development is within the built-up area of Coundon; or outside the built-up area but well-related to the settlement needs to be made before moving onto the specific criteria of CDP Policy 6.
84. In this case, the dominant built-up core of Coundon as a settlement is focused around a triangular core of the residential development around the B6287 to the north; Victoria Lane to the east and Collingwood Street to the southern element with further residential development expanding from this core development area. Between this core and the application site, there are transitional parcels of land between the built-up settlement and the open countryside with St James Church and its grounds, followed by the allotments and further open countryside before reaching the application site. In its wider context, the site reads as agricultural pastureland at a raised level compared to the B6287 which frames the rural character of the settlement core of Coundon especially when approaching the settlement from the southwest. In considering this, due to the reduction in the quantum of development compared to the previously refused application for 51 dwellings, it is considered that the site is well-related to Coundon given it would be bound by residential development to the west and residential development alongside allotments to the east and the public highway to the north. Therefore, in terms of CDP Policy 6, the site is considered as outside the built-up area of Coundon but well-related.
85. Turning to the criteria of CDP Policy 6, the development would be compatible with adjacent uses of land to meet criteria (a); it would not contribute to coalescence, or ribbon development and would not be inappropriate back land development to meet criteria (b); and it would not result in the loss of a settlements or neighbourhood's valued facilities or services to meet criteria (g).
86. CDP Policy 6 criterion (c) and (d) will be discussed in detail under 'Scale/Design/Landscaping and Visual Impact' section of this report. Criterion (e) will be discussed under 'Highway Safety' section of the report. Criterion (f) will be discussed under 'Locational Sustainability'.
87. Therefore, overall, whilst the site is well-related to the settlement of Coundon for the purposes of CDP Policy 6, the principle of the development is inherently linked to the detail of the application and consideration of the following material planning considerations and policies of the County Durham Plan as set out below. However, in the event that development is not supported by CDP Policy 6, as the site is outside of the built up area of Coundon, in the countryside, CDP Policy 10 would apply. This Policy states that development in the countryside will not be permitted unless allowed for by specific policies in the CDP, by relevant policies within an adopted neighbourhood plan relating to the application site, or where the proposal relates to one or more of a number of

exceptions stated in the Policy. The proposal does not meet any of those exceptions, and there is not yet any Neighbourhood Plan for the Neighbourhood Plan area; therefore should the development conflict with CDP Policy 6 it will also inherently conflict with CDP Policy 10.

Locational Sustainability of the Site

88. Turning next to sustainability, CDP Policy 21 provides greater clarity on what the CDP requires in respect of sustainability, with Policy 21 considering more than just public transport connections. CDP Policies 6 (f) and 10 (p) build upon these areas and cover public transport connection considerations.
89. CDP Policy 21 requires the delivery of sustainable transport by facilitating investment in safe sustainable modes of transport, providing appropriate, well designed, permeable and direct routes for walking, cycling and bus access, so that new developments clearly link to existing services and facilities together with existing routes for the convenience of all users. The Policy requires all development to have regard to the policies set out in the County Durham's Strategic Cycling and Walking Delivery Plan and, where possible, contribute to the development of a safe strategic cycling and walking network and in particular the routes set out in Local Cycling and Walking Infrastructure Plans. It also requires development to have regard to the Parking and Accessibility Supplementary Planning Document. CDP Policy 21 supports modal shift and sustainable transport improvements.
90. CDP Policy 21 first requires the transport implications of development to be addressed as part of any planning application, where relevant this could include through Transport Assessments, Transport Statements and Travel Plans. This is discussed in the highway safety section of this report.
91. Turning first to CDP Policy 21 criteria a) and b), it is noted that these criteria prioritise pedestrian connectivity ahead of cycling and bus transport. Officers are mindful of the CIHT's Planning for Walking (2015) guidance which states under Section 6.4:

“Building Sustainable Transport into New Developments (DfT, 2008) gives the following advice on pedestrian catchment areas: Traditional compact town layouts: Walking neighbourhoods are typically characterised as having a range of facilities within 10 minutes’ walking distance (around 800 metres). However, the propensity to walk or cycle is not only influenced by distance but also the quality of the experience; people may be willing to walk or cycle further where their surroundings are more attractive, safe and stimulating. Developers should consider the safety of the routes (adequacy of surveillance, sight lines and appropriate lighting) as well as landscaping factors (indigenous planting, habitat creation) in their design. The power of a destination determines how far people will walk to get to it. For bus stops in residential areas, 400 metres has traditionally been regarded as a cut-off point and in town centres, 200 metres (DOENI, 2000). People will walk up to 800 metres to get to a railway station, which reflects the greater perceived quality or importance of rail services.”

92. The centre of the site is approximately 250 metres actual walking distance from the nearest four bus stops located to the west and east of the site entrance which is within the desirable CIHT 400 metres range from the centre of the site

to be an acceptable walking distance. The bus stops provide access to Bishop Auckland and Durham city with a bus running every hour.

93. Officers note that CDP Policy 21 (a) requires proposed development to deliver, accommodate and facilitate investment in safe sustainable modes of transporting in the following order of priority:
- Those with mobility issues or disabilities.
 - Walking.
 - Cycling.
 - Then bus and rail transport.
94. In considering this the development against the above policy context, Coundon is identified as a 'Local Centre' within the County Durham Plan, these centres are considered to support a number of local shops and services that meet local residents' daily shopping needs.
95. In considering the services within Coundon, the settlement has access to public bus stops, there is a public house, two primary schools and a range of local takeaways and small shops within the settlement to serve the local community. However, concerns have been raised by members of the public in relation to the provision of services and facilities within Coundon as well as access to public transport.
96. The shortest actual walking routes to the nearest facilities and amenities from the centre of the residential part of the site are:
- Victoria Lane Academy which is approx. 871 metres away along a lit footpath.
 - St Joseph's Primary School which is approx. 754 metres away along a lit footpath.
 - The Miners Arm (Public House) which is approx. 615 metres away along a lit footpath.
 - Coundon Play Area which is approx. 400 metres away along a lit footpath.
 - Coundon and District Workingmen's Club which is approx. 625 metres away along a lit footpath.
 - St James C of E Church which is approx. 385 metres away along a lit footpath.
 - Coundon Health Centre and Library is located approx. 979 metres away along a lit footpath.
 - Sainsbury's Local is located approx. 985 metres away along a lit footpath.
97. As above, some services and amenities are located within the maximum 800m of the residential part of the site, however a proportion are located beyond that distance. It is however recognised that these distances are not significantly beyond the upper limit and are on lit footpaths. In addition to this there are established bus services running through Coundon on an hourly basis with routes passing the site and the above locations before linking to extending down to Bishop Auckland and beyond. On balance it is considered that future residents would have alternative options to the private motor car to access services and facilities and in the round considering the size of the development

the scheme would accord with Policies 6, 21 and 29 of the County Durham Plan, and the National Planning Policy Framework.

Scale/Design/Landscaping and Visual Impact

98. CDP Policy 6 criterion (d) requires that development on unallocated sites is appropriate in terms of scale, design, layout and location to the character, function, form and setting of the settlement.
99. CDP Policy 29 outlines that development proposals should contribute positively to an area's character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities. In total, CDP Policy 29 sets out 18 elements for development to be considered acceptable, including: buildings being adaptable; minimising greenhouse gas emissions and use of non-renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; and suitable landscape proposals.
100. CDP Policy 39 states proposals for new development will be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals would be expected to incorporate appropriate measures to mitigate adverse landscape and visual effects.
101. CDP Policy 40 seeks to avoid the loss of existing trees and hedgerows unless suitable replacement planting is provided.
102. Parts 12 and 15 of the NPPF also seek to promote good design, while protecting and enhancing local environments. Paragraph 127 of the NPPF also states that planning decisions should aim to ensure developments function well and add to the overall quality of the area and establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit.
103. The site comprises open agricultural fields that are bound by an existing stone boundary wall to the northern boundary. The site has land level changes from the public highway to the north through the entirety of the site to the south. The public highway sits at 154 metres and the highest levels of the site extends to approximately 167 metres to the south of the site which sees a level distance of approximately 13 metres from the public highway to the southern area. The site is not located within a conservation area and contains no designated heritage assets. However, it is within the setting of Coundon War Memorial (Grade II Listed) and St James' Church (Grade II Listed). There are no other landscape designations on the land and none of the trees are protected by a Tree Preservation Order.
104. Concerns have been raised by the public in regard to the overall design of the development in particular its scale and density as well as its impact upon the setting of the designated heritage assets.
105. The application has been considered by the Council's Internal Design Review Team in accordance with CDP Policy 29 and the Building for Life SPD 2019. The proposal scored 8 'Red' classifications; 1 'Amber' and 3 'Green'

classifications. In regard to the red classifications relating to design, these were in regard to 'Connections'; 'Character'; 'Working with the site and its context'; 'Creating well defined streets and spaces'.

106. CDP Policy 29 sets out: '*Schemes with one or more red will not be acceptable and will be refused planning permission unless there are significant overriding reasons.*'
107. To expand on the Design Review feedback, under 'Character', amended house types were submitted during the application to try and address the standard solution presented at submission. However, the introduction of water tabling and chimneys appears to be overly formal and heavy and at odds with the simple contemporary approach of the house types. This results in house types that are lacking in locally inspired or other distinctive character. They do not have any architectural features which are characteristic of their immediate surroundings in Coundon. For instance, features such as bay windows and fenestration with a vertical emphasis are dominant in the proximity of the site and utilising such details would result in locally inspired development and would add visual interest to the front elevations. The addition of only chimneys and water tabling to the house types do not deliver locally inspired houses to the site.
108. Furthermore, as discussed under 'Working with the site and its context', the proposed layout will sit on prominently higher ground than the existing village. The public highway sits at 154 metres and the highest levels of the site extends to approximately 167 metres to the south of the site which sees a level distance of approximately 13 metres from the public highway to the southern area. Due to the extensive level of engineering operations required to facilitate the development and its drainage, it would be a highly engineered response to the site which would appear at odds with the existing topography and form of the village with numerous retaining walls across the application site to change to change the levels of the site considerably. Whilst the proposed site plan indicates the inclusion of a hedgerow to the south and eastern boundary, due to the significant land level changes, could not be mitigate the harm created to the local landscape due to the incursion of the development into the open countryside.
109. In respect of the Grade II Listed Buildings, Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 outlines that the Local Planning Authority will have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
110. In this regard, the Heritage Statement which identifies architectural interest of St James' Church due to its use of early English style gothic architecture with its immediate setting contributing to this. The setting of the Church is considered to be the wooded area immediately surrounding it, along with two areas of burial ground which have a visual connection with the church. Although long views from the church would change, the proposed development is not considered to detrimentally impact the architectural interest of the church. The proposals are not considered to be within the setting of the Coundon War Memorial. Therefore, the impact upon the designated heritage assets, in this case, is considered to be acceptable in compliance with Section 66 of the Planning (LBCA) Act 1990,

Policy 44 of the County Durham Plan and Part 16 of the National Planning Policy Framework.

111. Overall, as the proposal has received 8 'red' classifications under the Design Review Panel and CDP Policy 29 is clear that any proposals with one or more 'red' classifications should be refused planning permission. The development is considered to represent poor design with standard house types that do not reflect the locally distinctive character of Coundon, alongside being a heavily engineered solution to facilitate the development which would not respect the existing topography or landform read as an incursion into the open countryside which causes unacceptable landscape harm. Therefore, the proposal is considered contrary to the Building for Life SPD, Policies 6, 29 and 39 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.

Highway Safety/Access

112. CDP Policy 21 outlines that development should not be prejudicial to highway safety or have a severe cumulative impact on network capacity, expecting developments to deliver well designed pedestrian routes and sufficient cycle and car parking provision. Similarly, CDP Policy 29 advocates that convenient access is made for all users of the development together with connections to existing cycle and pedestrian routes. CDP Policy 6 criterion (e) require development to not be prejudicial to highway safety or have a severe residual cumulative impact on network capacity.
113. The County Durham Parking and Accessibility SPD 2023 set out that a 2 bedroom or 3-bedroom dwelling will require a minimum of 2 in-curtilage parking spaces and 1 active charge point per dwelling alongside 1 visitor/non-allocated parking space per 4 dwellings would be required.
114. Specifically, the NPPF sets out at Paragraph 114 that safe and suitable access should be achieved for all users. In addition, Paragraph 115 of the NPPF states that development should only be refused on transport grounds where the residual cumulative impacts on development are severe.
115. Concerns have been raised by the public in regard to highway safety. Access to the site is proposed to be taken via Church Street which will involve engineering works to the existing stone boundary wall to facilitate access.
116. A speed survey for the site access has been supplied and accordingly, the Highways Authority have been consulted on the proposal and they identify that the site plan does not demonstrate the required visibility splay at the site access. The submitted plans demonstrate a visibility splay of 2.4m x 48m in one direction and 2.4m x 57m in the other which would be the requirements of the Manual for Street Standards. However, the Highways Authority advise that the required visibility for the site is 2.4m x 73m and 2.4m x 88m which needs to be shown on the submitted plans as outlined under the Design Manual for Roads and Bridges (DMRB). This has not been done and therefore, the visibility splay for the site entrance is substandard by 25 metres in one direction and 31 metres in the other. Therefore, the required visibility splay has not been demonstrated and this raises a fundamental highway safety concern for vehicles entering and exiting from the proposed development onto the B6267.

117. The Highways Authority have used the Design Manual for Roads and Bridges (DMRB) for the assessment of the application and in response to this, the applicant's Transport Consultant advises they disagree with the use of this standard and that the site visibility should be assessed under the Manual for Streets Standards. In response to this, the Highways Authority advise that the Manual for Streets Standards is guidance only and it would not be the appropriate standards in this case for a number of reasons relating to: the relationship between the access for the site and the adjacent properties; vehicle type and mix movements; the use of the B6287 by multiple types of vehicles requires longer stopping distances, especially for HGV's when travelling from the east which has a downwards grade; and the case that the Local Highways Authority do not have an up to date speed survey at the proposed location.
118. In addition, there would be a SUDs basin for the surface water drainage immediately adjacent to the proposed site access and given that the required visibility splays have not been demonstrated, it is not understood if the SUDs basin, and any required level changes, would interfere with the visibility splays required.
119. Ultimately, the Highways Authority and the applicant's Transport Consultants do not agree on which are the appropriate standards to assess the application against in this case. In taking the Highways Authority's advice, and applying DMRB to assess the site access, the proposal does not demonstrate adequate visibility splays for the site. Therefore, there are highway safety concerns in relation to the access of the proposed development as the required visibility splays have not been satisfactorily demonstrated.
120. Regarding parking, the Highways Authority advise that the development meets the requirements of the County Durham Parking and Accessibility SPD 2023 in regard to parking provision and distribution throughout the site.
121. Overall, the proposal does not demonstrate acceptable highway safety or access to the development as the required visibility splay has not been demonstrated. The proposal would be contrary to the County Durham Parking and Accessibility SPD 2023, Policies 6, 21 and 29 of the County Durham Plan and Part 9 of the National Planning Policy Framework.

Residential Amenity

122. CDP Policy 31 states that all new development that has the potential to lead to, or be affected by, unacceptable levels of air quality, inappropriate odours and vibration or other sources of pollution, either individually or cumulatively, will not be permitted including where any identified mitigation cannot reduce the impact on the environment, amenity of people or human health to an acceptable level.
123. Parts 12 and 15 of the NPPF require that a good standard of amenity for existing and future users be ensured, whilst seeking to prevent both new and existing development from contributing to, or being put at unacceptable risk from, unacceptable levels of pollution.

124. A Residential Amenity Standards Supplementary Planning Document (SPD) has been adopted by the Council, which recommends that dwellings should benefit from private, usable garden space of at least 9 metres long.
125. In considering the development against this policy context, each of the dwellings would have a private amenity space to their rear which would be at least 9 metres in long. This would comply with the Residential Amenity Standards SPD in regard to private amenity space.
126. The Residential Amenity Standards SPD also sets out separation distances for new development to comply with. It states that a minimum distance of 21.0 metres between habitable room windows, where either dwelling exceeds single storey, and a minimum of 18.0 metres between habitable room windows and both dwellings are single storey should be achieved. Where a main facing elevation containing a habitable room window is adjacent to a gable wall which does not contain a habitable room window, a minimum distance of 13.0 metres shall be provided where either dwelling exceeds single storey or 10.0 metres where both dwellings are single storey.
127. Regarding the impact of the development upon existing amenity, the closest neighbouring properties are Fairview Cottage, Canney View and the terraced row at Broomside to the west of the site.
128. In relation to the terraced properties of Broomside, there are no dwellings in proximity of these existing properties and therefore, there would be no harm to their existing residential amenity.
129. Regarding Canney View, Plots 14-16 would be to the east of this and there would be a separation distance of approximately 22 metres between the closest point of Canney View and these plots which complies with the required standards.
130. In relation to Fairview Cottage, Plot 1 would be the closest to this property and it is recognised that Fairview Cottage does have a garage immediately adjacent to the site entrance. However, there would be a separation distance of approximately 19 metres between the gable wall of Plot 1 and the corner of Fairview Cottage which would comply with the requirements of the Residential Amenity Standards SPD and there would be no issues about the garage as it would be immediately adjacent the site entrance.
131. In reviewing the to the site layout against these requirements, each of the dwellings would be single storey bungalows and therefore, there needs to be 18 metres between habitable room windows within the site. The proposed site layout demonstrates that the dwellings would meet this level of separation to comply with this requirement of the Residential Amenity Standards SPD.
132. The Council's Nuisance Action Team have been consulted on the application. They advise that a Construction Management Plan has been submitted. However, the information provided in relation to noise, dust controls and monitoring is not sufficient. However, the Nuisance Action Team advise that this could be addressed using planning conditions requiring the submission of a revised Construction Management Plan and an acoustic report which can

identify any noise mitigation measures if required prior to the commencement of the development.

133. Overall, subject to conditions, the proposals are considered to provide an acceptable standard of amenity for existing and future residents, according with Policies 29 and 31 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.

Infrastructure and open space provision

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

139. In this respect, the proposal would need to make a financial contribution of £50,371.20 in relation to off-site open space which would be secured via Section 106 Agreement.
140. Paragraph 99 of the NPPF sets out the importance of their being sufficient choice of school places being available to meet the needs to existing and new communities.
141. Regarding education provision, the Council's Education Team have been consulted on the application and they advise that in terms of primary and secondary school places, there is sufficient space to accommodate pupils generated by the development in the existing primary and secondary schools and no mitigation in this regard is required. It is noted that members of the public have expressed concerns with the provision of education in the local area and its capacity, however, the Education Team have reviewed the proposal and have not requested a financial contribution towards this facility. Therefore, it would be unreasonable to request a financial contribution towards education provision in this case.
142. However, the Education Team have requested a financial contribution of £13,437 to mitigate the developments impact in regard to SEND provision. In considering this, the national government direction from August 2023 on contributions for SEND pupil provision is sought from new development contains transitional arrangements for development in process to not require this mitigation, within which this development falls. On this basis, to pursue this request at this time is unreasonable, failing the tests set out to secure planning obligations set out under CDP Policy 25 and the NPPF.
143. Paragraph 93 of the NPPF recognises the need for planning decisions to ensure an integrated approach when considering the location of new housing and to plan positively for the provision and use of community facilities and local services. Paragraphs 55-57 of the NPPF explain the circumstances when it is appropriate for planning obligations to be used to mitigate the impacts of the development. This provides policy justification, alongside CDP Policy 25 to seek mitigation in respect to essential services including GP provision where a deficit would result or be exacerbated by the proposal.
144. The NHS have been consulted as part of the application and confirm they have no comments on the application. Therefore, no financial contribution regarding GP provision will be sought.
145. Overall, the proposal would need to secure £50,371.20 for off-site open space provision under a Section 106 Agreement and there will be no financial contribution for the NHS or Education sought as part of the development. Therefore, the proposal is considered compliant with Policy 25 of the County Durham Plan and Paragraph 34 of the National Planning Policy Framework.

Affordable, Accessible and Adaptable Homes

146. CDP Policy 15 requires applications for 10no. or more units to provide a percentage of Affordable Housing provision which is accessible, adaptable and meets the needs of those residents unable to access the open housing market. CDP Policy 19 seeks to ensure that an appropriate mix and tenure of housing is

secured in developments. The application site is located within a low value area where 10% of the approved units must be provided for affordable home ownership. Since the CDP was adopted, the Government's First Homes policy has come into force and requires a minimum of 25% of all affordable housing units secured through developer contributions to be First Homes. The 25% expected First Homes contribution for any affordable product can make up or contribute to the 10% of the overall number of homes expected to be an affordable home ownership product on major developments as set out in the NPPF.

147. The Council's Spatial Policy Team have been consulted on the application and advise that to address housing need, 10% of the dwellings provided would need to be affordable. On a scheme of 16no. units, equates to 2 affordable units. It has been confirmed that two affordable units will be provided, equating to 1 First Home and 1 Discount Market Sale (DMS) which would comply with the above requirements.
148. CDP Policy 15 also states that in order to meet the needs of older people and people with disabilities, on sites of 5 units or more, 66% of dwellings must be built to Building Regulations Requirement M4 (2) (accessible and adaptable dwellings) standard. Furthermore, on sites of 10 or more, a minimum of 10% of the total number of dwellings on the site should be of a design and type that would increase housing options of older people. These properties should be built to M4(2) standard and would contribute to meeting the 66% requirement set out above. They should be situated in the most appropriate location within the site for older people. Appropriate house types considered to meet this requirement include:
- Level access flats;
 - Level access bungalows; or
 - Housing products that can be shown to meet the specific needs of multi-generational family.
149. In this regard, the applicant has advised that all of the units would be built to M4(2) Standard of Building Regulations. The proposal would provide 15no. bungalows which would be in excess of the policy requirement for two units to be suitable for older people. These are benefits of the scheme to be weighed in the planning balance.
150. Overall, the proposal would comply with Policy 15 of the County Durham Plan as two affordable units would be provided alongside all of the units being built to M4(2) standards and having dwellings suitable for older people.

Ecology

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

152. To acknowledge, on 12th February 2024, a mandatory 10% biodiversity net gain was introduced for developments of this scale under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). However, this application was validated before this date. On this PPG states: *'Biodiversity net gain has only been commenced for planning permissions granted in respect to an application made on or after 12th February 2024. Permissions granted for applications made before this date are not subject to biodiversity net gain'* (Paragraph: 003. Reference ID: 74-003-202040214). Therefore, the mandatory 10% net gain does not apply to this application and is not being sought.
153. Members of the public have submitted their concerns in relation to the impact of the development upon biodiversity and the local wildlife.
154. A Preliminary Ecological Appraisal (PEA) and DEFRA Biodiversity Net Gain (BNG) Metric has been submitted to accompany the application. The Council's Ecology Officer has been consulted as part of the application and advise that the proposal would result in an overall loss in biodiversity which would equate to 2.76 habitat units and 0.14 hedgerow units. In considering this, the proposal cannot deliver a net gain on-site and there is no land within their ownership where BNG could be delivered. Therefore, the applicant has indicated they would be seeking to deliver biodiversity net gain off-site through a third party provider. In this case, this could be secured under a planning condition or legal agreement to ensure the delivery of biodiversity net gain.
155. Therefore, through the use of off-site provision, whilst there would be a loss in biodiversity on-site, this will be mitigated off-site to meet Policy 41 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

Flooding/Drainage

156. Part 14 of the NPPF seeks to resist inappropriate development in areas at risk of flooding, directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere. Paragraph 167 of the NPPF advises that when determining planning applications, local planning authorities should ensure that flood risk is not increased elsewhere and that where appropriate applications should be supported by a site-specific flood-risk assessment. Paragraph 169 of the NPPF goes on to advise that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate.
157. CDP Policies 35 and 36 relate to flood water management and infrastructure. CDP Policy 35 requires development proposals to consider the effects of the scheme on flood risk and ensure that it incorporates a Sustainable Drainage System (SUDs) to manage surface water drainage. Development should not have an adverse impact on water quality. CDP Policy 36 seeks to ensure that suitable arrangements are made for the disposal of foul water. CDP Policy 6 criterion h states development should *'minimise vulnerability and provides resilience to impacts arising from climate change, including but not limited to, flooding'*.

158. Members of the public have expressed their concerns in regard to the drainage strategy for the site and the possibility increased flood risk from the development.
159. The Lead Local Flood Authority have reviewed the submitted drainage strategy for the development and advise of the approval of the surface water drainage in principle, but they do request additional information regarding the specific construction details of the basin and hydraulic calculations. In this regard, it is considered that as the principles of the drainage strategy have been agreed, pre-commencement planning conditions could be utilised to secure the details of the basin and hydraulic calculations.
160. In terms of foul drainage, the site will discharge into a combined public sewer and the connection will need to be agreed with Northumbrian Water separate to the planning application. Northumbrian Water have been consulted as part of the application, but no response has been received.
161. Therefore, the surface water and foul drainage for the site is acceptable and complies with Policies 35 and 36 of the County Durham Plan and Part 14 of the National Planning Policy Framework.

Ground Conditions

162. CDP Policy 32 requires sites to be suitable for use taking into account contamination and unstable land issues. Paragraph 183 of the NPPF requires sites to be suitable for their proposed use taking account of ground conditions and any risks arising from land instability and contamination.
163. The application has been supported by a Phase 1 Risk Assessment and Phase 2 Site Investigation. The Council's Contaminated Land Team have been consulted on the reports supplied and they confirm that a revised Phase 2-4 Report may be required for the development as there is a need for further site investigation. This can be secured via planning condition.
164. A section of the application site is located within the Coalfield High Risk Area and accordingly a Coal Mining Risk Assessment has been undertaken. The Coal Authority have been consulted and they identify two mine shafts within the northern part of the site. The submitted site plan locates each of these mine shafts, however, due to potential plotting inaccuracies, the actual positions of these coal mining features could depart/deviate from their plotted positions by several metres, and they could be present within the development site itself.
165. Based on this, the Coal Authority object to the proposal as insufficient information has been submitted to adequately address the impacts of coal mining legacy of the scheme. Whilst in some circumstances planning conditions could secure the submission of additional information in this regard, as the concerns relate to mine shafts which may or may not be present within the site, the findings of any further reports could be pivotal in designing the overall layout of the development which cannot be controlled by planning condition.
166. The applicant draws attention to the previous planning application for 30no. dwellings on the site (DM/14/02268/FPA) and that an informative was added to

the decision notice alerting the applicant that to undertake site investigation to consider the impact of this. The applicants wish for this approach to be taken on this current application. However, the previous application as decided over 10 years ago and related to an application for 9 dwellings, rather the current 16 proposed. In addition, the Coal Authority object to this application and it is considered without knowing the exact locations of the mine shafts and their zones of influence, this could directly impact the site layout and could require a re-design of the layout to avoid these areas. Therefore, without this information prior to determination, the LPA cannot be satisfied that there would be no unstable land issues due to past coal mining.

167. Therefore, the proposal fails to meet the requirements of CDP Policy 32 and Paragraph 183 of the National Planning Policy Framework regarding coal mining legacy.
168. CDP Policy 56 seeks to safeguard mineral resources. Significant areas of the County fall into such mineral safeguarding areas, including the application site and wider area. Although a non-mineral development is proposed, it is not considered that the current proposals would sterilise mineral resource taking into account the scale of the site and residential setting. No objections are raised in this regard and the proposal does not conflict with Policy 56 of the County Durham Plan.

Sustainability

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

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

Other Matters

Broadband

174. 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.
175. In considering this policy requirement, due the location of the development, there would be existing high-speed broadband availability in the area to comply with CDP Policy 27. A condition is recommended requiring the precise broadband details to be submitted to comply with CDP Policy 27.

Air Quality

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

Archaeology

178. The Council's Archaeology Team have been consulted on the application and they advise that the geophysical survey undertaken in 2017 suggests the existence of potential archaeological features on part of the site. In considering this, due to the scale of the development, in this case it would be reasonable to include a pre-commencement condition requiring the submission of a Written Scheme of Investigation for trial-trenching.

Agricultural Land and Soil Resource

179. 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.
180. The application site is greenfield and is classified as Grade 4 Agricultural land which is considered as 'poor' under the Agricultural Land Classification.

Therefore, there would be no loss in the best or most versatile agricultural land as a result of this development to meet CDP Policy 14.

CONCLUSION

181. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The Council has an up-to-date development plan which is the County Durham Plan. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision making, this means approving development proposals that accord with an up-to-date development plan without delay.
182. Regarding the principle of the development, for the purposes of Policy 6 the site is considered well-related to the settlement of Coundon. However, the proposal would fail to meet CDP Policy 6 criteria d (design/relationship to settlement) and e (highway safety) and therefore, the principle of the development is unacceptable. All of the relevant criteria of CDP Policy 6 need to be met to be acceptable in principle. By virtue of this, the site is within the open countryside and does not comply with any of the exceptions of CDP Policy 10 of the County Durham Plan for development on such a location and is not permitted by any other specific policy in the County Durham Plan.
183. In the round the application site is within a sustainable location as it is considered that the site has access to a range of services and facilities proportionate to the size of the settlement of Coundon and that these can reasonably be accessed by foot/cycle or accessed by public transport. It is recognised that the development would boost the supply of accessible bungalows in the area which are in demand which would assist in the delivering the Council's five-year housing land supply which weighs in favour of the development.
184. However, in terms of design, the proposal has received 8 'red' classifications under the Design Review Panel and CDP Policy 29 is clear that any proposals with one or more 'red' classifications should be refused planning permission. The development is considered to represent poor design with standard house types that do not reflect the locally distinctive character of Coundon, alongside being a heavily engineered solution to facilitate the development which would not respect the existing topography or landform to be an incursion into the open countryside which causes unacceptable landscape harm. Therefore, the proposal is considered contrary to the Building for Life SPD, Policies 6, 29 and 39 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.
185. In terms of highway safety, the proposal does not demonstrate acceptable highway safety or access to the development as the required visibility splay has not been demonstrated. The proposal would be contrary to the County Durham Parking and Accessibility SPD 2023, Policies 6, 21 and 29 of the County Durham Plan, and Part 9 of the National Planning Policy Framework.
186. In terms of the residential amenity, the proposal, subject to conditions, is considered to provide an acceptable standard of amenity for existing and future

residents, according with Policies 29 and 31 of the County Durham Plan and Parts 12 and 15 of the NPPF.

187. In regard to affordable housing and developer contributions, the proposal would be required to contribute £50,371.20 for off-site open space provision which could be secured under a Section 106 Agreement and there is no requirement for any financial contributions to be sought for the NHS or Education. The scheme would secure two affordable units comprised of 1 First Home and 1 Discounted Market Sale, alongside all of the units being M4(2) compliant and delivering an excess of homes for older people. The development would comply with CDP Policy 25 and 29 as well as the National Planning Policy Framework in this regard.
188. In relation to ecology, through the use of off-site provision, whilst there would be a loss in biodiversity on-site, this will be mitigated off-site to meet Policy 41 of the County Durham Plan and Part 15 of the National Planning Policy Framework.
189. The development would adequately manage surface water on the site and demonstrates that the proposed development would not exacerbating flood risk elsewhere. The proposal therefore complies with Policies 6, 35 and 36 of the County Durham Plan and Part 14 of the National Planning Policy Framework.
190. The proposal has not demonstrated that it has adequately addressed the impacts of the coal mining legacy upon the scheme as additional intrusive site investigation works are required to locate the mine shafts and their zones of influence. The findings of any additional reports could be pivotal in designing the overall layout of the development which cannot be controlled by planning condition. Therefore, the proposal fails to meet the requirements of CDP Policy 32 and Paragraph 183 of the National Planning Policy Framework regarding coal mining legacy.
191. Overall, the benefits associated with the development are not considered sufficient to outweigh the significant policy conflict, there are no material considerations which indicate otherwise and therefore the application is recommended for refusal.

Public Sector Equality Duty

192. 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.
193. In this instance, officers have assessed all relevant factors and do not consider that there are any equality impacts identified.

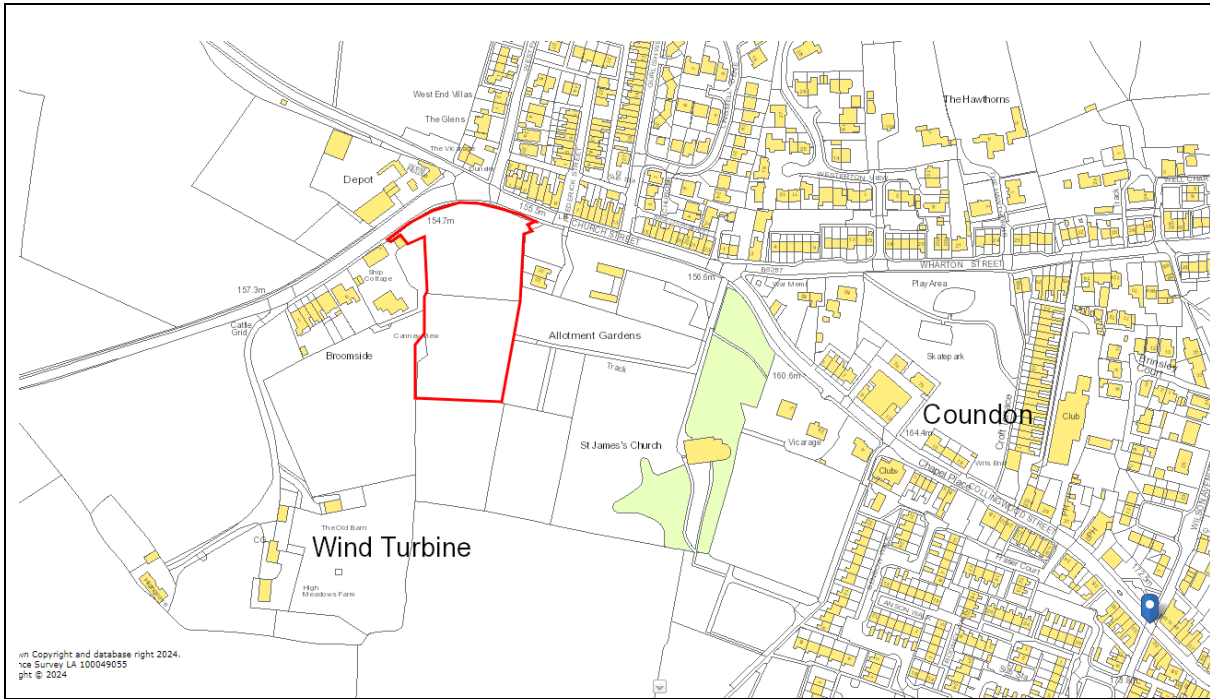
RECOMMENDATION

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

1. The development is located outside of the built up area of Coundon within the defined countryside, by virtue of its poor design and failure to demonstrate that it is not prejudicial to highway safety, the development conflicts with the criteria set out in Policy 6 of the County Durham Plan. The development does not comply with any of the exceptions of Policy 10 of the County Durham Plan and is not permitted by any other policy set out in the Plan, it is therefore inappropriate in this location.
2. The development is considered to represent poor design that adversely impacts on the character and appearance of the surrounding area when assessed against the County Durham Plan Building for Life Supplementary Planning Document and contrary to Policies 6, 10, 29 and 39 of the County Durham Plan and Part 12 of the National Planning Policy Framework.
3. The development does not demonstrate that a safe access and egress is in terms of required visibility splays, contrary to the County Durham Parking and Accessibility SPD 2023, Policies 6, 10, 21 and 29 of the County Durham Plan, Part 9 of the National Planning Policy Framework.
4. Insufficient information has been submitted to demonstrate how potentially unstable land, due to past coal mining activity and specifically mine shafts present on the site can be satisfactorily addressed by appropriate mitigation. The proposals therefore fails to comply with Policy 32 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

BACKGROUND PAPERS

Submitted Application Forms, Plans and Supporting Documents
National Planning Policy Framework
The County Durham Plan (CDP)
County Durham Strategic Housing Market Assessment 2019
County Durham Plan Building for Life Supplementary Planning Document 2019
Parking and Accessibility SPD 2023
Residential Amenity Standards Supplementary Planning Document 2023
Statutory consultation responses
Internal consultation responses
External consultation responses



<p>Planning Services</p>	<p>Erection of 16no. dwellings, together with the formation of the site access, and associated landscaping and external works</p>	
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	<p>Date:</p>	<p>18th July 2024</p>