

# COMMITTEE REPORT

---

## APPLICATION DETAILS

---

<b>APPLICATION NO:</b>	DM/20/02046/FPA
<b>FULL APPLICATION DESCRIPTION:</b>	Demolition of existing farm outbuildings and erection of 83 dwellings (Amended description 14/05/2024)
<b>NAME OF APPLICANT:</b>	Gleeson Regeneration Ltd
<b>SITE ADDRESS:</b>	Grange Farm, Coxhoe, Durham DH6 4HH
<b>ELECTORAL DIVISION:</b>	Coxhoe
<b>CASE OFFICER:</b>	Callum Harvey Senior Planning Officer Tel. 07393 469 380 <a href="mailto:Callum.Harvey@durham.gov.uk">Callum.Harvey@durham.gov.uk</a>

---

## DESCRIPTION OF THE SITE AND PROPOSALS

---

### The Site

1. The application site comprises vacant fields and vacant agricultural buildings, measuring 3 hectares (ha) in total area. The site is located to the north of Coxhoe Park and west of Coronation Terrace, at the northwestern edge of Coxhoe. To the north, east and southeast are residential dwellings, to the southwest is Coxhoe Park, and to the west is former railway line with agricultural fields beyond. The site is split by a Public Footpath which runs north-south through the centre of the site.
2. The site does not feature a notable gradient, and the fields either side of the Public Footpath within the site are private vacant fields.
3. The site is well screened from views to the west by the tree lined former railway line, and from views to the south at Coxhoe Park by another line of trees. Views from the north and east are screened by existing buildings.
4. Whilst the site is well contained by the tree lined former railway line to the west, the site is still considered to be outwith the built-up area of Coxhoe, and is therefore open countryside.
5. The site is not within nor adjacent to a designated Area of Higher Landscape Value. The nearest is over 500m to the east on the other side of Coxhoe. The nearest to the west surrounds the village of Hett and is approximately 2.3km from the site.

6. Due to the age of the application, received in 2020, it is not supported by an Agricultural Land Classification report, as those details were not required at the time. The application had submitted in 2020 that the fields and agricultural buildings within the site were vacant at the time, and officers note they remain vacant at present.
7. The western edge and southeastern corner of the site lie within the Coalfield Development High Risk Coal Area as identified by the Coal Authority, with the remainder of the site within the Low Risk Coal Area. The site also lies within the surface mined coal resource area as defined in the County Durham Plan. The site is not within a mineral safeguarding area.
8. There are no known mineshafts within the site, with the nearest being on Lansdowne Road approximately 240m to the south of the site.
9. There are no designated heritage assets within or adjacent to the site, with the nearest listed building or structure being the Grade II listed Coxhoe War Memorial on Coronation Terrace, approximately 250m to the south of the site. The nearest Conservation Area is Cornforth Conservation Area approximately 1.4km to the southwest of the site, beyond the A1(M).
10. The site falls within Flood Zone 1 as identified by the Environment Agency, which is the lowest risk area of fluvial (river) flooding.
11. Approximately a third of the site is at Low Risk of pluvial (surface water following rainfall) flooding, along with some small pockets in the northwestern and central areas of the site.
12. Three trees at the northern edge of the site, to the immediate east of the Public Footpath, are covered by a recently made Tree Preservation Order, reference: TPO/377/2024.
13. There are no ecological designations within the site, with the nearest being the Coxhoe Ponds which is Local Wildlife Site approximately 270m to the north of the site, and Quarrington Hill & Coxhoe Bank Plantation which is also a Local Wildlife Site approximately 500m to the east of the site.

## The Proposal

14. The application seeks full planning permission for the demolition of existing farm buildings at the northern edge of the site, and for the erection of 83 dwellings, and associated landscaping and infrastructure. The proposal seeks consent for the following mix of dwellings:
  - 8 two-bedroom bungalows;
  - 13 two-bedroom houses;
  - 52 three-bedroom houses; and
  - 10 four-bedroom houses.
15. The application submits the following Affordable Housing provision, to be secured under a legal agreement:
  - 5 Discount Market Sale units
  - 3 First Homes
  - 4 Affordable Rent units

16. Private parking bays are proposed at each plot, with an additional 21 visitor parking bays distributed across the site. Each dwelling would benefit from an Electric Vehicle charging point. Garages would measure a minimum of 6m x 3m internally.
17. The proposal would benefit from a new vehicular access onto Coronation Terrace to the east, in the form of a T-junction. As part of those works the existing northbound bus stop on the western side of the highway would be relocated a few metres further north. The existing access arrangement to the rear of the terraced properties to the west of Coronation Terrace would also be amended so that the existing rear lane is accessed via the proposed T-junction onto Coronation Terrace. The existing access to the rear of these properties would be stopped up as part of the works.
18. The proposal seeks to create a Sustainable Urban Drainage System (SuDS) basin at the southwestern corner of the site. A pumping station is also proposed adjacent to the basin, and this would be offered to Northumbrian Water for adoption. No swales are proposed across the site. All driveways and private shared surfaces would feature permeable paving.
19. The development would be a mix of single storey and two storey dwellings, each with their own parking areas and private rear gardens. The dwellings would comprise predominantly brick elevations with some dwellings featuring render. Concrete roof tiles, white upvc windows and white doors are proposed. Boundary treatments would comprise 1.8m high vertical timber fencing.
20. Whilst the application indicates that the proposed residential dwellings would be of a sustainable design and would be constructed using sustainable methods, no details of renewable and low carbon energy generation, such as solar panels or air source heat pumps, are indicated.
21. The application seeks to demolish a number of existing redundant agricultural buildings in the northeast corner of the site.
22. The current application is being reported to the Central and East Area Planning Committee due to the proposal being for more than 9 dwellings. Due to proposal being for less than 200 dwellings, and due to the site being less than 4 hectares in area, it is not being reported to the County Planning Committee.

---

## **PLANNING HISTORY**

---

23. There is no history of planning applications on this site.

---

## **PLANNING POLICY**

---

### **NATIONAL POLICY**

24. The following elements of the National Planning Policy Framework (NPPF) are considered relevant to this proposal:
25. *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.

26. *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.
27. *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.
28. *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.
29. *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.
30. *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.
31. *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.
32. *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.
33. *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.
34. *NPPF Part 15 – Conserving and enhancing the natural environment.* Planning policies and decisions should contribute to and enhance the natural and local environment.

35. *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:**

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

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

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

The County Durham Plan (October 2020)

37. *Policy 1 – Quantity of Development.* Outlines the levels of employment land and housing delivery considered to be required across the Plan period.
38. *Policy 6 – Development on Unallocated Sites.* States that development on sites not allocated in the County Durham Plan or in a 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 accords with all relevant Development Plan policies, and:
- a. is compatible with, and is not prejudicial to, any existing, allocated or permitted use of adjacent land;
  - b. does not contribute to coalescence with neighbouring settlements, would not result in ribbon development, or inappropriate backland development;
  - c. does 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. is appropriate in terms of scale, design, layout, and location to the character, function, form and setting of, the settlement;
  - e. will not be prejudicial to highway safety or have a severe residual cumulative impact on network capacity;
  - f. has 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. does not result in the loss of a settlement's or neighbourhood's valued facilities services unless it has been demonstrated that they are no longer viable;

- h. minimises vulnerability and provides resilience to impacts arising from climate change, including but not limited to, flooding;
  - i. where relevant, makes as much use as possible of previously developed (brownfield) land; and
  - j. where appropriate, it reflects priorities for urban regeneration.
- 39. *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.
- 40. *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.
- 41. *Policy 15 – Addressing Housing Need.* Establishes the requirements for developments to provide on-site affordable housing, the circumstances when off-site affordable housing would be acceptable, the tenure and mix of affordable housing, the requirements of developments to meet the needs of older people and people with disabilities, and the circumstances in which the specialist housing will be supported. The Policy states that on sites with 10 or more units, 10% of the homes provided should be for affordable home ownership (starter homes, discount market sale housing and other affordable routes to home ownership). In line with the requirements in Table 8 of the Plan, any contribution above 10% should be provided as affordable housing for rent. The Policy goes on to state that where it can be evidenced by the applicant to the Council's satisfaction that this tenure mix would make the required affordable housing contribution unviable or that alternative affordable housing products are required to meet local needs, then proposals for an alternative tenure mix as proposed by the applicant will be considered.
- 42. *Policy 19 – Type and Mix of Housing.* States that on all new housing developments the Council will seek to secure an appropriate mix of dwelling types and sizes, taking account of existing imbalances in the housing stock, site characteristics, viability, economic and market considerations and the opportunity to facilitate self build or custom build schemes.
- 43. *Policy 21 – Delivering Sustainable Transport.* States that all development shall deliver sustainable transport by (in part) ensuring that any vehicular traffic generated by new development, following the implementation of sustainable transport measures, can be safely accommodated on the local and strategic highway network and does not cause an unacceptable increase in congestions or air pollution and that severe congestion can be overcome by appropriate transport improvements.
- 44. *Policy 25 – Developer Contributions.* States that new development will be approved where any mitigation necessary to make the development acceptable in planning terms is secured through appropriate planning conditions or planning obligations.
- 45. *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.

46. *Policy 29 – Sustainable Design.* Requires all development proposals to achieve well designed buildings and places having regard to advice within Supplementary Planning Documents (SPDs) and sets out detailed criteria which sets out that where relevant development is required to meet including; making a positive contribution to an areas character and identity; provide adaptable buildings; minimise greenhouse gas emissions and use of non-renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; providing suitable landscape proposals; provide convenient access for all users; adhere to the Nationally Described Space Standards (subject to transition period).
47. *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.
48. *Policy 32 – Despoiled, Degraded, Derelict, Contaminated and Unstable Land.* States [in part] that development will not be permitted unless the developer can demonstrate that the site is suitable for the proposed use, and does not result in unacceptable risks which would adversely impact on the environment, human health and the amenity of local communities.
49. *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.
50. *Policy 36 – Water Infrastructure.* Advocates a hierarchy of drainage options for the disposal of foul water. Applications involving the use of non-mains methods of drainage will not be permitted in areas where public sewerage exists. New sewage and waste-water infrastructure will be approved unless the adverse impacts outweigh the benefits of the infrastructure. Proposals seeking to mitigate flooding in appropriate locations will be permitted though flood defence infrastructure will only be permitted where it is demonstrated as being the most sustainable response to the flood threat.
51. *Policy 39 – Landscape.* States that proposals for new development will be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views and that development affecting valued landscapes will only be permitted where it conserves, and where appropriate enhances, the special qualities of the landscape, unless the benefits of the development in that location clearly outweigh the harm.
52. *Policy 40 – Trees, Woodlands and Hedges.* States that proposals will be expected to retain existing trees where they can make a positive contribution to the locality or to the development, maintain adequate standoff distances between them and new land-uses, including root protection areas where necessary, to avoid future conflicts, and

integrate them fully into the design having regard to their future management requirements and growth potential.

53. *Policy 41 – Biodiversity and Geodiversity.* States that proposals for new development will not be permitted if significant harm to biodiversity or geodiversity resulting from the development cannot be avoided, or appropriately mitigated, or as a last resort, compensated for.
54. *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.
55. *Policy 44 – Historic Environment.* States that great weight will be given to the conservation of all designated assets and their settings (and non-designated heritage assets of archaeological interest that are demonstrably of equivalent significance to scheduled monuments)(164). Such assets should be conserved in a manner appropriate to their significance, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. This aligns with Chapter 16 of the NPPF.
56. *Policy 56 - Safeguarding Mineral Resources.* States that planning permission will not be granted for non-mineral development that would lead to the sterilisation of mineral resources within a Mineral Safeguarding Area. This is unless it can be demonstrated that the mineral in the location concerned is no longer of any current or potential value, provision can be made for the mineral to be extracted satisfactorily prior to the non-minerals development taking place without unacceptable adverse impact, the non-minerals development is of a temporary nature that does not inhibit extraction or there is an overriding need for the non-minerals development which outweighs the need to safeguard the mineral or it constitutes exempt development as set out in the Plan. Unless the proposal is exempt development or temporary in nature, all planning applications for non-mineral development within a Mineral Safeguarding Area must be accompanied by a Mineral Assessment of the effect of the proposed development on the mineral resource beneath or adjacent to the site of the proposed development.

#### **NEIGHBOURHOOD PLAN:**

57. The application site is within the designated Coxhoe Neighbourhood Plan area, however at the time of writing this report there is no draft Neighbourhood Plan to consider.

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

---

## **CONSULTATION AND PUBLICITY RESPONSES**

---

#### **STATUTORY RESPONSES:**



58. *Coxhoe Parish Council - Have objected to the application, as follows:*
59. *“Coxhoe Parish Council formally objects to this application on the inability of Durham County Council to 'require' the developer to make a S106 Primary Education Contribution to Coxhoe Primary School, which DCC acknowledges will be at capacity (full) in the academic year 25/26. Because of its own policy, and the developer's stated unwillingness to make a s106 primary education contribution unless it is 'required' to do so by DCC, Coxhoe Parish Council cannot support this application.*
60. *DCC's Policy states that a primary contribution will be required if there are insufficient primary places within 2 miles of a development. The front of this development is a 1.7 mile walk to Bowburn Primary School and 1.8 mile walk to Kelloe Primary School, but only 0.6 miles to Coxhoe Primary School, which is the village school and the one that most parents from the village will want to choose to send their children to.*
61. *This and other developments will leave the village school oversubscribed and leave the village where it was back in the year 2000, where new developments closer to the school will result in children from existing properties further from the school not being allocated places on the 'distance to school' criteria.*
62. *The strict application of the 2-mile criteria may be deemed acceptable in urban areas, but for young children from this development and their parents being expected to walk 1.7 miles to school between villages on fast, and at times unlit, busy country roads we believe is an unreasonable expectation. We believe that this will lead to even more children being driven to school, increasing CO2 emissions and exacerbating parking and existing traffic problems around Bowburn and Kelloe schools. The 2-mile policy is a DCC policy not a national standard.*
63. *Are DCC and the developers saying that it acceptable to require parents and children to have to walk or drive 1.7miles to school when their village school is only half a mile away? It seems to hinge on the word 'required' in the DCC Policy. It is also a direct contradiction of DCC's own policy to "to help pupils walk or cycle to school with their parents or carers when possible" by forcing them to attend a school not within a manageable walking distance.*
64. *In the DCC Education comment posted on the portal 28 September 2020 they stated the requirement for a £441,090 s106 contribution for 30 additional children to primary places at Coxhoe Primary School the original proposal. The school has not increased in size nor the demand reduced, but on the reduction of the proposed development to 83 properties, DCC Education Department in their updated comments posted on the portal 23 July 2024 no longer 'required' any contribution from the developers for the now 22 additional primary children as there were now places available at Bowburn and Kelloe, which are within 2 miles of the development, which there presumably also were in 2020? It is estimated that the s106 contribution for 22 additional children would be approximately £323,466.*
65. *It is noted the census data quoted is from 2021 and that the estimated number of pupils at these schools is woefully out of date and takes no account of recent major developments such as Integra 61 that expansions to those schools were built to accommodate. DCC and builders can't keep building and keep counting the same empty places as others?*
66. *Coxhoe Parish Council wrote to the developer 19<sup>th</sup> August and requested that they make a voluntary s106 contribution to Coxhoe Primary School. The developer replied to Coxhoe Parish Council 19<sup>th</sup> September rejecting that request stating that they: 'can only be bound by what Durham, as planning authority have requested from us. They*

*in turn need to make sure that all planning obligations meet the tests that they are necessary to make the development acceptable in planning terms, therefore cannot request planning obligations above and over that test when they are not required. As such, we are unable to commit to providing planning obligations over and above those requested by the Local Planning Authority.'*

67. *Coxhoe Parish Council have asked their County Councillors to ask DCC to 'request' a voluntary primary s106 contribution from the developer although according to their current policy DCC cannot 'require' it.*
68. *Coxhoe Primary School Governors have asked their MP Alan Strickland to 'request' a voluntary primary s106 contribution from the developer because according to current DCC policy DCC cannot 'require' it.*
69. *Coxhoe Parish Council have been advised by Miller Homes, who have also recently lodged a planning application for 100 additional homes, that they are expecting to make a £392,000 s106 Primary contribution to Coxhoe Primary School despite their site being within 100 meters of the school, because of the impact their development will have on the school and village. It is also noted that Barratt homes whose development is nearing completion, have already similarly made a £375,000 s106 contribution to additional places at Coxhoe Primary.*
70. *The Governors of Coxhoe Primary School have a design for an extension which could accommodate all of these additional primary school children from these developments costing approximately £1.2m which could be built in phases with the extra places rightly being fully funded by the developments creating the additional demand.*
71. *In 2020 this development appeared prepared to provide the s106 funding for the additional primary places created by their development, in addition to the secondary and NHS contributions required. Unless they are prepared to provide this voluntarily, if they cannot be 'required' to by DCC, Coxhoe Parish Council must oppose this development and request that DCC's Planning Committee also reject it.*
72. *We will also be obliged to make public the apparent inability of DCC to 'require' the developer to make the appropriate contribution for their impact on their village school and the developers unwillingness to do this unless obliged to and to seek public support for such a contribution from the development."*
73. *Highways – Have provided advice on the proposal's access arrangement, parking provision and layout, as well as on the capacity of the local road network and other matters relating to highway safety.*
74. *They note a Transport Assessment had previously been submitted to accompany the application in 2020. However, due to Covid, this had been done using old traffic counts and data which had been factored up. A new Transport Assessment using up-to-date count data has now been submitted in 2024 at the request of the Highways officer, which also includes an up-to-date speed survey to dictate the visibility for the proposed access.*
75. *The Highways officer notes the site would be served by a new access onto Coronation Terrace. Visibility has been provided in accordance with the 85th percentile speed as recorded in the new speed survey carried out by the applicant in May 2024. The proposed junction meets all the necessary technical highways standards.*
76. *They note that modelling of the A688/B6291 junction has been carried out, and this junction is shown to continue to operate within design capacity with this development*

traffic added to it. The site would generate circa 41 additional vehicular trips in the AM peak (11 In and 30 Out), and 42 in the PM peak (28 In and 14 Out). This low level of trips can be accommodated on the local road network without the need for mitigation.

77. They also note that the existing north bound bus stop on Coronation Terrace would require relocation slightly further north as a result of the proposed access for this development, and a new location for the bus stop has been agreed with the DCC Public Transport Team. The cost of relocation of the bus stop, and any works required to facilitate this, would be at the applicant's expense.
78. The proposed car parking has been amended following the adoption of the 2023 Parking and Accessibility SPD, and the parking is now in accordance with this document. The site layout would be subject to a separate Technical Approval process for the applicant to enter into a S38 agreement with the Local Highway Authority, and so could be subject to change; but as presented in this application on the latest layout, it is considered acceptable for the purposes of granting planning permission.
79. Stopping up of part of the existing back lane to the rear of Coronation Terrace is required to facilitate the development. This is subject to a separate legal process carried out by the Department for Transport National Casework Team.
80. The Highways officer highlights that NPPF Paragraph 115 states that "development should only be refused where the cumulative impact of a development are severe, or would be detrimental to road safety." They advise that it is not considered that this development would be detrimental to road safety, and that there is no issue with regard to cumulative impact. Therefore the application is considered acceptable in Highways terms subject to recommended conditions.
81. *Drainage & Coastal Protection (Lead Local Flood Authority)* – Advise that although flood risk mitigation is to an acceptable level, the proposal falls short on policy requirements relating to the integration of and a management train of SuDS features across the development. They advise that improvements or compliance with policy would require layout amendments, and likely a reduction in plot numbers.
82. Following subsequent discussions with the case officer, the Drainage officer maintains their concerns though does not recommend any conditions be imposed in the event Members grant planning permission, provided the submitted drainage documents and engineering drawings are secured as approved plans/documents.
83. *Northumbrian Water* – Advise that the submitted engineering details are acceptable, therefore they have no objection subject to those details being secured in the approved plans/documents condition.
84. *Coal Authority* – Note that the application site falls within the defined Development High Risk Area. Their records indicate that coal seams outcrop at or close to the surface of the site, which may have been worked in the past. Their records also indicate that shallow coal mine workings extend up to the eastern site boundary.
85. They note that the Geoenvironmental Appraisal report submitted with the application acknowledges pre-application comments which the Coal Authority made in respect of the need to consider the potential stability implications of recorded roadways within the main coal seam which may be close to the eastern site boundary. They therefore welcome the recommendation within the report that a programme of proof drilling and grouting should be carried out within the site in the area of the roadway/workings shown within main seam on the abandonment plan. The recommended stabilisation works should be designed by a competent person and the prior written permission of

the Coal Authority Permit and Licensing Team will be required before the undertaking of these remedial works.

86. They also note that the submitted report concludes that it is unlikely that unrecorded mine entries will be present on site, but cannot fully discount them. They therefore welcome the recommendation for a 'watching brief' during site preparatory and construction works in order to mitigate the risk posed by any such features. Should any previously unrecorded mine entry be encountered during development, appropriate treatment will be required in accordance with details permitted under a Coal Authority Permit.
87. They also note that the submitted report indicates that gas monitoring has been carried out at the site. The Coal Authority recommends that comments are sought from the Council's Environmental Health Team regarding the results of the monitoring exercise, and any resultant need for the incorporation of gas protection measures within the proposed development.
88. The Coal Authority concurs with the recommendations of the submitted Geoenvironmental Appraisal that coal mining legacy potentially poses a risk to the proposed development, and that remedial measures are required in order to ensure the safety and stability of the proposed development. Subject to those measures being secured by conditions, the Coal Authority does not object to this application.

#### **INTERNAL CONSULTEE RESPONSES:**

89. *Spatial Policy* – offer key policy observations in relation to the proposed development. They note that the site is not allocated for housing in the County Durham Plan, and that the site is within the open countryside, therefore Policies 6 and 10 of the CDP are applicable.
90. Advice is also given in relation to affordable housing provision, with an 83 dwelling scheme required to provide the following:
  - 15% of total dwellings, equating to 12 affordable units, (to be secured by legal agreement) comprising of:
    - 3 First Homes;
    - 5 homes for Affordable Home Ownership; and
    - 4 Affordable Rent.
91. The Spatial Policy officer notes that the submitted affordable housing provision accords with the above requirements.
92. The Spatial Policy officer notes that 10% of total dwellings are required to be homes suitable for older people, equating to 8 units. The proposed 8 single story bungalows accords with this requirement.
93. Advice is also provided in respect of Policy requirements in relation to National Described Space Standards (NDSS), M4(2) standards, design, transport and highways, green infrastructure, and developer contributions.
94. *Affordable Housing* – raise concerns with the proposed level of discount applied to the proposed Discount Market Sale units, as well as concerns with the proposed level of cap applied to the values of the proposed First Home units.
95. No concerns are raised in respect of the proposed tenure and distribution of affordable units across the development.

96. *DCC Sustainable Travel* – Have considered the updated Travel Plan, Revision 3 received October 2024. They advise that their previous concerns have been addressed with this amended document. No conditions are recommended.
97. *Access & Rights of Way* – Advise that Coxhoe Parish Footpath 5 runs through the site running north to south from Grange House to the southern boundary of the site. They note that the application appears to retain the footpath along its existing line. They advise that this is a very effective planning design to incorporate the footpath, and therefore they do not raise any objection. No conditions are recommended.
98. They also highlight that current and future landowners must be aware that any vegetation encroaching onto the public footpath from either side is the responsibility of the landowner(s).
99. *Education* – advise that, based on the methodology set out in the Council's adopted Securing Developer Contributions towards Education Provision in County Durham, the proposed development of 83 dwellings would produce 6 Nursery age pupils, 22 pupils of primary school age, 11 pupils of secondary age, 1 post-16 pupil, and 1 SEND pupil.
100. In relation to Primary School pupils, there would be sufficient space at the Primary Schools which are located within 2 miles of the site to accommodate the pupils generated by the development. The Education officer advises that between the four Primary Schools (Coxhoe, Bowburn, Kelloe and West Cornforth) which are all within a 2 miles radius of the site, the combined capacity is 1,044 pupils. When removing the 5% surplus to their capacity, it is reduced to 992 pupils. The Education officer then advises that the maximum pupils numbers on roll over the 10 year projection period is 789 pupils. Because the current proposal of 83 dwellings is anticipated to produce only 22 Primary School age pupils, it is considered there is sufficient capacity in local Primary Schools within a 2 mile radius of the site to accommodate the proposed development, in line with the Local Education Authority's standard guidance. Therefore, the Education officer advises that the Council would have no grounds to request a financial contribution to facilitate the provision of additional teaching accommodation for Primary Schools.
101. In relation to Secondary School pupils, the nearest Secondary School is Ferryhill School, which has capacity for 836 pupils. Based on the projected rolls of the schools, taking into account the likely implementation timeframe of the development, build rates and other committed development, the Education officer advises there would not be sufficient space to accommodate the pupils generated by the development, whilst maintaining a 5% surplus. In order to mitigate the impact of the development a contribution of £267,432 (12 pupils x £24,312) would be required to facilitate the provision of additional teaching accommodation at Ferryhill School.
102. In relation to SEND pupils, the Education officer advises there is a shortage of SEND places across the County. In order to mitigate the impact of the development on SEND provision, they advise a contribution of £83,980 (1 x £83,980) would be required.
103. The above education contributions can be secured by way of a Section 106 Agreement.
104. *Design and Conservation* – refer to the comments provided through the internal Design Review process. Due to the age of the application, and the number of amendments made, the proposal has been through the internal Design Review process on four occasions. The most recent Design Review re-score on 31<sup>st</sup> July 2024 concluded that the amended proposal received 0 'Red', 1 'Amber', and 11 'Green' scores.

105. The 1 'Amber' score relates to a lack of sufficient integrated drainage across the site, as advised in separate comments from the Drainage and Coast Protection officer. However, as discussed later in this report, it was agreed that the issues in this respect did not amount to a 'Red' score.
106. *Archaeology* – Advise that the information in the submitted Written Scheme of Investigation which was outstanding in 2022 has now been agreed. Therefore no objection is raised and no conditions are recommended.
107. *Landscape* – Note that the latest layout was the subject of a recent internal Design Review rescore. Recent comments made by Landscape officers during that review are applicable.
108. Aside from those comments, the Landscape officer also advises that the proposed landscape plans are technically comprehensive and diverse. There would be some street trees within the internal layout of the housing area, confined to private curtilages and not in road verges. The proposals would retain the existing hedges where possible, which should be properly managed. Tree planting and species rich habitats are appropriately proposed within the hedgerows and open spaces on the site. They also advise that the proposed specification and planting notes are technically optimal.
109. No conditions are recommended by the Landscape officer.
110. *Arboricultural (Trees)* – In updated comments October 2024 they have advise that, following an on-site assessment, three trees at the northern edge of the site, to the immediate east of the Public Footpath, are protected by a Tree Preservation Order (TPO). These trees are identified as T01, T02 and T03 in the submitted Arboricultural Impact Assessment, and are located to the immediate west of proposed Plots 71 and 72.
111. The reasoning for the TPO be made is that the trees T01, T02 and T03 are a prominent landscape feature with high amenity value, and that the proposed development could threaten them.
112. They also advise that there is a 4th tree just south of T03, though it is not to be included in the TPO as it is leaning and suppressed by the neighbouring T03, therefore it could be removed leaving the three better trees.
113. They also advise that the layout and positioning of Plots 71 and 72 is not compatible or sustainable with the trees to be protected, as they are large trees on the south side of the proposed dwellings and will inevitably generate some conflict with homeowners, (e.g. i.e. general nuisance factor, shade, apprehension about safety, pressure to prune or remove them). The trees officer therefore recommends that the proposal omits at least 1 of these adjacent proposed dwellings, and amends the layout accordingly to accommodate these trees. The application has not given this due consideration, therefore the tree officer would not support the proposed layout at the time of their on-site assessment being carried out.
114. *Ecology* – Have advised that the issues raised in previous comments have now been addressed, and an appropriate update of the ecological survey work has been provided.
115. The Ecology officer notes that trees with the potential to support roosting bats are retained outside of private residential gardens, and will be subject to a Tree Preservation Order which will ensure that they are retained during the works.

116. A condition requiring a low level lighting scheme will be required to maintain dark corridors for commuting bats.
117. A condition for a plan showing the location of proposed bat and bird boxes (inc types of box) is required.
118. They also note that the applicant intends to purchase biodiversity units to ensure delivery of 'a' Biodiversity Net Gain in accordance with Policy 41 of the CDP, this is an acceptable approach. A pre-commencement condition will be required to ensure that the biodiversity units are allocated on the Natural England Register for this development prior to commencement.
119. *Environmental Health and Consumer Protection (Air Quality)* – No objection. No conditions are recommended.
120. *Environmental Health and Consumer Protection (Contaminated Land)* – No objection subject to recommended conditions.
121. *Environmental Health and Consumer Protection (Nuisance Action)* – No objection subject to the Construction Management Plan (Revision D), Noise Assessment report (July 2021) and Noise Note (August 2024) forming part of the approved plans/documents.

#### **EXTERNAL CONSULTEE RESPONSES:**

122. *NHS* – raise no objection subject to a financial contribution of £40,089 toward increasing GP surgery capacity. The sum can be secured by a Section 106 Agreement.
123. *Police Architecture Liaison* – raise no objection. Advice provided on design and layout of the development.

#### **PUBLIC RESPONSES:**

124. The application has been advertised in the local press (the Northern Echo), by site notice, and through neighbour notification letters sent to 68 individual properties as part of the planning procedures. 2 rounds of public consultation have been carried out; the first in October 2020 and the second in July 2024.
125. 4 objections have been received, with 2 further neutral representations which still raise concerns.

#### **Objection**

126. 4 representations object to the proposal, including one objection from Coxhoe Primary School. These representations raise the following concerns:
  - Urban sprawl / encroachment into the open countryside
  - Ecological impact including impact on protected species
  - Loss of light impact on neighbouring properties
  - Surface water flooding
  - Loss of green space
  - Impact on public footpath which runs through the site
  - Impact on character of the site, and amenity of the wider area
  - Increase in carbon emissions and subsequent impact on the environment

- Increase in traffic and subsequent impact on the environment
- Capacity of the local road network
- Pedestrian and cycle safety
- Impact on existing public car parking spaces in the local area, and subsequent negative impact on local amenities
- Lack of financial contribution being sought toward increasing capacity of Coxhoe Primary School

## Neutral

127. 2 further neutral representations have been received which neither support nor object to the application, however they still raise the following concerns:

- Capacity of the local road network
- Safety of the proposed access arrangement
- Proposed relocation of the bus stop on Coronation Terrace leads to highway safety concerns

## ELECTED MEMBERS:

128. Councillor Anderson of the Coxhoe Ward has objected to this application, as follows:

129. *"I would like to request that a voluntary s106 contribution to be added to our Section 106 agreement with the developer Gleasons, [approximately £375,000] I am aware our policy states it cannot be required.*

130. *This is in support of Coxhoe Primary School, who are wanting to extend the school as full capacity may well be reached in academic year 2025/26, and by the sheer nature of these housing developments increasing the need for school places, this money would go towards this building work to be completed and enable all of the children from the village to attend their village school.*

131. *I have today visited the school and seen first-hand how much this extension is required, as being taught in corridors and on a mezzanine level, is not conducive to the education requirements of these pupils.*

132. *The Head Teacher and her staff do an amazing job and are very forward looking in their vision for the school. At this moment in time, they feel they are at a standstill."*

*The above is not intended to list every point made and represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <https://publicaccess.durham.gov.uk/online-applications/search.do?action=simple&searchType=Application>*

## APPLICANT'S STATEMENT:

133. The site provides a sustainable development opportunity and would contribute to the provision of a mix of housing size, types and affordability in Coxhoe, particularly promoting family housing and appropriate dwellings which allow people to stay in their local community. The proposals aim to deliver quality new homes to local people in addition to providing much needed new housing in this location. Gleeson have an ethos of providing high quality, low cost homes, predominantly targeting first time buyers and those looking to advance onto the property ladder. Therefore, we are conscious of affordability for a couple who are on the national living wage when setting all open market values, ensuring that a couple can afford to purchase a property on all of our developments.



134. This planning application has considered all relevant planning policy matters in respect of the proposal bringing forward residential development. At a national, regional and local planning policy level, there remains a priority for development in urban areas to which this site would accord, as well as addressing the housing shortage faced at all levels. The site is fully compliant with the adopted County Durham Local Plan, as well as satisfying all the components of the CDLP Policy 6. The development will also fully comply with Local Policy and contribute towards meeting the needs of the county's existing and future residents by providing 100% space standard dwellings, 66% M4(2) compliant dwellings and meeting the needs of older people and people with disabilities by providing bungalows. In addition, 15% (12no.) of units on the site will also be designated as affordable homes, secured through a S106 Agreement, in the form of Affordable Rent, Discount Market Sale and First Homes ensuring affordability across all levels.
135. Additionally, the site will integrate well into the locality through design proposals and density accords with National Planning Policy. The Applicants have undertaken considerable dialogue with architects, local residents, consultants and relevant officers at the Council to ensure that the scheme not only delivers high quality design, but also responds to the aspirations of the local community. The scheme has been sensitively designed to ensure it is well related to the existing settlement of Coxhoe, with sizeable landscape buffers to screen the development and create a strong settlement edge as well as ample, usable open space on site. Indeed, the proposals have been amended through the formal planning submission process, to take into account of the comments made and ensure the visions of the development remained in line with Planning Officers.
136. The site lies on the edge of a residential area in close proximity to services and facilities including access to sustainable travel options such as bus services and footpath links. There is ready access to local amenities, schools and employment sites, making the development socially sustainable.
137. Development of the site will bring a number of direct social and economic benefits directly to Coxhoe and the surrounding area, including:
- A selection of 83no. high quality new homes including 8no. bungalows and 12no. affordable units;
  - A health contribution of £40,089 towards GP surgery capacity at Bowburn Medical Centre and Claypath & University Health Centre;
  - Education contributions of £267,432 towards Secondary and £83,980 towards SEND;
  - Provision of 1,834 sqm of open space on site, as well as a contribution of £137,437.80 towards improving the quality of the existing facilities and open space within the area.
138. The value of the community is crucial to Gleeson and this is demonstrated through the Community Matters Programme. Gleeson understand the importance of involving the community before and during the construction of a development and leaving a legacy once the works are complete. Community engagement is a crucial part of the development process, and Gleeson will work closely with the local schools to make an impact in a positive way by promoting strong community ties and inspiring the future generations. We want to inspire the younger generation with our presence in the area and be part of the learning of local school children. In addition, through the Community Matters Programme, Gleeson are committed to provide 'Local Jobs for Local People' and offer priority of employment to those living within 2 miles of each site, ensuring that the benefit of jobs and spend go directly to the local community.

---

## **PLANNING CONSIDERATIONS AND ASSESSMENT**

---

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

### Principle of Development

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

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

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
  - i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or,
  - ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

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

### *Housing Land Supply*

143. Policy 1 of the County Durham Plan (CDP) states that in order to meet the needs and aspirations of present and future residents of County Durham, and to deliver a thriving economy, the following levels of development are proposed up to 2035:
- a. 300 hectares of strategic and general employment land for office, industrial and warehousing purposes; and
  - b. a net minimum of 24,852 new homes of mixed type, size and tenure over the period 2016 to 2035 (1,308 new homes per year).
144. The County Council can currently demonstrate a 5.47 year housing land supply, which clearly exceeds the County's 4 year housing land supply requirement due to the County Durham Plan not being more than five years old, in accordance with Paragraph 226 of the NPPF. Whilst officers note that demonstrating sufficient housing land supply is a minimum requirement and not a ceiling, the ability to clearly demonstrate sufficient housing land supply is of substantial weight in the decision making process and is an important material consideration in the event that a conflict with the County Durham Plan is identified.

#### *Windfall Site*

145. Paragraph 4.16 of the County Durham Plan (CDP) states that the housing need for County Durham is 1,308 dwellings per annum, and when applied over the Plan period equates to 24,852 dwellings needed from 2016 - 2035.
146. In order to meet the housing need of the County, the CDP has allocated a number of sites for housing development under CDP Policy 4. As highlighted earlier in this report, the site subject to this application is not one of those allocated for residential development in the CDP.
147. The site is immediately adjacent to the built form of Coxhoe, therefore Policy 6 of the CDP applies. Policy 6 states that development on sites not allocated in the County Durham Plan or in a 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 accords with all relevant Development Plan policies, and conforms with criteria (a) to (j) of the Policy.
148. Officers note that in order for criteria a) to j) to be applicable, the site first needs to be considered well-related to the settlement. Paragraph 4.110 of the CDP explains that when assessing whether a site is well-related to a settlement, the physical and visual relationship of the site to the existing built-up area of the settlement will be a key consideration. Paragraph 4.111 goes on to state that the Council wants to ensure that new development does not detract from the existing form and character of settlements and will not be harmful to their surroundings. In determining whether a site is appropriate for new development, the relationship with adjacent buildings and the surrounding area will be taken into account along with the current use of the site and compatibility of the proposal with neighbouring uses.
149. Officers are mindful that the site forms two open fields, separated by a public footpath, which lie beyond the existing built form of the settlement. However, officers are also mindful that the site is bound to the north, east and southeast by existing housing, to the southwest by Coxhoe Park, and to the west by a well-established tree belt alongside the former railway line. It is therefore considered that this site is very well contained in a visual sense, and that the proposed development would not lead to encroachment into the open countryside to the west of the settlement. The site is considered very well related to the settlement in a visual sense.

150. In terms of physical relationship to the settlement, the public footpath which runs through the site provides excellent pedestrian and cycle connections to the open space facilities at Coxhoe Park to the southwest, whilst the proposed access arrangement would provide sufficient pedestrian and cycle connections to the range of amenities and services along Coronation Terrace. The site is also in short walking distance of existing bus stops along Coronation Terrace which are well served by frequent services to Durham City. It is considered that the site is well related to the settlement in a physical sense.
151. The proposed site is well-related to the settlement. Officers have also considered the proposal against the relevant criteria under Policy 6, which are set out earlier in the Planning Policy section of this report:
152. Criteria a), c), d), e), f) and h) relate to specific material planning considerations of the proposed development and will be addressed in relevant sections of the report below.
153. Regarding Policy 6 b), the proposal does not contribute to coalescence with neighbouring settlements, and would not result in ribbon development or inappropriate back land development. The proposal therefore accords with Policy 6 b).
154. Regarding Policy 6 g), the proposal would not result in the loss of valued facilities or services, therefore the proposal accords with Policy 6 g).
155. Regarding Policy 6 i), the proposal would not include the re-use of Previously Developed Land, therefore the proposal does not gain support from Policy 6 i).
156. Regarding Policy 6 j), the proposal does not reflect priorities for urban regeneration, therefore the proposal does not gain support from Policy 6 j).
157. For the reasons set out above, the proposal does not conflict with the above elements of Policy 6 of the CDP, and is therefore subject to further assessment of the relevant material considerations below.

#### *Open Countryside*

158. The site is considered by officers to be beyond the built-up area of Coxhoe and is therefore in the open countryside, as described in the definition of a built-up area in the Glossary of the CDP. Policy 10 of the CDP therefore applies, which 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 a Neighbourhood Plan, therefore in order to accord with Policy 10, the proposal must accord with a relevant Policy in the CDP – in this instance the only relevant Policy is Policy 6 of the CDP.
159. As explained above, the proposal accords with Policy 6 of the CDP. Policy 10 then states that new development in the countryside must accord with all other relevant development plan policies, and by virtue of their siting, scale, design and operation must accord with criteria i) to r) of the Policy.
160. Regarding 10 i), p), q) and r), these matters relate to specific material planning considerations of the proposed development and will be addressed in relevant sections of the report below.

161. Regarding Policy 10 m), the proposal would not result in the merging or coalescence of neighbouring settlements. The proposal therefore accords with Policy 10 m).
162. Regarding Policy 10 n), the proposal would not contribute to ribbon development. The proposal therefore accords with Policy 10 n).
163. Regarding Policy 10 o), due to the well-established tree belt along the western edge of the site, the proposal would not adversely impact the setting, townscape qualities, important vistas, or form of the settlement. The proposal therefore accords with Policy 10 o).
164. Policy 10 then requires the proposal to accord with criteria s), relating to climate change considerations such as flooding and energy efficiency measures. These matters will be addressed in relevant sections of the report below.
165. Policy 10 then also requires the proposal to accord with criteria t), relating to the re-use of previously developed land. The site is not previously developed land, therefore criteria t) is not applicable.
166. For the reasons set out above, the proposal does not conflict with the above elements of Policy 10 of the CDP, and is therefore subject to further assessment of the relevant material considerations below.

#### *Locational Sustainability*

167. Turning next to sustainability, Policy 21 of the CDP provides clarity on what the CDP requires in respect of sustainability, with Policy 21 considering more than just public transport connections. Policies 6 f) and 10 p) build upon these areas and cover public transport connection considerations.
168. Policy 21 of the CDP 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. Policy 22 of the CDP supports modal shift and sustainable transport improvements.
169. 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.
170. Turning first to criteria a) and b) of Policy 21, 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.”*

171. Officers are also mindful of more recent guidance by Active Travel England in their Standing Advice Note: Active Travel and Sustainable Development (June 2024). The document states that:

*“The government’s ambition is for England to be a great walking and cycling nation, supporting a shift in the way people across England think about undertaking short journeys within towns and cities. The aim is for walking, wheeling (trips made by wheelchair and mobility scooters) and cycling to be seen as the most convenient, desirable and affordable way to travel.”* In respect of pedestrian access to local amenities, the document states: *“A mix of local amenities should be located within an 800m walking and wheeling distance (using well-designed routes) of all residential properties or staff entrances for workplace facilities. Trip lengths to key amenities should be derived from isochrone maps using an appropriate point within the application site, rather than straight-line distances from site boundaries or main access points. Footpaths/ways to local amenities should conform to the National Design Guide standards of being safe, direct, convenient and accessible for people of all abilities, which includes but is not limited to routes that:*

- have a minimum width of 2m, with limited pinch points no less than 1.5m;*
- are step-free;*
- have a smooth, even surface;*
- have seating at regular intervals;*
- are uncluttered;*
- have good natural surveillance and clear lines of sight;*
- have street lighting;*
- have wayfinding; and*
- have crossing points suitable for the speed and traffic flow of the road(s).”*

172. In relation to cycling accessibility, the document states that:

*“Off-site cycling infrastructure to a range of local amenities, and town centres, railway stations, employment areas and the National Cycle Network as appropriate, should be coherent, direct, safe, comfortable and attractive in line with the five core design principles and geometric requirements in LTN 1/20. The development should not be reliant on shared use routes in full or intermittently, which conflicts with the government’s clear position in paragraph 1.6.1 (2) of LTN 1/20 that cycles must be treated as vehicles and not as pedestrians. Where on-road provision would be utilised, there should be sufficient protection from motor traffic in accordance with the suitability and segregation standards in LTN 1/20.”* In relation to access to public transport, the document states: *“Most buildings within the application site should be within 400m of a high-frequency bus stop or 800m of a rail/light station or tram stop, with appropriate facilities. Local bus stops should have good natural surveillance and provide seating, lighting, shelter, real-time passenger information and raised bus boards or specialist kerbs. Local rail stations should provide cycle parking, including spaces for non-standard cycles footpaths/ways to public transport nodes should conform to the design standards.”*

173. The centre of the site is approx. 250m actual walking distance from the nearest bus stops located on Coronation Terrace. Subject to the footpaths within the proposed site being adequately lit and surfaced, the entire route to the bus stops would be adequately lit and surfaced. The route would also benefit from natural surveillance. The actual walking distance is within the 400m standard established by the CIHT guidance and Active Travel England (ATE) guidance referenced above.
174. Turning next to the routes which serve the subject stops on Carr Street, the X12, 56, 58 and 59 all operate from these stops. Between these routes, the stops benefit from at least one service per hour seven days a week, with as many as five services per hour Monday to Friday. These services provide frequent, direct connections onto Durham City, as well as other notably large settlements such as Middlesbrough and Darlington.
175. Due to the short distance to the nearest bus stops in accordance with the relevant CIHT and ATE guidance, and due to the frequent, direct connections onto Durham City and other notably large settlements, it is considered that the development would benefit from attractive, convenient and desirable public transport connections.
176. Notwithstanding the public transport connections to this site, officers also note that 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.
177. Turning now to those higher priority modes of transport, an 800m 'preferable' standard for pedestrian connections to the nearest facilities and amenities is established by the CIHT guidance and ATE guidance referenced above. Officers note the shortest actual walking routes to the nearest facilities and amenities from the centre of the residential part of the site are:
- The Recreational Centre at Coxhoe Park, approx. 250m actual walking distance to the southwest;
  - Coxhoe Medical Practice, approx. 400m actual walking distance to the southeast via Coxhoe Park and Lansdowne Road;
  - The Ginger Dog, a public house approx. 600m actual walking distance to the southeast on Coronation Terrace;
  - Coxhoe Village Hall, approx. 600m actual walking distance to the southeast on Coronation Terrace;
  - Co-op Food Store, approx. 650m actual walking distance to the southeast via Coronation Terrace and Petterson Dale;
  - Catholic Church of Saints Joseph, Patrick and Cuthbert, approx. 700m actual walking distance to the southeast on Coronation Terrace;
  - Coxhoe Primary School, approx. 800m actual walking distance to the south via Coxhoe Park, Linden Grove, Meadow Close and Cornforth Lane.
178. The above list shows that the site is within 800m actual walking distance of a range of services and amenities, using lit routes which benefit from natural surveillance. It is

considered sufficient services and amenities are within a convenient walking distance, increasing their attractiveness to occupiers of the development.

179. The above connections can also be used by cyclists.
180. Due to the attractive, convenient and desirable pedestrian, cycling and public transport connections as described above, there is clear opportunity to use these modes of transport in place of the private car, therefore occupiers of the development would not be dependant on their private cars to meet their day-to-day needs. Consequently, the location of the proposed development is well related to the settlement, and is a sustainable location.
181. This methodology aligns with the approach agreed by the Planning Inspector in an appeal decision at Land North of George Pit Lane on the edge of Great Lumley<sup>1</sup>, where an appeal for 148 dwellings was dismissed.
182. As a result of the above assessment of the application site, the proposal accords with criteria a) and b) of Policy 21 of the CDP; as well as with Policies 6 f) and 10 p).
183. Regarding criteria 21 c), as mentioned earlier in this report, the application is supported by an updated Transport Assessment. The Highways officer has no concerns with the proposed access arrangement onto Coronation Terrace, whilst the vehicle trips which would be generated by this development is considered low and can be accommodated on the local road network without the need for mitigation. They advise that the proposal would not be detrimental to road safety, and that there is no issue with regard to cumulative impact on the road network, therefore the application is considered acceptable in Highways terms subject to recommended conditions. Consequently, the proposal accords with Policy 21 c).
184. Regarding criteria 21 d), it is considered that the proposed connections to Coronation Terrace and Coxhoe Park would not harm the natural, built or historic environment, therefore the proposal accords with criteria 21 d).
185. Regarding criteria 21 e), the site is not in close proximity to a railway level crossing, therefore 21 e) is not applicable.

#### *Summary of the Principle of Development*

186. The application site is within the open countryside, and is not allocated for housing in the County Durham Plan. However, it is in a sustainable location, and is very well contained in a visual sense ensuring the proposed development would not lead to encroachment into the open countryside to the west of the settlement. The site is therefore well related to the settlement of Coxhoe in both a visual and a physical sense and is considered an acceptable windfall site for housing.
187. As discussed in the above assessment, the proposal does not conflict with relevant criteria of Policies 6, 10 or 21 of the CDP as assessed above. The principle of the proposed development is therefore supported by officers.
188. The overall acceptability of the proposal is still dependant on a number of other matters as discussed below.

#### Addressing Housing Need

---

<sup>1</sup> George Pit Lane Appeal Decision, May 2024 – DCC Reference DM/22/00584/FPA – PINS Reference: APP/X1355/W/23/3334214.



## *Type and Mix of Housing*

189. Paragraph 5.187 of the CDP recognises that the County has an imbalanced housing stock in relation to type and mix. CDP Policy 19 therefore states that, on all new housing developments, the Council will seek to secure an appropriate mix of dwelling types and sizes, taking account of existing imbalances in the housing stock, site characteristics, viability, economic and market considerations and the opportunity to facilitate self-build or custom-build schemes. Paragraph 60 of the NPPF states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed, and that land with permission is developed without unnecessary delay. The overall aim should be to meet as much of an area's identified housing need as possible, including with an appropriate mix of housing types for the local community.
190. The proposal seeks consent for the following mix of dwellings:
- 8 two-bedroom bungalows;
  - 13 two-bedroom houses;
  - 52 three-bedroom houses; and
  - 10 four-bedroom houses.
191. Officers have considered the proposed mix of dwellings, and consider it acceptable. It should be noted that this initial assessment is 'tenure blind'; officers' assessment of whether the type, mix and tenure of the proposed affordable units is acceptable is set out later in this report.

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

192. CDP Policy 15 also aims to meet the needs of older people and people with disabilities, achieving this in two ways.
193. The first part is that 66% of the units on schemes of 5 units or more need to be accessible and adaptable to meet the needs of older people and people with disabilities. This is achieved by adhering to Building Regulations Requirement M4(2) (accessible and adaptable dwellings) standard.
194. The proposed plans state that 75% of the proposed dwellings would be built to M4(2) standard. This provision is therefore acceptable. Notwithstanding the submitted details the Spatial Policy officer advises that a compliance condition be used to secure at least 66% of dwellings be constructed to Building Regulations Requirement M4(2) (accessible and adaptable dwellings) standard.
195. The second part of CDP Policy 15 requires a minimum of 10% of the total number of dwellings on the site to be of a design and type that increases the housing options of older people. This means it has to be built as a suitable product from the outset, so that it is available at the point of first occupation (i.e. now/immediately) to meet the needs of older people. These properties should also be built to M4(2) standard and would contribute to meeting the 66% requirement set out above. They should be situated in the most appropriate location within the site for older people. Appropriate house types considered to meet this requirement include:
- level access flats;
  - level access bungalows; or
  - housing products that can be shown to meet the specific needs of a multi-generational family.

196. The proposal includes 8 single storey bungalows, which equates to 10% of the proposed 83 dwelling scheme. The received plans also state that all of the bungalows would be built to M4(2) standard. The location of the bungalows across the site is acceptable.
197. For the above reasons, the proposal is acceptable leading to no conflict with Policy 19 of the CDP or with Part 5 of the NPPF in this respect.

#### *Affordable Housing Provision*

198. Policy 15 of the CDP establishes the requirements for developments to provide on-site affordable housing, the circumstances when off-site affordable housing would be acceptable, the tenure and mix of affordable housing, the requirements of developments to meet the needs of older people and people with disabilities, and the circumstances in which the specialist housing will be supported. The Policy states that on sites with 10 or more units, 10% of the homes provided should be for affordable home ownership (starter homes, discount market sale housing and other affordable routes to home ownership). In line with the requirements in Table 8 of the Policy, any contribution above 10% should be provided as affordable housing for rent. The Policy goes on to state that where it can be evidenced by the applicant to the Council's satisfaction that this tenure mix would make the required affordable housing contribution unviable or that alternative affordable housing products are required to meet local needs, then proposals for an alternative tenure mix as proposed by the applicant will be considered.
199. The application submits the following Affordable Housing provision, to be secured under a legal agreement:
- 5 Discount Market Sale units;
  - 3 First Homes; and
  - 4 Affordable Rent units.
200. The site is within the 'medium' viability area as identified in the County Durham Plan. Major-scale residential developments in this area are required to provide at least 15% of dwellings as affordable housing. The provision of 12 affordable units equates to 15% of dwellings on the site is therefore considered acceptable.
201. The distribution of the affordable units across the development is also acceptable.
202. Turning next to the type, mix and tenure of the affordable units to be secured via a legal agreement, no concerns are raised with the proposed number of each tenure of affordable dwelling, however the Affordable Housing officer does raise concerns with the level of discount applied to the proposed Discount Market Sale units, and the level of discount applied to the cap applied to the values of the proposed First Home units. These details would need to be agreed prior to the completion of a legal agreement, should Members be minded to approve this application.
203. Subject to details being agreed in respect of the level of discount applied to the proposed Discount Market Sale units, and the cap applied to the values of the proposed First Home units, it is considered that the proposed affordable housing provision is acceptable, and will help address identified local need. The proposal would therefore not conflict with Policies 15 and 19 of the CDP or with Part 5 of the NPPF.

#### *Residential amenity*

204. Paragraph 180 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by preventing new and existing

development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of air or noise pollution. Development should, wherever possible, help to improve local environmental conditions such as air quality and water quality. Paragraph 191 of the NPPF states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. Paragraph 192 of the NPPF advises that planning decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement. Paragraph 193 of the NPPF advises that planning decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs).

205. CDP Policies 29 and 31 outline that developments should provide high standards of amenity and privacy, minimise the impact of development upon the occupants of existing adjacent and nearby properties, and not lead to unacceptable levels of pollution. The Policies are informed by Parts 12 and 15 of the NPPF, which require that a good standard of amenity for existing and future users be ensured, whilst seeking to prevent both new and existing development from contributing to, or being put at unacceptable risk from, unacceptable levels of pollution including noise pollution.

#### *Construction Period*

206. The application is supported by a Construction Management Plan, Revision D received August 2024 (the CMP).
207. The Environmental Health (Air Quality and Nuisance) officers have been consulted and they have no concerns with the submitted document. No further details are required, and no conditions are recommended.
208. Following the advice of the specialist officers as summarised above, subject to the CMP being listed as an approved document to ensure the development complied with the mitigation measures set out therein, the proposal would preserve the amenity of neighbouring residents during the construction period. The Noise Assessment and Odour Assessment would also be listed as approved documents to ensure the mitigation measures therein can be enforced by officers, in the interest of the amenity of neighbouring residents.

#### *Separation Distances*

209. The Council's Residential Amenity Standards Supplementary Planning Document (RAS SPD) provides detailed guidance on the assessment of separation distances between proposed dwellings and between existing and proposed dwellings. Paragraph 3.1 of the document states that "*all new development, including new dwellings, will have some bearing on neighbouring properties and it is important to ensure that the impact does not result in a significant loss of privacy, outlook or light for occupiers of new dwellings and existing dwellings. The design and layout of new development should ensure that reasonable privacy and light is provided for surrounding residents and occupiers, particularly in relation to residential use and enjoyment of dwellings and private gardens. Spacing between the windows of buildings/dwellings should achieve suitable distances for privacy and light, whilst also preventing cramped and congested layouts.*" Paragraph 3.2 then states that "*in order*

to achieve these objectives, in residential housing developments (including extensions or residential outbuildings), the following minimum distances will usually be required to protect the privacy, outlook and residential amenity of habitable room windows:

- A minimum distance of 21.0m between habitable room windows, where either dwelling exceeds single storey, and a minimum of 18.0m between habitable room windows and both dwellings are single storey.
- 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 13.0m shall be provided where either dwelling exceed single storey or 10.0m where both dwellings are single storey.

Habitable room windows that are adjacent to each other across a public highway may not be required to meet these standards, for example, where doing so would not be in keeping with the established building line and character of the immediate vicinity and where this is considered desirable. The above standards will be used as a guide for non-residential buildings facing onto dwellings.”

210. The RAS SPD provides further guidance in relation to changes in levels, stating: “changes in levels and the storey heights of buildings will either exaggerate or diminish overlooking, loss of light, shadowing and overbearing impacts. To compensate for these changes the separation / privacy distances cited above should be increased by 3m for every additional storey height (including rooms within the roof space which contain windows) above two storeys. Where there is a significant change in levels, the minimum separation/privacy distance will increase by 1m for every full 1m that the floor level of the development would be above the affected floor level of the neighbouring property.”
211. Paragraph 3.5 of the RAS SPD then states that: “it is not intended to apply the above separation/privacy distances rigidly, and there may be instances where these distances can be relaxed; for example, where the impacts on privacy can be reduced. This may occasionally be achieved, using obscure glazing, boundary treatments, restricted openings and directional windows. There may also be scope to relax distances between public facing elevations within housing schemes to allow for a variation in layout where this will add interest and help create a sense of place. Such a relaxation will normally only be allowed if it can be demonstrated that future residents will still enjoy a satisfactory level of privacy, amenity and outlook.” Paragraph 3.6 then states that “distances may also be relaxed having regard to the character of an area. Shorter distances than those stated above could be considered in those urban areas typified by higher densities. It will however be important to ensure that the amenity of existing residents is not significantly impacted upon. Similarly, greater distances may be required in some suburban and rural areas where the predominant character of the area exhibits greater separation distances. Distances may vary where this is necessary to protect the historic interest and setting of designated and non-designated heritage assets such as listed and locally listed buildings and conservation areas.”
212. In relation to the amenity of existing neighbouring residents, Paragraph 3.7 of the RAS SPD advises that “where new development forms an interface with existing housing, any relaxation in standards will only be permitted where it is clearly demonstrable that the privacy of existing residents will not be significantly compromised. Prospective residents can decide whether or not to move into a new house unlike existing residents who have already invested in their homes. It is therefore important to ensure that the amenity that existing residents can reasonably expect to enjoy is not significantly compromised.”
213. Officers have carefully considered the proposed separation distances in line with the above guidance, and it is considered that they are acceptable. The proposal does not

conflict with Policies 6 d), 29 e) and 31 of the CDP, or with the Residential Amenity Standards SPD or with Paragraph 135 f) of the NPPF in this respect.

### *Private Amenity Spaces*

214. Consideration has also been given to the size of the proposed gardens across the site, which provide private amenity space for occupiers of the development, in line with then Council's RAS SPD which expects rear garden depths to be 9m in length, subject to site and plot specific considerations.
215. Officers note that Plots 2, 17, 80 and 81 are short of the 9m length standard, as well as the plots along the southern boundary when factoring the hedgerow which is to be retained. However, when also considering the width of these plots, on balance these plots have an acceptable amount of private amenity space. The proposal therefore does not conflict with Policies 6 d), 29 e) and 31 of the CDP or with Paragraph 135 f) of the NPPF in this respect.

### Layout and Design

216. CDP Policy 6 d) requires new development well related to existing settlements to be appropriate in terms of scale, design and layout in relation to the existing settlement. Policy 29 builds upon this requirement and specifically requires new development to provide a high quality of design. A Building for Life Supplementary Planning Document (2019) (BfL SPD) has been adopted by the Council, and this is a key document used in the assessment of Major scale housing developments. The document is referred to in Policy 29 of the County Durham Plan. In recognition of national planning advice and to achieve high quality housing developments, the Council has adopted an internal Design Review process to assess schemes against the Building for Life 12 (BfL 12) Standards. The BfL SPD formalises the review process and establishes the guidelines and standards for its operation and is linked to the Sustainable Design Policy (Policy 29) in the County Durham Plan. The scoring is based on a traffic light system with the aim of the proposed new development to secure as many "Greens" as possible, minimise the number of "Ambers" and avoid "Reds". The more "Greens" achieved the better the development will be, "Ambers" are usually concerns that can be raised to "Green" with revisions, whereas a "Red" gives a warning that a particular aspect needs strong reconsideration.
217. CDP Policy 29 states that schemes with one or more Red scores will not be acceptable and will be refused planning permission unless there are significant overriding reasons.
218. The site is located to the north of Coxhoe Park and west of Coronation Terrace, at the northwestern edge of Coxhoe. To the north, east and southeast are residential dwellings, to the southwest is Coxhoe Park, and to the west is former railway line with agricultural fields beyond. The site is split by a Public Footpath which runs north-south through the centre of the site. The site is well screened from views to the west by the tree lined former railway line, and from views to the south at Coxhoe Park by another line of trees. Views from the north and east are screened by existing buildings. The site is also well contained by the tree lined former railway line to the west, ensuring the proposal would not encroach into the open countryside beyond.
219. The development would be a mix of single storey and two storey dwellings, each with their own parking areas and private rear gardens. The dwellings would comprise predominantly brick elevations with some dwellings featuring render. Concrete roof tiles, white upvc windows and white doors are proposed. Boundary treatments would comprise 1.8m high vertical timber fencing.

220. The proposal seeks to create a Sustainable Urban Drainage System (SuDS) basin at the southwestern corner of the site. A pumping station is also proposed adjacent to the basin, and this would be offered to Northumbrian Water for adoption. No swales are proposed across the site. All driveways and private shared surfaces would feature permeable paving.
221. Due to the age of the application, and the number of amendments made, the proposal has been through the internal Design Review process on four occasions. The most recent Design Review re-score on 31st July 2024 concluded that the amended proposal received 0 'Red', 1 'Amber', and 11 'Green' scores.
222. The 1 'Amber' score related to Question 11: Public and private spaces, as the Drainage officer had raised concerns with the lack of integrated SuDS across the development. During discussions between officers it was agreed that in this particular instance these concerns did not amount to a 'Red' score for Design Review purposes, and it was agreed that the Drainage officer would provide comments on the matter separately from the Design Review process. Drainage matters are discussed in more detail later in this report, however for the purposes of the layout and design of the development, it is considered that the lack of swales across the development is not unacceptable in this particular instance, therefore the proposal has scored 'Amber' in respect of Question 11.
223. It is noted that the proposal has scored 11 'Greens' following a number of revisions to the scheme since its submission, which demonstrates that the applicant has worked proactively with officers in addressing the concerns which were previously raised.
224. Some concerns remain in relation to the layout of parking for Plots 69 – 73, the lack of street trees beyond residential curtilages, the lack of integrated drainage across the site, and the location of the electric substation adjacent to the access to the site. These concerns do present issues with the layout and design of the development. Officers are however mindful that the proposal is constrained by the shape of the site and by the public right of way cutting through the centre of the site, and that the developer has managed to address more pressing concerns in relation car parking provision, highway layout and garden depths. Therefore, the proposal has scored 11 Greens as part of the Design Review process. On balance it is considered that the proposal would not lead to conflict with Policy 29 of the CDP or with Part 12 of the NPPF.
225. Further to the above, due to the site being well related to the settlement and well enclosed from views to the west by the tree lined former railway line along the western boundary, the proposal is considered appropriate in terms of design and layout to the character, form and setting of the settlement of Coxhoe, therefore the proposal does not conflict with Policies 6, 10 and 39 of the County Durham Plan or with Part 12 of the NPPF in this respect.

#### Trees and Hedgerows

226. In respect of trees, CDP Policy 40 states that proposals for new development will not be permitted that would result in the loss of, or damage to, trees of high landscape, amenity or biodiversity value unless the benefits of the proposal clearly outweigh the harm. Where development would involve the loss of ancient or veteran trees it will be refused unless there are wholly exceptional reasons and a suitable compensation strategy exists. Proposals for new development will be expected to retain existing trees where they can make a positive contribution to the locality or to the development, maintain adequate stand-off distances between them and new land-uses, including root protection areas where necessary, to avoid future conflicts, and integrate them

fully into the design having regard to their future management requirements and growth potential. Where trees are lost, suitable replacement planting, including appropriate provision for maintenance and management, will be required within the site or the locality. Where applications are made to carry out works to trees in Conservation Areas or that are covered by a Tree Preservation Order, they will be determined in accordance with the council's Tree Management Policy Document (or any subsequent revisions).

227. In respect of hedgerows, CDP Policy 40 goes on to state that proposals for new development will not be permitted that would result in the loss of hedges of high landscape, heritage, amenity or biodiversity value unless the benefits of the proposal clearly outweigh the harm. Proposals for new development will be expected to retain existing hedgerows where appropriate and integrate them fully into the design having regard to their management requirements. Where any hedges are lost, suitable replacement planting or restoration of existing hedges, will be required within the site or the locality, including appropriate provision for maintenance and management.
228. Paragraph 136 of the NPPF states that trees make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change.
229. Following an on-site assessment in October 2024, the Trees officer has advised that three large trees at the northern edge of the site, to the immediate east of the Public Footpath, should be protected by a Tree Preservation Order (TPO). This TPO has now been 'made' and is an important material consideration when assessing this application. The trees officer had therefore recommended that the layout of the development be amended, including the removal of an adjacent proposed dwelling.
230. Officers have subsequently considered the Root Protection Areas (RPAs) of the three trees as identified in the submitted Arboricultural Impact Assessment (AIA), alongside the height and size of the tree crowns relative to the location and proximity of proposed Plots 71 and 72. It is noted that the trees would be outside of residential curtilages and would be public open space, to be managed by a private management company, as shown on the submitted Adoptions Plan drawing. Officers also note that the location of proposed buildings would not encroach upon the RPAs of the trees to be protected. The trees are to the front of these plots, therefore there would not be scope for residential outbuildings to be constructed within the RPAs under permitted development rights, and planning permission would be required for such a proposal. It is therefore considered that the location of Plots 71 and 72 would not have an adverse impact on the RPAs of the protected trees.
231. Officers did however maintain concerns with the height and scale of the crowns of the trees, and subsequent loss of light impact on proposed Plots 71 and 72 to the northeast. The applicant has agreed to relocate the two dwellings within these plots further east, away from these trees. Whilst there would still be some loss of light to part of the front curtilages of these plots, on balance this acceptable and would not lead to pressure to prune or fell the trees. Whilst there would still be some loss of light to the front elevation of Plot 72 during late afternoon and evening hours, particularly in winter months, on balance this is acceptable and would not lead to pressure to prune or fell the trees. The amount of curtilage to the north and east of this plot is a key consideration, as are the proposed openings on northern, southern and eastern elevations which would not be affected by the tree crowns and would still receive sufficient natural light. It is also noted that Plot 72 would be a market dwelling and not a secured Affordable Unit, therefore prospective occupiers of this plot would be mindful of the adjacent trees prior to purchasing.

232. For the above reasons, following the changes secured to the location of the dwellings within Plots 71 and 72, the proposal would not lead to an unacceptable loss of light to these plots, ensuring the amenity of occupiers of the dwellings whilst ensuring the trees would not be under increased pressure to be felled or pruned.
233. The removal of trees elsewhere within the site is not unacceptable.
234. A condition is recommended to secure details of tree protection measures for these three trees throughout the construction period, following their protected status under the TPO. Tree protection measures for the remaining retained trees and hedgerows are to be secured through the AIA which would form an approved document under Condition 2.
235. Subject to the recommended condition the proposal would not lead to an unacceptable loss of trees within the site, therefore the proposal would not conflict with Policies 10 and 40 of the County Durham Plan, or with the National Planning Policy Framework.

### Highway Safety

236. Paragraph 114 of the NPPF states that when assessing proposals, it should be ensured appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location. It should also be ensured that safe and suitable access to the site can be achieved for all users; that the design of streets, parking areas, other transport elements and the content of associated standards reflect current national guidance, including the National Design Guide and the National Model Design Code; and that any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
237. Paragraph 115 of the NPPF then states that development should only be refused on transport grounds where the residual cumulative impacts on development are severe. Policies 6 e) and 21 of the County Durham Plan outlines that development should not be prejudicial to highway safety or have a severe cumulative impact on network capacity. Policy 21 also expects developments to deliver well designed pedestrian routes and sufficient cycle and car parking provision.
238. The proposal would benefit from a new vehicular access onto Coronation Terrace to the east, in the form of a T-junction. As part of those works the existing northbound bus stop on the western side of the highway would be relocated a few metres further north. The existing access arrangement to the rear of the terraced properties to the west of Coronation Terrace would also be amended so that the rear lane is accessed via the new T-junction onto Coronation Terrace. The existing access to the rear of these properties would be stopped up as part of the works.
239. Private parking bays are proposed at each plot, with an additional 21 visitor parking bays distributed across the site. Each dwelling would benefit from an Electric Vehicle charging point. Garages would measure a minimum of 6m x 3m internally.
240. A Transport Assessment had previously been submitted to accompany this application in 2020. However, due to Covid, that assessment had been done using old traffic counts and data which had been factored up. A new Transport Assessment using up-to-date count data has now been submitted at the request of the Highways officer, which also includes an up-to-date speed survey to dictate the visibility for the proposed access.



241. The Highways officer has provided advice on the proposal's access arrangement, parking provision, layout, on the capacity of the local road network, and on other matters relating to highway safety. Their comments are set out earlier in this report, and they find the application acceptable in all these respects, subject to recommended conditions.
242. The Highways officer has recommended a condition securing submission and approval of a Construction Management Plan (CMP). Officers note that this document has already been received, and provides the details which would have been required by the Highways officer's condition. The Environmental Health officer also has no concerns with the details within the CMP. Therefore it is considered that the already received CMP is acceptable, and it is listed as an approved document under Condition 2 to ensure it can be enforced by officers. Therefore the additional condition recommended by the Highways officer is not required.
243. The Highways officer has also recommended a condition securing submission and approval of a Final Travel Plan. An amended Travel Plan has been submitted October 2024, and the Travel Plan officer has consider this document acceptable. The amended document is listed as an approved document under Condition 2 to ensure it can be enforced by officers. Therefore the additional condition recommended by the Highways officer is not required.
244. The Highways officer has also recommended conditions securing submission and approval of refuse storage, EV charging point and cycle parking details. These have since been submitted and considered acceptable, and a condition is recommended ensuring these details are implemented prior to the occupation of each dwelling.
245. The application seeks to relocate the existing bus stop on Coronation Terrace where the proposed access to the development is located. The bus stop is proposed to be moved further north along Coronation Terrace, as indicated on the received plans. The Highways officer has no objection to this in principle, and has advised that the relocation is subject to technical approval under the Highways Act. For the purpose of this planning application, officers consider it appropriate to secure the relocation of the bus stop in accordance with the Highways team's requirements via a planning condition. It is noted that the bus stop would need to be relocated prior to the access to the site being implemented for the construction period. It is also noted that the works are off-site, on land outside the control of the applicant. Therefore the completion of those works is recommended to be secured as a Grampian condition; to ensure they are completed and the relocated bus stop made operational prior to the development commencing.
246. The Highways officer highlights that NPPF Paragraph 115 states that "development should only be refused where the cumulative impact of a development are severe, or would be detrimental to road safety." They advise that it is not considered that this development would be detrimental to road safety, and that there is no issue with regard to cumulative impact, and so the application is considered acceptable in Highways terms subject to recommended conditions. The proposal does not conflict with Policies 6 e), 10 q) or 21 c) of the CDP or with the NPPF.

## Ecology

247. Part 15 of the NPPF seeks to ensure that developments protect and mitigate harm to biodiversity interests, and where possible, improve them.
248. Paragraph 186 of the NPPF sets out the Government's commitment to halt the overall decline in biodiversity by minimising impacts and providing net gains where possible

and stating that development should be refused if significant harm to biodiversity cannot be avoided, mitigated or, as a last resort, compensated for. CDP Policy 41 reflects this guidance by stating that proposals for new development will not be permitted if significant harm to biodiversity or geodiversity resulting from the development cannot be avoided, or appropriately mitigated, or, as a last resort, compensated for. CDP Policy 43 states that development proposals that would adversely impact upon nationally protected sites will only be permitted where the benefits clearly outweigh the impacts whilst adverse impacts upon locally designated sites will only be permitted where the benefits outweigh the adverse impacts. The Policy also considers protected species and their habitats. Policy 6 c)\_links further into these requirements.

249. CDP Policy 26 states that development proposals should incorporate appropriate Green Infrastructure (GI) that is integrated into the wider network, which maintains and improves biodiversity. The Policy later states that the Council expects the delivery of new green space to make a contribution towards achieving the net gains in biodiversity and coherent ecological networks as required by the National Planning Policy Framework (NPPF).
250. The presence of protected species is a material consideration in planning decisions as they are a protected species under the Wildlife and Countryside Act 1981 and the European Union Habitats Directive which is transposed by the Conservation of Habitats and Species Regulations 2017 (as amended). The Regulations prohibit the deterioration, destruction or disturbance of breeding sites or resting places of protected species. Natural England has the statutory responsibility under the regulations to deal with any licence applications but there is also a duty on planning authorities when deciding whether to grant planning permission for a development which would require a licence to apply three tests contained in the Regulations in order to determine whether a licence is likely to be granted. These state that the activity must be for imperative reasons of overriding public interest or for public health and safety, there must be no satisfactory alternative, and that the favourable conservation status of the species must be maintained. Brexit does not change the Council's responsibilities under the law.
251. There are no ecological designations within the site, with the nearest being the Coxhoe Ponds which is Local Wildlife Site approximately 270m to the north of the site, and Quarrington Hill & Coxhoe Bank Plantation which is also a Local Wildlife Site approximately 500m to the east of the site.
252. The Ecology Officer has been consulted and following receipt of further information they have no objection. In respect of protected species, conditions are recommended to ensure there would be no adverse impact. As there is no requirement for a licence, there is no need to apply the derogation tests.
253. This application was received prior to the statutory requirement for 10% Biodiversity Net Gain (BNG) being introduced on 12<sup>th</sup> February 2024, therefore only 'a' BNG is required in accordance with Policy 41 of the CDP. In order to achieve a 1% BNG, the application requires a total of 11.12 habitat units and 1.59 hedgerow units to be acquired offsite, either via a Registered Offsite Gain Provider, or through purchasing Statutory credits. The Ecology officer has no objection to this approach subject to a recommended condition to ensure that that the biodiversity units are allocated on the Natural England Register for this development prior to commencement. A Habitat Management and Maintenance Plan (HMMP) for the BNG measures is also required, and this can be secured through a legal agreement. The Ecology officer has required the submission of a document which identifies the off-site location for BNG provision,

as well as stating that the land owner of is aware of the scope of the required BNG provision measures.

254. Subject to recommended conditions and a legal agreement there would be no adverse impact on protected species, whilst 'a' BNG would be secured. The proposal accords with Policies 6 c), 10 l), 41 and 43 of the CDP, and with Part 15 of the NPPF.

#### Surface Water and Foul Drainage

255. Part 14 of the NPPF directs Local Planning Authorities to guard against flooding and the damage it causes. Protection of the water environment is a material planning consideration and development proposals, including waste development, should ensure that new development does not harm the water environment. Paragraph 180 of the NPPF advises that planning decisions should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of water pollution. Development should, wherever possible, help to improve local environmental conditions such as water quality.
256. Paragraph 173 of the NPPF states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment it can be demonstrated that it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate, and any residual risk can be safely managed.
257. CDP Policies 35 and 36 relate to flood water management and infrastructure, of which Policy 6 h) is also consistent. CDP Policy 35 requires agreement of flood risk and use of sustainable drainage systems with all development proposals required to consider the effect of the proposed development on flood risk, both on-site and off-site, commensurate with the scale and impact of the development and taking into account the predicted impacts of climate change for the lifetime of the proposal. It is not reasonable for development proposals to mitigate separate existing issues. Policy 35 also states that for major developments such as the current proposal, the management of water must be an intrinsic part of the overall development.
258. Policy 36 addresses the disposal of foul water in the consideration of development proposals, and the hierarchy of drainage options that must be considered and discounted for foul water. National advice within the NPPF and PPG with regard to flood risk advises that a sequential approach to the location of development should be taken with the objective of steering new development to flood zone 1 (areas with the lowest probability of river or sea flooding). When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where a sequential test and some instances exception test are passed, informed by a site-specific flood risk assessment.
259. The site falls within Flood Zone 1 as identified by the Environment Agency, which is the lowest risk area of fluvial (river) flooding. There are some small pockets of land across the site which are at Medium Risk and some at Low Risk of pluvial (surface water following rainfall) flooding, located to at the western and central areas of the site.
260. The proposal seeks to create a Sustainable Urban Drainage System (SuDS) basin at the southwestern corner of the site. The proposed layout does not include any swales across the development.

261. The Drainage Officer has been consulted and they note that the proposed flood risk mitigation is acceptable.
262. However, they have maintained concerns with the lack of sufficient integrated drainage across the development. Officers are mindful that this is a requirement of Policy 35 d) of the CDP. The proposal therefore conflicts with this Policy.
263. In response to this identified conflict, the applicant has submitted a letter which responds to officers' concerns. Whilst some of the points raised in the letter are not considered justification for the lack of integrated drainage across the development, some points are valid and have been given consideration. Officers note the site is constrained due to its small size and its shape, and features underground services. A key consideration in this particular instance is the public footpath which runs north-south through the centre of the site, which forms a barrier to delivering a site-wide integrated drainage system.
264. The proposal lacks sufficient integrated drainage across the development, conflicting with Policy 35 d) of the CDP. However, given the above site-specific considerations, and given that the application has demonstrated that there would not be an increased risk of surface water flooding within the site or elsewhere, the degree of harm is reduced. This harm will be considered in the balancing act later in this report.
265. Given that the application has demonstrated that there would not be an increased risk of surface water flooding within the site or elsewhere, the Drainage officer has been asked to provide recommended conditions. The Drainage officer has subsequently advised that provided the received drainage documents and technical information are listed in the approved plans and documents condition, no further conditions are required.
266. Northumbrian Water have also been consulted in relation to foul drainage and the capacity of the local sewer system. They advise that the submitted engineering details are acceptable, therefore they have no objection subject to those details being secured in the approved plans/documents condition.
267. The proposal would not lead to an increased surface water flood risk either within the site or elsewhere, therefore the proposal would not conflict with Policies 6 h), 10 s), or 35 c) e) f) and h) of the CDP, or with the NPPF.
268. The proposal does not benefit from water management features which are an intrinsic part of the overall development, leading to conflict with Policy 35 d).
269. The proposed foul drainage solution is considered acceptable in accordance with Policy 36 of the CDP.

#### Heritage and Archaeology

270. In assessing the proposed development regard must be had to the statutory duty imposed on the Local Planning Authority under the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character and appearance of a conservation area. In addition, the Planning (Listed Buildings and Conservation Areas) Act 1990 also imposes a statutory duty that, when considering whether to grant planning permission for a development which affects a listed building or its setting, the decision maker shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. If harm is found this gives

rise to a strong (but rebuttable) statutory presumption against the grant of planning permission. Any such harm must be given considerable importance and weight by the decision-maker.

271. Part 16 of the NPPF requires clear and convincing justification if development proposals would lead to any harm to, or loss of, the significance of a designated heritage asset. CDP Policy 44 seeks to ensure that developments should contribute positively to the built and historic environment and seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets. Policy 6 c) is of relevance also in this regard.
272. There are no designated heritage assets within or adjacent to the site, with the nearest listed building or structure being the Grade II listed Coxhoe War Memorial on Coronation Terrace, approximately 250m to the south of the site. The nearest Conservation Area is Cornforth Conservation approximately 1.4km to the southwest of the site, beyond the A1(M).
273. It is considered that the proposed development would not have an adverse impact on above-ground heritage assets, therefore there would be no conflict with CDP Policies 10 or 44 or with Part 15 of the NPPF in this respect.
274. In respect of Archaeology, Paragraph 200 of the NPPF states that where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, Local Planning Authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.
275. Footnote 68 of the NPPF states that non-designated heritage assets of archaeological interest, which are demonstrably of equivalent significance to scheduled monuments, should be considered subject to policies for designated heritage assets. Therefore Paragraphs 200, 206 and 207 the NPPF are applicable, which require any harm to or loss of such assets to require clear and convincing justification. This is reflected in Policy 44 of the CDP.
276. The Archaeology officer has been consulted and they advise that the information in the submitted Written Scheme of Investigation which was outstanding in 2022 has now been agreed. Therefore no objection is raised and no conditions are recommended.
277. It is considered that the proposal would cause no harm to heritage assets or archaeological remains, therefore there would be no conflict with CDP Policies 6, 10 or 44, or with Part 16 of the NPPF, or with the Listed Building Act, in this respect.

#### Contaminated Land and Coal Mining Risk

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

remainder of the site within the Low Risk Coal Area. The site also lies within the surface mined coal resource area as defined in the County Durham Plan. The site is not within a mineral safeguarding area.

280. The Coal Authority have been consulted and their detailed comments are set out in full earlier in this report. To summarise, they have concurred with the recommendations of the submitted Geoenvironmental Appraisal that coal mining legacy potentially poses a risk to the proposed development, and that remedial measures are required in order to ensure the safety and stability of the proposed development. Subject to those measures being secured by conditions, the Coal Authority do not object to this application.
281. The Environmental Health and Consumer Protection (Contaminated Land) officer has been consulted and they advise that they are satisfied with the conclusions drawn in the investigative reports and the proposed remedial measures. A Phase 4 Verification Report is required upon completion of the remedial works, which is recommended to be secured by condition. They therefore have no objection to the proposed works.
282. Subject to the conditions outlined above, the proposal would not result in ground stability or land contamination risks which would adversely impact on the environment, on human health, or on the amenity of local communities. The proposal does not conflict with Policies 6, 10 or 32 of the CDP or with Part 15 of the NPPF in this respect.

#### Planning Contributions

283. CDP Policy 25 states that new development will be approved where any mitigation necessary to make the development acceptable in planning terms is secured through appropriate planning conditions or planning obligations. Such mitigation will relate to the provision, and/or improvement, of physical, social and environmental infrastructure taking into account the nature of the proposal and identified local or strategic needs. Policy 25 goes on to state that developers will be required to enter into Planning Obligations which are directly related to the development and fairly and reasonably related in scale and kind to the development, in order to secure the mitigation that is necessary for a development to be acceptable in planning terms. Policy 25 reflects Paragraphs 55 and 57 of the NPPF.
284. CDP Policy 25 requires planning applications which do not propose policy compliant levels of affordable housing and/or obligations necessary to mitigate the impact of development will need to be supported by a robust viability assessment. Any viability assessment accompanying a planning application should refer back to the assessment that informed the Plan and provide evidence of what has changed since then. No such assessment has been submitted as part of this application.
285. The Council has recently published a Development Viability, Affordable Housing and Financial Contributions Supplementary Planning Document (SPD), dated April 2024. This document supports Policy 25 of the CDP and provides guidance on how the required contributions are calculated.
286. Under the provisions of Section 106 of the Town and Country Planning Act 1990 (as amended) the applicant is proposing a planning obligation should planning permission be granted covering a number of matters as set out below.

#### *Affordable Housing*

287. If planning permission were to be granted, a Section 106 agreement would be required to secure the following provision in accordance with CDP Policy 15:

- 5 Discount Market Sale units;
- 3 First Homes; and
- 4 Affordable Rent units

## *Education*

288. Based on the methodology set out in the Council's adopted Securing Developer Contributions towards Education Provision in County Durham, the proposed development of 83 dwellings would produce 6 Nursery age pupils, 22 pupils of primary school age, 11 pupils of secondary age, 1 post-16 pupil, and 1 SEND pupil.
289. In relation to Primary School pupils, there would be sufficient space at the Primary Schools which are located within 2 miles of the site to accommodate the pupils generated by the development. The Education officer advises that between the four Primary Schools (Coxhoe, Bowburn, Kelloe and West Cornforth) which are all within a 2 miles radius of the site, the combined capacity is 1,044 pupils. When removing the 5% surplus to their capacity, it is reduced to 992 pupils. The Education officer then advises that the maximum pupils numbers on roll over the 10 year projection period is 789 pupils. Because the current proposal of 83 dwellings is anticipated to produce only 22 Primary School age pupils, it is considered there is sufficient capacity in local Primary Schools within the established Local Education Authority (LEA) guidance set 2 mile radius of the site to accommodate the proposed development. Therefore, the Education officer advises that the Council would have no grounds to request a financial contribution to facilitate the provision of additional teaching accommodation for Primary Schools.
290. Officers have received objections from Coxhoe Primary School, from Coxhoe Parish Council, and from Councillor Anderson, who all raise concerns with the lack of a requested financial contribution toward extending the capacity of Coxhoe Primary School. Whilst officers note that Coxhoe Primary is the closest to the proposed site, due to the adopted methodology used to calculate primary school contributions, as detailed above, officers are unable to require the developer to enter into a contribution through the Planning process, as there is sufficient capacity across all four of the identified local primary schools within the LEA set 2 mile radius of the site.
291. In her comments, Councillor Anderson has requested that the developer agrees to pay a voluntary financial contribution, of a sum of £375,000, to Coxhoe Primary School. Officers are mindful of Paragraph 57 of the NPPF, which states that Planning obligations must only be sought where they meet all of the following tests:
- a) necessary to make the development acceptable in planning terms;
  - b) directly related to the development; and
  - c) fairly and reasonably related in scale and kind to the development.
292. Following the Education officer's detailed advice on capacity of other local primary schools, the contribution which has been requested by Councillor Anderson is not considered necessary to make the development acceptable in planning terms. The amount which is being sought cannot be clearly justified to mitigate the impacts of these proposals, and cannot be considered fairly and reasonably related in scale and kind to the development. Therefore, the request for a contribution does not meet all of the tests under Paragraph 57 of the NPPF, meaning officers cannot reasonably secure the sum from the developer through the planning process in order to offset material impacts from the development.
293. In relation to Secondary School pupils, the nearest Secondary School is Ferryhill School, which has capacity for 836 pupils. Based on the projected rolls of the schools, taking into account the likely implementation timeframe of the development, build rates

and other committed development, the Education officer advises there would not be sufficient space to accommodate the pupils generated by the development, whilst maintaining a 5% surplus. In order to mitigate the impact of the development a contribution of £267,432 (12 pupils x £24,312) would be required to facilitate the provision of additional Secondary School teaching accommodation.

294. In relation to SEND pupils, the Education officer advises there is a shortage of SEND places across the County. In order to mitigate the impact of the development on SEND provision, they advise a contribution of £83,980 (1 x £83,980) would be required.
295. The above education contributions, , can be secured by way of a Section 106 Agreement.

### *Healthcare*

296. The NHS has been consulted and advise that a contribution of £40,089 is required toward increasing local GP surgery capacity to accommodate the development. The sum can be secured by a Section 106 Agreement.

### *Public Open Space Provision*

297. CDP Policy 26 requires proposals for new residential development to make provision for open space to meet the needs of future residents having regard to the standards of open space provision set out in the Open Space Needs Assessment (OSNA). The OSNA sets out the most up to date position in respect to open space provision across the county and provides a formula for calculating requirements on a site-specific basis.
298. Using the OSNA's methodology, it is noted that a scheme of 83 dwellings would lead to 183 persons, at 2.2 persons per household. At 1000 persons per hectare of open space, the following open space would normally be expected on-site for a 83 dwelling scheme:
- Amenity/ Natural Green Space: 2,739 sq.m.
  - Non-equipped Play Space for Children: 91 sq.m.
299. An Open Space Needs Statement has been submitted as part of the Planning Statement, and an accompanying site plan have been submitted highlighting all open spaces across the site which are not residential curtilage.
300. Turning first to Amenity / Natural Green Space, officers note that only 1,834 sq.m. is provided within the site. However, given that the site is immediately adjacent to Coxhoe Park to the south of the site, and given that access to Coxhoe Park can be easily sought via the public footpath which runs through the centre of the site, officers have in this particular instance accepted an off-site contribution toward the on-site shortfall. Therefore, a sum of £6,787.50 is sought toward off-site provision. The 50% discount has been applied as the site is within 480m of existing provision at Coxhoe Park.
301. Turning next to Play Space for Children, officers note that none of this open space is to be provided within the site. However, given the proximity and accessibility to Coxhoe Park, officers have agreed to seek a financial contribution in this instance. £7,760.50 is sought toward off-site provision. The 50% discount has been applied as the site is within 600m of existing provision at Coxhoe Park.
302. In respect of off-site provision, the following would normally be expected via off-site contributions for an 83 dwelling development, unless the 50% discount applies:
- Allotments: £49,302.



- Parks and Recreation: £184,060.80.
- Play Space (Youth): £12,416.

303. In respect of allotments, it is noted that the allotments to the north of the site, located on The Willows, are within 480 actual walking distance of the edge of the site. This area is within the walking distance standard set out in Table 12 of the OSNA, therefore the 50% discount applies, and only £24,651 would be sought as an off-site contribution.
304. In respect of Parks and Recreation, it is noted that the nearest area of Parks and Recreation as defined in the OSNA is in Coxhoe Park, surrounding an existing play area. This area is within the 600m walking distance standard set out in Table 12 of the OSNA, therefore the 50% discount applies, and only £92,030.40 would be sought as an off-site contribution.
305. In respect of Play Space (Youth), it is noted that the nearest play space suitable for youths is located in Coxhoe Park. This area is within the 720m walking distance standard set out in Table 12 of the OSNA, therefore the 50% discount applies, and only £6,208.40 would be sought as an off-site contribution.
306. In respect of off-site contributions toward open space provision, a total of £137,437.40 is sought to be secured by a Section 106 Agreement in the event Members were minded to grant planning permission.

#### *Summary of Planning Contributions*

307. Financial contributions are sought toward Secondary School and SEND provision. As explained in the above assessment, officers are unable to secure a financial contribution toward Primary School provision.
308. Whilst the proposal would not provide sufficient on-site open space for an 83 dwelling scheme, in this particular instance officers have accepted off-site contributions toward the shortfall of on-site provision.
309. A financial contribution is also sought toward healthcare provision.
310. The proposed affordable housing would also need to be secured in perpetuity.
311. The required BNG provision measures would be secured using an off-site location.
312. These matters can be secured through a Section 106 Agreement should Members be minded to grant permission. If the applicant were to not enter into this agreement, the proposal would conflict with Policies 25 and 26 of the CDP.
313. With regard to the CIL Regulation tests, it is considered that the obligations being sought are necessary to make the development acceptable in planning terms; are directly related to the development; and are fairly and reasonably related in scale and kind to the development. Therefore, the obligations being sought accord with these tests.
314. Subject to the completion of a legal agreement the proposal would not conflict with CDP Policies 25 and 26, or with Paragraphs 55 and 57 of the NPPF.

#### *Other Matters*

#### *Agricultural Land and Soil Resource*

315. CDP Policy 14 states that all development proposals relating to previously undeveloped land must demonstrate that soil resources will be managed and conserved in a viable condition and used sustainably in line with accepted best practice. A condition can be used to secure details of soil management during the construction works.
316. In respect of agricultural land, the site is Grade 3 as defined in Natural England's Agricultural Land Classification for the Northeast region. This is a high-level study for the region.
317. Grade 3A is classed as Best and Most Versatile Land as defined by the NPPF. Grade 3B does not fall in this definition. Policy 15 of the CDP 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.*" Paragraph 180 of the NPPF states that decisions "*should contribute to and enhance the natural and local environment by... recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land.*"
318. Due to the age of the application, received in 2020, it is not supported by an Agricultural Land Classification report, as those details were not required at the time. The application had submitted in 2020 that the fields and agricultural buildings within the site were vacant at the time, and officers note they remain vacant at present.
319. Officers are mindful that Grade 3A is classed as Best and Most Versatile Land. Given that the application has not demonstrated that the site is wholly Grade 3B land, officers are required to assess the application on the basis that the site is Grade 3A land on a worst-case scenario basis. The harm that would result from loss of Grade 3A land weighs against the proposal in the planning balance, which is considered latter in this report.

#### *Safeguarding Mineral Resources*

320. The site is not within a mineral safeguarding area as defined in the CDP. Therefore Policy 56 of the CDP is not applicable.

#### *Travel Plan*

321. The Sustainable Travel officer has been consulted and, following receipt of an amended Travel Plan in October 2024, they raise no concerns with the document or with the proposal. No conditions are recommended, however officers do recommend that the Travel Plan does form part of the approved plans/documents list should Members be minded to grant permission.
322. The measures and monitoring programme set out in the Travel Plan are considered acceptable in accordance with CDP Policies 10, 21 and 29 and with Paragraph 117 of the NPPF.

#### *Public Rights of Way*

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

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

324. Coxhoe Parish Footpath 5 runs north-south through the centre of the site, leading into Coxhoe Park to the south.
325. The Access & Rights of Way officer notes that the application appears to retain the footpath along its existing line. They advise that this is a very effective planning design to incorporate the footpath, and therefore they do not raise any objection. No conditions are recommended.
326. They also highlight that current and future landowners must be aware that any vegetation encroaching onto the public footpath from either side is the responsibility of the landowner(s).
327. The proposed works would not have an adverse impact on the registered public right of way network, and would not conflict with CDP Policies 10 and 26 or with Part 8 of the NPPF in respect of registered public rights of way.

### *Energy Efficiency*

328. CDP Policy 29 requires proposals to minimise greenhouse gas emissions, by seeking to achieve zero carbon buildings and providing renewable and low carbon energy generation, and include connections to an existing or approved district energy scheme where viable opportunities exist. Where connection to the gas network is not viable, development should utilise renewable and low carbon technologies as the main heating source. The Policy goes on to require proposals to minimise the use of non-renewable and unsustainable resources, including energy, water and materials, during both construction and use, by encouraging waste reduction and appropriate reuse and recycling of materials, including appropriate storage space and segregation facilities for recyclable and non-recyclable waste and prioritising the use of local materials.
329. CDP Policy 29 also refers specifically to reducing CO<sub>2</sub> emissions for new buildings based upon building regulations requirements at the time the County Durham Plan was adopted in 2020, however Part L of the Building Regulations has since been revised in 2021, and the levels now required exceed that of Policy 29 of the CDP. The applicant will be required to accord with those Building Regulations which would be enforced outside the Planning process. These Building Regulations require a further 31% reduction in carbon emissions over previous 2013 Building Regulations.
330. Electric Vehicle charging points are proposed at each dwelling and this is considered acceptable. Officers note that EV charging point provision is already required under Part S of Building Regulations following an update in 2021. A condition is recommended ensuring the EV charging points are installed and made available for use prior to the occupation of each dwelling.
331. No roof mounted solar panels or air source heat pumps are proposed. The proposal includes a number of energy efficiency measures relating to heating, water, lighting, materials and construction method, in response to Building Regulation requirements as mentioned above. Combined with the proposed EV charging point provision and cycle parking provision at each dwelling, it is considered that roof mounted solar

panels and air source heat pumps are not required for the proposal to comply with Policy 29 of the CDP.

332. For the above reasons, the proposal would be an energy efficient form of development which would not conflict with Policies 10 and 29 of the CDP, or with Parts 9, 12 and 14 of the NPPF in this respect.

### *Broadband*

333. 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.
334. Paragraph 118 of the NPPF states that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections. Policies should set out how high quality digital infrastructure, providing access to services from a range of providers, is expected to be delivered and upgraded over time; and should prioritise full fibre connections to existing and new developments (as these connections will, in almost all cases, provide the optimum solution).
335. In considering this policy requirement, due the location of the development adjacent to the settlement of Coxhoe, there would be existing high-speed broadband availability in the area to comply with CDP Policy 27. Details of broadband provision could be secured by condition in accordance with CDP Policy 27 and Paragraph 118 of the NPPF.

### *Public Sector Equality Duty*

336. 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.
337. In this instance, officers have assessed all relevant factors and do not consider that there are any equality impacts identified. Accordingly, no changes to the proposal were required to make it acceptable in this regard.

---

## **CONCLUSION**

---

338. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions.
339. As discussed in the above assessment, whilst the site is not allocated for housing in the County Durham Plan, it is considered a sustainable location for development, whilst it is also visually well contained ensuring there would not be encroachment into

the adjacent open countryside to the west. Therefore the site is well related to the settlement of Coxhoe, and is an acceptable site in principle for the development of housing.

340. There are, however, a number of concerns with the proposal as currently presented. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that if regard is to be had to the development plan, decisions should be made in accordance with the development plan, unless material considerations indicate otherwise. As there are conflicts with policy, this planning balance exercise will need to be undertaken.
341. Turning first to the harm identified:
342. The lack of street trees beyond residential curtilages, the layout of the parking bays for Plots 69 – 73, and the location of the electric substation adjacent to the access to the site, have an adverse impact on the character and appearance of the proposed development. Officers are however mindful that the proposal is constrained by the shape of the site and by the public footpath which runs through the centre of the site, and that the developer has managed to address more pressing concerns in relation to the number of car parking bays, ensuring an acceptable highway layout to reduce vehicle speeds, and ensuring sufficient garden depths for the benefit of amenity of occupiers of the development. The degree of harm is therefore reduced to limited.
343. The proposal does not benefit from water management features which are an intrinsic part of the overall development. However the applicant has demonstrated that the development would not lead to an increased surface water flood risk within the site or elsewhere. Officers are also mindful that the proposal is constrained by the shape of the site and by the public footpath which runs through the centre of the site, and that the developer has managed to address more pressing concerns in relation to the number of car parking bays, ensuring an acceptable highway layout to reduce vehicle speeds, and ensuring sufficient garden depths for the benefit of amenity of occupiers of the development. The degree of harm is therefore reduced to limited.
344. The site is Grade 3 agricultural land, and the application has not demonstrated that the proposal would not lead to the loss of Grade 3A agricultural land. However, officers are mindful that the site only measures 3 hectares in area, whilst it is also split into two smaller parcels of land due to the public footpath which runs north-south through the centre. The degree of harm is therefore reduced to limited.
345. Turning next to the submitted benefits of the development:
346. Officers are mindful that the development would provide 83 dwellings, however given the Council's housing land supply position as set out earlier in this report, the benefits of providing additional housing are given only limited weight.
347. The provision of 8 affordable units is a benefit of the proposal given the County's need for more affordable homes. However, given that the proposal meets and does not exceed Policy requirements, the benefits of providing only 8 affordable homes are given only limited weight. Officers are mindful that when concluding that the County Durham Plan was sound, the examining Inspector recognised that the County's affordable housing need would not likely be addressed during the Plan period, however he remained comfortable with this issue.
348. Officers recognise the economic benefits during the construction and occupation of the development, though due to the scale of the development at only 83 dwellings, the

scale of the benefits is not considered notable, and is therefore only afforded limited weight.

349. The application if supported would be required to secure financial contributions toward increasing GP surgery and school accommodation, as well as provide public open space, however these are already Policy requirements to off-set the relevant impacts of this development. Therefore these benefits are afforded only limited weight.
350. The site is considered a sustainable location for development, whilst it is also visually well contained ensuring there would not be encroachment into the adjacent open countryside to the west. The site is well related to the settlement of Coxhoe and is considered an acceptable 'windfall site' for housing development. The principle of developing the site therefore accords with the County Durham Plan.
351. Whilst officers wish to highlight their concerns with the proposal as currently presented, it is considered that the harm which has been identified is outweighed by the benefits of the development, alongside the favourable location of the development. Therefore, on balance, the application is not considered to be unacceptable.
352. Officers are also mindful of the concerns raised by Councillor Anderson and by Coxhoe Primary School due to a lack of a financial contribution toward providing additional teaching accommodation at Coxhoe Primary School. As explained in the above report, due to the existing capacity at three other primary schools within a 2 mile radius of the site as per Local Education Authority's guidance, officers are unable to require the applicant to enter into a financial contribution in this respect.

---

## **RECOMMENDATION**

---

353. That the application is **APPROVED** subject to the following conditions and completion of an agreement under Section 106 of the Town and Country Planning Act 1991 (as amended) to secure:
  - £137,437.80 towards improving off-site open space;
  - £267,432 contribution toward increasing Secondary School capacity;
  - £83,980 contribution toward increasing capacity at SEND schools across the County;
  - £40,089 contribution toward NHS increasing GP surgery capacity;
  - 15% of Affordable housing on site comprising 5 Discount Market Sale units, 3 First Homes; and 4 Affordable Rent units;
  - Entering into a Section 39 agreement to secure a Biodiversity Management and Monitoring Plan as well as long term management, maintenance and monitoring.

### **Time Limit**

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

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

### **Plans**

- 2) The development hereby approved shall be carried out in accordance with the

following approved plans and documents:

Location Plan – Dwg No. 2313.01.01  
Planning Layout – Dwg No. 2313.04.01 Rev F  
Boundary Treatment Plan – Dwg No. 2313.06.01 Rev E  
Adoption Plan – Dwg No. 2313.09.02 Rev D  
Affordable Housing Plan – Dwg No. 2313.09.01 Rev C  
Permeable Block Paving Detail – Dwg No. NSD715 Rev -  
Vehicle Turning Plan (plots 69-73) – Dwg No. 2313.09.03 Rev A  
Shed Details – Dwg No. 0282 Rev –  
E.V Charging Point Installation Details – Dwg No. NSD251 Rev B  
Amenity Open Space Plan - Dwg No. 2313.09.04 Rev C

#### Detailed Landscape Plans

Sheet 1 – Dwg No. 5076/1 Rev -  
Sheet 2 – Dwg No. 5076/2 Rev -  
Sheet 3 – Dwg No. 5076/3 Rev -  
Composite Plan – Dwg No. 5076/4 Rev –

#### Garage Drawings

3 x 6m Single Garage drawing – Dwg No. SD1700 Rev E  
3 x 6m Double Garage drawing – Dwg No. SD1701 Rev E  
Sales Garage drawing – Dwg No. SD704 Rev E

#### Boundary Treatment Drawings

1800mm Timber Fence drawing – Dwg No. SD100 Rev F  
1800mm Brick Screen Wall – Dwg No. SD110 Rev B  
450mm Kick Rail Fence – Dwg No. NSD122 Rev -

#### Housetype Elevation Drawings

250 housetype – Dwg No. 21-250-U-0001 Rev C03  
252 housetype – Dwg No. 21-252-U-0001 Rev C05  
254 housetype – Dwg No. 21-254-U-0001 Rev C03  
350 housetype – Dwg No. 21-350-U-0001 Rev C05  
351 housetype – Dwg No. 21-351-U-0001 Rev C04  
354 housetype – Dwg No. 21-354-U-0001 Rev C05  
355 housetype – Dwg No. 21-355-U-0001 Rev C07  
359 housetype – Dwg No. 21-358/9-U-0001 Rev C03  
360 housetype – Dwg No. 21-360-U-0001 Rev C04  
450 housetype – Dwg No. 21-450-U-0001 Rev C03  
451 housetype – Dwg No. 21-451-U-0001 Rev C02  
454 housetype – Dwg No. 21-454-U-0001 Rev C07

#### Ecology Reports

Preliminary Ecological Assessment – Ref: BIOC20-011 V2 – 09/11/2020  
Tree Report – Ref: BIOC20-011 V1.1 – 02/09/2020  
Ecological Impact Assessment Report – Ref: BIOC23-280 V1.0 – 19/08/2024  
Biodiversity Net Gain Report – Ref: BIOC23-280 V1.2 – 21/08/2024  
Biodiversity Net Gain Metric – Ref: BIOC23-280

#### Technical Reports

Phase 1 & 2 Ground Investigation Report – Ref: C6709A – November 2019  
Remediation Strategy – Ref: C6709B – December 2020  
Air Quality Assessment – Ref: 410.03044.00178 – August 2020  
Noise Report – Ref: NJD21-0073-001R – Final – July 2021  
Noise Report – letter addendum – Ref: NJD21-0073-001L – 22nd August 2024

WSI & trenching plan approved version – 13/10/2020  
Archaeology Geophysical Survey Report – Ref: AD355 – August 2020  
Archaeology Trenching Evaluation Report – Ref: AD360 – November 2020  
Transport Assessment – Ref: 20-225-004.02 – June 2024  
Highways Technical Note – Ref: 20-225-002.02 – 13/01/2021  
Highways Technical Note – Ref: 20-225-002.03 – 07/05/2021  
Travel Plan – Reference 20-225-005.03 – 16/10/2024

#### Other Reports

Affordable Housing Statement – Ref: 15/07/2024 – Rev C  
M4(2) Assessment – Ref: May 2024 – Rev B  
Construction Management Plan – Ref: 16.08.24 – Rev D

#### Engineering

Proposed Engineering Plan – Dwg No. D001 Rev 12  
Proposed Drainage Plan – Sheet 1 of 2 – Dwg No. D200 Rev 7  
Proposed Drainage Plan – Sheet 2 of 2 – Dwg No. D201 Rev 7  
Flood Routing Plan – Dwg No. D203 Rev 11  
Typical Basin Details – Dwg No. D204 Rev 10  
Drainage Areas Plan – Dwg No. D205 Rev 7  
SuDS Identification Plan – Dwg No. D501 Rev 9  
SuDS Maintenance Plan – Dwg No. D803 Rev 5  
FW Pumping Station Technical Document – Ref: Issue A04 – 18/02/2022  
FRA & Drainage Strategy – Ref: AE/FRADS/19193 Version 6 – 08/07/24  
SuDS Maintenance Schedule – Ref: 19193/AE/SUDS Version 5 – 08/07/24  
MDX calcs for the SW drainage

*Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies 6, 10 and 29 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.*

#### Highways

3) No development shall commence until full engineering details of the relocation of the existing northbound bus stop on Coronation Terrace, and of the proposed access onto Coronation Terrace, have been submitted to and agreed in writing by the Local Planning Authority. These works shall then be completed, and the relocated bus stop made operational, prior to the construction of any internal roads or the construction of the first dwelling.

*Reason: To ensure the existing bus stop has been relocated and made available for public use during the construction and occupation of the development, and to ensure safe access into the site is achieved throughout the construction period, in the interests of highway safety and ensuring the public's continued access to this sustainable mode of transport, in accordance with Policies 6 e), 10 q), and 21 a) and c) of the County Durham Plan, and with Part 9 of the National Planning Policy Framework. Required to be a pre-commencement condition for the reasons stated above.*

4) Prior to the occupation of the first dwelling, full engineering, drainage, street lighting and constructional details of the streets proposed for adoption by the Local Highway Authority shall be submitted to and approved in writing by the Local Planning Authority.

Thereafter, the development shall be constructed in accordance with the approved details.



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

5) No dwelling shall be occupied until the refuse storage provision for that dwelling, as indicated on the approved plans, has been implemented.

Thereafter, the refuse storage provision shall be retained in accordance with the approved details and shall be made available for the parking of cycles at all times.

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

6) No dwelling shall be occupied until the cycle parking provision for that dwelling, as indicated on the approved plans, has been made available for use.

Thereafter, the cycle parking shall be retained in accordance with the approved details and shall be made available for the parking of cycles at all times.

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

7) No dwelling shall be occupied until the Electric Vehicle Charging Point provision for that dwelling, as indicated on the approved plans, has been installed and made available for use.

Thereafter, the charging points shall then be retained for use at all times.

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

8) No dwelling shall be occupied until the car parking area indicated on the approved plans for that dwelling, has been hard surfaced, sealed and marked out as parking bays.

Thereafter, the car parking area shall be retained in accordance with the approved plans and shall not be used for any purpose other than the parking of vehicles associated with the dwelling.

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

### **Coal Authority**

9) No development shall commence (excluding the demolition of existing structures) until remediation works to address land instability arising from recorded shallow coal mining legacy have been implemented on site in full.

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

*Reason: To ensure that the site is made safe and stable for the proposed development, in accordance with in accordance with Policy 32 of the County Durham Plan, and with the National Planning Policy Framework. Required to be a pre-commencement condition to*

*ensure any required remedial measures are implemented before works commence, in the interest of the safety and stability of the development.*

10) Prior to the occupation of the first dwelling, a signed statement or declaration prepared by a suitably competent person confirming that the site has been made safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing, in consultation with the Coal Authority. This document shall confirm the completion of the remedial works necessary to address the risks posed by past coal mining activity.

*Reason: To ensure that the site is made safe and stable for the proposed development, in accordance with Policy 32 of the County Durham Plan, and with the National Planning Policy Framework.*

### **Contaminated Land**

11) The hereby approved contaminated land remediation works (Phases 1 - 3) shall be carried out in accordance with the hereby approved Remediation Strategy – Ref: C6709B – dated December 2020.

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

12) Prior to the occupation of the first dwelling, a Phase 4 Contaminated Land Verification Report related to that part of the development has been submitted to and approved in writing by the Local Planning Authority.

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

### **Substation**

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

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

### **Working Hours**

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

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

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

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

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

## **Ecology**

15) Prior to works commencing, details confirming that the biodiversity units are allocated on the Natural England Register shall be submitted to and approved in writing by the Local Planning Authority.

*Reason: To ensure a Biodiversity Net Gain will be achieved, in accordance with Policy 41 of the County Durham Plan and Part 15 of the National Planning Policy Framework. Required to be pre-commencement to ensure that acceptable off-site measures are secured before any habitat within the site is lost.*

16) Prior to works commencing, details of a low-level lighting scheme to maintain dark corridors for commuting bats shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details for during the construction period, and following the occupation of the development.

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

*Reason: In the interest of conserving protected species, in accordance with Policies 10, 41 and 43 of the County Durham Plan, and with Part 15 of the National Planning Policy Framework. Required to be pre-commencement to ensure measures can be implemented and secured throughout the construction period.*

17) Prior to the first dwelling being constructed beyond damp proof course level, details of the location of integrated bat and bird boxes, along with details of the type of box, shall be submitted to and approved in writing by the Local Planning Authority. The boxes shall be integrated into the external walls of at least 10% of the proposed dwellings, in accordance with the mitigation measures recommended in the hereby approved Ecological Impact Assessment V1.0 (August 2024) by Biodiverse Consulting.

*Reason: In the interest of conserving protected species, in accordance with Policies 10, 41 and 43 of the County Durham Plan, and with Part 15 of the National Planning Policy Framework.*

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

18) Prior to the first occupation of the development hereby approved a scheme for the ongoing maintenance of the areas of public open space and structural landscaping within the development shall be submitted to and approved in writing by the Local Planning Authority. In the event of proposals to maintain the public open space by means other than through transfer to the Local Authority then the scheme shall provide for details of an agreed maintenance schedule in perpetuity.

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

19) All planting, seeding or turfing and habitat creation in the approved details of the landscaping scheme shall be carried out in the first available planting season following the practical completion of the development.

No tree shall be felled or hedge removed until the removal/felling is shown to comply with legislation protecting nesting birds and roosting bats.

Any approved replacement tree or hedge planting shall be carried out within 12 months of felling and removals of existing trees and hedges.

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

Replacements will be subject to the same conditions.

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

20) Prior to works commencing, Tree Protection Measures in respect of Trees T01, T02 and T03 shall be submitted to and approved in writing by the Local Planning Authority.

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

*Reason: In the interests of the visual amenity of the area in accordance with Policies 6, 10, 26, 29 and 40 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework. Required to be a pre-commencement condition to ensure retained trees are not harmed during the works.*

## **Broadband**

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

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

## **Soil Management**

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

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

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

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

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

### **Housing Technical Standards**

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

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

25) Prior to the occupation of any dwelling constructed to Buildings Regulations M4(2) standard as approved under Condition 24, a verification report compiled by a suitably competent person demonstrating that the dwelling has been constructed to achieve Buildings Regulations M4(2) standard shall be submitted to and approved in writing by the Local Planning Authority.

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

### **Drainage**

26) No development including ground clearance or remediation works shall commence until a build programme and timetable for the construction of the critical surface water infrastructure has been submitted to and approved in writing by the Local Planning Authority. The programme must include, amongst other matters, details of the outfall structure, control devices, attenuation/storage, temporary control measures during the construction phase and measures to control silt levels entering the watercourse. The order of works to be undertaken must be identified and timescale for delivery.

The development thereafter shall be completed in accordance with the details and timetable agreed.

*Reason: To ensure that critical surface water infrastructure is in place to adequately deal with and dispose of surface water prior to the construction of the development, in accordance with Policy 35 of the County Durham Plan and Parts 14 and 15 of the National Planning Policy Framework. Required to be a pre-commencement condition to ensure that water infrastructure is in place at an early stage of the development to adequately manage surface water.*

---

## **STATEMENT OF PROACTIVE ENGAGEMENT**

---

In accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has, without prejudice to a fair and objective assessment of the proposals, issues raised and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF.

In this instance however, officers have identified fundamental concerns with the proposed development of this particular site, and have therefore sought to determine the application accordingly. Officers had also provided clear written pre-application advice to the applicant advising that the principle of the development was not supported in this location.

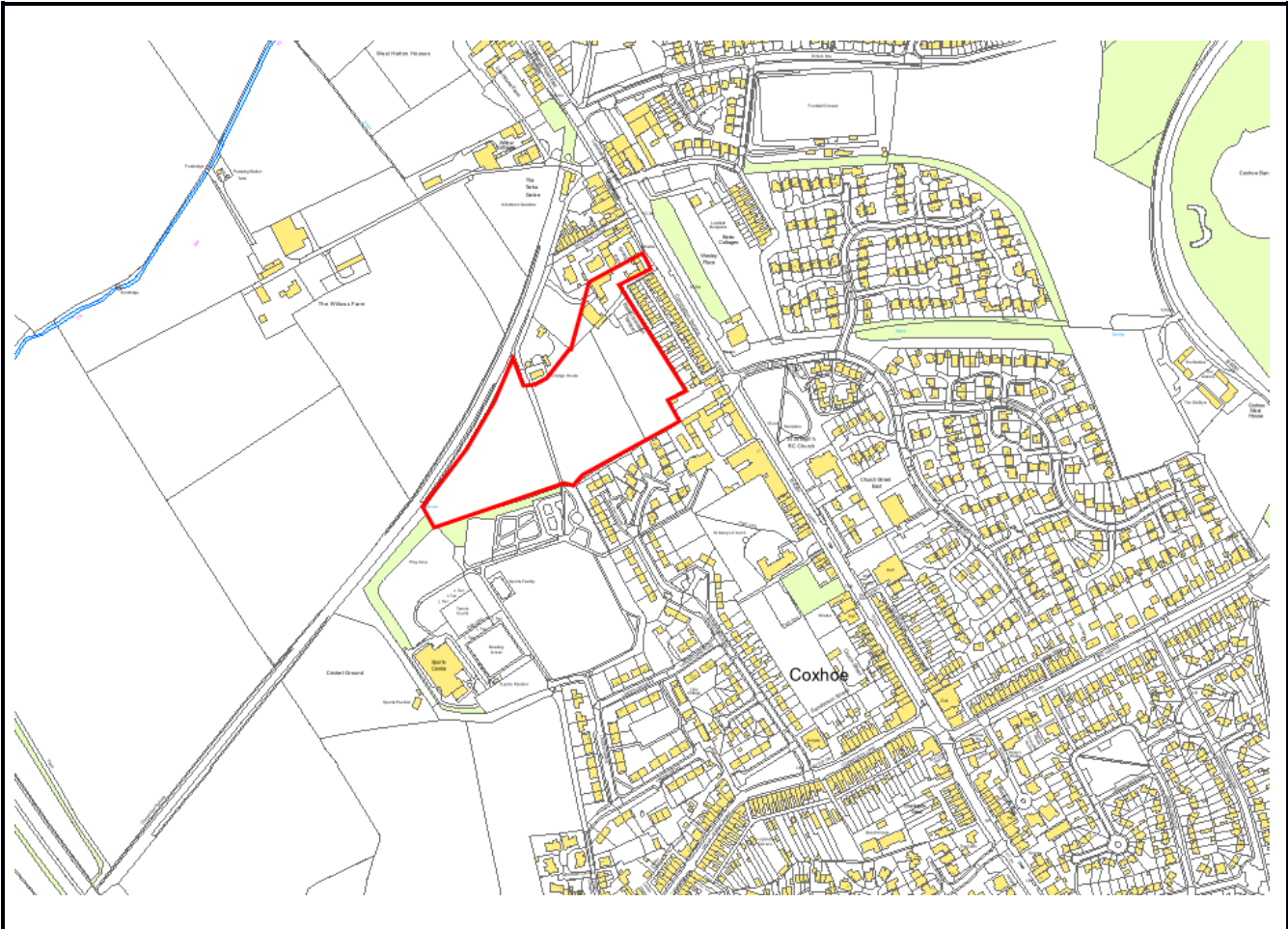
Officers are mindful of Paragraph 38 of the NPPF, however as discussed in the above report, it is considered the proposal would not improve the social or environmental conditions of the area, and would not lead to a sustainable form of development.

---

## **BACKGROUND PAPERS**

---

- Submitted application form, plans, supporting documents and subsequent information provided by the applicant
- Statutory, internal and public consultation responses
- The National Planning Policy Framework
- National Planning Practice Guidance Notes
- County Durham Plan (2020)
  - Development Viability, Affordable Housing and Financial Contributions SPD (April 2024)
  - Residential Amenity Standards SPD (2023)
  - Parking and Accessibility SPD (2023)
  - Durham County Council Open Space Needs Assessment (2018)
  - County Durham Settlement Study (June 2018)
- Active Travel England Standing Advice Note: Active Travel and Sustainable Development (June 2024)
- CIRIA The SuDS Manual (2015)
- CIHT Better Planning, Better Transport, Better Places (August 2019)
- Great Lumley Appeal Decision, DCC reference: DM/22/00584/FPA; PINS reference: APP/X1355/W/23/3334214



**Planning Services**

**DM/20/02046/FPA**

Demolition of existing farm outbuildings and erection of 83 dwellings (Amended description 14/05/2024)

Grange Farm, Coxhoe, Durham DH6 4HH

This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding. Durham County Council Licence No. 100022202 2005

**Comments**

**Date November 2024**

**Scale** Not to Scale