



## Area Planning Committee (South and West)

**Date** Thursday 21 March 2019  
**Time** 2.00 pm  
**Venue** Council Chamber, Spennymoor - Council Offices,  
Spennymoor

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### Business

#### Part A

1. Apologies for Absence
2. Substitute Members
3. Declarations of Interest (if any)
4. The Minutes of the Meeting held on 24 January 2019 (Pages 3 - 8)
5. Applications to be determined
  - a) DM/18/03610/FPA - Land to the north of 4 to 16 Tudhoe Lane, Spennymoor, Co Durham (Pages 9 - 24)  
3no. dwellings
6. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration.

**Helen Lynch**

Head of Legal and Democratic Services

County Hall  
Durham  
13 March 2019

To: **The Members of the Area Planning Committee (South and West)**

Councillor J Clare (Vice-Chairman)

Councillors J Atkinson, D Bell, L Brown, J Chaplow, E Huntington,  
K Liddell, J Maitland, G Richardson, J Shuttleworth, K Thompson,  
F Tinsley and S Zair

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**DURHAM COUNTY COUNCIL**

At a Meeting of **Area Planning Committee (South and West)** held in Council Chamber, Spennymoor - Council Offices, Spennymoor on **Thursday 24 January 2019 at 2.00 pm**

**Present:**

**Councillor J Clare**

**Members of the Committee:**

Councillors J Atkinson, D Bell, L Brown, J Chaplow, J Clare (Vice-Chairman), E Huntington, J Maitland, M McGaun, G Richardson, S Zair, H Smith (substitute for H Nicholson) and T Tucker (substitute for F Tinsley)

Prior to the commencement of the meeting the Chairman with great sadness reported the death of Councillor Leo Taylor, a valued and respected Member of the Committee.

**1 Apologies for Absence**

Apologies for absence were received from Councillors K Liddell, H Nicholson, J Shuttleworth and F Tinsley.

**2 Substitute Members**

Councillors T Tucker and H Smith substituted for Councillors H Nicholson and F Tinsley respectively.

**3 Declarations of Interest**

There were no declarations of interest.

**4 Minutes**

The minutes of the meeting held on 22 November 2018 were agreed as a correct record and signed by the Chairman.

**5 DM/18/03707/FPA - 6 Durham Road, Sedgefield**

The Committee considered a report of the Senior Planning Officer with regards to an application for two storey and single side storey side extensions and alterations to the existing detached dwelling at 6 Durham Road, Sedgefield (for copy see file of minutes).

The Senior Planning Officer gave a detailed presentation of the application with site location plan, aerial photographs, elevations, site layout and photographs of the site.

The Senior Planning Officer confirmed that a late representation had been received on the day prior to the meeting. A number of people objecting to the application had written to ask that the application be deferred in order for further analysis of the case officers report recommending approval whilst seeking professional and legal advice.

In response, the Senior Planning Officer confirmed that the application was subject to the usual consultation procedures and neighbours were given in excess of 21 days in which to make representation given the Christmas shut down period which resulted in a delay to the determination period. This was considered more than sufficient time in which to review the application and make comment, seeking further professional or legal assistance if necessary. Those submitting the latest letter recommending the application be deferred had already made representation on the application and their concerns were addressed within the officer report. Upon release of the Committee agenda, the objectors then had further time to seek advice on the report recommendation and had the option to attend the planning committee and speak if considered necessary.

Addressing the objectors points in turn the Senior Planning Officer advised the Committee that the existing level of overshadowing on the site would not be significantly increased by the proposed development. Furthermore, the proposed works would be of an acceptable scale and design which would not detract from their surrounds with the site remaining well screened from public view and outside of the Conservation Area.

The Applicants, Mr and Mrs Edmensen addressed the Committee to give clarity on the reasons behind the extension. Mrs Edmensen confirmed that they had three sons between them, one of which had a significant medical condition which resulted in Mr Edmenson having to split his time between two properties.

This house was purchased in July 2018 as it had enough land to extend, integrating the family home with a separate private living space to accommodate all of the children. Original plans to extend the existing property submitted in 2017 were withdrawn at the request of the Planning section who continued to work with the applicants and a newly appointed architect informally in arriving at a more acceptable scheme.

Mrs Edmenson confirmed that they had considered professional advice and concerns from neighbours throughout the process. And in response to neighbouring objections early in the application process, the height of the garage element further reduced to overcome any overshadowing concerns. The new proposal had been approved by the Planning Officer and Mrs Edmenson was surprised that neighbours were still objecting as she had visited them personally in an attempt to compromise, hence the reduction in the height of the garage. She had not expected the late representation requesting a deferment of the application and also suggested that those objecting had been given ample time to seek legal advice, having had a period of seven weeks from the application being submitted.

With regards to the suggestion that a deferment should be granted due to the 'complex and technical' content of the documents, Mrs Edmenson advised that this had never been suggested during the current or subsequent application process prior to the late representation. She considered there was enough evidence for Members to decide and the late submission contained no valid reasons to grant a deferment and asked the Committee to determine the application.

The Chairman confirmed that there were no other speakers registered and noted that none of the objectors had registered to speak, nor were they in attendance.

Councillor Tucker referred to the photographs included in the presentation and noted the shadow from the current property, which already overlooked the garden of the property to the North. She queried whether the level of shade in the photograph was permanent and the Senior Planning Officer confirmed that he had taken the photograph around lunchtime a few days prior to the meeting. Mrs Edmenson added that the extension would not exacerbate the existing shadow due to the reduced height of the garage element of the extension.

Councillor Tucker queried whether there were currently any overlooking windows at the property and Mrs Edmenson confirmed that there were two existing windows overlooking property to the north. However, the height of the hedge which neighbours had asked to be retained was 5ft and therefore windows did not result in any loss of privacy. The proposed extension however would not include windows in the north facing elevation and, in any case, the hedge was to be retained as requested by neighbours.

The Chairman asked for a response to the late representation for deferment and the Senior Planning Officer reiterated that the response time period was sufficient, and he considered the Committee had been provided with sufficient information to determine the application at the meeting.

Councillor Atkinson referred to the issues raised by objectors regarding the stability of the retaining wall and the Senior Planning Officer referred Members to the technical drawing included in the presentation which showed that the foundations of the garage should not affect the dividing wall. However, he added that the applicant had offered to repair the wall if issues did arise. Councillor Clare reminded Members that information contained within the report confirmed that the stability of the wall was not a planning consideration, it was a matter for building control to address any issues with regards to the wall.

Councillor Atkinson moved the recommendation to approve.

In response to a question from Councillor Richardson the Senior Planning Officer confirmed that the garage would be accessed by a straight driveway from the entrance road and Councillor Richardson seconded the motion to approve.

Finally Councillor Brown asked the Senior Planning Officer to confirm the separation distances between the nearest property from extension and he confirmed that 17m between the nearest property at Conifer Avenue and 14m from the rear elevation to Pine Ridge Avenue.

The Chairman referred to the late submission as he wanted to ensure members had given full consideration of the option to defer before a vote was taken.

**Resolved:**

That the application be APPROVED subject to the conditions outlined in the report.

**6 DM/18/01980/FPA - Site of The Former St Peters School, Main Road, Gainford**

The Committee considered a report of the Senior Planning Officer with regards to an application for 48 no. dwellings, conversion of a school building to 9 no. flats, associated demolition and landscaping, and provision of open space (for copy see file of minutes).

The Senior Planning Officer gave a detailed presentation of the application with site location plan, aerial photographs, elevations, site layout and photographs of the site. He confirmed that Members would recall a previous visit to the site as part of a smaller application and confirmed that the application was an extension of that permission.

The Agent, Mr Lyle, addressed Members on behalf the Applicant and advised that Members would already be familiar with the site and its history. The scheme met all of the relevant technical criteria and would bring a range of 2, 3 and 4 bedroom housing as well as bungalows and flats in the former school building, meeting a wide range of housing needs for young and older generations.

Mr Lyle confirmed that a consultation had been carried out, which had included the delivery of 600 leaflets, followed by a meeting at the local village hall. This had been mostly positive and had confirmed that almost all of the local residents who attended were in support of the scheme. Its only criticism was that a few local people considered that the school building should be demolished, rather than retained.

Mr Lyle confirmed that Planning Officers had supported the proposal throughout the application process and the parish council supported the scheme as it coincided with their desire to promote viability.

Finally Mr Lyle advised that this was a brownfield site, it was sited in a sustainable location and accessible to a good range of services and facilities, and the proposal would significantly improve the conservation area. He referred to the significant Section 106 contributions outlined in the report and confirmed that he fully endorsed the conclusion of the Planning Officer.

The Chairman commented that the retention of the school building was paramount as it was a significant feature to the entrance to the village and it was only blighted by its current condition and was otherwise a beautiful building.

The Senior Planning Officer referred to the frontage building as a familiar feature which was well embedded, but an undesignated heritage asset of approximately

120 years. Officers felt it was important to maintain as it was a mature and well-established entrance to the site.

Councillor Richardson confirmed that the site was in his electoral division and had been discussed for more than 30 years. He commented that he would have been in favour of demolition of the building, however he was grateful to see it being developed and he moved the recommendation to approve as per the report, seconded by Councillor Atkinson.

**Resolved:**

That the application be APPROVED subject to the completion of a Section 106 agreement to secure 11 affordable dwellings; the provision and future maintenance of associated open space and £37,791 contribution towards offsite open space provision or maintenance; and the conditions outlined in the report.

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## Planning Services

# COMMITTEE REPORT

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### APPLICATION DETAILS

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<b>APPLICATION NO:</b>	DM/18/03610/FPA
<b>FULL APPLICATION DESCRIPTION:</b>	3no. dwellings
<b>NAME OF APPLICANT:</b>	Mr Peter Dennis
<b>ADDRESS:</b>	Land to the north of 4 to 16 Tudhoe Lane, Spennymoor, Co Durham
<b>ELECTORAL DIVISION:</b>	Tudhoe
<b>CASE OFFICER:</b>	Mark O'Sullivan, Senior Planning Officer, 03000 261056, mark.o'sullivan@durham.gov.uk

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### DESCRIPTION OF THE SITE AND PROPOSALS

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1. The application relates to a parcel of open grassland (some 0.35Ha) located to the north of numbers 4-16 Tudhoe Lane, Spennymoor. The site is positioned at the base of an incline with land rising to the south towards the rear of Tudhoe Lane and levelling off into the fields to the north. To the east beyond the field boundaries is the Black Horse PH customer car park with St David's Church Hall to the west. The site is presently accessed via a field gate to the south, linking with a narrow shared access track located between numbers 15 and 15a Tudhoe Lane. Use of the track is understood to be shared between the applicant who maintains the field and residents of Tudhoe Lane to access the rear of their properties.
2. Permission is sought to construct 3no. detached dwellings of contemporary design with detached garages on this backland site. The dwellings would be of two storey scale, each containing 3no. bedrooms with plot 1 (to be occupied by the applicant) being of a different design to proposed plots 2 and 3. All dwellings would be served by a private, shared road to the south which links with the adjacent Black Horse PH car park to the east. The applicant owns the PH and the proposed shared access serving the dwellings would extend through the existing car park to the north of the PH onto the B6288 North Road. Proposals to upgrade this junction would involve a reduction in the height of the existing boundary wall to the north adjacent to no.5 Attwood Terrace so as to achieve the necessary site visibility splays. The single width field access from Tudhoe Lane to the south is to remain, although it would not be used in association with the proposed development.
3. The proposals also include the change of use of a parcel of agricultural land (some 170m<sup>2</sup>) owned by the applicant to the immediate rear (north) of the adjacent Church Hall. This land is to be gifted to the owners of the hall for use as a community garden for the Church. The existing eastern fire exit doors serving the main church hall would also be removed and relocated to the northern elevation of the building with works to be undertaken by the applicant.
4. The application is being reported to the Planning Committee at the request of Spennymoor Town Council who have objected to the application on the grounds of

traffic generation, highway safety and access and the perceived impact on the Conservation Area and Listed Buildings. It is considered the proposed development would encroach into Tudhoe Village and green areas, effectively joining Tudhoe Colliery with Tudhoe Village, removing their individual identities.

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## **PLANNING HISTORY**

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5. Planning application: DM/15/02689/FPA for the erection of 2no. dwellings on this site was withdrawn in October 2015. After this time the applicant continued to discuss possible residential development options for the site with planning and design officers on an informal basis with the current proposals resulting directly from these discussions.

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## **PLANNING POLICY**

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### **NATIONAL POLICY**

6. A revised National Planning Policy Framework (NPPF) was published in July 2018. The overriding message continues to be that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways.
7. In accordance with Paragraph 213 of the National Planning Policy Framework, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). The relevance of this issue is discussed, where appropriate, in the assessment section of the report. The following elements of the NPPF are considered relevant to this proposal.
8. *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.
9. *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.
10. *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.
11. *NPPF Part 15 - Conserving and enhancing the natural environment.* The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at

unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.

12. *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.

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

13. The development plan is the Sedgefield Borough Local Plan saved policies:
14. *Policy D1 - General principles for the layout and design of new developments* - requires the layout and design of all new developments to take account of the site's relationship to the adjacent land uses and activities.
15. *Policy D3 - Design for access* - seeks to ensure new development makes satisfactory provision for all road users and pedestrians.
16. *Policy D5 - Layout of new housing development* - sets criteria for the layout of new housing developments.
17. *Policy H17 - Backland and infill housing development* - sets criteria for new backland and infill housing development.
18. *Policy L5 – Safeguarding of areas of open space* – seeks to resist development proposals which would result in the loss of an area of open space.

#### **RELEVANT EMERGING POLICY:**

The County Durham Plan

19. Paragraph 48 of the NPPF states that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. An 'Issues & Options' consultation was completed in 2016 on the emerging the County Durham Plan (CDP) and the 'Preferred Options' stage CDP was subject to consultation in summer 2018. On 16 January 2019, Cabinet approved the 'Pre-Submission Draft' CDP for consultation. However, the CDP is not sufficiently advanced to be afforded any weight in the decision-making process at the present time.

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## **CONSULTATION AND PUBLICITY RESPONSES**

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#### **STATUTORY RESPONSES:**

20. *Spennymoor Town Council* – Object to the application on the grounds of traffic generation, highway safety and access issues, and the perceived impact on the Conservation Area and Listed Buildings. It is considered the proposed development would encroach into Tudhoe Village and green areas, effectively joining Tudhoe Colliery with Tudhoe Village, removing their individual identities

21. *Highway Authority* – No objections to the application, subject to conditions relating to the upgrading of the existing vehicular access onto the B6288 North Road.
22. *The Coal Authority* – No objections, subject to the imposition of a condition regarding the need for further site investigation works.

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

23. *Ecology* – No objections, subject to adherence to the recommendations detailed in the Ecological Scoping Report (Hesketh Ecology, August 2018) including but not restricted to the inclusion of bat roosts/features or integrated boxes into the proposed dwellings.
24. *Environmental Health (Contaminated Land)* – As the site is in a high risk area for previous coal workings and given the presence of surrounding sites where previous uses may have caused contamination, approval is recommended subject to the imposition of a contaminated land condition.
25. *Environmental Health (Noise)* – No objections subject to condition requiring the undertaking of a post completion noise assessment to ensure internal and external noise levels are within the recommended noise levels.
26. *Spatial Policy* – Officers are unable to identify any policies within the NPPF which provide a clear reason for refusing the development. The case officer would need to undertake a planning balance assessment which weighs up any identified adverse impacts and benefits of the scheme.
27. *Design and Conservation* – No objections to the application. The proposed dwellings are contemporary in design whilst referencing materials which are dominant in Tudhoe Conservation Area. There would be no impact on the setting of the designated heritage assets with the plan form and topography of the existing village resulting in limited intervisibility between the site and designated heritage assets.
28. *Education* – 3no. dwellings would provide 1no. additional pupil which would have no impact on the number of school places available.
29. *Drainage* – The application site is not of a classification that requires consultation with the Lead local Flood Authority with respect to Flood Risk and Surface Water Management. The access road leading to the development site and the proposed PH car park are associated works should provide a sustainable solution to the management of surface water. The design should also ensure there is no discharge of surface water onto the highway from the access road and there are no adverse effects with respect to flooding to neighbouring land or property due to groundworks associated with the development.
30. *Landscape* – No objections to the application.

#### **PUBLIC RESPONSES:**

31. The application has been publicised by way of site notice and notification letters to neighbouring residents. 16no. letters of objection have been received in response citing concern over highways/traffic impact, noise/air/light pollution, ecological impact, encroachment into the open countryside/loss of agricultural land, poor design/impact on the historic environment and nearby Conservation Area, arboricultural impact, impact on privacy/amenity of neighbouring properties, burden on local services and education, drainage, condition of the site and future conflict between residential use of

the site and the nearby PH and Church Hall uses. Concerns are also expressed over the need for additional dwellings in the settlement and the planning history for this site.

32. 7no. letters have also been received including 1no. letter from St David's Church and Parish Hall in support of the proposals. Comments are made supporting the sustainable location of the development, accessibility of the site, modern design, lack of highway safety concerns and the perceived neutral visual impact of the development given its screened location. Voluntary contributions to be made by the applicant to the Church Hall in terms of the gifting of land to the rear and repositioning of the existing fire exit doors from the eastern elevation are welcomed.

#### **APPLICANTS STATEMENT:**

33. Thank you for the opportunity to make an applicant's statement and for your time reading it. I was born in Croxdale. My wife, children, both sets of parents, grandparents and great grandparents were raised in Tudhoe. I have operated my glazing business from the village for 30 years and have always employed local people. My wife and I are also joint partners of the Black Horse PH having purchased the property approximately 2 years ago when it was threatened with closure. We have undertaken extensive refurbishment works and reopened the restaurant, naming it 'The *Pitman's Grill*' in memory of the workers of Tudhoe's Old Colliery. This has generated an additional 10 posts for local people. We hope this demonstrates our love and commitment to the village and its people.
34. As you will be aware, this is our second application for housing on the site. We withdrew our first application following officer advice and a belief we could, with advice from officers of the Council, significantly improve the proposal we now place before you. Following detailed discussions with Council officers over a two year period, we now believe we have a scheme that comprehensively addresses all the previously identified concerns and is now worthy of formal consideration of this Committee.
35. This proposal is facilitated by access to the north of The Black Horse. However, given our relationship to this community facility, we have already been able to secure significant improvements to the entrance from Front Street following discussions and advice from Alan Glenwright, Principal Highways Engineer and a safer, well laid out car park. The proposal will not utilise the existing access from Tudhoe Lane to the south and between Numbers 15 and 15a. However, access will have to be retained to the land to the north of the site to enable hay and boundary hedge cutting.
36. Over the two years, we have had discussions with Design and Conservation officers and several designs have evolved and been considered. As a result of this close working relationship, we believe we can now put forward an energy efficient design of an appropriate scale, form and layout using a material palette sympathetic and echoing the buildings within the adjacent Conservation Area. We understand the resulting proposal has the support of the Conservation and Design team.
37. We have been mindful of concerns raised in relation to our initial proposal by the Parochial Council of St David's Church (to the west of the site) regarding the potential noise pollution leaking from the old church to the detriment of the residential amenity of end users of the proposal. We took this concern seriously, not least because the family intends to occupy part of the development. We commissioned a Noise Impact Assessment undertaken by Rydale testing. While rather technical, the assessment deduced that acceptable levels of noise would be experienced by end users that would preserve their residential amenity. However, together with the Parochial Council, we saw an opportunity to improve the situation further. This is a matter out with today's considerations, but it may be useful to the Committee to know that if planning

permission is granted we intend to gift land to the north of the Church to the Church, and a strip of land providing access to it, for use as a community garden for practitioners to enjoy. This would also facilitate the replacement of the Church's door in its east elevation with a new one in the north elevation providing access to the new garden area. Again, subject to obtaining planning permission, we intend to undertake these works subject to obtaining any necessary consents at our own cost. Although our NIS clarified acceptable noise levels would be experienced by end users, these proposed works would reduce the potential noise experienced by end users even further.

38. Our intent to develop the land has already resulted in community and personal benefits including settled boundary wall disputes, reinstatement of deteriorated boundaries, the grant of legal access across PH car park to neighbouring property and improvements to the access and car park of the Black Horse PH, a community asset. The grant of planning permission will generate further community benefits as explained above.
39. In conclusion, we have taken time to prepare a scheme, alongside officers of the Council, that we feel passionate about, will maintain our loving commitment to our village and provide additional market housing of design and quality that end users and the community at large will benefit from for many years to come. Again, thank you for your time considering my comments in this statement.

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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40. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of the development, housing supply, scale/design, privacy/amenity, highways impact, ecology and coal mining/contamination.

The principle of the development

41. Saved policies H17 and D5 of the Sedgefield Borough Local Plan support new residential development on backland and infill locations where this can achieve a satisfactory means of access and parking provision, satisfactory amenity and privacy for both the new dwellings and existing adjacent dwellings, and where development is in keeping with the scale and form of adjacent dwellings and the local setting of the site. These policies are considered consistent with the NPPF and therefore relevant development plan policies for the purposes of paragraph 11 of the NPPF.
42. The application site is located to the north and west of existing residential properties on Tudhoe Lane and Front Street, on the edge of the Spennymoor settlement, a main town within the County Durham Settlement Study that provides access to a wide range of local facilities and services and acts as a public transport hub for a wider hinterland. Located close to one of the main thoroughfares serving the settlement, the site is located within an established residential environment providing good links to local amenities and services in the town and sustainable linkages to surrounding settlements without placing overreliance upon private vehicle use.
43. The site is therefore located in a sustainable and accessible location where the principle of infill residential development may be considered acceptable subject to the material planning considerations set out within this report.

## Housing supply:

44. Paragraph 73 of the NPPF requires Local Planning Authorities to maintain a five-year supply of deliverable sites (against housing requirements) to ensure choice and competition in the market for land. Paragraph 60 of the NPPF advises that, to determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance. In applying that methodology for County Durham, the Objectively Assessed Need (OAN) figure would be 1,368 dwellings per annum (dpa).
45. The Government issued draft planning guidance on 9 March 2018, which sets out that where a local plan is more than five years old and the housing figure needs revising, as is the case in County Durham, the starting point for calculating land supply will be local housing need using the standard methodology. The CDP is aligned with the standardised methodology and formally endorses the use of 1,368dpa as the OAN figure. Against the 1,368dpa figure, the Council is able to demonstrate in excess of 6 years supply of deliverable housing land. The weight to be afforded to the boost to housing supply as a benefit of the development is therefore clearly less than in instances where such a healthy land supply position could not be demonstrated. This will need to be factored into the planning balance accordingly.
46. The contribution that 3no. additional units would make to land supply is not considered to be significant and can only be afforded limited weight in the determination process. Likewise, whilst the creation of employment during construction would represent a benefit, given the small scale nature of the development and the short term duration of construction only limited weight can be applied in this instance.

## Scale/Design:

47. Part 12 of the NPPF and saved policy D1 of the Sedgefield Borough Local Plan seek to ensure good design in new developments, having regard to a sites natural and built features and the relationship to adjacent land uses and activities. Saved policies H17 and D5 are consistent with the NPPF and support new residential development on backland sites where new development is in keeping with the scale and form of adjacent dwellings and the local setting of the site.
48. Paragraph 127 of the NPPF seeks to ensure that new developments are sympathetic to local character and history of the site, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.
49. The proposed development is for 3no contemporary style, two storey dwellings on greenfield land, located outside of the Tudhoe Village Conservation Area (some 130m to the west), and with no designated or non-designated heritage assets within the proposed development site or immediate surrounds. The proposals result from a lengthy history of discussion between the planning department and the applicant to arrive at a scheme which is considered a significant improvement to that originally submitted and withdrawn in October 2015.
50. It is accepted that the proposed development would appear at odds with the traditional, terraced residential properties to the south and east. However, the applicant has set out from the start that they are not seeking to replicate the existing village design but introduce a new point of visual interest albeit one which given existing topography and surrounding development would be well screened from many public aspects.

51. The proposed detached dwellings would overlook undeveloped countryside to the north and to the south would face towards the rear of properties on Tudhoe Lane at a lower ground level to their neighbours. The 2 storey elements of the buildings would contain a sloping roofline, reducing their overall impact and massing. The contemporary design would reference the materials palette of the nearby Conservation Area and include a level of depth and visual interest with projecting gable detailing, double height, vertical glazing and feature chimneys extending beyond the height of the dwellings. The dominant material would be stone with accents of render and grey cladding with grey double glazed doors and windows as detailed in submitted plans. The roof treatment would be a combination of grey standing seam and sedum.
52. Given the aforementioned plan form and topography of the site, there would be limited intervisibility between the site and nearby designated heritage assets with no perceived impact on the setting of those nearest heritage assets.
53. There would be no objections to the proposals from a design and conservation perspective, consistent with the provisions of part 12 of the NPPF and saved policies H17, D1 and D5 of the Sedgefield Borough Local Plan. In the interests of maintaining good design, ensuring control over future development at the site whilst resisting encroachment into the open countryside to the north, Permitted Development Rights for future extensions and outbuildings are to be removed by condition.

#### Privacy / Amenity:

54. Saved policies H17, D1 and D5 of the Sedgefield Borough Local Plan seek to ensure that new developments provide satisfactory amenity and privacy for new and existing adjacent dwellings. Supplementary Planning Guidance Note 3 sets minimum separation criteria between dwellings, requiring a minimum 21m distance between opposing windows of primary elevations and 14m between primary and gable elevations of neighbouring property.
55. The dwellings would be located to the north of terraced properties on Tudhoe Lane maintaining a minimum separation in excess of 30m between the principal south facing elevations and the rear, north facing elevations of existing properties which are raised at a higher ground level above the application site. For this reason, there would be no overlooking windows within close proximity of another resulting in privacy/amenity issues.
56. All three dwellings would be orientated in a north south direction off the access road and would provide reasonable amounts of private amenity space to the north and south of each plot. Private garden spaces would be enclosed by 1.8m high boundary fencing and a native species hedgerow would be planted around the site perimeter. Specific landscape details concerning garden spaces and undeveloped land to the south of the development plots are to be controlled by condition.
57. The application is accompanied by a noise assessment (Ryedale Testing Noise Assessment 2015) which has been updated by addendum to the satisfaction of the Environmental Health officer. Initial concerns were expressed over the proximity of plot no.1 to the Church Hall to the west in terms of noise disturbance from community activity within this hall. A fire exit door presently opens from the eastern elevation of the hall immediately adjacent to this plot with parking to the south. The applicant agrees to undertake works to the positioning of this fire exit, re-siting this to the rear (northern elevation) of the hall at their own cost, details of which are confirmed in submitted plan ref: 212, showing this door opening north onto an area of land to be gifted to the church hall by the applicant to be used as a community garden. Environmental Health officers raise no objections to this arrangement, subject to the

submission of a post completion noise survey of the site to ensure internal and external noise levels are achieved within recommended BS noise levels.

58. With regards to the demolition and construction phases, it is inevitable that some level of disturbance to neighbouring residents would result from site operations. However, this can be appropriately controlled in terms of site operations and operational hours so as to minimize noise emissions from the site during more sensitive hours. Subject to condition, the proposals would be deemed acceptable in the context of saved policies H17 and D5 of the Sedgefield Borough Local Plan.

#### Highways:

59. Saved policies D1 and D3 of the Sedgefield Borough Local Plan are consistent with the NPPF and seek to ensure that new developments achieve satisfactory means of access, maneuvering, turning and parking space for the number and type of vehicles using the development. NPPF Part 9 seeks to ensure that development only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
60. The proposed dwellings would be served by a newly constructed shared access to the front (south) of the 3no. plots, linking with the Black Horse PH car park to the east. Access to the site would be achieved through this car park (owned by the applicant) onto the B6288 North Road, with the existing PH car park access to be modified so as to improve the junction site visibility. Plan ref: 201 rev M confirms a reduction in height of the boundary wall to the north of this junction so as to achieve the required 2.4 x 43m junction sight visibility splay to the north. Along with the achievable 2.4 x 43m junction sight visibility splay to the south, a safe and satisfactory access can be achieved onto North road to serve the 3no. proposed dwellings with no highway objections raised.
61. With regards the proposed internal road layout, the 4.8m wide private shared driveway arrangement includes a good sized turning head in conjunction with strategically located refuse collection points, which are welcomed from a highways point of view. The 3no. 3 bedroomed dwellings would all be supported by double/triple detached garages with at least 2-3 on-site car parking spaces, in conjunction with a double length parallel visitor car parking arrangement. The overall on-site car parking provision is considered very good and exceeds the minimum requirements outlined in the DCC residential Car Parking Standards.
62. Proposals also include a reconfiguration of the existing Public House car park which would represent an acceptable and practical arrangement and a significant improvement from the existing ad-hoc parking arrangement serving the PH.
63. Regarding the existing field access gate to the south, submitted plans detail this access to be retained, ensuring a future maintenance access to fields to the north direct from Tudhoe Lane down the side of proposed plot no.1. This access would not be used in association with the proposed development, to be controlled by condition in the interests of highway safety.
64. Subject to conditions ensuring the creation and maintenance of an upgraded access onto North Road and restriction of use of the existing southern access, there would be no highways objections to the proposals which are considered to satisfy the provisions of saved policies D1 and D3 of the Sedgefield Borough Local Plan. It is not expected that any increase in traffic movements to and from the site would give rise to severe

residual cumulative impact or highway safety concerns in accordance with Part 9 of the NPPF.

## Ecology

65. Part 15 of the NPPF seeks to ensure that when determining planning applications, Local Planning Authorities seek to conserve and enhance biodiversity. The application has been submitted alongside an Ecological Scoping Survey (Hesketh Ecology, August 2018) confirming negligible to low level risk to protected species. No ecological objections are raised subject to adherence to recommendations detailed in the report, including but not restricted to the inclusion of bat roosts/features into the proposed dwellings. Submitted plans demonstrate that the provision of bat boxes is deliverable, with the proposals to achieve the necessary biodiversity net gains as required by the NPPF.

## Coal Mining/Contaminated land

66. Part 15 of the NPPF seeks to prevent unacceptable risks from pollution and land stability. Where a site is affected by contamination or where land stability issues arise, responsibility for securing a safe development rests with the developer and/or land owner. As the site is in a high risk area for previous coal workings and given the presence of surrounding sites where previous uses may have caused contamination, approval is recommended subject to the imposition of relevant conditions as recommended by the Coal Authority and the Contaminated Land section. Subject to the above, the application would be considered to satisfy the provisions of Part 15 of the NPPF.

## Other matters

67. Voluntary contributions

Proposals include the change of use of a parcel of land to the rear (north) of the adjacent Church Hall to the west of the site. Some 170m<sup>2</sup> of the applicants' land is to be gifted to the owners of the adjacent Church hall as a voluntary contribution, with an intention to use this space as a community garden for future users of the site. This land would be bordered to the north with the planting of a new native species hedgerow and to the east by the proposed boundary fencing to the rear garden space of plot no.1. When viewed in the context of undeveloped land to the north, the area of land to be lost would be negligible consistent with the principles of saved policy L5 of the Sedgefield Borough Local Plan, with the resulting community benefits and improvement in facilities for future users of the adjacent Church Hall welcomed.

68. Creation of a precedent for land to the north

Public concerns relating to the creation of a precedent for future development to the north of the site cannot be considered as a material planning consideration relevant to the determination of the application. All applications can only be considered on their own merits with no current proposals to develop land to the north of the site.

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## **CONCLUSIONS**

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69. Permission is sought for the erection of 3no. detached dwellings on greenfield land to the north of Tudhoe Lane, Spennymoor including the change of use of a small parcel of land adjacent to a community garden to be used in association with the adjacent Church Hall. The dwellings would be served via a newly created shared access road

which links to North road to the east through the adjacent Black Horse PH car park which is to be reconfigured involving improvements to the existing PH access onto the B6288 North Road to the east.

70. Located within the existing settlement the site provides good access to a range of facilities and services within a sustainable location. Although the benefits to housing supply would be limited and associated economic and social benefits from the 3 dwellings would be equally modest, development would see the provision of 3no. contemporary detached dwellings within an area dominated by smaller terraced properties. Landscape impact would be kept to a minimum given the existing topography of the site and presence of surrounding terraces which largely screen the site. An appropriate landscape scheme and boundary treatments have been presented as part of the proposals.
71. There would no adverse highways or ecological impacts arising from the development with the modern contemporary design considered acceptable in this secluded setting. The proposals would not impact on any designated heritage assets and maintain sufficient separation from Tudhoe Village to the west so as to prevent the merging of Tudhoe Village with the remainder of the Tudhoe settlement. Community benefits to be controlled by condition would result from the gifting of land to the adjacent Church Hall and the resiting of the fire exist doors to the north of the hall opening into a community garden space, benefit future users of the church hall whilst reducing potential disturbance for neighbouring properties. Other benefits include the reconfiguration of the existing PH car park to the east and junction visibility improvements for users of the PH onto North Road.
72. The views of neighbouring objectors have been considered and addressed where relevant. Whilst the redevelopment of the site would lead to some temporary disturbance to local residents during the construction period, such concerns can be effectively managed through condition, controlling working hours and construction activities so as to minimise the adverse impacts relating to site development.
73. Having regard to the relevant policies and material planning considerations, including representations received it is considered on balance that the adverse impacts of the development do not significantly and demonstrably outweigh the benefits. The proposals are considered to satisfy the principles of Parts 5, 9, 12 and 15 of the NPPF and saved policies D1, D3, D5, H17 and L11 of the Sedgefield Borough Local Plan, as well as SPGNote 3. Approval is recommended subject to the following conditions.

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## **RECOMMENDATION**

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That the application be **APPROVED** subject to the following conditions:

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.*

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

001 rev C (Location Plan), received 27 November 2018

102 rev C (Site sections, existing and proposed), received 27 November 2018

201 rev M (Proposed site plan/Block Plan), received 11 March 2019

210 rev K (Dwelling type 1 – Proposed plans and elevations, boundary wall and bin enclosure details), received 28 February 2019

211 rev F (Dwelling types 2 and 3 – Proposed plans and elevations, garage plans and elevations), received 28 February 2019

212 (Church Hall Work), received 28 February 2019

*Reason: To define the consent and ensure that a satisfactory form of development is obtained.*

3. Height reduction works to the northern boundary wall adjacent to the proposed access onto North Road (as detailed in approved plan ref: 201-L, received 28 February 2019), shall be carried out to the satisfaction of the Local Planning Authority and approved in writing prior to the occupation of the dwellings hereby approved. Visibility of 2.4m x 43m to the north and south of this junction shall remain unobstructed at all times, with no structure or planting placed or positioned between the line of the visibility splay and the highway.

*Reason: In the interests of Highway Safety and in accordance with saved policy D3 (Design for access) of the Sedgefield Borough Local Plan.*

4. The existing access from the site onto Tudhoe Lane to the south shall not be used by vehicular or construction traffic in association with the approved development.

*Reason: In the interests of Highway Safety and in accordance with saved policy D3 (Design for access) of the Sedgefield Borough Local Plan.*

5. Prior to the first occupation of the dwelling hereby approved, a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme of landscaping shall include details of all hard and soft landscaping areas including details of planting species, sizes, layout, densities, numbers, method of planting and maintenance regime, as well as indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.

*Reason: In the interests of the visual amenity of the area and to comply with policies D1 and E15 of the Sedgefield Borough Local Plan.*

6. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first available planting season following the practical completion of the development and any trees or plants which within a period of 5 years from the substantial completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

*Reason: In the interests of the visual amenity of the area and to comply with policies D1 and E15 of the Sedgefield Borough Local Plan.*

7. Upon first occupation of the dwellings hereby approved, the applicant shall submit a post completion noise assessment carried out by a competent person in accordance with all relevant standards, on the internal and external noise levels associated with the development so as to ensure they are within recommended noise levels as per BS8233:2014. The aim of the report will be to establish whether further sound attenuation measures are required to protect future residents from the transferral of sound from road traffic and commercial noise. In the event that the acoustic report finds that the following noise levels would be exceeded a noise insulation scheme shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be permanently retained thereafter.

*Reason: In the interests of protecting the amenities of future residents of the site in accordance with saved policies H17 and D5 of the Sedgefield Borough local Plan.*

8. Prior to the commencement of the development hereby approved, intrusive site investigation works shall be undertaken in order to establish the exact situation regarding coal mining legacy issues on the site. A report detailing the findings of these investigations shall be submitted to and approved in writing by the Local Planning Authority alongside a scheme of remedial works (where relevant) prior to the commencement of development.

The approved remedial works shall be completed on site prior to the commencement of development.

*Reason: The application site is located within a defined development high risk area where there may be coal mining features and hazards which would need to be considered in relation to the determination of the application in accordance with Part 15 of the NPPF.*

9. The development hereby permitted shall not commence until a pre-commencement scheme to deal with contamination has been submitted to and agreed in writing with the Local Planning Authority. The full scheme, both pre-commencement and completion shall include the following, unless the Local Planning Authority confirms in writing that any part of sub-sections a, b, c, d or e are not required.

Throughout both the pre-commencement and completion phases of the development all documents submitted relating to Phases 1 to 4 as detailed below shall be carried out by competent person(s) and shall be submitted to and agreed in writing with the Local Planning Authority.

#### Pre-Commencement

- (a) A Phase 1 Preliminary Risk Assessment (Desk Top Study) is required to identify and evaluate all potential sources and impacts on land and/or groundwater contamination relevant to the site.
- (b) If the Phase 1 identifies the potential for contamination, a Phase 2 Site Investigation and Risk Assessment is required to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications. Prior to the Phase 2 a Sampling and Analysis Plan is required.
- (c) If the Phase 2 identifies any unacceptable risks, a Phase 3 Remediation Strategy detailing the proposed remediation and verification works is required. If gas protection measures are required a verification plan is required detailing the gas protection measures to be installed, the inspection regime and where necessary integrity testing programme. The installation of the gas membrane should be carried out by an appropriately qualified workforce and the verification of the installation should be carried out by an appropriately competent, experience and suitably trained person(s) (preferably independent to the installer) to ensure mitigation of the risk to the buildings and the people who occupy them. No alterations to the remediation proposals shall be carried out without the prior written agreement of the Local Planning Authority.

#### Completion

- (d) During the implementation of the remedial works (if required) and/or development if any contamination is identified that has not been identified pre-commencement, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be carried out in accordance with part b of the condition and where necessary a Phase 3 Remediation Strategy shall be prepared in accordance with part c of the condition. The development shall be completed in accordance with any amended specification of works.
- (e) Upon completion of the remedial works (if required), a Phase 4 Verification Report (Validation Report) confirming the objectives, methods, results and effectiveness of all remediation works detailed in the Phase 3 Remediation Strategy shall be submitted to and agreed in writing with the Local Planning Authority within 2 months of completion of the development. If integrity testing of the membrane(s) was required a verification pro forma should be included.

*Reason: The site may be contaminated as a result of past or current uses and the Local Planning Authority wishes to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems in accordance with NPPF Part 15.*

10. No development shall commence until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the Local planning authority. The drainage shall be completed in accordance with the details and timetable agreed.

*Reason: To ensure proper drainage of the site in accordance with Part 15 of the NPPF.*

11. Prior to first occupation of the dwellings hereby approved, the applicant shall undertake the necessary works to the adjacent Church Hall as detailed in approved plan ref: (Church Hall Work), received 28 February 2019.

*Reason: To ensure reasonable noise mitigation measures can be achieved between adjacent uses and to provide community benefits to the proposals in accordance with saved policies H17 and L11 of the Sedgefield Borough Local Plan.*

12. No development shall take place unless in accordance with the recommendations detailed within the Ecological Scoping Report (Hesketh Ecology, August 2018) including but not restricted to the inclusion of bat roosts/features or integrated boxes into the proposed new dwellings on site as detailed on approved plan ref: 210 rev K and 211 rev F, received 28 February 2019

*Reason: To conserve protected species and their habitat in accordance with Part 15 of the NPPF.*

13. Notwithstanding the provisions of Class A, B, C, D, E, F and G of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order) details of any enlargement, improvement or other alteration to the dwelling(s) hereby approved and any buildings, including sheds, garages and glass houses to be erected within the curtilage of the dwellinghouse(s) shall be submitted to and approved in writing by the Local Planning Authority.

*Reason: In the interests of visual amenity and good design in accordance with saved policies H17, D1, D5 and E1 of the Sedgefield Borough Local Plan*

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 0800 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 0800 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. For the purposes of this condition, construction works are defined as: The carrying out of any building, civil engineering or engineering construction work involving the use of plant and machinery including hand tools.

*Reason: In the interests of the privacy/amenities of neighbouring occupiers and to comply with saved policy D1 of the Sedgefield Borough Local Plan.*

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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The Local Planning Authority in arriving at its decision have, without prejudice to a fair and objective assessment of the proposals, issues raised, and representation received, sought to work with the applicant in a positive and proactive manner. The Local Planning Authority have sought to ensure that this application has been determined within a mutually agreed

extended determination period which accounts for the planning committee schedule and all pre-commencement conditions have been agreed with the applicant beforehand.

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## **BACKGROUND PAPERS**

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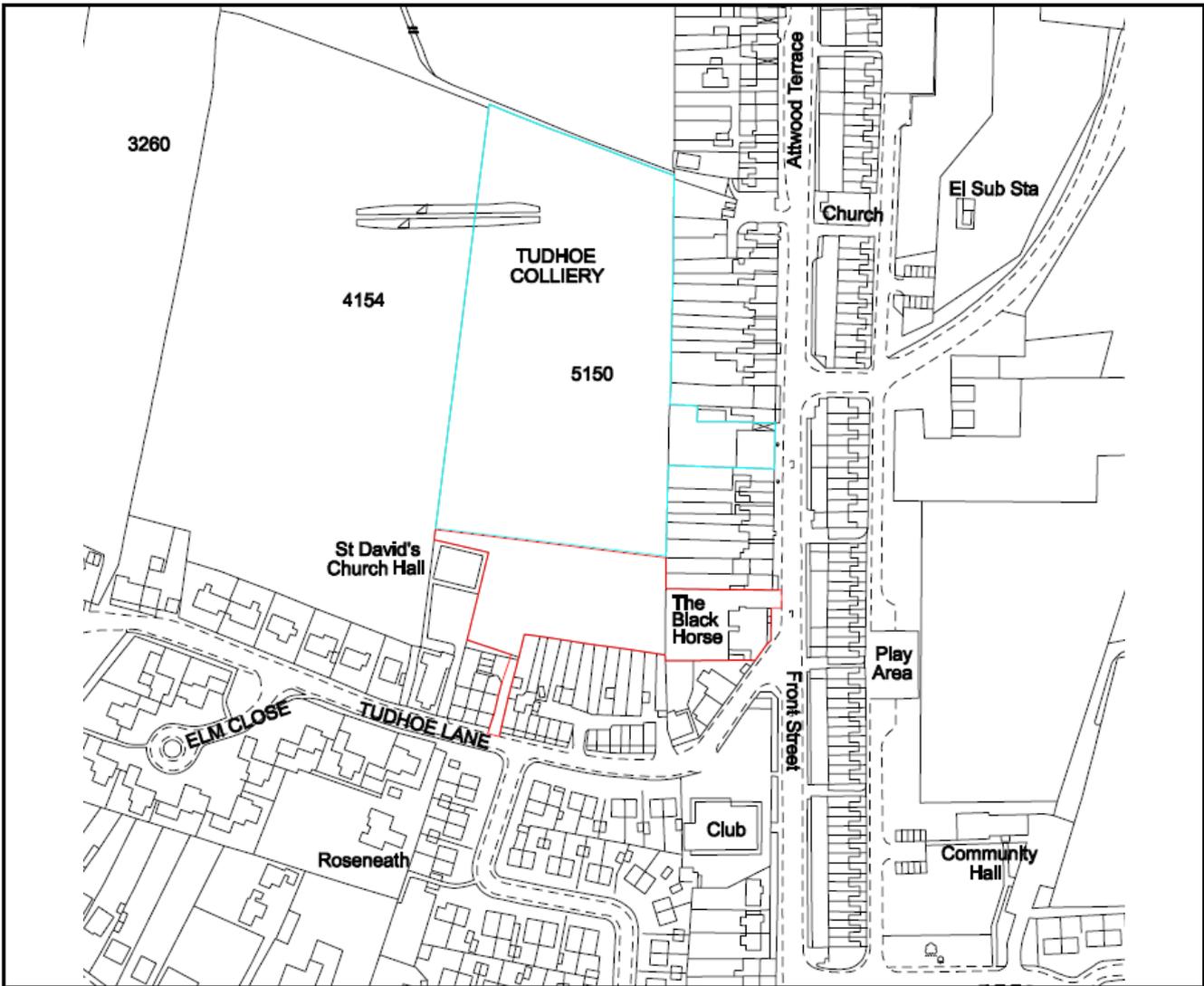
Submitted Application Forms, Plans and supporting documents

National Planning Policy Framework

Sedgefield Borough Local Plan

Statutory response from the Highway Authority and The Coal Authority

Internal responses from Ecology, Environmental Health and Contaminated Land, Spatial Policy, Conservation and Design, Drainage and Landscape



 <p><b>Durham</b> County Council</p> <p><b>Planning Services</b></p>	3no. dwellings	
<p>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</p>	<b>Comments</b>	
	<b>Date 21 March 2019</b>	