



County Planning Committee

Date Tuesday 7 June 2022
Time 9.30 am
Venue Council Chamber, County Hall, Durham

Business

Part A

1. Apologies for Absence
2. Substitute Members
3. Declarations of Interest
4. Minutes of the meeting held on 3 May 2022 (Pages 3 - 20)
5. Applications to be determined
 - a) DM/21/02990/FPA - Croxdale Farms, Hett Moor Farm, Hett, Durham, DH6 5LJ (Pages 21 - 54)
Installation and operation of a Solar Farm together with all associated works, equipment and necessary infrastructure
 - b) DM/21/04097/FPA - Site of Former Tudhoe Grange Comprehensive School, Durham Road, Spennymoor, DL16 6SQ (Pages 55 - 84)
New 630 place Primary School
 - c) DM/21/04047/FPA - Site of Former Electrolux, Merrington Lane Industrial Estate, Spennymoor, DL16 7EY (Pages 85 - 114)
Erection of 27 dwellings with associated infrastructure (revised description 16/05/2022)
6. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration
7. Any resolution relating to the exclusion of the public during the discussion of items containing exempt information

Part B

Items during which it is considered the meeting will not be open to the public (consideration of exempt or confidential information)

8. 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
26 May 2022

To: **The Members of the County Planning Committee**

Councillor G Richardson (Chair)
Councillor A Bell (Vice-Chair)

Councillors D Boyes, J Higgins, C Hunt, P Jopling, C Marshall,
C Martin, M McKeon, B Moist, P Molloy, I Roberts, K Shaw,
A Simpson, S Wilson and S Zair

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DURHAM COUNTY COUNCIL

At a Meeting of **County Planning Committee** held in Council Chamber, County Hall, Durham on **Tuesday 3 May 2022 at 9.30 am**

Present:

Councillor G Richardson (Chair)

Members of the Committee:

Councillors A Bell (Vice-Chair), D Boyes, J Higgins, C Hunt, P Jopling, C Marshall, C Martin, M McKeon, P Molloy, I Roberts, K Shaw and S Zair

1 Apologies for absence

Apologies for absence were received from Councillors B Moist and A Simpson.

2 Substitute Members

There were no substitute Members in attendance.

3 Declarations of Interest

There were no declarations of interest. The Chair informed the Committee that the application at Agenda Item 5 (c) was within his Electoral Ward.

4 Minutes

The minutes of the meeting held on 5 April were confirmed as a correct record and signed by the Chair.

5 Applications to be determined

a DM/21/03839/FPA - Land north of Delves Lane, Consett

The Committee considered a report of the Senior Planning Officer regarding an application for the erection of 288 dwellings with associated access, landscaping and infrastructure (revised description 28/02/22) on land north of Delves Lane, Consett (for copy see file of Minutes).

L Eden, Senior Planning Officer provided a detailed presentation of the application which included a site location plan, aerial photograph, site

photographs, proposed site plan, proposed landscape strategy and proposed design approach.

The Senior Planning Officer informed the Committee that Northumbrian Water had recommended a conditional approach to securing a scheme of foul water and this condition had been omitted from the recommendations in the report.

Councillor A Stirling, local Member, addressed the Committee. Councillor Stirling thanked the Senior Planning Officer for the thorough report and for her assistance through the planning process.

Councillor Stirling queried whether the site should be considered for development. Policy 6 of the County Durham Plan stated that the development of unallocated sites must be appropriate in terms of scale, design, layout and location to the character, function, form and setting of the settlement.

Councillor Stirling referred to the scale of the proposed development which she did not consider was adequately addressed in the report. For context Councillor Stirling informed the Committee that Delves Lane Ward had three developments which were either started or were in planning and this did not include the Project Genesis plan. The three proposed or planned developments combined would add over 3,000 new residents to the village which was a population increase of 36.5% taking the population from 8,279 to 11,304. The combined plans would have a considerable impact on local amenities and this was not taken into consideration in the report.

This proposed development alone would increase the population of Delves Lane by 20% and Councillor Stirling questioned whether a 20% increase in population from a single development on three large farmers' fields was of an appropriate scale.

Most of the proposed properties were large four bedroomed family homes. Councillor Stirling had checked the submitted planning documents which included plans for each house style which illustrated the number of bedrooms per property and the number of residents per house style. From the applicants plans a figure of 1,659 new residents was reached which was the 20% population increase previously referred to. Although not all homes may be filled to capacity and the figures were for guidance only the houses were being built for a certain number of residents per house and would be sold on this basis.

Referring to scale, the amount of funding required by the NHS was based on 2.3 people per household, or 662 new patients. The smallest house on the development was a four person house with an average of 5.8 people across

all homes. This should result in the NHS receiving £348,600 and not the £139,104 proposed. Councillor Stirling wondered which other calculations may not be appropriate, for example traffic or education.

Of 1,659 new residents the number of school places quoted as being required was only 124 which was 7.5%. This was a family estate. The current demographic data of Delves Lane showed that school age children made up 22.8% of the population, not 7.5%. Councillor Stirling argued again that this calculation was inappropriate and the number of school children based on 22.8% would be closer to 378 school places required. While the local primary school had some capacity, but not three class sizes worth based on the 89 children mentioned in the report. There was no budget in this proposal allocated to the primary school. The Head Teacher of the school had said that although the school was not full in all year groups currently, based on the projected numbers the school would go well over school admission numbers. The school had limited access to funding and a higher number of pupils with Special Educational Needs. Increased pupil numbers would need more classrooms, the school had very limited Capital Funding and would need substantial support from the County Council for buildings and support with school funding.

Section 19 of the County Durham Plan regarding the type and mix of housing Councillor Stirling questioned the 10% affordable housing on site which were bungalows. Due to County Durham's ageing population there was a great need for bungalows, particularly smaller sized houses. The proposed bungalows on this development were all three-bed four-person households and were Dormer bungalows with an upstairs. These would become large family homes and the term bungalows had been used to make the development easier to go through the planning process.

Paragraph 97 of the report referred to an allocation of £57,600 to Delves Lane Community Centre, however the Persimmon scheme had allocated a substantial amount of money to the Community Centre already and Councillor Stirling asked how much funding was going to be allocated to one small building. This development extended Delves Lane boundary further from the village centre with no facilities proposed and new community assets should be built using funding properly allocated based on the correct number of new residents.

Councillor Stirling urged the Committee to review the s106 contributions and to insist they were increased to avoid the collapse of local services in the village. Furthermore, Councillor Stirling hoped that the Committee would listen to the views of local residents who opposed the development and seriously consider whether a 20% uplift in a villages population met Policy 6 of the County Durham Plan in terms of scale.

Councillor M Walton, local Member, addressed the Committee. Councillor Walton thanked the Senior Planning Officer for the detailed report.

Councillor Walton informed the Committee that residents had submitted hundreds of objections to this development which the Committee would have already had sight of. However, they had also asked their local Members to represent their views to the Planning Committee and Councillor Walton put to the Committee some of the many reasons this development should not be approved.

The Strategic Housing Land Availability Assessment effectively ruled out this area for development and concluded that the land was identified as Amber which was unsuitable for building. The applicant stated that the site fell within Policy 6 of the County Durham Plan. However, residents stated that it was not in a built-up area and was not within Consett. It was poorly related to the existing settlement and was partially contained by the road.

The first paragraph stated that proposals for new development would be permitted where they would not cause unacceptable harm to the landscape or to important features or views. This development would cause huge changes to the current landscape. The area was a natural habitat for the wildlife which would disappear once the groundworks commenced on this development. It was hard to understand how the applicant believed they could move the animals from their natural habitat to other areas without any impact. The wildlife in these fields had lived undisturbed and would not understand that they were no longer allowed to freely roam in the area that had been home for years. There were well established trees and hedgerows all of which would experience levels of disturbance or permanent removal should this development be permitted.

The Planning Committee was urged to assess the serious and adverse impact this development would have on the countryside and current residential amenity. The adverse effect of noise, disturbance, overlooking and loss of privacy. It would have a huge visual impact on the landscape, changing the village forever. These fields were agricultural land and had been arable farming and grazing lands for over 50 years.

Residents' health and welfare must be a consideration. There were numerous residents' who worked unsociable shift patterns who would be directly impacted by the noise, drilling and additional traffic, which would result in ill health and sleep deprivation.

The planning report acknowledged that the current infrastructure of this area could not cope with this level of development and highlighted numerous works to be completed to accommodate the traffic, GP facilities, dentists and schools which were all oversubscribed. Derwentside Primary Care Network covered 12 GP surgeries, which was more than any other in County Durham. It had a population of over 94,000, the recommended population for this was between

30,000 – 50,000. Proposals to support the lack of facilities was that the developer would provide a contribution to medical services of £139,000, which equated to one GP for a year, after which time more pressure would be placed on the already overstretched NHS services as more residents had to revert to A & E for medical support.

A planning application to build up to 30 houses was recently refused for a developer located in Fishburn. The Council for the Protection of Rural England (CPRE) objected. The CPRE objection was related to the encroachment into countryside. It was of particular interest that Council officers involved in the Fishburn planning application felt that the scheme could lead to ecological harm and significant incursion into an attractive and prominent landscape and that it conflicted with policies. There were huge similarities to the present application. This development would destroy an area of natural beauty, the gateway to the Northwest Durham countryside.

The area had been subjected to a huge amount of development resulting in Permission, Gleeson, Miller, and Amethyst all having housing developments in the planning system resulting in a significant number of new houses all adding to an already congested road system. Only five weeks ago Councillor Walton had asked the Committee to refuse to allow one of the developers to remove a condition to improve road safety. Residents were concerned that builders said anything to get approval then just got the conditions removed one by one and this was becoming hard to argue against when the very same concerns got raised with every development applied for but then there was no requirement from the Council to ensure these concerns were properly addressed and conditions upheld.

These were just a few of the reasons residents questioned why it would even be considered to build on these fields. As mentioned, the Committee would have had sight of all of other reasons this development should not go ahead. These points had not changed and would not change now or in the future. Councillor Walton implored the Committee to please listen to local residents and refuse this application.

Susan Huntsman, local resident addressed the Committee to object to the application. She had lived in the area for nearly 30 years and wanted the Committee to know the strength of feeling within the community.

This application had united the community as one voice in opposition to the plans of the applicant. Residents hoped the Committee had the chance to read the hundreds of letters and emails from residents that were uploaded to the Planning portal that encompassed the strength of feeling and legitimate objections to this proposal.

In addition to the issues already highlighted by the local Members, residents wished to make the following points. The proposals for access routes to Greenways via College View and Meadow View were of a major concern. The routes were unjustified and unnecessary. The residents did not want the access routes which would encroach onto the security of the Greenways estate. The proposed entry into College View would be through a very small cul-de-sac which was not wide enough to turn a car and had been managed by the local residents since the estate was built in 1963. To facilitate the access would require cutting through hedgerows and disturbing a mature oak tree, impacting on wildlife and creating a rat-run for use and anti-social behaviour.

The proposed access through the existing field between College View and Greenways leading onto Meadow View would require breaking through boundaries onto land which the council did not own. This would be unlawful and would require further investigation and consultation prior to any decision being made regarding the applicant adopting privately owned land.

The proposed bus stop on Meadow View and Ladywell Road posed major health and safety issues in their positioning. It was virtually impossible to navigate the estate with the current levels of traffic without adding further congestion through buses stopping. The estate roads were never designed to accommodate buses. Go Ahead Northern had confirmed the bus could be re-routed to the new estate which would require one bus stop to be added to the plan to accommodate access to public transport.

Despite numerous meetings with planning officers residents felt their objections had been ignored. The Planning Committee was being asked to give serious consideration when assessing this application as decisions made today would have a lasting effect on residents and change the village for ever.

Thomas Flannery addressed the Committee to object to the application. Mr Flannery referred to the proposed site of the development and referred to climate change with the site being on a flood plain. The area was subject to historic extensive mining and people were unaware of the stability of the land such that the Coal Authority had issued a directive to the developer that they needed to put a provision in place to stop damage to the current Greenways properties. Mr Flannery believed that going ahead with the development could be a criminal offence, given a warning that it could damage properties.

The road was not fit for purpose for a development of this size with only one entrance/exit for a 300-bed estate. This would cause congestion, general confusion, and access problems including for emergency vehicles. No consideration had been given to road design and traffic flows. Traffic from the development would flood onto a minor B road which Mr Flannery considered was not planned but was sheer danger. Mr Flannery travelled the road every day

and he considered it to be dangerous. He asked how traffic volumes had been quantified using data which was out of date and he considered to be useless.

The proposed development was being considered without any consideration to public safety and public health. There was no provision for services, the schools were overrun, the medical practices were overrun and the application proposed to add 600 people who would be seeking these services instantly.

Mr Stephen Litherland addressed the Committee in support of the application.

The applicant had worked with planning officers throughout the planning process to arrive at the scheme before the Committee for consideration. The proposals had been examined by the Council's Design Review Panel three times and each time the applicant had taken on board the constructive feedback from the Panel and had made changes to the scheme, in particular removing 11 units from the site to ensure there was a buffer between the residents of Greenways and the proposed development.

There were no outstanding objections from any of the statutory consultees. It was acknowledged there were a substantial number of objections from members of the public but the applicant had worked hard to ensure every material planning consideration had been addressed.

Referring to Policy, there was provision in the County Durham Plan for sites such as this to come forward under Policy 6. The applicant had worked hard with planners to ensure they met all the criteria set out in Policy 6 and this was confirmed in the report to Committee.

There were significant benefits from the development including 10% affordable housing, approximately 5.4 hectares of open space, a net gain in biodiversity of 11.99% in habitats and 107.73% in hedgerows, £833,694 in financial contributions and supporting 900 people through direct and indirect employment.

The application was well-balanced in planning terms and overall would be a positive addition to the area and Mr Litherland asked the Committee to approve the application.

Councillor Jopling referred to mention in the report of a restrictive covenant and sought clarity on this. N Carter, Planning and Development Solicitor replied he was unaware of the detail of any restrictive covenant but this was not a material planning consideration for the Committee.

Councillor C Marshall asked what the total estimated investment would be to the economy arising from the development. Mr Litherland replied that the total financial contribution from the development would be £833,694 split between secondary education, the NHS, community centres and a contribution to the

Lanchester Valley Railway Path. Other indirect benefits were jobs and tax benefits through tax revenues. It was calculated the development would generate £3.4m in general tax revenues and an annual Council Tax revenue of £325,284.

Councillor Molloy asked whether figures for the demand for housing from the current population of the village were known.

Mr Litherland replied that the developer was confident that the homes would sell otherwise they would not have brought the planning application forward adding that the current housing market was quite strong. Councillor Stirling replied that while some local people had expressed an interest in purchasing a property, the consensus was that local people were against the application and many local people would not be able to afford the houses.

Councillor Jopling referred to paragraph 67 where the Council's Strategic Land Availability Assessment (SHLAA) rated the site as being unsuitable and the Campaign for the Protection of Rural England (CPRE) wanted the application refused. The development would be an encroachment into the countryside and Councillor Jopling could not see how this would improve the green infrastructure. Councillor Jopling asked what type of heating was proposed for the properties and whether a wildlife survey had been carried out.

The Senior Planning Officer replied that the land had been considered within the SHLAA and had an unsuitable Amber classification. The SHLAA was a very high level assessment and when planning applications came forward they were accompanied by detailed reports and surveys which allowed officers to have a better understanding of the site and its impacts which may then justify a different recommendation and approach to the high level SHLAA assessment.

It was acknowledged that the development was an encroachment into the countryside but it was well contained by the settlement.

In terms of heating the Senior Planning Officer believed the developer proposed to install gas boilers but this had not been fully detailed. There was a condition proposed which sought to secure a scheme of CO₂ reduction measures and building regulation changes would also have an impact. Electric vehicle charging points and bike storage had also been secured. Councillor Jopling asked why no solar panels were proposed and informed the Committee she was unable to support the application because it was an encroachment into the countryside and on the grounds that the proposed houses were not being built for the future.

Councillor Hunt was concerned about the sustainable aspect of the proposed development and also about traffic issues with only one access onto the estate. P Harrison, Highway Development Manager replied that even with the additional traffic from the proposed development the road would be well within its capacity.

Councillor Boyes considered that the application hinged on Policy 6, whether it was a permitted development, whether it coalesced, highways issues and ecological issues. Looking at the applicant's statement Councillor Byes considered on balance there would be an improvement to the ecology and biodiversity, there would be improvements to the Railway Path and a community centre contribution. With reference to highways there were to be mitigation works on the Delves Lane roundabout, Gloucester Road mini roundabout, Leadgate roundabout, the Stockley T junction and the application had nearly 900 jobs attached to it. It would generate £3.5m into the local economy and on balance Councillor Boyes was happy to support the application.

Councillor McKeon had questions about whether the s106 contribution was adequate for education provision and whether there were enough affordable homes being proposed for the development.

Councillor Marshall informed the Committee that planning applications needed to be determined following the National Planning Policy Framework and the County Durham Plan which had recently gone through an independent inspection. It was dangerous for a Planning Committee to try to re-write Planning Policy and put the Council in a difficult position when trying to defend decisions the Committee makes. If any Members wished to rewrite or amend Planning Policy this should be put forward to the Cabinet and any amendment could only be done if it was in line with Government policy.

This application needed to be considered on its merits and Councillor Marshall was pleased the applicant had cooperated with the developer of another site in the area and that the officers had taken a strategic approach to the two developments. Referring to the s106 contributions these would be based on calculations using facts, figures and need provided and would be based on what was agreed in the County Durham Plan.

Councillor Marshall agreed with Councillor Boyes and seconded approval of the application.

The Senior Planning Officer informed the Committee that the s106 contributions were assessed on a case by case basis using set formulas which were based on planning law requirements and County Durham Plan policies. The School Places Manager had commented that there were sufficient places at primary school level but not at secondary school level and this was the reason the s106 contribution was for secondary education. The s106 contribution funded infrastructure not revenue and was to mitigate the impact of the development. The site was within a low viability area where there was a requirement for only 10% affordable housing. All relevant wildlife surveys had been undertaken.

Councillor Higgins informed the Committee that he had listened to all points put forward in the meeting and would be supporting approval of the application.

Councillor A Bell asked whether the site had been put forward in the County Durham Plan. The Senior Planning Officer considered that the site would have been put forward for the County Durham Plan. It was considered the application met the criteria under Policy 6.

Councillor Shaw informed the Committee there was a need to understand the significant outstanding need for housing in County Durham and the need for more social housing and affordable homes. There were over 9,000 people on the waiting list for social housing and of these 3,500 specifically to meet the needs of the elderly and disabled. These needs were diverse and profound and included the need for 2, 3 and 4 bed housing. This development dovetailed into the strategic housing plan. On balance Councillor Shaw informed the meeting he was minded to approve the application.

Upon a vote being taken it was

Resolved:

That the application be approved subject to the completion of a S106 Legal Agreement to secure the following:

- The requirement to enter into a S.39 Agreement to secure the long term management and maintenance, including a monitoring strategy of the biodiversity land;
- £225,070 towards improving offsite open space and recreational provision within Delves Lane Electoral Division;
- £57,600 towards improvements to the Sustrans National Cycle Network Route No. 14 (NCN14), also known as the Lanchester Valley Railway Path, within the vicinity of the development;
- £57,600 towards improving the facilities and services at Delves Lane Community Centre;
- £139,104 to increase GP surgery capacity;
- £579,390 towards secondary education provision;
- provision of 10% affordable housing units on site equating to 29 units for affordable home ownership

And the conditions contained in the report as well as a condition relating to foul water.

b DM/21/01520/FPA - Land to the rear of The Old Chapel, Colliery Road, Bearpark, DH7 7AU

The Committee considered a report of the Senior Planning Officer regarding an application for the demolition of existing buildings and erection of 148 two, three and four bedroom two-storey dwellings with associated works on land

to the rear of The Old Chapel, Colliery Road, Bearpark (for copy see file of Minutes).

A Inch, Strategic Team Leader provided a detailed presentation of the application which included a site location plan, aerial photograph of the site, site photographs, proposed site layout and typical elevations.

Councillor M Wilson local Member addressed the Committee. If approved, the development would be the first major build in the village for over 30 years. Whilst the development was welcomed there were concerns regarding the visibility when turning right off Colliery Road, with extra cars exiting from Colliery Road increasing the chance of an accident taking place. The moving of the site lines and extra signage would certainly help this. The proposed traffic calming measures along Colliery Road were welcomed as this road had caused concern for a number of years. While there had been objections on the development itself the major concern was the increase of traffic on Colliery Road. However, having spoken to officers Councillor Wilson considered all the issues raised about traffic had been addressed. Another concern raised was that access to the development would be through the Bishop Meadows Estate, but this option had now been deleted from the application and was not therefore relevant.

Councillor Wilson considered that the development would benefit the village and may also help retain the first-time buyers who would otherwise need to leave the village in search of affordable property.

Mr Dodds of Gleeson addressed the Committee. The applicant had worked closely with planning officers and consultees on the application which had resulted in no objections from the consultees. The application scored well at the design review stage especially in terms of the elevations and would bring benefits and much needed development to Bearpark.

There were plans to work closely with the adjacent primary school and the Committee was asked to support the officer recommendation for approval.

Councillor C Martin referred to the former employment land which was included as part of the site which was currently vacant and asked whether it was genuine vacant employment land. The Strategic Team Leader replied that he understood it was an estate which had been declining for a number of years and a number of tenants had then moved on. It did not provide modern employment land that was necessarily fit for purpose in terms of the types of buildings and facilities on site.

Councillor Martin agreed that Bearpark was in need of additional new housing and extra regeneration and **moved** that the application be approved.

Councillor A Bell agreed with Councillor Martin and **seconded** approval of the application.

Councillor Boyes informed the Committee he was supportive of the application adding that development was needed for communities to be sustainable.

Councillor Higgins considered the application would be an improvement for Bearpark and welcomed the proposed traffic calming measures at the primary school, the contribution to the primary school and improvements to the park. Councillor Higgins supported the application.

Mr Wiltshire addressed the Committee to express concerns of two local residents. The development would bring no new jobs or shops to the village and concerns had been expressed about the highway access onto Auton Stile from Colliery Road which was an already dangerous junction. The health impact of construction traffic passing the local primary school needed to be considered. There were 1,249 houses already for sale within a 5 mile radius of Bearpark and the demand for this development was questioned. There was a belief that planning for the development had already been approved because the affordable housing would boost the Council housing stock.

The Strategic Team Leader replied that a range of off-site highways works were proposed and a Construction Management Plan would minimise the impacts of construction traffic. The site was allocated to meet housing needs and new housing would bring new residents to support existing businesses.

The Planning and Development Solicitor reported that the application had not been approved and was brought to Committee for a decision to be made.

Upon a vote being taken it was

Resolved:

That the application be approved subject to the completion of a Section 106 Obligation to secure the following:

- £219,398 towards open space and recreation in the Electoral Division
- £441,090 towards additional school places at Bearpark Primary School
- £71,484 toward healthcare provision at the Dunelm Medical Practice
- £64,766 toward offsite Biodiversity net gains
- Appropriate on-site affordable housing (19 units – 15 discount market sale units and 4 as an affordable rent product)

and the conditions contained in the report.

Councillor D Boyes left the meeting.

c DM/21/02606/RM - Land to the north of Darlington Road, Barnard Castle, DL12 8QG

The Committee considered a report of the Senior Planning Officer regarding an application to provide the details of appearance, landscaping, layout and scale for 97 dwellings pursuant to outline planning permission DM/20/03070/OUT (amended description) on land to the north of Darlington Road, Barnard Castle (for copy see file of Minutes).

The Chair reminded the Committee that the development already had outline planning permission approved and this application provided details of appearance, landscaping, layout and scale of the development.

A Inch, Strategic Team Leader provided a detailed presentation of the application which included a site location plan, aerial photograph of the site, site photographs, proposed site layout and typical elevations.

Councillor Alan Coulthard, Barnard Castle Town Council addressed the Committee. Councillor Coulthard informed the Committee that the Planning Committee at the Town Council had not been involved in this application and reminded the Committee that the outline approval had been granted during Covid and had been considered via Teams so the full impact of the objections were not put as forcefully as they would have been otherwise. The number of objections was 250 plus and not the 34 as stated. Both residents and the Marwood Parish Council were objecting as well as the Town Council. Barnard Castle was a jewel in the area from a tourism point of view and had seen substantial developments over recent years and this development would result in the loss of agricultural land.

The developer was trying to avoid installing substantial drainage on the development by installing a soakaway and SUDS but this as an area which had no natural requirement for a pond and Councillor Coulthard failed to understand why the development would have a stagnant area of water at the bottom of it.

There were objections from the Town Council, objections from the Parish Council, objections from residents and objections to the detail of the proposal.

The Chair reminded Councillor Coulthard that the development had already been granted outline planning permission.

Councillor Pauline Glaster of Marwood Parish Council addressed the Committee. Councillor Glaster asked the Committee to consider the Parish Council's strong objections to the development that would have a considerable effect on Barnard Castle and its people. The historic market town which attracted levels of tourism all year round as well as a transport route to Teesdale and the North Pennines meant the current road network and infrastructure was constantly compromised with excess traffic, especially along Darlington Road, the A67 and the busy neighbouring area of the A688. Teesdale School, the recently opened Lidl development, the Hub and Bede Road access/exit point all converged on the roundabout at the local service station where there was already frequent queuing at pivotal points throughout the day. The issue of safety was a high priority as Darlington Road was a 30 m.p.h. zone, however this speed was rarely adhered to and was constantly under surveillance from both the police and local speed awareness groups as this was a main traffic route for local schools with very limited safety crossing points. The approach was on a bend with poor visibility which put pedestrians at risk, especially the young and the elderly. Signage and speed restrictions needed to be more prevalent.

This development would result in more pedestrians including families with young children walking alongside a very busy main road and a small central island which did not provide adequate space for a family with a push chair to feel safe when crossing.

Recent new developments had put pressure on local amenities and facilities such as schools, doctors and dental surgeries. This development would add to these issues and people would need to travel further afield to find alternatives which would increase traffic on the roads.

The proposed development was on arable land which was invaluable to local wildlife for natural habitat and had been considerably affected by the construction of Castle Vale development.

This application proposed a walkway for local residents but did not provide recreation seating area to socialise or small play area for children. The past two years had shown the importance to mental health of socialising, as well as fresh air and exercise.

New developments must provide sustainable and affordable homes for young local people at affordable prices to enable them to live where they work.

Privacy at the boundary of the development was requested from neighbouring residents of Castle Vale but appears to have been disregarded.

The Chair informed the Committee that two letters of support had been received and these were read out by the Clerk as follows:

Paula Shepherd

I support this planning application – and ask you to do the same.

As a mother and resident of Barnard Castle, I would like my children to have the opportunity to be able to live in Barnard Castle. Currently local children usually have to move out of the town to buy or rent their first home.

New affordable homes are needed so that Barnard Castle does not just become a retirement town. It needs to be a vibrant town with young families and people. Members will recall Startforth Primary School closed largely because of a lack of children caused by a lack of homes nearby that families could afford to buy or rent.

This project will create nearly 100 jobs during the construction phase, and on-going work for local trades people – including plumbers; electricians; landscapers; gardeners etc. I have a number of friends who have businesses in the town and know how much they have struggled throughout the last year. It seems nonsensical to me to turn away such private investment at this crucial time.

I am sorry I cannot be there in person to make these points but unfortunately, I am at work. I would be very grateful if you could take them into account and vote in favour of this application.

Anne Henderson

I am a resident of Barnard Castle.

I support this application. I have lived in Barnard Castle all of my life and married a local boy and had two daughters.

Both of my daughters came home after university to work locally and were able to each buy their first home, a two bedroomed affordable house on Castle Vale which was built in the field adjacent to this planning application. There were many who didn't want the houses built there but now the development is established it has proven to be a success. The same people who complained I've seen walking their dogs around the lovely outdoor areas.

I have seen over the years many new building developments. Each time plans have been put in there is always a human cry from people trying to resist change. Usually from outsiders that have moved to Barnard Castle or residents who have a nice home and don't care about others.

Banks Group have listened to our community and they have planned smaller homes, accessible homes, family homes and bungalows in a beautiful setting. I would like to see priority given to local people and the homes be at a fair price.

As the chief officer of a charity for older people and disabled people I can confirm there are not enough bungalows in Barnard Castle for residents needing an accessible home.

This development will bring jobs to our community, will enable our young people to stay in Barnard castle and for older people to downsize from a house to a bungalow.

Both my husband, myself and one of my daughters and her partner would love to purchase a new home on this development.

100 happy families will be the outcome of one field being developed.

I hope you will pass this application today.

Mr C Martin addressed the Committee in support of the application. The applicant, Stonebridge Homes were an established Yorkshire based house builder with a reputation for providing high quality homes. These proposals represented their first scheme in County Durham and were keen to maintain and further emphasise their approach to bring forward development which was attractive, sustainable and created a sense of place.

The principal of the development had already been established and this application related to details regarding layout, scale, appearance and landscape only. In providing these details the proposals were a high quality attractive development which provided a wide variety of family homes including bungalows and affordable homes in a selection of high quality materials which complemented the local vernacular of Barnard Castle. The homes were sustainable and included electric vehicle charging points, some properties would include photovoltaics and there were open spaces which would result in biodiversity net gain and encourage new habitat. The open space was a multi-functional amenity with footpaths, seating areas, dog bins, bird and bat boxes and a community lending library. Jobs would be provided during the construction period and local trades people would be sought and local materials sourced from a nearby quarry.

The applicant met with Barnard Castle Town Council in September 2021 to present the scheme to them and followed this up with emails answering their queries.

Councillor Martin referred to an email sent to Members regarding screening on the proposed development in particular three properties on the site and asked for clarification on this. Mr Martin replied that privacy screening could be provided if this was required.

Councillor Martin suggested that a condition be included for the developers to work with local residents regarding screening at the location referred to.

The Strategic Team Leader informed the Committee that Town and Parish Councils were notified via the weekly planning lists which were circulated.

Councillor McKeon asked whether any traffic calming was planned for the road. Mr Martin replied that the Outline Planning Permission was subject to a s106 agreement which included a traffic scheme on the A67 to the east of the site which may include traffic signs, road markings, bollards and boundary signs and a £5,000 contribution towards funding this scheme. Bus stops were also to be provided to enhance sustainable transport.

The Planning and Development Solicitor informed the Committee that if it was minded to approve the application subject to the condition referred to by Councillor Martin there would need to be some re-writing of the conditions and therefore a need for delegated authority to the Strategic Planning Team to amend the conditions.

Moved by Councillor Martin, **Seconded** by Councillor A Bell and

Resolved:

That the application be approved and delegated authority be granted to the Strategic Planning Team to amend the conditions as set out.

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COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/21/02990/FPA
FULL APPLICATION DESCRIPTION:	Installation and operation of a Solar Farm together with all associated works, equipment and necessary infrastructure
NAME OF APPLICANT:	Lightsource BP
ADDRESS:	Croxdale Farms, Hett Moor Farm, Hett, Durham, DH6 5LJ
ELECTORAL DIVISION:	Coxhoe
CASE OFFICER:	Chris Shields Senior Planning Officer 03000 261394 <u>chris.shields@durham.gov.uk</u>

DESCRIPTION OF THE SITE AND PROPOSALS

Site

1. The site of the proposed solar farm occupies an area of 108 hectares (ha) comprised of a series of agricultural fields, with some hedges and vegetation present adjacent to the site boundaries. Thinford Lane (A688) runs in an east to west direction and divides the smaller southern parcel of land from the remaining site. Hett Mill Lane runs in a broadly north to south direction and divides the land positioned to the north of Thinford Lane. The edge of the settlement of Spennymoor is positioned approximately 550m west of the site boundary. Overhead power lines cross the site in several places. An existing substation is positioned adjacent to the site boundary to the north of Thinford Lane and an additional substation is located to the south of Thinford Lane in close proximity to the site boundary. Access to the site is from two existing field gates on Hett Mill Lane.
2. The site does not lie in an area covered by any national or local landscape designations. An Area of Higher Landscape Value (AHLV) is located to the immediate north of the site.
3. The Carrs Site of Special Scientific Interest (SSSI) is positioned approximately 1.8km south of the southern site boundary. Thrislington Plantation SSSI, Special Area of Conservation (SAC) and National Nature Reserve (NNR) cover the same area and are positioned approximately 2.5km south-east of the southern site boundary. Additional SSSIs are located beyond 3km of the site boundary. Cow Plantation Local Nature Reserve (LNR) is located within Spennymoor approximately 2.4km west of the western site boundary, Ferryhill Carrs LNR and Local Wildlife Site (LWS) is positioned approximately 1.2km south of the southern site boundary and Coxhoe Quarry LNR is located approximately 2.5km north-east of the site.

4. The majority of the site is within Flood Zone 1 with a small area in the north eastern field of the application site is identified as being at risk of flooding from fluvial or coastal events and is therefore within Flood Zone 2 and 3. The site is entirely within a minor Groundwater Vulnerability area.
5. The Wilton to Grangemouth Sabic Ethylene Pipeline passes through the site on the south western boundary.
6. There are no designated heritage assets within the solar farm application boundary. The Grade II Listed Pigeon-Cote Circa 50m north-west of Brandon Farmhouse is located approximately 600m east of the eastern site boundary. Additionally, two further Grade II Listed Buildings are located within the nearby settlement of Hett. Croxdale Hall is a Grade II* Registered Park and Garden located approximately 1.5km north-west of the northern site boundary. The settlement of Hett, located to the north of the application site, is a Conservation Area.
7. There are a number of public rights of way within the site boundary. Footpath No. 31 (Croxdale and Hett Parish) passes through the site from Hett Moor Mill in an easterly direction before turning and routing south to meet Thinford Lane (A688). Bridleway No.28 (Croxdale and Hett Parish) follows the western boundary of the site before joining Thinford Lane. Footpath No. 32 (Croxdale and Hett Parish) runs along the northern boundary, this PRow joins Broom hill Farm to Hett Mill Lane. The public rights of way within and in close proximity to the site would be retained and protected as part of this planning application.
8. The nearest residential properties to the proposed solar farm are Hett Moor Farm, which is located to the site, Mount Huley Farm and East Farm are located approximately 700m to the west, Falls Farm is located approximately 300m to the north and Broom Hill Farm is located approximately 200m to the east. The settlement of Hett is located approximately 800m to the north west, Metal Bridge is located approximately 100m to the south, Spennymoor is located approximately 1km to the west and Ferryhill is located approximately 1.4km to the south.

Proposal

9. The proposed development comprises solar panels arranged into linear arrays facing to the south. The solar panels would be composed of photovoltaic cells designed to maximise the absorbency of the sun's rays and to minimise solar glare. Since being submitted the scheme has been amended to reduce the size of the development by approximately 13.3ha by removing the area to the south of Thinford Road which was originally proposed.
10. The development would consist of solar panels fitted on metal framework to form arrays with a maximum height of 3m, 11 switchgear substations spaced around the adjoining the internal access roads, 22 inverters and 22 transformers adjoining the switchgear substations. Within the northern part of the site, adjacent to the existing Electricity Distribution Site, there would be a compound area including a Distribution Network Operator (DNO) substation, a customer substation, an auxiliary transformer, storage building, monitoring and communications building with associated weather station and communications equipment and a composting toilet. The site would have crushed aggregate internal access tracks.
11. The solar panels would be set back from the site boundaries to allow for perimeter security fencing, CCTV coverage and maintenance access. A corridor would be created around Footpath No.31 (Croxdale and Hett Parish) to ensure that it would remain accessible. The solar panels would be mounted on a metal framework

supported by pile driven foundations, without the need for concrete foundations. Between each line of solar panels there would be a gap of approximately 3.6m to avoid overshadowing from one solar panel to another. The solar panels would be tilted at 20 degrees from the horizontal axis and orientated south. The height of the solar panels would be to a maximum height of 3 metres above ground level, with the lower edge of the solar panel elevated to 1.4 metres off ground level.

12. The solar PV installation would require supporting infrastructure including gravel maintenance tracks, transformers, switchgear substations and security systems. The cabling that links the solar panels and inverters to the substation would be connected via a network of shallow trenches which would be backfilled. The arrays would be set within a 2m high timber & post / deer stock fence around the application site. The stock fence is fitted with small mammal gates fitted at appropriate points near the bottom of the fence to enable free access. CCTV cameras will be positioned to cover the site access points in order to provide security to the site and prevent unauthorised access by members of the public. The proposal would also include additional native tree planting and native hedgerows.
13. The construction phase of the development would create 100 full time equivalent (FTE) on site jobs and a further 135 indirect and induced FTE jobs from the supply chain and related services. The construction phase of the development would last for approximately 5-6 months. Working hours for construction are proposed to be 0800 to 1800 hours Monday to Friday and 0800 to 1300 hours on Saturdays. There would be no work undertaken on Sundays or Bank Holidays.
14. The solar PV installation would result in a reduction in carbon emissions associated with energy generation equating to approximately 9,771 tonnes of CO₂ per annum which is the equivalent of the removal of approximately 5,338 standard family cars from the road each year. The proposed solar PV installation of up to 49.9MW is the equivalent to providing for the energy needs of approximately 13,861 homes within the UK. The development would occupy the site for a temporary period of 40 years, after which the equipment would be removed and the land reinstated.
15. The application is being reported to Planning Committee as it is a major development with a site area greater than 1 hectare

PLANNING HISTORY

16. No previous planning applications have been submitted on the application site.

PLANNING POLICY

NATIONAL POLICY

17. A revised National Planning Policy Framework (NPPF) was published in July 2021. 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.
18. In accordance with Paragraph 219 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.

19. *NPPF - 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.
20. *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.
21. *NPPF - Part 8 Promoting Healthy and Safe Communities* - The planning system can play an important role in facilitating social interaction and creating healthy, inclusive and safe communities. 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 community facilities and services should be adopted.
22. *NPPF - Part 9 Promoting Sustainable Transport* - Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion.
23. *NPPF - Part 14 Meeting the Challenge of Climate Change, Flooding and Coastal Change* - The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.
24. *NPPF - 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, site of biodiversity or 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.
25. *NPPF - Part 16 Conserving and Enhancing the Historic Environment* - Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

26. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to; listed air quality; climate change; determining a planning application; flood risk and coastal change; healthy and safe communities; historic environment; light pollution; natural environment; noise; planning obligations; renewable and low carbon energy; travel plans, transport assessments and statements; use of planning conditions; water supply, wastewater and water quality

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

27. Other material considerations include EN:1 Overarching National Policy Statement for Energy (published in July 2011) and EN-3 National Policy Statement for Renewable Energy Infrastructure (published in July 2011). Both National Policy Statements are currently under review and the Draft Overarching National Policy Statement for Energy (EN-1) (September 2021) and Draft National Policy Statement for Renewable Energy Infrastructure (EN-3) (September 2021) are currently out for consultation. Draft EN-3 states that electricity generation from renewable sources of energy is an essential element of the transition to net zero). EN-3 reflects the important role that renewable will play in developing a low carbon economy and meeting the Government's targets of net zero

LOCAL PLAN POLICY:

The County Durham Plan (October 2020)

28. *Policy 10 – Development in the Countryside* – States that development in the countryside will not be permitted unless allowed for by specific policies within the Plan or within an adopted neighbourhood plan relating to the application site or where the proposed development relates to the stated exceptions.
29. *Policy 14 – Best and Most Versatile Agricultural Land and Soil Resources* – States that development of the best and most versatile agricultural land, will be permitted where it is demonstrated that the benefits of the development outweigh the harm, taking into account economic and other benefits. 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.
30. *Policy 21 – Delivering Sustainable Transport* – Requires planning applications to address the transport implications of the proposed development. All development shall deliver sustainable transport by delivering, accommodating and facilitating investment in sustainable modes of transport; providing appropriate, well designed, permeable and direct routes for all modes of transport; ensuring that any vehicular traffic generated by new development can be safely accommodated; creating new or improvements to existing routes and assessing potential increase in risk resulting from new development in vicinity of level crossings.
31. *Policy 25 – Developer Contributions* – advises that any mitigation necessary to make the development acceptable in planning terms will be secured through appropriate planning conditions or planning obligations. Planning conditions will be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Planning obligations must be directly related to the development and fairly and reasonably related in scale and kind to the development.

32. *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.
33. *Policy 28 – Safeguarded Areas* – Within safeguarded areas development will be subject to consultation with the relevant authority and will be permitted within the defined consultation zones of the Major Hazard Sites and Major Hazard Pipelines, where it can be demonstrated that it would not prejudice current or future public safety. The Policy also requires that development would not prejudice the safety of air traffic and air traffic services, that there would be no unacceptable adverse impacts upon the operation of High Moorsely Meteorological Officer radar and the operation of Fishburn Airfield, Shotton Airfield and Peterlee Parachute Drop Zone Safeguarding Areas.
34. *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 the development can be effectively integrated 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 to an acceptable level.
35. *Policy 32 – Despoiled, Degraded, Derelict, Contaminated and Unstable Land* – requires that where development involves such land, any necessary mitigation measures to make the site safe for local communities and the environment are undertaken prior to the construction or occupation of the proposed development and that all necessary assessments are undertaken by a suitably qualified person.
36. *Policy 33 – Renewable and Low Carbon Energy* – States that renewable and low carbon energy development in appropriate locations will be supported. In determining planning applications for such projects significant weight will be given to the achievement of wider social, environmental and economic benefits. Proposals should include details of associate developments including access roads, transmission lines, pylons and other ancillary buildings. Where relevant, planning applications will also need to include a satisfactory scheme to restore the site to a quality of at least its original condition once operations have ceased. Where necessary, this will be secured by bond, legal agreement or condition.
37. *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.
38. *Policy 39 – Landscape* – States that proposals for new development will only be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals are expected to incorporate appropriate mitigation measures where adverse landscape and visual impacts occur. Development affecting Areas of Higher landscape Value will only be permitted where it conserves and enhances the special qualities of the landscape, unless the benefits of the development clearly outweigh its impacts. Development proposals should have regard to the County Durham Landscape

Character Assessment and County Durham Landscape Strategy and contribute, where possible, to the conservation or enhancement of the local landscape.

39. *Policy 40 – Trees, Woodlands and Hedges* – States that proposals for new development will not be permitted that would result in the loss of, or damage to, trees, hedges or woodland of high landscape, amenity or biodiversity value unless the benefits of the scheme clearly outweigh the harm. Proposals for new development will be expected to retain existing trees and hedges. Where trees are lost, suitable replacement planting, including appropriate provision for maintenance and management, will be required within the site or the locality.
40. *Policy 41 – Biodiversity and Geodiversity* – Restricts development that would result in significant harm to biodiversity or geodiversity and cannot be mitigated or compensated. The retention and enhancement of existing biodiversity assets and features is required as well as biodiversity net gains. Proposals are expected to protect geological features and have regard to Geodiversity Action Plans and the Durham Geodiversity Audit and where appropriate promote public access, appreciation and interpretation of geodiversity. Development proposals which are likely to result in the loss or deterioration of irreplaceable habitat(s) will not be permitted unless there are wholly exceptional reasons and a suitable compensation strategy exists.
41. *Policy 43 – Protected Species and Nationally and Locally Protected Sites* – 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. 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.
42. *Policy 44 – Historic Environment* – Requires development proposals to contribute positively to the built and historic environment. Development should seek opportunities to enhance and where appropriate better reveal the significance and understanding of heritage assets.

NEIGHBOURHOOD PLAN:

43. There is no Neighbourhood Plan for this area.

*The above represents a summary of those policies considered relevant. The full text, criteria, and justifications can be accessed at: <http://www.durham.gov.uk/article/3266/Development-Plan-for-County-Durham> (Adopted County Durham Plan) *The Hartlepool Local Plan* can be accessed at: https://www.hartlepool.gov.uk/info/20209/local_plan/312/local_plan_planning_policy*

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

44. *Croxdale and Hett Parish* – has objected to the proposal due to the impact to residents health and wellbeing, lack of benefit to the local community, impact to the Hett Conservation Area and impact to wildlife in the area and public rights of way.
45. *Ferryhill Town Council* – has objected to the proposal due to the impact to the landscape and biodiversity.

46. *Network Rail* – has raised no objections to the proposals but has requested that a condition be imposed relating to glint and glare monitoring.
47. *Highway Authority* – has raised no objections to the proposals. Officers have stated that the main impact of this site on the Highway network would be during the construction phase when there are expected to be around 1300 HGV movements over a 6 month period. This equates to around 15 deliveries per day (30 vehicle movements), on a road which carries 23,000 two way trips per day. A construction management plan has been provided with the application, and should permission be granted, a condition would be required that construction be carried out in accordance with that CMP. Once the construction phase is completed, the site would generate around 20 trips per year for maintenance of the site. Therefore the impact of the development post construction phase would be negligible.
48. *Natural England* - Has raised no objections to the proposed solar farm. Based on the plans submitted it is stated that the proposed development would not have significant adverse impacts on designated sites or landscapes and has no objection. Officers also provided general advice in respect of protected species and other natural environment issues.
49. *Environment Agency* – has raised no objections to the proposals. Advice has been provided to the applicant in respect of standoffs in relation to watercourses and pollution prevention.
50. *Lead Local Flood Authority (Drainage and Coastal Protection)* – has raised no objections in relation to the proposed solar farm. Officers have provided standard guidance that applications conform with.
51. The Coal Authority – initially objected to the development and requested that the applicant revise the proposal having regard to the conclusions and recommendations of the Preliminary Risk Assessment and Coal Mining Risk Assessment. Further investigation was carried out and an exclusion zone created around the area where there may be a former mine entrance. After assessing the additional information, the Coal Authority has confirmed that the objection is withdrawn.
52. *Health and Safety Executive* – as the proposed solar farm site currently lies within the consultation distance at least one major hazard site and/or major accident hazard pipeline (6904_ Operated by SABIC), HSE needs to be consulted on any developments on this site. The HSE does not advise, on safety grounds, against the granting of planning permission in this case. As the proposed development is within the Consultation Distance of a major hazard pipeline the HSE advises that the pipeline operator is contacted before determination.
53. *SABIC* – has raised no objections to the proposals. Officers have identified that the proposed development is located in the inner, middle and outer zone of the Wilton to Grangemouth Ethylene Pipeline. Should planning permission be granted the developer would need to work with SABIC to ensure that their conditions of working in close proximity to the ethylene pipeline are met. A planning condition would be imposed to require the developer to engage with SABIC prior to the commencement of development.
54. *Northern Power Grid* – has raised no objections to the proposals but has provided information to the applicant showing the locations of overhead power lines and advice in relating to working in proximity to them.

INTERNAL CONSULTEE RESPONSES:

55. *Archaeology* – has raised no objections to the proposals. An initial phase of trial trenching was carried out and showed there to be no significant archaeological remains within the assessed areas. Officers have agreed that the remaining trial trenching works could be carried out prior to commencement of the development and conditions are recommended to secure this.
56. *Design and Conservation* – has raised no objections the proposals but have raised concerns that the development would have an urbanising effect on the area and may lead to a coalescence of the settlements of Thinford, Hett and Metal Bridge. Officers have considered the impact of the development on designated assets and the Hett Conservation Area and concluded that the impact would be minor and not at a level to cause harm to significance.
57. *Ecology* – has raised no objections to the proposals. Officers requested increases to breeding bird habitat and to ensure that long term management of the site is secured. Additional habitat was subsequently provided for breeding bird habitat, to the satisfaction of Ecology officers.
58. *Environmental, Health and Consumer Protection (Contaminated Land)* – has raised no objections in relation to the proposed solar farm. Officers have recognised that there are some small areas on the site identified as areas of potential land contamination. Conditions are recommended to investigate and, if necessary, remediate these areas.
59. *Environmental, Health and Consumer Protection (Air Quality)* – has raised no objections to the proposals. Officers have confirmed that the development would not lead to an adverse impact on air quality.
60. *Environment, Health and Consumer Protection (Nuisance Action)* – has raised no objections to the proposals. Officers have considered the submitted information in relation to noise and glint and glare and found this to be acceptable. The submission of a Construction Management Plan is noted, and a request is made that this is secured by condition.
61. *Landscape* – Officers have not specifically objected to the proposals but have stated that the development would cause harm to the character, quality and distinctiveness of the local landscape and to important views from high ground to the east. While some of the harm in local views could be mitigated to some degree in the medium term, the effects in views from high ground could not. Officers have stated that the proposals would conflict with CDP Policies 10 and 39 unless the benefits of the development are considered to outweigh the harm.
62. Following revisions to the development Landscape officers commented that changes made to the landscaping plan were welcomed but reiterated that there was a requirement to provide some offsite screening adjacent to the A688 road. A condition to require a landscaping scheme would be recommended. Officers also note the removal of the section of the site from the south of Thinford Lane and have stated that this would have some benefit in terms of views from Ferryhill.
63. *Public Rights of Way* - has raised no objections to the proposals. Officers note that Croxdale & Hett Footpath Nos 31, 34 and Bridleway No. 28 are all to be retained and protected. The supporting documents mention additional planting to ensure appropriate screening is in place for PRow users, this measure is welcome to mitigate any glint and glare effects on users of the paths, particularly Footpath No. 31 which

runs through the middle of the site. Further planting was requested on the western boundary of Croxdale & Hett Bridleway No.28.

64. *Spatial Policy* – has raised no objections to the proposed solar farm. Officers identify the key planning policies and their current status relevant to the consideration of this proposal. Comments also highlight any policy related material considerations relevant to the consideration of this proposal in terms of national policy, guidance and locally derived evidence bases. Officers consider that the key determining factors will be the renewable energy and economic benefits of the proposals balanced against potential harm to the countryside, and possible surface water issues that could result from the development.

PUBLIC RESPONSES:

65. The solar farm application has been advertised in the local press and by site notice as part of planning procedures. In addition, neighbour notification letters were sent to 389 neighbouring properties.
66. One letter of objection has been received from a local resident. The objector states that the development would ruin the landscape, would be in the green belt and create a change of use from agricultural to industrial. It has been stated that the proposed planting would not be adequate to screen the site. It has been suggested that existing abandoned brownfield sites should be used for solar farms.
67. *The Council for the Protection of Rural England (CPRE)* – object to the solar farm application. Concerns have been raised that although the site is classified as being Grade 3b land, it is necessary to recognise the intrinsic character and beauty of the countryside. It is stated that there is insufficient information regarding the potential impact to AHLV's at Hett and Quarrington Hill. Clarification is also sought regarding the inclusion of a battery storage unit on the site. Requests have been made for cyclists to be protected from road traffic during construction works. The provision of bird and bat boxes is noted but considered to be too low and there does not appear to be any mitigation for skylark and curlew on the site and no proposals to increase this particular type of biodiversity.

The above is not intended to repeat 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/applicationDetails.do?activeTab=documents&keyVal=QLH3JWGDKZE00&documentOrdering.orderBy=documentType&documentOrdering.orderDirection=ascending>

APPLICANTS STATEMENT:

68. Lightsource bp is a global leader in the development and management of solar energy projects. Lightsource bp work closely with local businesses and communities to supply clean, dependable and competitively priced energy, and are dedicated to securing a low-carbon future, in the UK and worldwide.
69. The proposed solar farm will make a significant positive contribution to increasing renewable energy generation and reducing carbon emissions in the context of a nationally and locally declared Climate Emergency.
70. The application will help to meet national commitments and obligations to Net Zero, including those set out by the Government in its 'Net Zero Strategy' as well as the recently published 'energy security strategy'. The generation of solar power is one of many initiatives that will play an important role in meeting the Government's 2035 target for all our electricity to come from low carbon sources.

71. Safe, secure and low impact domestic energy supply has never been more of necessity as it is today in the face of climate change and geopolitical events pushing supplies to the brink. This month the UN reiterated the message that it is truly 'now or never' to act on climate change, stressing global emissions of CO2 would need to peak before 2025 at the latest. The solar industry and Lightsource bp are ready to act.
72. The Hett Moor Solar Farm will deliver a significant amount of renewable energy alongside a range of other benefits:
- 14,341 tonnes of carbon emissions avoided every year,
 - enough clean solar energy to power the equivalent of 13,861 homes,
 - the equivalent of taking 7,908 family cars off the road,
 - enabling agricultural co-use of the site with grazing opportunities,
 - contributing to the future and long-term viability of farming at Hett Moor Farm,
 - planting of 3,950m linear metres of new hedgerow,
 - securing a range of ecological enhancements including a 155% biodiversity net gain.
73. Solar is a tried and tested passive technology which doesn't produce any harmful by-products and importantly the application seeks planning permission for a temporary period. At the end of the projects operational period the land can be returned to its current agricultural use with panels and associated components removed and recycled.
74. Lightsource bp held an online community information event in November 2020. Fifteen members of the public attended the virtual event. In general, the local community supported the principle of renewable energy, and the proposed site. However, there were a number of questions and concerns relating to the visibility of the project; the impact on the rural character; employment; and construction traffic. These were considered and responded to through the course of the application process, and included the removal of the field south of the A688 and significantly increased the proposed planting to reduce the landscape and visual impacts.
75. The NPPF is clear that planning has a key role in supporting renewable energy. Paragraph 152 sets out the planning system should support the transition to a low carbon future. This is reflected in the County Durham Local Plan with Policy 33 for renewable energy development, stating that these benefits will be given great weight in the decision-making process.
76. There will remain parts of the site that are visible, within a very localised area. It is considered that the residual landscape changes would be significantly and demonstrably outweighed by the significant benefits of the development in terms of energy supply and security, support for renewable energy and biodiversity enhancement and accordingly, planning permission should be granted.

PLANNING CONSIDERATIONS AND ASSESSMENT

77. 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, landscape, access and traffic, residential amenity, flooding and drainage, ecology, recreational amenity, cultural heritage, agricultural land, safeguarded areas, other matters and public sector equality duty.

Principle of Development

78. 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 is 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.
79. 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.
80. In light of the recent adoption of the CDP, the Council now 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.

Key policies for determination

81. The key policy for the determination of this application is CDP Policy 33 relating to renewable and low carbon energy. This Policy supports renewable and low carbon energy development in appropriate locations, including transmission lines. The Policy advises that significant weight will be given to the achievement of wider social, environmental and economic benefits. The Policy also advises that proposals should include details of associated developments including access roads, transmission lines, pylons and other ancillary buildings. Where relevant, planning applications will also need to include a satisfactory scheme to restore the site to a quality of at least its original condition once operations have ceased. Where necessary, this will be secured by bond, legal agreement or condition.
82. The opening paragraph of CDP Policy 10 states that development in the countryside will not be permitted unless allowed for by specific policies in the Plan. These specific policies are set out in footnote 54 (of the CDP) and includes all applicable policies relating to low carbon and renewables. As this is a renewable energy development it is considered that the development could be allowed for by specific policies in the plan

(CDP Policy 33). The development therefore does not have to demonstrate an exception to CDP Policy 10 but the acceptability criteria are engaged.

83. CDP Policy 10 states that new development in the countryside must not give rise to unacceptable harm to the heritage, biodiversity, geodiversity, intrinsic character, beauty or tranquillity of the countryside either individually or cumulatively, which cannot be adequately mitigated or compensated for, result in the merging or coalescence of neighbouring settlements, contribute to ribbon development, impact adversely upon the setting, townscape qualities, including important vistas, or form of a settlement which cannot be adequately mitigated or compensated for, be solely reliant upon, or in the case of an existing use, significantly intensify accessibility by unsustainable modes of transport. New development in countryside locations that is not well served by public transport must exploit any opportunities to make a location more sustainable including improving the scope for access on foot, by cycle or by public transport, be prejudicial to highway, water or railway safety; and impact adversely upon residential or general amenity. Development must also minimise vulnerability and provide resilience to impacts arising from climate change, including but not limited to, flooding; and where applicable, maximise the effective use of previously developed (brownfield) land providing it is not of high environmental value.
84. The potential impacts of the development will be considered in the sections below.
85. Paragraph 158 of the NPPF states that when determining planning applications for renewable and low carbon development, local planning authorities should:
 - a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and
 - b) approve the application if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas.
86. It should be noted that the CDP has identified areas suitable for wind turbine development but not for solar.
87. The purpose of the proposed development is to generate renewable energy on a large scale. The location affords the space requirement without significant constraints that would limit energy generation. CDP Policy 33 is permissive towards solar farm development, and it is therefore considered that the proposal is acceptable in principle. The social, environmental and economic benefits of the proposal are considered in the sections below. The acceptability of the development in relation to the issues set out below will assist in determining if the location of the development is appropriate in the context of CDP Policy 33.

Landscape

88. Paragraph 174 of the NPPF states that decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes in a manner commensurate with their statutory status or identified quality in the development plan.
89. CDP Policy 10 states that development in the countryside must not give rise to unacceptable harm intrinsic character, beauty or tranquillity of the countryside either individually or cumulatively, which cannot be adequately mitigated or compensated for and must not result in the merging or coalescence of neighbouring settlements.

90. CDP Policy 39 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. Proposals will be expected to incorporate appropriate measures to mitigate adverse landscape and visual effects. Development affecting Areas of Higher Landscape Value will only be permitted where it conserves, and where appropriate enhances, the special qualities of the landscape, unless the benefits of development in that location clearly outweigh the harm.
91. 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 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 not be permitted that would result in the loss of, or damage to, woodland unless the benefits of the proposal clearly outweigh the impact and suitable replacement woodland planting, either within or beyond the site boundary, can be undertaken.
92. The site lies in the Wear Lowlands County Character Area which forms part of the larger Tyne & Wear Lowlands National Character Area (NCA 14). It lies in the Eastern Valley Terraces Broad Character Area which belongs to the Lowland Valley Terraces Broad Landscape Type. The site is made up of open, undulating arable farmland sloping eastwards bounded by low clipped thorn hedges dating from early post-medieval enclosure of Hett Moor (Terrace farmland: open arable Local Landscape Type, Old enclosure Subtype). Hedgerow trees are absent or infrequent.
93. The site forms part of a wider tract of open farmland of a similar character. Although for the most part strongly rural, the local landscape in the west of the site and south of the A688 Thinford Lane contains a number of strategic overhead powerlines and electricity substations which, together with the busy A688, give it an urban fringe quality in those areas.
94. The site does not lie in an area covered by any national or local landscape designations. An Area of Higher Landscape Value (AHLV) does however lie adjacent to the northern site boundary. Hett Conservation Area lies to the northwest of the site.
95. The site occupies low lying gently undulating farmland falling eastwards to the shallow valley of the Coxhoe Beck from a high point at the southwest of the site. Due to the nature of the topography views of the locality are generally shallow. Receptors in that area include the A688 Thinford Lane, Hett Mill Lane, public footpaths and bridleways and scattered isolated properties. It is visible in slightly deeper views from land that it falls towards to the immediate east including the A688 and A177 around Tursdale roundabout and a section of the East Coast Main Line.
96. It is overlooked from the higher ground of the Limestone Escarpment including the Limestone Escarpment Ridge to the south and the southern spurs of the Northern Limestone Escarpment to the east. Receptors in that area include properties in parts of Ferryhill, Cornforth, Coxhoe, Quarrington Hill, minor roads (C37, C23, C24) public rights of way and Crow Trees and Coxhoe Quarry Wood Local Nature Reserves.
97. The site and the local landscape are of broadly medium sensitivity: a combination of low-moderate value and a medium susceptibility to development of this kind. While the wider landscape has a settled character with a number of detractive elements,

including busy highways and energy infrastructure, this leaves the rural dimension to its character relatively fragile and susceptible to further impacts. The landscape of the site itself is for the most part strongly rural although powerlines and the electricity substation in the west give it a more urban fringe quality in that area.

98. At the level of the site and its immediate surroundings the proposals would involve a transformative change from open arable farmland to a solar farm dominated by features of a notably man-made/industrial character. The effects would be temporary and reversible but would last for 40 years. As noted in the Landscape and Visual Assessment, the magnitude of the effect at site level would be high and would remain so even with mitigation as the planting proposed would not alter the overall effects upon the character of the site.
99. The transformative effect on landscape character within the site would be strongly evident from Footpath 31 which crosses the eastern part of the site, footpath 34 which defines the northern boundary and passes through the north-eastern part of the site and bridleway 28 which runs along the western boundary.
100. The effects would be notable in views from Hett Mill Lane which crosses the site and from where there would be intermittent shallow views of both the eastern and western parts of the site. While these would be limited in places by roadside hedges, views would still be afforded over lower clipped hedges, through sporadic sparser sections, and through gaps and gateways. This would be particularly the case for land west of the road which is on rising ground. The effects of development would be less apparent in the landscape north towards Hett where views are typically shallow and development would be largely screened by intervening topography and vegetation.
101. From the immediate south along Thinford Lane (A688) the effects of development would be visible in sequential views of varying character. In some views the site would be screened by roadside hedgerows and cuttings and in others parts the development would be open to view and prominent where hedges are gappy, absent or low. In some views the effect on character would be substantial. The site would be open to view more or less in its entirety from a section of the A688 north of the Tursdale roundabout on land falling towards the viewer from where the effect would be substantial. Parts of the site would be visible in the view ahead for traffic approaching the A688 roundabout on the A177 from the east.
102. Within the wider landscape the site is overlooked from higher ground on the Limestone Escarpment to the south and east. The development would have some notable effects on the character of the landscape in these views due to the topography of the site, which slopes eastwards towards the escarpment, and the large scale of the proposals. In views from the Limestone Escarpment Ridge to the south-west on the edge of Ferryhill the site is largely screened by topography and vegetation and photomontages indicate that the effect on the character of the landscape would be low. In views from the spur and vale topography of the escarpment to the east the development would be conspicuous and the effect on character would be higher. In views from Quarrington Hill, the development would be visible as an extensive tract of notably artificial land cover replacing a large area of open farmland. While the view is across a settled landscape and takes in existing infrastructure and built form, including the large Amazon warehouse, the effect would be of built form visually coalescing across a wide area and would be of a medium-high magnitude. In these views mitigation measures would not materially alter the appearance of the site or its effects on landscape character.
103. Landscape officers have stated that the visual effects would be high for users of the local footpath network within the site (footpaths 31 and 34 (Croxdale and Hett Parish)

or in proximity to the site boundary (Bridleway 28 and Footpath 34 (Croxdale and Hett Parish) in particular). The proposed development would be located either side of Footpath 31 and whilst offset, the solar panels and associated fencing would be seen in close proximity and the proposals would dominate the users experience resulting in an adverse visually impact and significant loss of amenity when using this path. Landscaping has been proposed to help provide visual screening, however at the time of development and for several years afterwards (the length of time depending on the design, quality and performance of the planting), given the current open character of this location and undulating nature of the topography in this location, this is likely to be upwards of 10 years in which the development would be conspicuous and harmful. The proposed development would also be clearly noticeable in views from Bridleway No. 28 in the short term, however with careful management of the existing hedge between the bridleway and the site, together with the proposed mitigation planting, the visual impacts would be reduced in the medium term.

104. There would be some notable visual effects as noted above, in longer distance and elevated views from the Limestone Escarpment to the east. These include views from public vantage points such as the local nature reserves at Coxhoe Quarry Wood and Crow Trees enjoy commanding panoramic views across the Wear Lowlands. These are considered to be important views having regard to the number of people who access these areas and the fact that appreciation of the view, and of the landscapes it takes in, are clearly valued. While these views are of visually complex settled landscape, the development would be conspicuous and would detract from the appearance and quality of the landscape to a notable degree.
105. To mitigate against landscape and visual impacts additional tree, shrub and hedgerow planting has been proposed. In the long term this would make some localised contribution to the conservation and enhancement of the local landscape and these measures could be secured by an agreement under Section 39 of the Wildlife and Countryside Act 1981.
106. The visibility of the development within the immediate locality, and therefore its effects on the character of the local landscape, would be reduced over time by a combination of tailored management of existing trees and hedges and the planting of new trees, hedges and native shrubs which would help integrate the proposals with the surrounding area. It would also reinforce the existing landscape framework and enhance character to a lesser degree. The time taken to achieve this would vary. In some cases, allowing hedges to grow taller would be effective in a few years, in other cases where new planting was proposed it would take longer – particularly from footpaths crossing the site and elevated sections of road. In some views mitigation measures would have a negligible effect.
107. Taken in the round, the effect on the character of the local landscape would be high initially, reducing to a medium magnitude within around 10 years but with some high but localised residual effects.
108. Landscape officers consider that the proposals would not cause harm to the special qualities of the adjacent AHLV. Hett Conservation Area lies to the northwest of the proposal. The rural setting of the village contributes to the character of the Conservation Area. Intervisibility at a local level would to be limited due to the orientation of the solar arrays, topography, intervening hedgerows and the nature of the shallow views, however in views from the escarpment to the east, both would be seen in conjunction. It is considered that the value of the value of the Conservation Area is not appreciated in such long distance views and would therefore not be harmed.

109. A landscaping scheme has been submitted with the application and has seen revisions throughout the consideration of the application. Planting would be provided to improve screening by gapping up hedgerows on the site boundaries and a large area of woodland planting on the eastern boundary.
110. The proposals would cause some harm to the intrinsic character and beauty of the countryside. Whilst the proposals incorporate measures which would mitigate the harm to some degree in the medium term there would be notable longer term residual harm and particularly in respect of valued views from high ground to the east. Notwithstanding this, the views from the east are from a distance of more than 4km and limited to focal point within a range of alternative views from this location. It is therefore considered that there would be limited but not unacceptable harm to the intrinsic character and beauty of the countryside, in accordance with CDP Policy 10.
111. It is noted that Landscape officers consider the proposals would cause unacceptable harm to the character and quality of the landscape, however, it is considered that this harm is primarily drawn from distant views and is less significant in closer proximity to the site. To assist in mitigating this harm the applicant has proposed additional woodland planting and the protection and enhancement of hedgerows within the development site in accordance with the requirements of CDP Policy 40. Further planting to the east of the site has also been requested by condition. Notwithstanding this, it is considered that the proposal would be in conflict with CDP Policy 39 and Part 15 of the NPPF.

Access and Traffic

112. Paragraph 110 of the NPPF states that safe and suitable access should be achieved for all users. In addition, Paragraph 111 of the NPPF states that development should only be refused on transport grounds where the residual cumulative impacts on development are severe. CDP Policy 21 states that the transport implications of development must be addressed as part of any planning application, where relevant this could include through Transport Assessments, Transport Statements and Travel Plans.
113. The east and west sides of the site would be accessed from existing field entrances on Hett Lane (Unclassified Road UNC 27.2) that would be widened and improved to accommodate the construction and site traffic.
114. A Transport Statement (TS) has been submitted in support of the solar farm application. The TS has identified that the construction period for the development would be approximately 5 to 6 months with a typical maximum number of HGV deliveries being 15 per day (15 in and 15 out). There would be a total of approximately 1305 deliveries to the site during the 5-6 month construction period. This is likely to be similar for the decommissioning of the site. During the operational period the site would only need to be visited 10-20 times per annum by a car or van.
115. Highways officers have considered the proposal and find the access arrangements for both the construction and operational periods to be acceptable. Officers have requested that the Construction Management Plan be secured by condition. CPRE has requested that provisions be made for cyclists to be protected from road traffic during construction work
116. Whilst the proposed solar farm would generate a degree of construction traffic for the 5-6 month construction period it would be not be unacceptable in this location due to good access and existing highway capacity. Following construction, the solar farm would be automated and would only be attended for monitoring and maintenance

purposes. A further condition is recommended to ensure that vehicles accessing the site are adequately cleaned before leaving to ensure that debris is not carried onto the public highway. No objection is raised by the Council as Highways Authority subject to appropriate conditions. It is considered that the proposals have been appropriately assessed through a Transport Statement and would not result in harm to the safety of the local or strategic highway network and would not cause an unacceptable increase in congestion or air pollution. Subject to the condition set out the development would not conflict with CDP Policy 21 and Part 9 of the NPPF.

Residential Amenity

117. Paragraph 174 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 185 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 186 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 187 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).
118. CDP Policy 31 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 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 locating of 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. CDP Policy 10 states that new development in the countryside must not impact adversely upon residential or general amenity.
119. The nearest residential properties to the proposed solar farm are Hett Moor Farm, which is located to the site, Mount Huley Farm and East Farm are located approximately 700m to the west, Falls Farm is located approximately 300m to the north and Broom Hill Farm is located approximately 200m to the east. The settlement of Hett is located approximately 800m to the north west, Metal Bridge is located approximately 100m to the south, Spennymoor is located approximately 1km to the west and Ferryhill is located approximately 1.4km to the south.
120. Objections have been received from one local resident, Hett and Croxdale Parish Council, Ferryhill Town Council and CPRE. In relation to residential amenity the objections focus on visual amenity and landscape impact.
121. A Glint and Glare Assessment has been submitted in support of the application. This provides background information for the review of legislation, assessment methodology including identification of receptors, baseline conditions and an impact

assessment. The assessment identified where there was potentially an impact to receptors from the development and modifications were made (pre-submission) to either remove areas of solar panels or to provide mitigation planting. Following revisions the risk of impact to residential receptors was reduced to none.

122. Landscape impact has been assessed in the section above, but it is acknowledged that those people living near to the site experience landscape harm as a constant rather than passing impact. Notwithstanding this, the removal of the southern section of the scheme has significantly reduced the potential visual impact from residents of Ferryhill and there are very few other properties that would have a view of the site, none of which have objected to the proposal. Whilst the development would have a transformative impact the site would still retain green space and additional planting is proposed to lessen the visual impact. Given the existing screening and limited impact to residential properties it is considered that the visual impact of the site in terms of amenity would not be unacceptable.
123. The proposed solar farm has very limited potential to create any noise, dust or light pollution impacts. The panels themselves would be of the static variety that are silent in operation. Environmental Health and Consumer Protection officers have considered the proposals and raise no objections in respect of potential nuisance, air pollution or glint and glare. Officers note that the construction phase is the only time where noise may be an issue and have requested that hours of operation be conditioned. In accordance with standard practice, it is proposed that through condition a Construction Management Plan is submitted to ensure that dust, noise, access, routeing and community liaison amongst other matters.
124. It is considered that the proposed development would not create an unacceptable impact on health, living or working conditions or the natural environment. The proposals would not result in unacceptable noise, odour, vibration or light pollution and, subject to the imposition of the conditions recommended above, it is considered that the proposals would provide an acceptable standard of residential amenity in accordance with CDP Policies 10 and 31 and Part 15 of the NPPF.

Contamination

125. Part 15 of the NPPF (Paragraphs 120, 174, 183 and 184) 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 requires that where development involves such land, any necessary mitigation measures to make the site safe for local communities and the environment are undertaken prior to the construction or occupation of the proposed development and that all necessary assessments are undertaken by a suitably qualified person.
126. A Preliminary Risk Assessment has been submitted in support of the application. This assessment concludes that there may be possible sources of contamination associated with backfilled sandstone quarry in the north of the site. The proposed solar farm development is considered to be of low sensitivity with respect to Human Health, therefore the risk from any ground contamination is considered to be low. Risks to groundwater are also considered to be low given the relatively low environmental sensitivity of the site. The backfilled quarry and shallow mine workings/ entries are potential sources of ground gas which will need to be assessed as part of a ground investigation.

127. Environmental Health and Consumer Protection officers have considered the proposals and raise no objections in respect of land contamination. Conditions have been recommended to require investigation of potential areas of ground contamination
128. It is considered that the proposed development would be suitable for the proposed use and would not result in unacceptable risks which would adversely impact on the environment, human health and the amenity of local communities and it is considered that the proposals would provide an acceptable standard of residential amenity in accordance with CDP Policies 32 and Part 15 of the NPPF.

Flooding and Drainage

129. 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 174 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.
130. Paragraph 167 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.
131. CDP Policy 35 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. CDP Policy 10 states that new development in the countryside must minimise vulnerability and provide resilience to impacts arising from climate change, including but not limited to, flooding.
132. The application is accompanied by a flood risk assessment (FRA) which identifies that the application site is located almost entirely within Flood Zone 1. A small section of the north eastern corner of the site is located within Flood Zones 2 and 3 but this area would not contain any of the site infrastructure. The Tursdale Beck runs to the east of the site but there are no watercourses within the site. A sustainable drainage strategy, involving the implementation of SuDS in the form of infiltration trenches, is proposed for managing the disposal of surface water runoff from the proposed development on the site. The proposed infiltration trenches would have an overall combined length of approximately 1679m, with a base width of 0.5m, a 0.5m design depth and a 0.15m freeboard. They would be filled with crushed rock with a void ratio of 20%. It would provide a total storage volume of approximately 83.95m³. This is greater than the volume of additional runoff generated as a result of the impermeable buildings (61.0m³).
133. Drainage and Coastal Protection officers have provided general guidance in relation to flood risk in but have not specifically commented on the information provided in the

application. Notwithstanding this, it is considered that submitted FRA and flood mitigation measures would meet with policy requirements. The Environment Agency has raised no objections to the proposals. It is therefore considered that the proposed solar farm development would not lead to increased flood risk, both on and off site, and through the use of SUDs would ensure there is no net increase in surface water runoff for the lifetime of the development. It is therefore considered that the proposals would not conflict with CDP Policies 10 and 35 and Part 14 of the NPPF.

Ecology

134. Paragraph 180 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.
135. The presence of protected species is a material consideration in planning decisions as they are a protected species under the Wildlife and Countryside Act 1981 and the European Union Habitats Directive and the Conservation of Habitats and Species Regulations 2017 (as amended). The Habitats Directive prohibits the deterioration, destruction or disturbance of breeding sites or resting places of protected species. Natural England has the statutory responsibility under the regulations to deal with any licence applications but there is also a duty on planning authorities when deciding whether to grant planning permission for a development which could harm a European Protected Species to apply three tests contained in the Regulations in order to determine whether a licence is likely to be granted. These state that the activity must be for imperative reasons of overriding public interest or for public health and safety, there must be no satisfactory alternative, and that the favourable conservation status of the species must be maintained. Brexit does not change the Council's responsibilities under the law.
136. An Ecological Impact Assessment has been provided with the application. The assessment provides a baseline study of the site including the proximity of designated sites, habitats and constraints within the site and includes a Phase 1 habitat survey. A subsequent breeding bird survey was submitted to accompany the initial assessment. The potential impacts to protected species has been considered, including birds, bats, badger, otter, water vole, amphibians and reptiles.
137. The assessment states that no suitable features for roosting bats were present within the footprint of the proposed solar PV array. Occasional mature trees within boundaries may provide suitable features for occasional roosting bats, although no trees had obvious features for large number of roosting bats, such as hollow main stems. Badger have been recorded in the vicinity of the site and there were recent signs of foraging. Perimeter fences would have mammal gaps to allow for access and egress by badger and other mammal species, should they return.
138. The site is considered to have negligible suitability for otter and water vole and no evidence of either species was noted during the assessment. The biological records search included Great Crested Newt records. However, there are no ponds within the development site and field ditches were unsuitable being either overgrown or with

running water. A very small pond is thought to be present on the edge of a farmyard 230 metres to the north east of the development site. This pond is isolated by farm buildings and arable habitat, with no functional linkage along hedgerows or similar out into the landscape. No other ponds are present within 1km and it is near-certain that this small pond does not support great crested newt which live in meta-populations across several ponds. There is negligible potential for Great Crested Newt to be present, although occasional common and widespread amphibians may be present.

139. The Ecological Assessment concludes that proposed development would have no direct effects on neighbouring waterbodies including ponds with historic confirmed GCN presence. Similarly, with standard good practice pollution prevention and runoff control measures in place during construction and operation, off-site ponds and the species they support would be suitably protected from the risk of adverse effects during the construction phase. As a result of habitat enhancements, including the creation of structurally diverse grasslands under and around the panels and new hedgerow planting, the completed solar farm would provide higher value and better connected terrestrial habitat for amphibians (and reptiles if present) than is currently present. As a result, the proposed development and associated new habitat creation is considered likely to have a positive effect on the favourable conservation status of the local amphibian population and reptiles if present. The likely risk of presence of a European Protected Species has been adequately ruled out, the requirement for a license, and hence application of the derogation tests in this instance is therefore not required.
140. A Biodiversity Mitigation and Enhancement Plan has been submitted setting out the ecological baseline for the site, provides mitigation measures and ecological enhancement and also includes a monitoring and management schedule.
141. Biodiversity enhancement for the site would include approximately 3950m of new, mixed native species hedgerows and a further 260m enhanced. There would also be the creation of species rich grassland on land occupied by the solar arrays and installation of at least 20 bird boxes and 20 bat boxes of different varieties to suit different species. These enhancements are all set out in the Biodiversity Management Plan.
142. CPRE have commented that the provision of bird and bat boxes is noted but considered to be too low and there does not appear to be any mitigation for skylark and curlew on the site and no proposals to increase this particular type of biodiversity. Additional breeding bird surveys were carried out and noted the presence of skylark. Areas of the site have now been allocated as breeding bird habitat and would be managed appropriately.
143. Ecology officers have considered the proposals and raised no objections subject to appropriate long term management of the site. It is recommended that the biodiversity enhancement would be secured through a Section 39 Agreement under the Wildlife and Countryside Act 1981. Section 39 of the Wildlife and Countryside Act 1981 enables local authorities to enter into management agreements with the owner of land for its conservation (and for other related purposes) and is regarded as a suitable mechanism for securing long term land management in relation to biodiversity net gain. A condition is not regarded as a suitable mechanism due to the 40 year timescale of the solar farm development and a Section 39 is more suited to ensuring long term management.
144. The proposed solar farm would provide biodiversity enhancement to the site and, whilst there may be temporary displacement of wildlife during the construction process, the net increase in biodiversity value would adequately mitigate any residual

harm. It is considered that the proposed solar farm would not impact upon any nationally or locally protected sites. Suitable mitigation would be secured through Section 39 agreement. It is therefore considered that the proposals would not conflict with CDP Policies 25, 41 and 43 and Part 15 of the NPPF in respect of avoiding and mitigating harm to biodiversity.

Recreational Amenity

145. 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. Where diversions are required, new routes should be direct, convenient and attractive, and must not have a detrimental impact on environmental or heritage assets.
146. There are a number of public rights of way within the site boundary. Footpath No. 31 (Croxdale and Hett Parish) passes through the site from Hett Moor Mill in an easterly direction before turning and routing south to meet Thinford Lane (A688). Bridleway No.28 (Croxdale and Hett Parish) follows the western boundary of the site before joining Thinford Lane. Footpath No. 32 (Croxdale and Hett Parish) runs along the northern boundary, this PROW joins Broom hill Farm to Hett Mill Lane. The public rights of way within and in close proximity to the site would be retained and protected as part of this planning application.
147. Access and Rights of Way officers have considered the proposals and raised no objections noting that Croxdale and Hett Parish footpaths 31 and 34 and Bridleway 28 are all to be retained and protected. Support is given for additional planting to protect users of the footpaths and additional planting was requested to screen bridleway 28. The applicant has now included additional planting on the western boundary of the site adjacent to bridleway 28.
148. Subject to the submitted landscaping plan being implemented it is considered that the proposed development would not result in the loss of deterioration in quality of existing public rights of way in accordance with CDP Policy 26 and Part 8 of the NPPF.

Cultural Heritage

149. 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.
150. 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.

151. A Heritage Assessment has been submitted in support of the application. This assessment provides baseline information including a description of the site and development, methodology and consideration of potential archaeological remains and designated heritage assets. The assessment concludes that there are no recorded heritage assets within the site boundary and, due to the location of the development, topography and screening it is considered that the development would not result in any harm to the significance of any designated heritage assets.
152. Following the receipt of comments from Design and Conservation and Archaeology officers the applicant produced an addendum to the Heritage Assessment that further considers the impact of the development in relation to Hett Conservation Area and further consideration of the potential for archaeological remains within the site. In addition, an Archaeological Written Scheme of Investigation (WSI) was submitted setting out proposed trial trenching and reporting for the site.
153. Design and Conservation officers have considered the proposal and heritage assessments and agree with the conclusions that the development would have no harm to the significance of designated heritage assets or the Hett Conservation Area. Archaeology officers have raised no objections to the proposals noting that the initial phase of trial trenching showed there to be no significant archaeological remains within the assessed areas. Officers have agreed that the remaining trial trenching works could be carried out prior to commencement of the development and conditions are recommended to secure this.
154. Subject to the imposition of conditions requiring further trial trenching and evaluation it is considered that the proposed solar farm would not conflict with CDP Policy 44 and would cause no harm to heritage assets in accordance with Part 16 of the NPPF and Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Agricultural Land

155. Paragraph 174 of the NPPF seeks to protect best and most versatile land. CDP Policy 14 states that development of the best and most versatile agricultural land will be permitted where it is demonstrated that the benefits of the development outweigh the harm, taking into account economic and other benefits.
156. The proposed solar farm development would occupy approximately 108 hectares of agricultural land. An Agricultural Land Classification (ALC) assessment has been carried out for the site. The assessment includes a desktop study and fieldwork analysis with the conclusion that all of the soils on the site are Grade 3b. The site is therefore not comprised of best and most versatile land. Although the development would temporarily remove a significant portion of land from arable use it would still be available for low intensity grazing. The proposed solar farm would not conflict with CDP Policy 14 or Part 15 of the NPPF in this respect.

Cumulative Impact

157. Paragraph 185 of the NPPF advises that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative 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. CDP Policy 31 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.

158. The application site is currently comprised of agricultural fields, interspersed with associated farm buildings. On the periphery of the site are electrical substations and in the wider context there are the settlements of Hett, Spennymoor, Metal Bridge and Ferryhill. Significant development has occurred in recent years at Thinford to the west and Turisdale to the east, in particular the development of the Integra 61 site has created a significant landscape and use change for the area. Development is currently under way for a battery storage development to the immediate south west of the site and an application is being considered for a further battery storage development to the south of Thinford Lane.
159. The proposed solar farm included a section to the south of Thinford Lane but this has since been removed from the scheme.
160. A small solar farm was approved as part of the Integra 61 development to the north east of the site but this has not been constructed.
161. Concerns have been raised by Design and Conservation and Landscape officers that the proposed development would result in a coalescence of the settlements of Hett, Metal Bridge and Spennymoor via the recent developments at Thinford and Durham Gate. This may be how the development is interpreted in plan view but it is considered the from the ground the solar farm would not be read as a continuation of settlements and built development, but as a separate entity. The proposed solar farm actually has the effect of temporarily sterilising the site against permanent built development and therefore prevents a physical coalescence of settlements.
162. The proposed solar development would cumulatively add to the amount of energy infrastructure in the surrounding area which could lead to potentially significant cumulative effects arising from the existing substations, recently approved Battery Storage (DM/16/02869/FPA) facilities, but also current application for battery storage units (DM/22/00120/FPA). The level of cumulative impact and overall perceptions of the change in the character of the landscape has the potential to be notable especially in the short-medium term until any landscape proposals became established, although there is likely to be residual harm. These effects are likely to be particularly felt along Thinford Lane (A688) where would be some inter-visibility and/or sequential views of this developments and in wider views such as the Limestone Escarpment Ridge to the south on the edge of Ferryhill where there is likely to be some intervisibility between existing and proposed.
163. As described above, the proposed development would be viewed in the context of other energy developments and large scale commercial developments. However, the proposed solar panels would be of a modest height themselves and the associated screening would bring benefits to the site, as well as limiting intervisibility between developments. It is therefore considered that whilst there would be a cumulative impact, this would not be unacceptable or overbearing. It is therefore considered that the solar farm proposal would not conflict with CDP Policy 31 and Part 15 of the NPPF.

Safeguarding Areas

164. Paragraph 45 of the NPPF states that Local planning authorities should consult the appropriate bodies when considering applications for the siting of, or changes to, major hazard sites, installations or pipelines, or for development around them. CDP Policy

28 requires that within safeguarded areas development will be subject to consultation with the relevant authority and will be permitted where it can be demonstrated that it would unacceptably adversely affect public safety, air traffic safety, the operation of High Moorsely Meteorological Officer radar. Of relevance to this development is criteria a) which states that development will be permitted within the defined consultation zones of the Major Hazard Sites and Major Hazard Pipelines, where it can be demonstrated that it would not prejudice current or future public safety. The Policy goes on to say that when considering relevant planning applications within the defined safeguarded areas the Council will ensure that developers always consider both potential individual and cumulative impacts. Where demonstrated to be necessary mitigation will always be sought to either remove or reduce the potential impact upon each safeguarded area to acceptable levels.

165. A high pressure gas pipeline (6904_ Operated by SABIC) goes through part of the western side of the proposed solar farm. A greater part of the site is covered by the 250m high pressure gas pipeline zones. As the proposed development site currently lies within the consultation distance at least one major hazard site and/or major accident hazard pipeline HSE needs to be consulted on any developments on this site. The HSE does not advise, on safety grounds, against the granting of planning permission in this case. As the proposed development is within the Consultation Distance of a major hazard pipeline the HSE advises that the pipeline operator is contacted before determination. SABIC have been consulted and have provided guidance to the applicant in relation to working in proximity to pipelines. Subject to avoidance of the gas pipeline, in accordance with the submitted site layout plan, it is considered that there would not be a conflict with CDP Policy 28 or Part 4 of the NPPF.

Other Matters

166. Objectors have suggested that the site is in the Green Belt but this is not the case and the nearest part of the Green Belt is located approximately 800m to the north of the site. It has also been suggested that solar development should be located on brownfield or previously developed land. Applicants are welcome to select previously developed land for solar development but there is no policy requirement to do so.
167. The site is located approximately 60m from the East Coast Mainline (at its nearest point). CDP Policy 10 states that new development in the countryside must not be prejudicial to railway safety. Network Rail have been consulted on the application and raised no objections subject to a condition for monitoring and potential implementation of remedial measures in the event that glint and glare from the site affects signal sighting or driver distraction. The submitted glint and glare assessment that the impact to rail receptors would be low or no impact. Subject to the proposed condition it is considered that the proposal would accord with CDP Policy 10 in this respect.
168. CPRE raised concerns that there is a mention of a 'battery unit' within the Design and Access statement. The purpose of the Design and Access statement is to show the evolution of the site design up to the point at which it is submitted as a planning application. It is likely that a battery unit was initially considered for the site but then subsequently removed. For clarity, there is no proposal to include battery storage as part of the development.

Public Sector Equality Duty

169. 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.

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

CONCLUSION

171. Although there would be unacceptable landscape harm in conflict with CDP Policies 10 and 39 it is considered that the benefits of the proposal outweigh this harm. The proposed solar farm development would provide a significant renewable energy source using solar power sufficient to provide clean energy for up to 9,444 homes whilst also reducing dependence on fossil fuel power stations. Further benefits of the scheme include significant biodiversity and landscape improvements to the site and direct employment to the construction industry. Officers consider that the proposed solar farm would accord with CDP Policy33.
172. Although changes have been made to the proposed solar farm during the course of consideration of the application, it would still constitute development in the countryside resulting in landscape harm sufficient to conflict with CDP Policy 39. Efforts have been made to screen the solar arrays and from many public viewpoints the arrays would be obscured by vegetation or topography. In more open, and distant views the solar arrays would be seen as a developed feature within a semi-rural landscape that could not be mitigated by screening. All other material considerations have been taken into account in the determination of the solar farm application and found to be acceptable.
173. Whilst it is accepted that the proposed solar farm would have an impact to the landscape it is considered that the benefits of the development in terms of energy supply and security, support for renewable energy, biodiversity enhancement and job creation would outweigh that harm and planning permission should be granted.
174. The proposed development has generated some public interest, with letters of objection having been received. Concerns expressed regarding the proposal have been taken into account, and carefully balanced against the scheme's wider social, environmental and economic benefits.
175. The solar farm proposal is considered to broadly accord with the relevant policies of the County Durham Plan and relevant sections of the NPPF.

RECOMMENDATION

176. That application no. DM/21/02990/FPA for the installation and operation of a Solar Farm together with all associated works, equipment and necessary infrastructure be **APPROVED** subject to the following conditions and completion of an agreement under Section 39 of The Wildlife and Countryside Act 1981 to secure biodiversity management for the life of the development:
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.

- The Local Planning Authority shall be given at least seven days prior written notification of the date of commencement of the development

Reason: To ensure the development is carried out in accordance with the approved documents.

- This consent is granted for a period of 40 years from the date of energisation of the Solar Farm to when the buildings, structures and infrastructure works hereby approved shall be removed and the land restored to its former condition in accordance with details to be submitted to and approved by the Local Planning Authority. The approved details shall then be implemented in full within 6 months of approval of those details.

Reason: In the interests of visual amenity, pollution prevention and reinstatement of agricultural land in accordance with County Durham Plan Policies 14, 31 and 39 and Part 15 of the National Planning Policy Framework.

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

GBR_Hett Moor Farm_LP3-BDL-PL_05-A3	Site Layout Plan
P20-0319.005	Detailed Landscape Proposals
UK_EPD_RCS	Road Cross Section
UK_EPD_SWG	Switchgear / Production Substation
PNL.4L-25-6665	Panel Elevation
UK_EPD_FNC	Fence Detail
UK_EPD_GTD	Gate Detail
UK_EPD_DNO	DNO Substation
UK_EPD_CSS	Customer Substation
UK_EPD_MTR	GRP Cabinet
UK_EPD_INV	Inverter Detail
UK_EPD_MH/CB	Monitoring House
UK_EPD_S40	Spare Parts Storage
UK_EPD_TLT	Toilet
UK_EPD_TFM	Transformer
UK_EPD_WMF	Weld Mesh Fence
UK_EPD_WMG	Weld Mesh Gate
UK_HUL&SRT_EPD_66kv	66KV Substation

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies 21, 31, 33, 39 and 41 of the County Durham Plan and Parts 9, 14 and 15 of the National Planning Policy Framework.

- No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include as a minimum but not necessarily be restricted to the following:

-A Dust Action Plan including measures to control the emission of dust and dirt during construction taking into account relevant guidance such as the Institute of Air Quality Management "Guidance on the assessment of dust from demolition and construction" February 2014;

-Details of methods and means of noise reduction;

-Where construction involves penetrative piling, details of methods for piling of foundations including measures to suppress any associated noise and vibration;

-Details of whether there will be any crushing/screening of materials on site using a mobile crusher/screen and the measures that will be taken to minimise any environmental impact.

- Details of measures to prevent mud and other such material migrating onto the highway from construction vehicles;
- Designation, layout and design of construction access and egress points;
- Details for the provision of directional signage (on and off site);
- Details of contractors' compounds, materials storage and other storage arrangements, including cranes and plant, equipment and related temporary infrastructure;
- Details of provision for all site operations for the loading and unloading of plant, machinery and materials;
- Details of provision for all site operations, including visitors and construction vehicles for parking and turning within the site during the construction period;
- Routing agreements for construction traffic;
- Details of the erection and maintenance of security hoarding;
- Details of construction and decommissioning working hours;
- Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works; and
- Detail of measures for liaison with the local community and procedures to deal with any complaints received.

The Construction Management Plan shall have regard to BS 5228 "Noise and Vibration Control on Construction and Open Sites" during the planning and implementation of site activities and operations.

The approved Construction Management Plan shall also be adhered to throughout the construction period and the approved measures shall be retained for the duration of the construction works.

Reason: In the interests of protecting the amenity of neighbouring site occupiers and users from the impacts of the construction phases of the development having regards to Policies 21 and 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework. Required to be a pre-commencement condition and the details of the construction management statement must be agreed before works on site commence.

6. Construction operations shall only take place within the following hours:
 - 07.30 to 19.00 Monday to Friday
 - 07.30 to 12.00 Saturday

No construction operations including the maintenance of vehicles and plant shall take place outside of these hours or at any time on Bank, or other Public Holidays, save in cases of emergency when life, limb, or property are in danger. The Local Planning Authority shall be notified as soon as is practicable after the occurrence of any such operations or working.

Reason: In the interests of residential amenity and highway safety in accordance with the County Durham Plan Policy 21 and Part 15 of the National Planning Policy Framework.

7. The development shall be carried out in accordance with the submitted flood risk assessment. The mitigation measures detailed with the flood risk assessment shall be fully implemented prior to commencement of operations of the development being brought into use. These measures shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants and to ensure there is no increase of flood risk elsewhere as a result of this

development in accordance with Policy 35 of the County Durham Plan and Part 14 of the National Planning Policy Framework.

8. All vehicles leaving the site shall be sufficiently cleaned in order to ensure that mud, dirt, and treated or untreated waste is not transferred onto the public highway.

Reason: In the interests of residential amenity and highway safety in accordance with the County Durham Plan Policy 21 and Part 15 of the National Planning Policy Framework.

9. Within 24 months of the completion and commencement of operations of the development hereby approved (such a date as to be notified to the LPA) in the event of any complaint to the Council from Network Rail relating to signal sighting safety or driver distraction, upon notification to the LPA, the applicant or operator of the solar farm shall as soon as possible and not later than 28 days, submit for approval to the Council details of a scheme of remedial measures to address the concerns raised with details of a timescale for implementation of the works. The works shall be carried out in accordance with the approved details and timetable.

Reason: To ensure the safety, operational needs and integrity of the railway in accordance with County Durham Plan Policy 10 and Part 9 of the National Planning Policy Framework.

10. Prior to the commencement of development precise details of the colours and finishes for all buildings, fixed plant and machinery shall be agreed in writing with the Local Planning Authority and the development carried out in accordance with agreed details.

Reason: To ensure the development is carried out in accordance with the approved documents and in the interests of visual amenity in accordance with County Durham Plan Policy 39 and Part 15 of the National Planning Policy Framework. Required to be pre-commencement in order to assess the appearance of the development.

11. Prior to the commencement of development, a landscaping scheme shall be submitted for approval in writing. This scheme shall include provision for tree planting on the western edge of the roundabout connecting the A688 and A177 road at Tursdale with provision for long term management for trees within the site boundary. The approved landscaping scheme shall be implemented on site in the first planting season following the development being brought into use. Any tree or shrub which may die, be removed or become seriously damaged within a period of 5 years from the first implementation of the approved landscaping scheme shall be replaced in the first available planting season thereafter.

Reason: In order to provide landscape enhancement and screening for the development in accordance with Policy 39 of the County Durham Plan and Part 15 of the National Planning Policy Framework. Required to be pre-commencement in order to assess the appearance of the development.

12. Prior to the commencement of development, a Written Scheme of Investigation setting out a phased programme of archaeological work in accordance with 'Standards For All Archaeological Work In County Durham And Darlington' shall be submitted to the Local Planning Authority for approval in writing. The programme of archaeological work will then be carried out in accordance with the approved Written Scheme of Investigation.

Reason: To safeguard any Archaeological Interest in the site in accordance with County Durham Plan Policy 44 and Part 16 of the National Planning Policy Framework.

Required to be a pre-commencement condition as the archaeological investigation/mitigation must be devised prior to the development being implemented.

13. No part of an individual phase of the development as set out in the agreed programme of archaeological works shall be occupied until the post investigation assessment has been completed in accordance with the approved Written Scheme of Investigation. The provision made for analysis, publication and dissemination of results, and archive deposition, should be confirmed in writing to, and approved by, the Local Planning Authority.

Reason: To safeguard any Archaeological Interest in the site in accordance with County Durham Plan Policy 44 and Part 16 of the National Planning Policy Framework.

14. No development shall commence until a land contamination scheme has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall be compliant with the YALPAG guidance and include a Phase 2 site investigation, which shall include a sampling and analysis plan. If the Phase 2 identifies any unacceptable risks, a Phase 3 remediation strategy shall be produced and where necessary include gas protection measures and method of verification.

Reason: To ensure that the presence of contamination is identified, risk assessed and proposed remediation works are agreed in order to ensure the site is suitable for use, in accordance with Part 15 of the National Planning Policy Framework. Required to be pre-commencement to ensure that the development can be carried out safely.

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

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

16. In the event that the solar farm is inoperative for a period of 6 months or longer, a scheme for the restoration of the site, including the buildings, structures and infrastructure works, dismantling and removal of all elements, shall be submitted to and be approved in writing by the Local Planning Authority not later than 12 months following the last export of electricity from the site. The approved scheme shall be carried out and completed within 6 months of approval of the scheme.

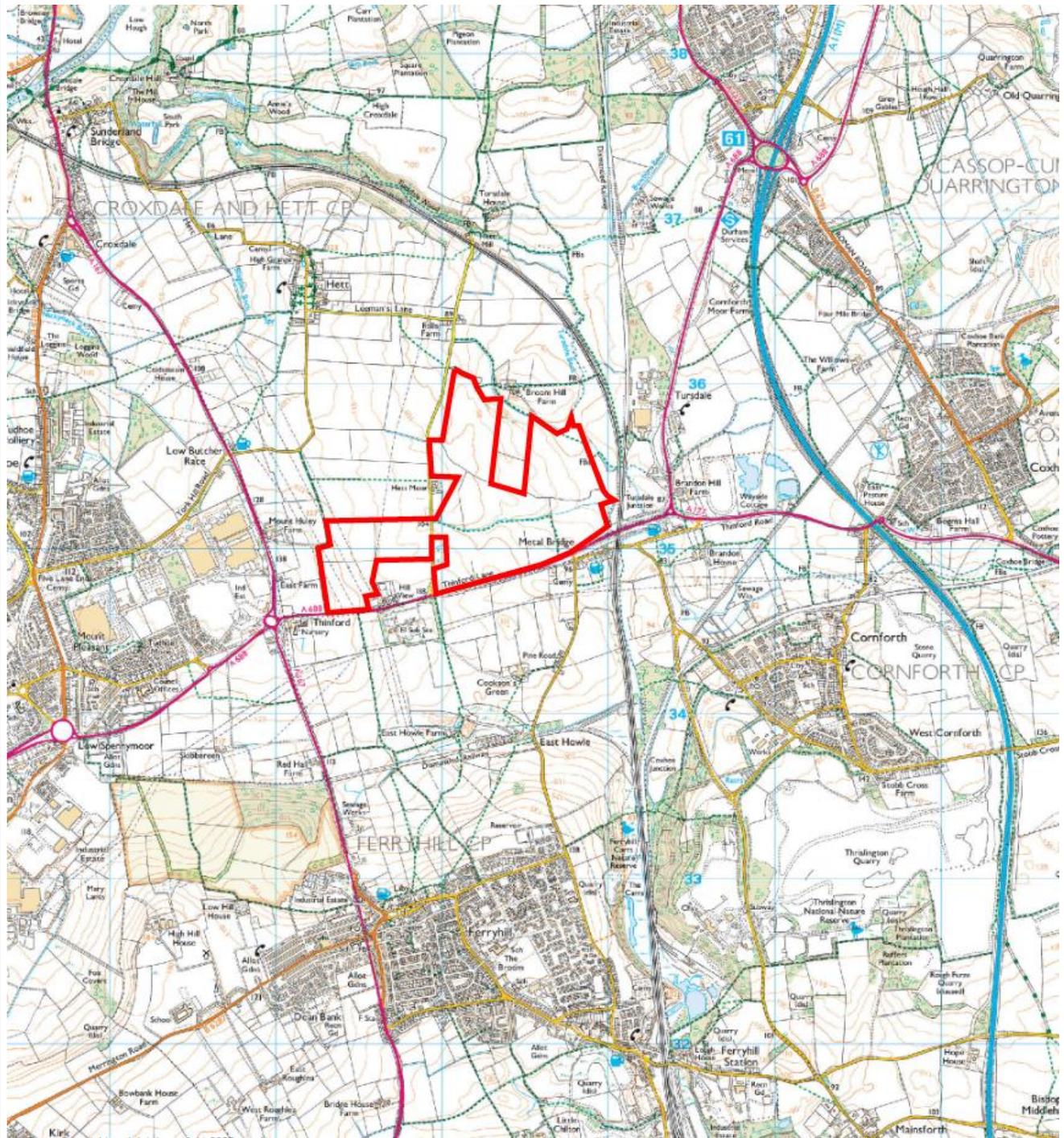
Reason: In the interests of visual amenity, pollution prevention and reinstatement of agricultural land in accordance with County Durham Plan Policies 14, 31 and 39 and Part 15 of the National Planning Policy Framework.

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.

BACKGROUND PAPERS

- Submitted application form, plans supporting documents and subsequent information provided by the applicant.
- The National Planning Policy Framework (2021)
- National Planning Policy for Waste
- National Planning Practice Guidance notes
- County Durham Plan
- EN:1 Overarching National Policy Statement for Energy (published in July 2011)
- EN-3 National Policy Statement for Renewable Energy Infrastructure (published in July 2011)
- Draft Overarching National Policy Statement for Energy (EN-1) (September 2021)
- Draft National Policy Statement for Renewable Energy Infrastructure (EN-3) (September 2021)
- Statutory, internal and public consultation response




Durham
County Council

Planning Services

DM/21/02990/FPA

Installation and operation of a Solar Farm together with all associated works, equipment and necessary infrastructure

Croxdale Farms, Hett Moor Farm, Hett, Durham

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Comments

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Date May 2022

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COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/21/04097/FPA
FULL APPLICATION DESCRIPTION:	New 630 place Primary School
NAME OF APPLICANT:	Durham County Council
ADDRESS:	Site Of Former Tudhoe Grange Comprehensive School, Durham Road, Spennymoor, DL16 6SQ
ELECTORAL DIVISION:	Tudhoe
CASE OFFICER:	Chris Shields Senior Planning Officer 03000 261394 chris.shields@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

Site

1. The application site comprises around 3.6ha of land formerly occupied by a secondary school. The school was closed in 2012 and subsequently demolished and the site has been vacant for a number of years. It is presently grassed over. It is located in the town of Spennymoor, approximately one mile north west of its town centre. The site is accessed from an existing access point on to the C152 Durham Road to the immediate north.
2. The site has an 'L' shaped layout measuring approximately 260m by 190m. The site is currently vacant and is nearly all grass with the former school buildings having been removed. The entrance gates remain at the northern end of the site and there are pedestrian entrances on the western side. The eastern boundary has dense hedgerow and tree planting whilst the tree screening on the northern, eastern and western boundaries is more sparse. The site appears relatively flat, but in fact falls from the south to north by approximately 8m, with the low point of the site to the north.
3. The site is within a mixture of High and Low Risk Coalfield Development areas with the high risk band underlying the proposed location for the new school building. The site is entirely located with Flood Zone 1 and a Minor Groundwater Vulnerability zone. Due to the location of the site the Agricultural Land Classification value is Grade 4 (urban) and is therefore not of a best and most versatile quality.
4. There are no landscape or ecological designations within, or in the immediate vicinity of the site. Within 2km of the site there are three Local Wildlife Sites (LWS) including Cow Plantation and Rosa Shafto Woodland 300m to the north, Whitworth Park Grassland 1.4km to the west and North Close Marsh 1.4km to the south. Cow Plantation Local Nature Reserve (LNR) is located 300m to the north.

5. Tudhoe Conservation Area is located approximately 550m to the north of the site and this contains 9 listed buildings, the nearest of which are the Grade II Listed Church of St Charles and Presbytery and the Grade II Listed Gate Piers and Piers North of Church of St Charles approximately 650m to the north of the site. The Grade II Listed Church of St Andrew is located approximately 150m to the south, the Grade II Listed Spennymoor Settlement is located approximately 270m to the west, the Grade II Listed Spennymoor U.D. War Memorial with Dwarf Wall, Railings and Gate is located approximately 550m to the west and the Grade II Listed War Memorial in York Hill Cemetery with Piers, Rails and Chain and Grade II Listed Colliery Disaster Memorial in Tudhoe Cemetery are located approximately 360m to the east.
6. The site is located within a residential area. The nearest residential properties to the site are located immediately adjacent to the site boundary on South Terrace to the west, Derwent Terrace to the south and Durham Road and Cuthbert Street to the north. St Charles Roman Catholic Primary School is located to the immediate east. Appleton Lodge care home is located to the south of the site. There are no public rights of way within or in the vicinity of the site.
7. The site is allocated for housing in the County Durham Plan (reference H24) with an anticipated yield of 85 no. dwellings.

PROPOSAL:

8. Planning permission is sought for the construction of a new primary school, nursery and early years unit on the site, together with associated parking and playing pitches.
9. The proposed school would replace the Ox Close Primary School which is located around 700m west of the application site.
10. The proposed school provide 23 classrooms with 1 for the nursery, 3 for reception and 18 for years 1 to 6, as well as other ancillary learning spaces and facilities, such as group rooms, library, sports hall and dining hall. The school would have generally rectangular form with a length of 81.5m, width of 37.5m across the halls and 24 metres across the classroom and with a and a maximum height of 7.66m
11. The proposed building would be two storeys with a flat roof. The predominant material for use in the construction of the school would be brickwork, in common with buildings in much of the surrounding area, with standardised curtain walling to sections. A panel infill would be used to screen structural columns and partitions. The proposed window system would allow for partitions between glazed panels by the use of infill spandrel panelling which would match the proprietary aluminium double glazed system finish.
12. The primary access to the site would be from Durham Road, leading to a parking area providing 107 car parking spaces. The school building with play areas to its rear would lie to the south east of the parking area. A separate access to goods and deliveries would be retained via Cuthbert Street to the north. A pedestrian access would be created to the south, from South Terrace.
13. This application is being reported to the County Planning Committee because it involves major development of more than 2ha.

PLANNING HISTORY

14. The former Tudhoe Grange School closed in September 2012. There have been no subsequent applications for the site.

PLANNING POLICY

NATIONAL POLICY

15. A revised National Planning Policy Framework (NPPF) was published in July 2021. 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.
16. In accordance with Paragraph 219 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.
17. *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.
18. *NPPF Part 6 – Building a Strong, Competitive Economy* – The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.
19. *NPPF Part 8 – Promoting Healthy and Safe Communities* – The planning system can play an important role in facilitating social interaction and creating healthy, inclusive and safe communities. 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 community facilities and services should be adopted.
20. *NPPF Part 9 – Promoting Sustainable Transport* – Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion.
21. *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.

22. *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, site of biodiversity or 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.
23. *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/government/publications/national-planning-policy-framework--2>

24. 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; listed air quality; climate change; determining a planning application; flood risk and coastal change; healthy and safe communities; historic environment; light pollution; natural environment; noise; renewable and low carbon energy; travel plans, transport assessments and statements; use of planning conditions; water supply, wastewater and water quality

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

LOCAL PLAN POLICY:

The County Durham Plan (October 2020)

25. *Policy 4 – Housing Allocations* – identifies the locations for new housing within the County. Applications for housing on these allocations if in accordance with the site-specific requirements of the policy and infrastructure requirements should be approved if in accordance with other relevant policies in the plan.
26. *Policy 6 – Development of Unallocated Sites* – States the development on sites not allocated in the Plan or Neighbourhood Plan, but which are either within the built-up area or outside the built up area but well related to a settlement will be permitted provided it: is compatible with use on adjacent land; does not result in coalescence with neighbouring settlements; does not result in loss of land of recreational, ecological, or heritage value; is appropriate in scale, design etc to the character of settlement; it is not prejudicial to highway safety; provides access to sustainable modes of transport; retains the settlement’s valued facilities; considers climate change implications; encourages the use of previously developed land and reflects priorities for urban regeneration.
27. *Policy 21 – Delivering Sustainable Transport* – Requires planning applications to address the transport implications of the proposed development. All development shall deliver sustainable transport by delivering, accommodating and facilitating investment in sustainable modes of transport; providing appropriate, well designed, permeable and direct routes for all modes of transport; ensuring that any vehicular traffic generated by new development can be safely accommodated; creating new or

improvements to existing routes and assessing potential increase in risk resulting from new development in vicinity of level crossings.

28. *Policy 26 – Green Infrastructure* – States that development proposals will not be permitted that would result in the loss of open space or harm to green infrastructure assets unless the benefits of the development clearly outweigh that loss or harm and an assessment has been undertaken which has clearly shown the open space or land to be surplus to requirements. Where valued open spaces or assets are affected, proposals must incorporate suitable mitigation and make appropriate provision of equivalent or greater value in a suitable location. Where appropriate there will be engagement with the local community.
29. *Policy 29 – Sustainable Design*. Requires all development proposals to achieve well designed buildings and places having regard to SPD advice 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).
30. *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 the development can be effectively integrated 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 to an acceptable level.
31. *Policy 32 – Despoiled, Degraded, Derelict, Contaminated and Unstable Land* – requires that where development involves such land, any necessary mitigation measures to make the site safe for local communities and the environment are undertaken prior to the construction or occupation of the proposed development and that all necessary assessments are undertaken by a suitably qualified person.
32. *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.
33. *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.
34. *Policy 39 – Landscape* – States that proposals for new development will only be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals are expected to incorporate appropriate mitigation measures where adverse landscape and visual impacts occur. Development affecting Areas of Higher landscape Value will

only be permitted where it conserves and enhances the special qualities of the landscape, unless the benefits of the development clearly outweigh its impacts. Development proposals should have regard to the County Durham Landscape Character Assessment and County Durham Landscape Strategy and contribute, where possible, to the conservation or enhancement of the local landscape.

35. *Policy 40 – Trees, Woodlands and Hedges* – States that proposals for new development will not be permitted that would result in the loss of, or damage to, trees, hedges or woodland of high landscape, amenity or biodiversity value unless the benefits of the scheme clearly outweigh the harm. Proposals for new development will be expected to retain existing trees and hedges. Where trees are lost, suitable replacement planting, including appropriate provision for maintenance and management, will be required within the site or the locality.
36. *Policy 41 – Biodiversity and Geodiversity* – Restricts development that would result in significant harm to biodiversity or geodiversity and cannot be mitigated or compensated. The retention and enhancement of existing biodiversity assets and features is required as well as biodiversity net gains. Proposals are expected to protect geological features and have regard to Geodiversity Action Plans and the Durham Geodiversity Audit and where appropriate promote public access, appreciation and interpretation of geodiversity. Development proposals which are likely to result in the loss or deterioration of irreplaceable habitat(s) will not be permitted unless there are wholly exceptional reasons and a suitable compensation strategy exists.
37. *Policy 43 – Protected Species and Nationally and Locally Protected Sites* – 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. 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.
38. *Policy 44 – Historic Environment* – Requires development proposals to contribute positively to the built and historic environment. Development should seek opportunities to enhance and where appropriate better reveal the significance and understanding of heritage assets.

NEIGHBOURHOOD PLAN:

39. There is no Neighbourhood Plan for this area.

*The above represents a summary of those policies considered relevant. The full text, criteria, and justifications can be accessed at: <http://www.durham.gov.uk/article/3266/Development-Plan-for-County-Durham> (Adopted County Durham Plan) *The Hartlepool Local Plan* can be accessed at: https://www.hartlepool.gov.uk/info/20209/local_plan/312/local_plan_planning_policy*

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

40. *Highways Authority* – has raised no objections to the proposals. Officers provided detailed comments in respect of highway safety that have been incorporated into the updated site layout plan.

41. *The Coal Authority* – has raised no objections to the proposals noting that the content and conclusions of the Coal Mining Risk Assessment Report are sufficient for the purposes of the planning system and meets the requirements of NPPF in demonstrating that the application site is, or can be made, safe and stable for the proposed development.
42. *Drainage & Coastal Protection* – raise no objection subject to a condition.
43. *Northumbrian Water* – has raised no objections to the proposal but has recommended a condition be imposed to require submission of a scheme for the disposal of surface water.

INTERNAL CONSULTEE RESPONSES:

44. *Spatial Policy* – has raised no objections to the proposals. Officers have commented that whilst the site is allocated for housing under Policy 4 (Housing Allocations) of the CDP, development of the site for the establishment of a new primary school would not draw support from Policy 4 but could gain support from CDP Policy 6 (Development on Unallocated Sites) subject to satisfying other policy requirements within the CDP. The non-delivery of housing on this site is not considered to be a significant issue.
45. *Environmental Health and Consumer Protection (Nuisance)* – has raised no objections to the proposals on the basis that hours of use would not extend into the evenings or weekends, and that there would be no external lighting.
46. *Environmental Health and Consumer Protection (Air quality)* – has raised no objections to the proposal. Queries were raised in respect of air quality screening but the daily trips would be below the threshold level. Officers recommend that a condition be applied to require details of any stack associated with the boiler prior to it being installed on site.
47. *Environmental Health and Consumer Protection (Contaminated land)* – has raised no objections. Officers have confirmed that they are satisfied with the information provided in the Phase 1 Desktop Assessment. A Phase 2 Site Investigation was recommended. Elevated levels of contamination have been identified in one location on site during the phase 2. It has been identified as a 'hotspot' however no further site investigation works are proposed to delineate or remove the 'hotspot'. Remedial works are proposed and ground gas monitoring is ongoing. Conditions are recommended for phase 3 and 4 remediation works.
48. *Ecology* – has raised no objections to the proposals. Officers have noted the proposed measures to achieve biodiversity net gain and, subject to the conditioning of the recommendations detailed in Section 5 of the PEA report (Durham Wildlife Services, January 2022 Update report), and the habitat types and areas as detailed in the DEFRA metric which has been provided as a supporting document. It is also recommended that a detailed habitat creation, management and monitoring report be produced, based on the principles detailed in the Summarised Management Prescriptions Document provided by Durham Wildlife Services (dated 24/5/22). The habitats to be created on site shall be managed as described in the detailed document, for a minimum of 30 years, as required by the Environment Act 2021.
49. *Landscape* – has raised no objections to the proposals. Officers have requested conditions to provide full details of hard and soft landscaping and soft landscaping management.

50. *Design and Conservation* –comment that the principle of developing the site for an education building was established at the pre-application stage and therefore there is no objection to the proposed school building however some elements of the detailing are questionable. The overall form of the building, the vertical rhythm, large areas of vertical glazing and a highly legible entrance feature are welcomed. With regard to the proposed material palette, the site lies within a residential area which is dominated by red brick and stone detailing however the proposed building would utilise Staffordshire blue brick contrasting significantly with the dominant characteristic of the local vernacular. Officers have suggested reconsidering the choice of brick to ensure that the building better relates to the site context.
51. *Archaeology* – has raised no objections to the proposals. Officers have stated that the footprint of the new building largely overlies the previous school and as such the groundworks are unlikely to have an impact on undisturbed ground.

EXTERNAL CONSULTEE RESPONSES:

52. *Sport England* – has objected to the proposal. Sport England has commented that the proposed available playing field would be less than half of what was previously available to the former Tudhoe Grange Lower School. It is stated that the proposed playing field would not provide equivalent quality or quantity of playing to when it was last in use. Officers stated that should the local planning authority be minded to grant planning permission for the proposal, contrary to Sport England's objection then in accordance with The Town and Country Planning (Consultation) (England) Direction 2021, the application should be referred to the Secretary of State, via the Planning Casework Unit.
53. Sport England was sent a further consultation when additional information was received in respect of the playing fields but this did not alter its view and the objection remains. In addition, Sport England raised concerns regarding the general pre-application consultation and development process in relation to playing field strategy across the County.

PUBLIC RESPONSES:

54. The applications have been advertised by site notice and in the local press as part of the planning procedures. Notification letters were sent to individual properties in the vicinity of the site. Two letters of objection have been received in response to the consultation.
55. Objectors have raised concerns in respect of traffic and road safety, particularly for pedestrians accessing the school from South Terrace due to cars being parked on the roadside and icy conditions in winter as the road does not get gritted. The cumulative effect of the proposed school being in close proximity to two other schools has been raised and it has been suggested that there would be additional car journeys as children from the Ox Close catchment would be further away from the school.
56. It has been suggested that the proposed car park should be larger and include electric charging points. If the car park would be available for Spennymoor Town Football Club Spectators on match days that would be welcomed. A traffic light controlled crossing has been suggested for Durham Road.
57. The issue of the boundary wall was also raised due to it being in poor condition and in need of some repairs.

APPLICANTS STATEMENT:

58. Officers within the Education Service believe that children and their families will benefit from continuity of education provision from age 3-11 in a single school, rather than two separate schools. The proposal to amalgamate Ox Close Primary School and Oxclose Nursery School into a single primary school is in accordance with the council's strategy of moving towards a model of all through primary schools instead of separate Nursery, Infant and Junior Schools and builds on the Federation of the 2 schools.
59. The proposal will result in a larger, more sustainable school in a new build that can deliver primary education for the community of Spennymoor for the long term. It also addresses the issue of the pressure on primary school places in Spennymoor. A new build school on the Durham Road site of the former Tudhoe Grange Comprehensive School is also the most effective solution to address the pressure on school places as a result of the significant growth via housing developments. This is also the most suitable following a site options appraisal carried out by the council on a number of sites across Spennymoor
60. Officers believe that proceeding with the proposal will enhance education provision in Spennymoor. Amalgamating Ox Close Primary School and Oxclose Nursery School into one Primary School in an enlarged new build will provide a more viable educational establishment for the long term to respond to the growth in Spennymoor.
61. Primary Schools have more opportunity, through daily contact, for those working within the school to work together in the best interests of the pupils. They benefit from the consistency that working under the leadership of one Headteacher and one Governing Body brings. A single Primary School can reduce the potential for disruption, which some children experience, when they transfer from Nursery to Primary School.
62. The new build will provide a facility equipped to deliver a first class 21st century curriculum and build on the standards achieved by the former Ox Close Primary and Oxclose Nursery Schools. The new build will be sustainable for the long term and has been designed in consultation with the schools and community so that it meets the requirements identified for the area.

PLANNING CONSIDERATIONS AND ASSESSMENT

63. 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, layout and design, locational sustainability of the site, access and traffic, residential amenity, contamination and coal mining risk, flooding and drainage, landscape, ecology, recreational amenity, cultural heritage, other matters and public sector equality duty.

The Principle of the Development

64. 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.
65. 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.
66. In light of the recent adoption of the CDP, the Council now 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.
67. The application site is located within the settlement of Tudhoe and is allocated for housing within CDP Policy 4 with the reference H24 (Tudhoe Grange Lower) for 85 houses. CDP Policy 4 states that applications which come forward for housing development on allocated housing land will be approved where they comply with other requirements of the CDP. However, it should also be noted that the Policy seeks to protect the former playing fields of the part of Tudhoe Grange Lower School and states that they can only be developed subject to an up-to-date Playing Pitch Strategy, which identifies a surplus of playing pitches in the catchment area in accordance with Sport England's playing field policy exception.
68. Whilst the site is allocated for housing under CDP Policy 4, and its development for other uses would draw no support from this particular Policy, it is considered that other uses, such as a school could still be found to be acceptable in their own right under CDP Policy 6. Even though the site has an existing allocation within the CDP, the criteria laid out within Policy 6 represents the most appropriate means to assess the suitability of a school on this site.
69. Regarding impacts upon the Council's Housing Land supply, it is worthwhile noting that this site does not feature in the 5-year housing land supply as it has never had planning permission for housing and would not meet the NPPF definition (Annex 2: Glossary) of a 'deliverable' housing site. Therefore, the development of the site for a

school instead of housing would not impact the Council's ability to demonstrate a 5-year housing land supply figure.

70. Furthermore, an argument can be made that whilst the site was originally earmarked for housing in the CDP as a logical Previously Developed Land (PDL) infill site, this has been overtaken by events and the specific need to identify a site for a new primary school in Spennymoor. The fact that this site will no longer deliver 85 housing units can be offset by the contributions that windfall sites will make over the lifetime of the CDP under Policy 6.
71. It should be noted that Paragraph 95 of the NPPF emphasises the importance of sufficient school places to meet the needs of existing and new communities. Local Planning Authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. In essence a new school on this site will deliver wider community benefits and can be viewed in terms of the requirements of CDP Policy 6, along with other policy requirements of the CDP.
72. Policy 6 of the CDP states that the development of sites which are not allocated in the Plan or in a Neighbourhood Plan which are either (i) within the built-up area; or (ii) outside the built-up area (except where a settlement boundary has been defined in a neighbourhood plan) but well-related to a settlement, will be permitted provided the proposal 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; or
 - 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.

73. The application site is not allocated for educational use within the CDP, although it is allocated for housing and benefits from an established use as a school site. The site is located in a built up area and therefore the acceptance criteria associated with CDP Policy 6 are engaged. Many of the criteria associated with CDP Policy 6 are considered in more detail elsewhere in this report. However, with regard criterion a), the application site was formerly occupied by a school and although the site has been vacant for 10 years there has not been an alternative, intervening use of the land and it is considered that education is the established and prevailing land use. The use of the land has therefore been demonstrated to be compatible with the existing adjacent land uses. The development would prejudice the housing allocation (H24) for this site but as CDP Policy 4 does not restrict alternative developments in the same way other allocation policies do (CDP Policy 2, for example) there is considered to be no conflict.
74. With regard to Criteria b) the site is previously developed land with clear boundary that is already surrounded by other, existing development and would therefore not lead to ribbon development or coalescence with other settlements. With respect to criterion c) the vacant application site is not publicly accessible and has very limited recreational and ecological value and no heritage value. The site has been occupied by a school for over 100 years and has come to be characteristic of the locality. The proposal to build a new school on the site would improve the recreational value and the proposed planting and landscape features would add ecological value. Continuing the use of the site for education would maintain the character in the locality.
75. With respect to criterion d) the proposed school would be two storey building with a rectangular plan form. The building would have a modern appearance with a deliberate use of materials to contrast with the traditional red brick palette of the former school and surrounding terraces. Whilst it would look different from it's surrounds this is considered to be a positive choice and a clear break from the building that it replaces. The design of the building is to be as efficient as possible and this would provide a scale and massing that would not be overbearing to surrounding occupiers.
76. Criteria e) and f) relate to transport and access. The site is well located within a residential area with bus stops less than 50m from the site entrance. The site would have multiple pedestrian access points and would have adequate parking provision for staff and would not have a detrimental impact on the highway network.
77. With respect to criteria g) the development would not negatively impact or result in the loss in neighbourhood facilities or services.
78. The development would provide modern, energy efficient building with carefully considered drainage and green energy systems on previously developed land that has lain vacant for several years in accordance with criteria h), i) and j).
79. In summary it is considered that the development of the application site would not be in conflict with CDP Policy 4 as there is no restriction for alternative development on sites allocated for housing and would accord with CDP Policy 6 as it is considered to be well-related to the settlement, would not significantly affect the landscape character and lies within acceptable distances to local community facilities, services and sustainable transport links. The reasoning behind this judgement is set out in the consideration of the scheme against the relevant criterion of the Policy in later sections of this report.

Layout and Design

80. CDP Policy 29 outlines that development proposals should contribute positively to an area's character, identity, heritage significance, townscape and landscape features,

helping to create and reinforce locally distinctive and sustainable communities. Parts 12 and 15 of the NPPF also seek to promote good design, while protecting and enhancing local environments. Paragraph 130 of the NPPF also states that planning decisions should aim to ensure developments function well and add to the overall quality of the area and establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit.

81. Within the application site there are some trees to the north west side, and to its boundaries. The development of the site would have a visual impact, particularly to the north west where the proposed building would be clearly visible in the street scene. From public and private views from the north east, south and west, this impact would be mitigated because of the location of the proposed playing pitches and habitat area to the rear of the new school building itself.
82. The height of the proposed new building would not be inconsistent or out of keeping with neighbouring buildings, particularly as it would be situated in a position set back from the road. This would reduce the prominence of the building.
83. The building's form and mass are a direct response to the school's requirements, and the location. The building mass was considered as two principal elements linked by the central volume which accommodates the entrance, ancillary and staff areas. The teaching accommodation forms the west wing and the double height volume hall and studio spaces form the north. The mass and proportions of these blocks are similar so the opportunity was taken to express them differently, creating variety and visual interest whilst unified through a shared material pallet and standardised fenestration.
84. The proposed materials draw on colours and textures which are sympathetic to the surrounding area whilst being physically robust. The pupil and visitor entrances are clearly articulated as two storey glazed slots which break the building mass. The elevations are a mix of carefully selected tried and tested materials which are affordable and sympathetic to the context. Brickwork is the predominant material which would require minimum maintenance, and which would age well.
85. The elevations utilise a standardised curtain wall design providing a simple elegant rigour to the façade. A panel infill would screen structural columns and partitions. This approach offers flexibility and ensures that opening lights are provided, and louvres are incorporated in a controlled manner where required to supply the ventilation units, avoiding ad hoc penetrations being required in the façade. The window system allows for partitions between glazed panels by the use of infill spandrel panelling which match the proprietary aluminium double glazed system finish. The colours and finishes proposed would complement the surrounding area and would stand the test of time.
86. The main hall and studio façades are articulated with a dark, zinc-look cladding which sits on a brick plinth. Substantial panels have deliberately been left as blank cladding to provide opportunities for signage next to the main entrances.
87. The surrounding built form is characterised by terraces of residential properties, mainly brick and stone. Most buildings are two storeys. The proposed development is clearly designed for its function as a school, but does not depart from the prevailing character of the area, being horizontal in emphasis. The development proposed responds positively to the local context.
88. The proposal would maintain permeability with pedestrian accesses to the south and west. The main entrance would be to the north. Segregated vehicular access is also to the north, as well as access for goods and deliveries.

89. The proposed development incorporates best practice technology in terms of the reduction in energy use and is designed to 'very good' BREEAM rating.
90. The proposed development would provide a significant benefit to the community, would be sustainable and well designed, and in keeping with and complementary to its surroundings.
91. Design and Conservation officers have considered the proposals and commented that the overall form of the building, the vertical rhythm, large areas of vertical glazing and a highly legible entrance feature are welcomed. With regard to the proposed material palette, the site lies within a residential area which is dominated by red brick and stone detailing, however the proposed building would utilise Staffordshire blue brick contrasting significantly with the dominant characteristic of the local vernacular. Officers have suggested reconsidering the choice of brick to ensure that the building better relates to the site context.
92. The applicant has responded to state the choice of a contrasting brick was deliberate to set the proposed school apart from the former school and other neighbouring development without being harmful to the streetscape. This is considered reasonable but to allow for further consideration of the material types it is recommended that a condition be imposed requiring details of materials and finishes to be submitted prior to commencement.
93. In response to CDP Policy 29 it is considered that the development would positively contribute to the character and townscape of the area and would create a modern building capable of providing and accommodating up to date educational needs. An energy statement has been provided in support of the application to demonstrate that the building can operate without reliance upon fossil fuels and the location of the school within a residential area with good transport connections adds to the sustainability credit. The scale, massing and siting of the building would maintain high standards of amenity and privacy to neighbouring residents.
94. The building would achieve a Building Research Establishment Environmental Assessment Method (BREEAM) 'very good' rating.
95. Subject to the imposition of a condition requiring details of materials and finishes it is considered that the development would accord with CDP Policy 29 and Part 12 of the NPPF in respect of good design.

Locational Sustainability of the Site

96. Criteria f of Policy 6 of the CDP requires that developments on unallocated sites have good access by sustainable modes of transport to relevant services and facilities and reflects the size of the settlement and the level of service provision within that settlement. Policy 21 of the CDP requires all developments to deliver sustainable transport by providing appropriate, well designed, permeable and direct routes for walking, cycling and bus access, so that new developments clearly link to existing services and facilities together with existing routes for the convenience of all users. Policy 29 of the CDP requires that major development proposals provide convenient access for all users whilst prioritising the needs of pedestrians, cyclists, public transport users, people with a range of disabilities, and emergency and service vehicles whilst ensuring that connections are made to existing cycle and pedestrian networks. Specifically, the NPPF sets out at Paragraph 105 that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. At paragraph 110 the NPPF states that appropriate opportunities to promote

sustainable transport modes should be taken whilst paragraph 112 amongst its advice seeks to facilitate access to high quality public transport.

97. The proposed development would be located on a site formerly occupied by a school and is surrounded by residential properties. The site access directly onto the C152 Durham Road and would provide adequate parking on site for staff and visitors. The site is served by existing pedestrian entrances that would be brought back into use and there is a good network of pavements to the site to allow people to walk. Cycle parking would be provided on site to facilitate and encourage staff and pupils to cycle to school. In addition, there are bus stops less than 50m from the site entrance.
98. In conclusion, the development would promote accessibility by a range of methods in accordance with Policies 6 criterion f, 21 and 29 of the CDP and Paragraphs 98, 103, 108 and 110 of the NPPF.

Access and Traffic

99. Paragraph 110 of the NPPF states that safe and suitable access should be achieved for all users. In addition, Paragraph 111 of the NPPF states that development should only be refused on transport grounds where the residual cumulative impacts on development are severe. CDP Policy 21 states that the transport implications of development must be addressed as part of any planning application, where relevant this could include through Transport Assessments, Transport Statements and Travel Plans.
100. The proposed vehicular access and egress junctions into the school site would be sited just west of the existing vehicular access junctions from Durham Road, providing a one-way route into the car park area. Access would be permitted via the eastern junction with egress to the west. The access/egress junctions would be supported by dropped-kerbs and tactile paving, with footway reinstatement at the existing access/egress junctions. Yellow 'Keep-Clear' carriageway markings would also be provided at the school frontage to maintain pedestrian visibility across the carriageway. A separate goods/delivery access will be provided to the east of the car park access via Cuthbert Street. All service vehicles will be able to enter and egress the site in forward gear due to the provision of an internal turning-head which would be segregated from the remainder of the school grounds.
101. A total of 106 parking bays would be provided on-site to cater for staff and visitors associated with the school. Such provision would include a total of six mobility impaired standard spaces, which would be situated in close proximity to the school's entrance point together with car-share bays and EV charging bays. Any parents/guardians travelling by car for pupil drop-off/collection would not be permitted to use the school car park. It is therefore anticipated that any pupils travelling by car would be required to utilise on-street parking provision throughout the local area, with a proportion utilising the parking lay-by on Durham Road fronting the school.
102. Long-stay, sheltered cycle parking provision would also be provided, with surrounding space safeguarded for any future provision. An annual review of cycle parking demand would be undertaken as part of the School Travel Plan to ensure that any additional cycle parking demand would be accommodated.
103. The main pedestrian point of access would be provided to the north of the site from Durham Road. This would provide a segregated pedestrian access point away from the vehicular access/egress junctions thus providing a safe route for pupils, parents and staff. Pedestrian guard-railing will be provided along the Durham Road kerb-line within the vicinity of the pedestrian access route to for safety reasons.

104. A pedestrian access route would also be provided to the south-west of the site from Neville Close, with access to the school buildings permitted by internal pedestrian footways routing around the playing-fields/play areas. The pedestrian route falling outside of the school's red-line boundary will be subject to clearance (and maintained) as the route is currently overgrown. An additional pedestrian route would also be provided from South Terrace to the west, with internal footways linking the school buildings. This access point (which was previously associated with the former Tudhoe School), would be subject to improvements with works to improve pedestrian visibility.
105. The proposals would also include provision of an uncontrolled crossing facilities supported by School Crossing Patrol Officer during peak school arrival and departure periods. This would cater for pupils and staff arriving by foot, bus or by car if being dropped-off along the Durham Road parking lay-by area.
106. A Transport Assessment (TA) has been submitted in support of the application. The TA provides a baseline assessment of the surrounding area, description of the proposed development, options for alternative (non-car) transport modes, analysis of trip generation and distribution and assessment of anticipated highway impacts. The TA concludes that there are no pre-existing road safety issues that would be affected by the development, the site is accessible by non-car modes by staff, pupils and visitors and the traffic generation from the development can be safely accommodated on the highway network. The application is also supported by a travel plan that sets out aims, implementation and monitoring of sustainable transport options for the development.
107. Objectors to the development have raised highway safety as concern, particularly in relation to additional car journeys and pedestrian safety. It has also been requested that there be a signalised crossing installed on Durham Road. The TA has taken into consideration the issues of traffic flows and safety and concluded that the development would operate acceptably. As noted above, a non-signalised crossing facility would be installed on Durham Road supported by a School Crossing Patrol Officer.
108. Highways officers have considered the proposal and found the access arrangements for both the construction and operational periods to be acceptable. Modifications have been made in respect of signage, improvements to access and removal of the southern pedestrian access due to safety concerns.
109. No objection is raised by the Council as Highways Authority subject to appropriate conditions. It is considered that the proposals have been appropriately assessed through a Transport Assessment and would not result in harm to the safety of the local or strategic highway network and would not cause an unacceptable increase in congestion or air pollution. Subject to the condition set out above the development would not conflict with CDP Policy 21 and Part 9 of the NPPF.

Residential Amenity

110. Paragraph 174 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 185 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 186 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 187 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).

111. CDP Policy 31 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 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 locating of 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.
112. The nearest residential properties to the site are located immediately adjacent to the site boundary on South Terrace to the west, Derwent Terrace to the south and Durham Road and Cuthbert Street to the north. St Charles Roman Catholic Primary School is located to the immediate east. Appleton Lodge care home is located to the south of the site. There are no public rights of way within or in the vicinity of the site.
113. A Noise Impact Assessment has been submitted in support of the application. The assessment provides baseline data for the existing acoustic environment around the site and a consideration of the potential noise from the operation of the building and sports pitches against British Standards and the Councils Technical Advice Notes (TANs). The assessment concludes that operation of the school and sports pitches during normal school hours would be consistent with the noise environment in the area and no mitigation is required. However, if the playing fields were to be used outside of normal hours it is likely that a noise barrier would be required for the southern and western edges of the playing fields to protect the amenity of neighbouring residents. There is no proposal to use the playing fields outside of normal school hours at present so this noise attenuation is not currently required. In order to control this a condition is recommended to restrict use of the outdoor sports facilities to the hours of 0800 to 1800 Monday to Saturday and not at all on weekends.
114. Environmental Health and Consumer Protection (Nuisance Action) officers note that the construction phase is the only time where noise may be an issue and have requested that hours of operation be conditioned. In accordance with standard practice, it is proposed that through condition a Construction Management Plan is submitted to ensure that dust, noise, access, routeing and community liaison amongst other matters.
115. Environmental Health and Consumer Protection (Air quality) officers have considered the proposals and raise no objections in respect of potential nuisance or air pollution. Officers recommend that a condition be applied to require details of any stack associated with the boiler prior to it being installed on site.
116. It is considered that the proposed development would not create an unacceptable impact on health, living or working conditions or the natural environment. The proposals would not result in unacceptable noise, odour, vibration or light pollution and, subject to the imposition of the conditions recommended above, it is considered

that the proposals would provide an acceptable standard of residential amenity in accordance with CDP Policy 31 and Part 15 of the NPPF.

Contamination and Coal Mining Risk

117. Part 15 of the NPPF (Paragraphs 120, 174, 183 and 184) 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 requires that where development involves such land, any necessary mitigation measures to make the site safe for local communities and the environment are undertaken prior to the construction or occupation of the proposed development and that all necessary assessments are undertaken by a suitably qualified person.
118. A Phase 1 Desk Study and Phase 2 Site Investigation have been submitted in support of the application. This assessment concludes that there may be possible sources of contamination on the site.
119. The site is within a mixture of High and Low Risk Coalfield Development areas with the high risk band underlying the proposed location for the new school building. A Coal Mining Risk Assessment and Phase 2 Site Investigation Report have been submitted in support of the application. The report identifies that through the rotary open-hole boreholes no coal seams voids or workings were noted. The report therefore recommends that no structural precautions are required in connection with coal mining activity.
120. Environmental Health and Consumer Protection (Contaminated Land) officers have considered the proposals and raise no objections in respect of land contamination. Conditions have been recommended to require investigation of potential areas of ground contamination. The Coal Authority has considered the development in respect of coal mining risk and raised no objections.
121. It is considered that the proposed development would be suitable for the proposed use and would not result in unacceptable risks which would adversely impact on the environment, human health and the amenity of local communities and it is considered that the proposals would provide an acceptable standard of residential amenity in accordance with CDP Policies 32 and Part 15 of the NPPF.

Flooding and Drainage

122. 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 174 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.
123. Paragraph 167 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.

124. CDP Policies 35 and 36 of the CDP relate to flood water management and infrastructure. Policy 35 requires development proposals to consider the effects of the scheme on flood risk and ensure that it incorporates a Sustainable Drainage System (SuDS) to manage surface water drainage. Development should not have an adverse impact on water quality. Policy 36 seeks to ensure that suitable arrangements are made for the disposal of 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
125. The site is within a mixture of High and Low Risk Coalfield Development areas with the high risk band underlying the proposed location for the new school building. The site is entirely located with Flood Zone 1 and a Minor Groundwater Vulnerability zone. Due to the location of the site the Agricultural Land Classification value is Grade 4 (urban) and is therefore not of a best and most versatile quality.
126. A Flood Risk Assessment (FRA), SuDS Management Plan and Drainage Philosophy have been submitted in support of the application. The FRA concludes that the risk of flooding to the proposed primary school on the greenfield parcel of land off Durham Road is low from all forms of flooding as categorised in the NPPF and Technical Guidance. This confirms the flood designation for the site, and it is stated that the proposed uses of land are appropriate in this Flood Zone.
127. The SuDS Management Plan has identified that there are limited opportunities within the site to incorporate open SuDS such as filter strips, swales, basins or ponds. It is therefore proposed to provide permeable paving and attenuation tanks with hydro brakes to control surface water flow. The management plan also provides details of monitoring and maintenance of the SuDS features. Surface water from the site would drain to public sewer.
128. Drainage and Coastal Protection officers have raised no objections to the proposals. Northumbrian Water has raised no objections subject to a condition to provide details of a surface water management scheme.
129. It is therefore considered that the proposed development would not lead to increased flood risk, both on and off site, and through the use of SUDs would ensure there is no net increase in surface water runoff for the lifetime of the development. It is therefore considered that the proposals would not conflict with CDP Policies 35 and 36 and Part 14 of the NPPF.

Landscape

130. Paragraph 174 of the NPPF states that decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes in a manner commensurate with their statutory status or identified quality in the development plan.
131. CDP Policy 39 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. Proposals will be expected to incorporate appropriate measures to mitigate adverse landscape and visual effects. Development affecting Areas of Higher Landscape Value will only be permitted where it conserves, and where appropriate enhances, the special qualities of the landscape, unless the benefits of development in that location clearly outweigh the harm.

132. 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 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 not be permitted that would result in the loss of, or damage to, woodland unless the benefits of the proposal clearly outweigh the impact and suitable replacement woodland planting, either within or beyond the site boundary, can be undertaken.
133. A pre-development tree survey has been provided in support of the application. The survey identifies trees on the site and considers those that need to be removed and sets out protection measures for those in proximity to areas to be developed or used for construction purposes. It is identified that 10 trees would need to be removed from the northern area of the site in order to facilitate the new car park but the remaining trees on site should not require removal. Mitigation measures for safe working to avoid damaging to trees and root protection areas is provided within the survey report. A tree protection plan has also been provided in support of the application.
134. Indicative landscaping plans have been provided to show hard and soft landscaping within the site, including playing fields, pathways and planting.
135. Landscape officers have considered the proposals and raised no objections. Conditions are recommended to confirm full details of hard and soft landscape proposals. Hard landscape details should include all enclosing elements, street furniture and street lighting locations. Details of external finishing materials should include finished levels, and all construction details confirming materials, colours, finishes and fixings. Officers have stated that the impact of the scheme on Durham Road is important, and the proposed feature wall could make a positive contribution to the local streetscape.
136. Soft landscaping details should include a detailed planting plan and specification of works indicating soil depths, plant species, numbers, densities, locations inter relationship of plants, stock size and type, grass, and planting methods including construction techniques for pits in hard surfacing and root barriers. Details of rabbit protection should be provided. All existing or proposed utility services that may influence proposed tree planting shall be indicated on the planting plan.
137. In support of the planting schedule, details of proposed soft landscape management should be provided. The soft landscape management plan shall include long term design objectives, management responsibilities and maintenance schedules for all landscape areas/ retained vegetation, other than small privately owned domestic garden. Landscape maintenance shall be detailed for the initial 5 year establishment from date of completion of the total scheme regardless of any phased development period followed by a long-term management plan for a period of 20 years.
138. The proposed development would result in the loss of some tree planting, but this would be mitigated through replacement planting across the site along with

enhancements to the streetscape from the development of a vacant plot. It is therefore considered that the proposal would not conflict with CDP Policies 39 and 40 and Part 15 of the NPPF.

Ecology

139. Paragraph 180 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.
140. The presence of protected species is a material consideration in planning decisions as they are a protected species under the Wildlife and Countryside Act 1981 and the European Union Habitats Directive and the Conservation of Habitats and Species Regulations 2017 (as amended). The Habitats Directive prohibits the deterioration, destruction or disturbance of breeding sites or resting places of protected species. Natural England has the statutory responsibility under the regulations to deal with any licence applications but there is also a duty on planning authorities when deciding whether to grant planning permission for a development which could harm a European Protected Species to apply three tests contained in the Regulations in order to determine whether a licence is likely to be granted. These state that the activity must be for imperative reasons of overriding public interest or for public health and safety, there must be no satisfactory alternative, and that the favourable conservation status of the species must be maintained. Brexit does not change the Council's responsibilities under the law.
141. A Preliminary Ecological Appraisal (PEA) and Biodiversity Metric Report have been provided with the application. The assessment provides a baseline study of the site including the proximity of designated sites, habitats and constraints within the site and includes a Phase 1 habitat survey. The PEA concludes that the largest habitat category was poor semi-improved grassland, which covers a large area of the southern section of the site, though the southern site boundary is covered with a mosaic of scrub, rank grassland, and tall ruderal vegetation. The northern area of the site is predominantly semi-improved grassland, though a small area of amenity grassland is present on the northern boundary, within which there is a small area of introduced shrub. The site's eastern boundary is lined with broadleaved trees with a species-poor native hedgerow also present in the eastern area of the site. Scattered trees are present along the sites southern and western boundaries. A small area of hardstanding is present in the north, and a building is present on the western boundary. None of these habitats are considered rare either locally or nationally. The scrub and treeline on site provide potential breeding and foraging habitat for a range of bird species as well as small mammals, whilst the grasslands on site may provide foraging opportunities for small mammals and therefore barn owl. The building hold negligible bat roost potential and the hard-standing bare ground holds negligible ecological value. Overall, the site is generally of limited ecological value due to the quality and size of the habitats present and the site's location, with some of the mature trees present holding the highest ecological value.

142. The Biodiversity Metric Report advises that with the implementation of species rich hedgerow planting and installation of bird and bat boxes the development would have a 6.25% gain of biodiversity. A Summarised Management Prescriptions was submitted to identify the delivery of net gain on the site with the intention that this is followed up with a more detailed plan at a later stage.
143. Ecology officers have considered the proposals and raised no objections subject to a condition requiring the implementation of the recommendations detailed in Section 5 of the PEA report and the habitat types and areas as detailed in the DEFRA metric. It is also recommended that a detailed habitat creation, management and monitoring report be produced, based on the principles detailed in the Summarised Management Prescriptions document. The habitats to be created on site shall be managed as described in the detailed document, for a minimum of 30 years, as required by the Environment Act 2021. This would be secured by planning condition.
144. The proposed development would provide biodiversity enhancement to the site and, whilst there may be temporary displacement of wildlife during the construction process, the net increase in biodiversity value would adequately mitigate any residual harm. It is considered that the proposed school would not impact upon any nationally or locally protected sites. It is therefore considered that the proposals would not conflict with CDP Policies 41 and 43 and Part 15 of the NPPF in respect of avoiding and mitigating harm to biodiversity.

Recreational Amenity

145. 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. Paragraph 99 of the NPPF states that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless an assessment has been undertaken showing the facility to be surplus to requirements; the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.
146. CDP Policy 26 states that development proposals will not be permitted that would result in the loss of open space or harm to green infrastructure assets unless the benefits of the development clearly outweigh that loss or harm and an assessment has been undertaken which has clearly shown the open space or land to be surplus to requirements. Where valued open spaces or assets are affected, proposals must incorporate suitable mitigation and make appropriate provision of equivalent or greater value in a suitable location. Where appropriate there will be engagement with the local community.
147. The proposed development would provide a range of outdoor play spaces and pitches. Informal hard play areas would spread around the school building, formal hard play and a Multi Use Games Area would be located to the south of the building and a large area of informal soft play would be located in the southern area of the site. Soft landscaping around the site would provide space for a woodland classroom, den building and story telling areas and a woodland habitat area.
148. Sport England has been consulted on the application and have objected due to the reduction in available playing pitch space that was associated with the former Tudhoe Grange School. Sport England has commented that the proposed development would not meet any of the exception criteria set out in the Sport England Playing Field Policy.

Sport England initially stated that if its objection was not resolved the application would need to be referred to the Secretary of State.

149. The Town and Country Planning (Development Management Procedure) (England) Order 2015 identifies Sport England as a statutory consultee for development which:
 - i. is likely to prejudice the use, or lead to the loss of use, of land being used as a playing field; or
 - ii. is on land which has been—
 - a. used as a playing field at any time in the five years before the making of the relevant application and which remains undeveloped; or
 - b. allocated for use as a playing field in a development plan or in proposals for such a plan or its alteration or replacement; or
 - iii. involves the replacement of the grass surface of a playing pitch on a playing field with an artificial, manmade or composite surface.
150. The application site is not being used as a playing field and, as the former school closed more than 5 years ago, there has been no access for use of the site as a playing field in the 5 years prior to the current (relevant) application being submitted. The land is not allocated for use as playing field in the development plan and there are no plans to alter or replace the development plan. The proposal is also not for the replacement of a playing field grass surface with an artificial alternative. It is noted that the 'Active Places Power' website does not identify grass pitches as being a facility at the application site.
151. In light of the above, and in accordance with Paragraph 15 of the Sport England Playing fields policy and guidance document, it is considered that Sport England would not be a statutory consultee in this case. Furthermore, as the site is no longer considered to be a 'playing field' there would be no conflict with the development plan, NPPF or Sport Englands Playing Field Policy if the size of the available playing field is reduced as a result of the proposal. For clarity, there is no requirement for the application to be referred to the Secretary of State.
152. Additional information was provided to demonstrate the qualitative improvement the site and Sport England was afforded the opportunity to comment on the proposals again. However, maintained its objection and, in addition, criticised the Council for not consulting Sport England at an earlier stage in the development. The comments regarding general consultation with Sport England have been forwarded to the Councils Corporate Property and Land Team.
153. Taking into account the above it is considered that the policy test set out in Paragraph 99 of the NPPF and the guidance in Sport England's Playing Field Strategy are not applicable in this case.
154. Subject to the site being developed in accordance with the proposed site plan and detailed hard and soft landscaping plans supporting this scheme it is considered that the loss in open space on the site would be outweighed by the varied and enriching outdoor facilities to be provided on the site in addition to the new school. It is therefore considered that the proposal would accord with CDP Policy 26 and Part 8 of the NPPF.

Cultural Heritage

155. 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.

156. 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.
157. Tudhoe Conservation Area is located approximately 550m to the north of the site and this contains 9 listed buildings, the nearest of which are the Grade II Listed Church of St Charles and Presbytery and the Grade II Listed Gate Piers and Piers North of Church of St Charles approximately 650m to the north of the site. The Grade II Listed Church of St Andrew is located approximately 150m to the south, the Grade II Listed Spennymoor Settlement is located approximately 270m to the west, the Grade II Listed Spennymoor U.D. War Memorial with Dwarf Wall, Railings and Gate is located approximately 550m to the west and the Grade II Listed War Memorial in York Hill Cemetery with Piers, Rails and Chain and Grade II Listed Colliery Disaster Memorial in Tudhoe Cemetery are located approximately 360m to the east.
158. Design and Conservation officers have considered the proposal and raised no objections in respect of cultural heritage and as the development would not be intervisible with any designated heritage assets or their setting, it is considered that there would be no heritage harm.
159. Archaeology officers have also considered the proposals but note that as the ground has been previously disturbed it is unlikely that any archaeological remains would be affected.
160. It is considered that the proposal would cause no harm to heritage assets or archaeological remains in accordance with CDP Policy 44 and Part 16 of the NPPF and Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Other Matters

161. A Local resident has suggested that if the school is to be permitted, would the car park be available for parking of spectators of Spennymoor Town Football Club on match days. This is not linked to the delivery of the school and could not reasonably be made a requirement of the planning permission. It would be a question for the administration of the school, should it be granted planning permission.
162. A separate resident has requested that the wall on the boundary of the site be repaired and maintained. The boundary walls would be inspected and repaired, if necessary, as part of the development.

Public Sector Equality Duty

163. 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.

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

CONCLUSION

165. The proposed development would provide a modern, efficient primary school for Spennymoor on a site formerly in use for education purposes. The proposed development would provide a significant benefit to the community, would be sustainable and well designed, and in keeping with and complementary to its surroundings.
166. The development has been considered against relevant development plan policies and material considerations and was found to be acceptable.
167. The objection received from Sport England is regrettable, but it is considered that proposed new school and associated variety of play spaces outweighs the loss of former playing fields that could potentially have been brought back into use.
168. The proposed development has generated some public interest, with letters of objection having been received. Concerns expressed regarding the proposal have been taken into account, and carefully balanced against the benefits of the scheme in terms modern education provision.
169. The proposed development is considered to broadly accord with the relevant policies of the County Durham Plan and relevant sections of the NPPF.

RECOMMENDATION

170. That the application is **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 Local Planning Authority shall be given at least seven days prior written notification of the date of commencement of the development

Reason: To ensure the development is carried out in accordance with the approved documents.
 3. The development hereby approved shall be carried out in strict accordance with the following approved plans:

202218-BGP-01-XX-DR-C-52-01101 - IMPERMEABLE AREAS PLAN
 202218-BGP-01-XX-DR-C-52-01130 - DRAINAGE PLAN
 202218-BGP-01-XX-DR-C-52-01131 - MANHOLE SCHEDULE
 202218-BGP-01-XX-DR-C-90.4-01100 - SITE LOCATION PLAN
 202218-BGP-01-XX-DR-C-90.4-01110 - EXTERNALS PLAN
 0597- DCC- 1601 – PROPOSED HIGHWAYS WORKS LAYOUT
 0597-DCC-1601 - PROPOSED SITE PLAN GROUND FLOOR
 0597-DCC-1603 - PROPOSED GROUND AND FIRST FLOOR PLANS
 0597-DCC-2100 - PROPOSED ELEVATIONS
 0597-DCC-2200 - PROPOSED SECTIONS
 1600 REV 0 - PROPOSED SITE PLAN
 TREE PROTECTION PLAN
 3704621-TP-A - Travel Plan
 Drainage Philosophy
 Flood Risk Assessment
 SuDS Management Plan
 Summarised Management Prescriptions – Tudhoe School

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies 21, 31, 33, 39 and 41 of the County Durham Plan and Parts 9, 14 and 15 of the National Planning Policy Framework.

4. No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include as a minimum but not necessarily be restricted to the following:

- A Dust Action Plan including measures to control the emission of dust and dirt during construction taking into account relevant guidance such as the Institute of Air Quality Management "Guidance on the assessment of dust from demolition and construction" February 2014;
- Details of methods and means of noise reduction;
- Where construction involves penetrative piling, details of methods for piling of foundations including measures to suppress any associated noise and vibration;
- Details of whether there will be any crushing/screening of materials on site using a mobile crusher/screen and the measures that will be taken to minimise any environmental impact.
- Details of measures to prevent mud and other such material migrating onto the highway from construction vehicles;
- Designation, layout and design of construction access and egress points;
- Details for the provision of directional signage (on and off site);
- Details of contractors' compounds, materials storage and other storage arrangements, including cranes and plant, equipment and related temporary infrastructure;
- Details of provision for all site operations for the loading and unloading of plant, machinery and materials;
- Details of provision for all site operations, including visitors and construction vehicles for parking and turning within the site during the construction period;
- Routing agreements for construction traffic;
- Details of the erection and maintenance of security hoarding;
- Details of construction and decommissioning working hours;
- Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works; and

-Detail of measures for liaison with the local community and procedures to deal with any complaints received.

The Construction Management Plan shall have regard to BS 5228 "Noise and Vibration Control on Construction and Open Sites" during the planning and implementation of site activities and operations.

The approved Construction Management Plan shall also be adhered to throughout the construction period and the approved measures shall be retained for the duration of the construction works.

Reason: In the interests of protecting the amenity of neighbouring site occupiers and users from the impacts of the construction phases of the development having regards to Policies 21 and 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework. Required to be a pre-commencement condition and the details of the construction management statement must be agreed before works on site commence.

5. Construction operations shall only take place within the following hours:
 - 07.30 to 19.00 Monday to Friday
 - 07.30 to 12.00 Saturday

No operations including the maintenance of vehicles and plant shall take place outside of these hours or at any time on Bank, or other Public Holidays, save in cases of emergency when life, limb, or property are in danger. The Local Planning Authority shall be notified as soon as is practicable after the occurrence of any such operations or working.

Reason: In the interests of residential amenity and highway safety in accordance with the County Durham Plan Policy 21 and Part 15 of the National Planning Policy Framework.

6. The development shall be carried out in accordance with the submitted flood risk assessment and SuDS Management Strategy. The mitigation measures detailed with the SuDS Management Strategy shall be fully implemented prior to development being brought into use. These measures shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants and to ensure there is no increase of flood risk elsewhere as a result of this development in accordance with Policy 35 of the County Durham Plan and Part 14 of the National Planning Policy Framework.

7. No development shall commence until a land contamination scheme has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall be compliant with the YALPAG guidance and include a Phase 2 site investigation, which shall include a sampling and analysis plan. If the Phase 2 identifies any unacceptable risks, a Phase 3 remediation strategy shall be produced and where necessary include gas protection measures and method of verification.

Reason: To ensure that the presence of contamination is identified, risk assessed and proposed remediation works are agreed in order to ensure the site is suitable for use, in accordance with Part 15 of the National Planning Policy Framework. Required to be pre-commencement to ensure that the development can be carried out safely.

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

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

9. The development shall be carried in recommendations detailed in Section 5 of the Preliminary Ecological Appraisal report (Durham Wildlife Services, January 2022 Update report), and the habitat types and areas as detailed in the DEFRA metric.

Reason: In order to deliver Biodiversity Net Gain in accordance County Durham Plan Policy 41 and Part 15 of the National Planning Policy Framework.

10. Prior to the commencement of development precise details of the colours and finishes for all buildings, fixed plant and machinery shall be agreed in writing with the Local Planning Authority and the development carried out in accordance with agreed details.

Reason: To ensure the development is carried out in accordance with the approved documents and in the interests of visual amenity in accordance with County Durham Plan Policy 39 and Part 15 of the National Planning Policy Framework. Required to be pre-commencement in order to assess the appearance of the development.

11. Prior to the installation of the boiler plant a detailed stack height calculation and supporting plan shall be submitted to the Local Planning Authority for approval in writing.

Reason: In the interests of residential amenity in accordance with County Durham Plan Policy 31 and Part 15 of the NPPF.

12. Prior to the commencement of development, a habitat creation, management and monitoring report shall be produced, based on the principles detailed in the Summarised Management Prescriptions Document provided by Durham Wildlife Services (dated 24/5/22). The habitats to be created on site shall be managed as described in the detailed document, for a minimum of 30 years, as required by the Environment Act 2021

Reason: In order to deliver Biodiversity Net Gain in accordance County Durham Plan Policy 41 and Part 15 of the National Planning Policy Framework.

13. Prior to the commencement of development full details of hard and soft landscape proposals shall be provided to the Local Planning Authority for approval in writing. Hard landscape details should include all enclosing elements, street furniture and street lighting locations. Details of external finishing materials should include finished levels, and all construction details confirming materials, colours, finishes and fixings. Soft Landscaping details should include a detailed planting plan and specification of works indicating soil depths, plant species, numbers, densities, locations inter relationship of plants, stock size and type, grass, and planting methods including construction techniques for pits in hard surfacing and root barriers. Details of rabbit protection should be provided. All existing or proposed utility services that may influence proposed tree planting shall be indicated on the planting plan.

Reason: In the interests of the visual amenity of the area and to comply with County Durham Plan Policies 29 and 39 and Parts 12 and 15 of the National Planning Policy Framework.

14. Prior to the commencement of development details of proposed soft landscape management should be provided to the Local Planning Authority for approval in writing. The soft landscape management plan shall include long term design objectives, management responsibilities and maintenance schedules for all landscape areas and retained vegetation,. Landscape maintenance shall be detailed for the initial 5 year establishment from date of completion of the total scheme regardless of any phased development period followed by a long-term management plan for a period of 20 years.

Reason: In the interests of the visual amenity of the area and to comply with County Durham Plan Policies 29 and 39 and Parts 12 and 15 of the National Planning Policy Framework.

15. Prior to the commencement of the development a scheme for surface water management shall be submitted to the Local Planning Authority for approval in writing in consultation with Northumbrian Water Ltd.

Reason: To ensure that surface water is appropriately managed on the site in accordance with County Durham Plan Policies 35 and 36 and Part 14 of the National Planning Policy Framework.

16. The outdoor sports facilities shall not be used outside of the hours of 0800 to 1800 Monday to Saturday and not at all on Sundays.

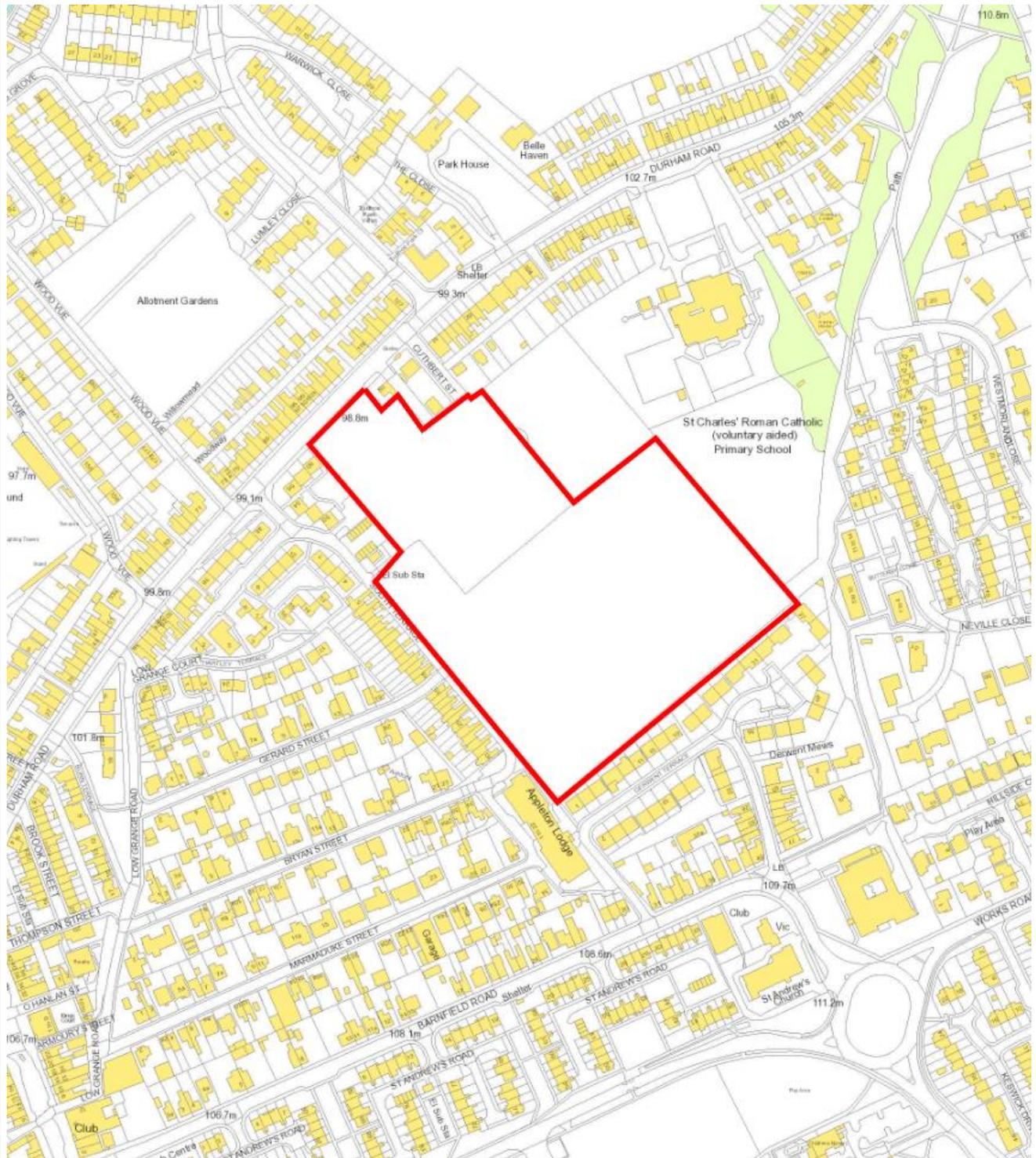
Reason: In the interests of residential amenity in accordance with County Durham Plan Policy 31 and Part 15 of the NPPF.

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.

BACKGROUND PAPERS

- Submitted application form, plans supporting documents and subsequent information provided by the applicant.
- The National Planning Policy Framework (2021)
- National Planning Policy for Waste
- National Planning Practice Guidance notes
- County Durham Plan
- Statutory, internal and public consultation response



 <p>Planning Services</p>	<p>DM/21/04097/FPA</p> <p>New 630 place Primary School at Site Of Former Tudhoe Grange Comprehensive School</p> <p>Durham Road, Spennymoor</p>	
<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>	<p>Comments</p>	
	<p>Date May 2022</p>	<p>Scale Not to Scale</p>

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/21/04047/FPA
FULL APPLICATION DESCRIPTION:	Erection of 27 dwellings with associated infrastructure (revised description 16/05/2022)
NAME OF APPLICANT:	Lovell
ADDRESS:	Site of former J Mitchinson, Merrington Lane Industrial Estate, Spennymoor, DL16 7UT
ELECTORAL DIVISION:	Tudhoe
CASE OFFICER:	Laura Eden Senior Planning Officer 03000 263980 laura.eden@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site relates to the former Mitchinson site comprising a small parcel of land extending to approximately 0.7ha on the Merrington Lane Industrial Estate. It is located off Vyners Close in Spennymoor, lying on the southern edge of town and to the south of the A688 dual carriage way. It lies adjacent to a larger site known as the former Electrolux site which has outline planning permission for a mixed-use development comprising of up to 425 dwellings and commercial uses. The building that formerly occupied the site and associated hardstandings have recently been cleared as part of the wider restoration works to the former Electrolux site.
2. The surrounding area is within mixed usage. Whilst the adjacent site (immediately to the north and east) benefits from consent for housing and commercial uses, parts of Merrington Lane Industrial Estate have been retained with units lying to the south and Thorn and other units off Lindsay Walk to the east. Beyond that lies the Merrington Park housing development. There are some other residential properties location of the B6288 and C152 roundabout to the south west. To the north lies Daisy Fields recreation ground and allotment gardens with the underpass linking to the town centre beyond.
3. Two Public Rights of Way (PROW), Footpath 56 (Spennymoor) and Byway 58 (Spennymoor), lie within the vicinity of the site on the opposite side of the newly installed toucan crossing.
4. The site lies outside of any nationally or locally designated landscape, heritage or ecological areas. A structural planting belt lines the site's north western boundary with the B6288.

The Proposal

5. The application seeks full planning permission for the erection of 27 dwellings, an increase of 3no. units from the 24 originally proposed. The proposal includes a mix of 1 bedroomed apartments as well as 2 and 3 bedroomed houses including a 2.5 storey townhouse in a range of detached and semi-detached options. The materials palette includes facing brickwork, a tiled roof, anthracite grey UPVC windows and Golden Oak doors and garage doors. Boundary treatments are proposed to be a mixture of walls and timber fencing. All properties feature off-street parking and enclosed rear gardens.
6. Vehicular access into the site would be taken off Vyners Close via the new spine road and roundabout arrangement that would serve both this development and part of the Phase 1 reserved matters development.
7. Notwithstanding the scale of the development, the application is being reported to the County Planning Committee because of the site's relationship with the former Electrolux site which is of strategic significance.

PLANNING HISTORY

8. Prior approval was not required for the demolition of the Mitchinson office block and factory that formerly stood on the site (DM/20/0152/PND).
9. Outline planning permission was granted on the adjacent (former Electrolux) site in 2013 for a mixed-use development comprising of up to 425 dwellings and commercial uses including associated access and landscaping works (8/CMA/7/91). A number of subsequent s.96a (non-material amendment) and discharge of condition applications have since been approved allowing the development to be built out in a phased manner and agreeing various conditions including those relating to the recently installed toucan crossing, tree protection measures, addressing the coal mining legacy and land contamination issues.
10. A reserved matters application relating to Phase 1 of the development comprising of 100 dwellings is also pending consideration (DM/18/03075/RM). The developer's intention is to build the application site and Phase 1 out as one development.
11. Homes England has delivered a programme of site infrastructure works including various drainage, highways and utilities works in association with the earlier grant of permission for the Electrolux site (DM/19/01479/FPA). The current application site would be served via the now installed spine road for that development.

PLANNING POLICY

NATIONAL POLICY

12. A revised National Planning Policy Framework (NPPF) was published in July 2021 (with updates since). 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.
13. In accordance with Paragraph 219 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.

14. *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.
15. *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.
16. *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.
17. *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.
18. *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.
19. *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.
20. *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.
21. *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.

22. *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.
23. *NPPF Part 15 - Conserving and Enhancing the Natural Environment* - Conserving and enhancing the natural environment. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.
24. *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.
25. *NPPF Part 17 - Facilitating the Sustainable Use of Minerals* - It is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. Since minerals are a finite natural resource, and can only be worked where they are found, best use needs to be made of them to secure their long-term conservation.

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

26. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to; air quality; historic environment; design process and tools; determining a planning application; flood risk; healthy and safe communities; land stability; 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; viability; Tree Preservation Orders and trees in conservation areas and; water supply, wastewater and water quality.

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

LOCAL PLAN POLICY:

The County Durham Plan

27. *Policy 6 - Development of Unallocated Sites.* States the development on sites not allocated in the Plan or Neighbourhood Plan, but which are either within the built-up area or outside the built up area but well related to a settlement will be permitted provided it: is compatible with use on adjacent land; does not result in coalescence with neighbouring settlements; does not result in loss of land of recreational, ecological, or

heritage value; is appropriate in scale, design etc to the character of settlement; it is not prejudicial to highway safety; provides access to sustainable modes of transport; retains the settlement's valued facilities; considers climate change implications; encourages the use of previously developed land and reflects priorities for urban regeneration.

28. *Policy 10 – Development in the Countryside.* Development in the countryside will not be permitted unless allowed for by specific policies in the Plan, 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 general design principles.
29. *Policy 14 – Best and Most Versatile Agricultural Land and Soil Resources.* Development of the best and most versatile agricultural land, will be permitted where it is demonstrated that the benefits of the development outweigh the harm, taking into account economic and other benefits.
30. *Policy 15 - Addressing Housing Need.* Establishes the requirements for developments to provide on-site affordable housing, the circumstances when off-site affordable housing would be acceptable, the tenure mix of affordable housing, the requirements of developments to meet the needs of older people and people with disabilities and the circumstances in which the specialist housing will be supported.
31. *Policy 19 - Type and Mix of Housing.* Advises that on new housing developments the council will seek to secure an appropriate mix of dwelling types and sizes, taking account of existing imbalances in the housing stock, site characteristics, viability, economic and market considerations and the opportunity to facilitate self build or custom build schemes.
32. *Policy 21 - Delivering Sustainable Transport.* Requires all development to deliver sustainable transport by: delivering, accommodating and facilitating investment in sustainable modes of transport; providing appropriate, well designed, permeable and direct routes for all modes of transport; ensuring that any vehicular traffic generated by new development can be safely accommodated; creating new or improvements to existing routes and assessing potential increase in risk resulting from new development in vicinity of level crossings. Development should have regard to Parking and Accessibility Supplementary Planning Document.
33. *Policy 25 - Developer Contributions.* Advises that any mitigation necessary to make the development acceptable in planning terms will be secured through appropriate planning conditions or planning obligations. Planning conditions will be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Planning obligations must be directly related to the development and fairly and reasonably related in scale and kind to the development.
34. *Policy 26 – Green Infrastructure.* States that development will be expected to maintain and protect, and where appropriate improve, the County's green infrastructure network. Advice is provided on the circumstances in which existing green infrastructure may be lost to development, the requirements of new provision within development proposals and advice in regard to public rights of way.
35. *Policy 27 – Utilities, Telecommunications and Other Broadcast Infrastructure.* States amongst its advice that new residential and commercial development should be served

by a high speed broadband connection or appropriate infrastructure for future installation if direct connection is not appropriate, practical or economically viable.

36. *Policy 29 – Sustainable Design.* Requires all development proposals to achieve well designed buildings and places having regard to SPD advice 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).
37. *Policy 31 - Amenity and Pollution.* Sets out that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and that they can be integrated effectively with any existing business and community facilities. Development will not be permitted where inappropriate odours, noise, vibration and other sources of pollution cannot be suitably mitigated against, as well as where light pollution is not suitably minimised. Permission will not be granted for sensitive land uses near to potentially polluting development. Similarly, potentially polluting development will not be permitted near sensitive uses unless the effects can be mitigated.
38. *Policy 32 - Despoiled, Degraded, Derelict, Contaminated and Unstable Land.* Requires that where development involves such land, any necessary mitigation measures to make the site safe for local communities and the environment are undertaken prior to the construction or occupation of the proposed development and that all necessary assessments are undertaken by a suitably qualified person.
39. *Policy 35 - Water Management.* Requires all development proposals to consider the effect of the proposed development on flood risk, both on-site and off-site, commensurate with the scale and impact of the development and taking into account the predicted impacts of climate change for the lifetime of the proposal. All new development must ensure there is no net increase in surface water runoff for the lifetime of the development. Amongst its advice, the policy advocates the use of SuDS and aims to protect the quality of water.
40. *Policy 36 - Water Infrastructure.* Advocates a hierarchy of drainage options for the disposal of foul water. Applications involving the use of non-mains methods of drainage will not be permitted in areas where public sewerage exists. New sewage and 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.
41. *Policy 39 – Landscape.* Proposals for new development will only be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals are expected to incorporate appropriate mitigation measures where adverse impacts occur. Development affecting Areas of Higher landscape Value will only be permitted where it conserves and enhances the special qualities, unless the benefits of the development clearly outweigh its impacts.
42. *Policy 40 - Trees, Woodlands and Hedges.* Proposals for new development will not be permitted that would result in the loss of, or damage to, trees, hedges or woodland

of high landscape, amenity or biodiversity value unless the benefits of the scheme clearly outweigh the harm. Proposals for new development will be expected to retain existing trees and hedges or provide suitable replacement planting. The loss or deterioration of ancient woodland will require wholly exceptional reasons and appropriate compensation.

43. *Policy 41 - Biodiversity and Geodiversity.* Restricts development that would result in significant harm to biodiversity or geodiversity and cannot be mitigated or compensated. The retention and enhancement of existing biodiversity assets and features is required as are biodiversity net gains. Proposals must protect geological features, have regard to Geodiversity Action Plans and the Durham Geodiversity Audit and where appropriate promote public access, appreciation and interpretation of geodiversity.
44. *Policy 43 - Protected Species and Nationally and Locally Protected Sites.* Development proposals that would adversely impact upon nationally protected sites will only be permitted where the benefits clearly outweigh the impacts whilst adverse impacts upon locally designated sites will only be permitted where the benefits outweigh the adverse impacts. Appropriate mitigation or, as a last resort, compensation must be provided where adverse impacts are expected. In relation to protected species and their habitats, all development likely to have an adverse impact on the species' abilities to survive and maintain their distribution will not be permitted unless appropriate mitigation is provided or the proposal meets licensing criteria in relation to European protected species.
45. *Policy 44 - Historic Environment.* Seeks to ensure that developments should contribute positively to the built and historic environment and seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets. The policy advises on when harm or total loss of the significance of heritage assets can be accepted and the circumstances/levels of public benefit which must apply in those instances.
46. *Policy 56 Safeguarding Mineral Resources.* Sets out 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 unless certain exception criteria apply.

NEIGHBOURHOOD PLAN:

47. There is no Neighbourhood Plan for this area.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

48. *Highway Authority* – Following the submission of revised plans, no highway objection is raised subject to the imposition of conditions and informatives.
49. *Drainage and Coastal Protection* – Whilst the drainage strategy has been agreed, the hydraulic calculations need to be submitted and verified. No objection is raised subject to a condition to secure these details.
50. *Coal Authority* –No objection.

INTERNAL CONSULTEE RESPONSES:

51. *Spatial Policy* – This site is a former employment site within the built-up area of Spennymoor; however, it is not allocated for housing within policy 4, or employment in policy 2 of the County Durham Plan (CDP). The site is a small parcel of land adjacent to a larger site which has outline permission for 425 units, with the first phase reserved matters application currently pending for 100 units. Both sites are proposed to be developed together to create an integrated scheme, with the reserved matters application having been amended to take account of this. In this context, it is considered that the site would satisfy the policy 6 criteria in principle, subject to matters of detail such as ensuring that the design, layout and density of the site accords with criterion d of Policy 6 as well as Policy 29 of the CDP and that highway safety and access issues in relation to criterion e are acceptable, and that the policy requirements set out above are delivered. A key consideration will be ensuring that the site integrates and connects well to the adjacent site. On mineral safeguarding grounds, no objection is raised on the grounds of Policy 56.
52. *Design and Conservation* – The overall layout and design has been amended to reflect the comments raised at the Council's internal Design Review process. No objection is raised on the grounds of heritage impact.
53. *Ecology* – The delivery of the bat and bird boxes should be included on the proposed site plans in order to give the Local Planning Authority confidence of their delivery.
54. *Environment, Health and Consumer Protection (Air Quality)* – Raise no objection subject to a Dust Management Plan being secured.
55. *Environment, Health and Consumer Protection (Pollution Control)* – Raise no objection subject to a condition being imposed to secure the scheme of noise mitigation measures.
56. *Environment, Health and Consumer Protection (Contaminated Land)* – Advise a conditional approach in relation to land contamination.
57. *Housing Delivery - Affordable Housing* provision should reflect the requirements of local residents in respect of property type, size and location. The area has a need for more 2 and 3 bedroomed units for affordable rent, alternative intermediate products could be considered in the area and there is high demand for bungalow accommodation. Where discount market sale is being considered as affordable home ownership the required percentage discount will need to be agreed with the Housing Development Team.
58. *Landscape* – Whilst the landscape strategy is agreed in principle the detailed landscape scheme should be agreed via condition.
59. *Landscape (Arboriculture)* – The proposals will require the removal of one tree and a short section of hedge, from the western boundary to accommodate a new link footpath. Any tree loss will be mitigated by a substantial replacement planting programme as identified on the landscape plan.
60. *School Places Manager* – It is considered that the development is likely to produce 9 primary pupils and 4 secondary pupils. Based on the projected rolls of the schools, taking into account the likely implementation of the development, build out rates and other relevant committed development there is anticipated to be sufficient space at both the local primary and secondary schools to accommodate the pupils generated by this development. No mitigation is required in this instance.

EXTERNAL CONSULTEE RESPONSES:

61. *Northumbrian Water Limited* – Recommend a conditional approach to secure the implementation of the approved drainage strategy.
62. *Police Architectural Liaison Officer* – Outline a series of recommendations from a Secured By Design perspective.
63. *County Durham Clinical Commissioning Group* – State that a contribution of £13,041 would be required to increase GP surgery capacity.

PUBLIC RESPONSES:

64. The application has been advertised by way of a press and site notice and individual notification letters to neighbouring residents. No letters of representation have been received in response.

The above is not intended to repeat 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/simpleSearchResults.do?action=firstPage>

APPLICANTS STATEMENT:

65. The Merrington Lane Industrial Estate, Spennymoor was once a thriving manufacturing hub for the County. However, since the closure of Electrolux and the Mitchinson Factory, (together with the relocation of Thorns lighting), Merrington Lane has become a focus for residential development to ensure the successful regeneration of a prominent brownfield site off the A688.
66. The Mitchinson site was not part of the original outline planning permission at Electrolux (October 2013), however since the closure of the Mitchinson Factory it is logical that the site can be brought forward seamlessly with the adjoining Electrolux site to ensure a fully resolved comprehensive development.
67. Homes England's design input and understanding of the wider regeneration site has assisted Lovell Homes in arriving at a proposal which maximises design quality and place making outcomes. Following the Council's own Design Review feedback, further revisions have also been made to the layout to ensure that the highest possible design quality can be achieved which will in turn result in safe and healthy communities.
68. The layout is designed around a large swathe of public open space which is central to the site. This provides a green spine which is framed by landscaping and planting to support biodiversity and healthy movements. The use of Sustainable Urban Drainage has been comprehensively designed to ensure there is no flood risk to residents or will increase the risk of flooding elsewhere on the site.
69. The Mitchinson site will also help to ensure that the identified housing needs can be met, including those for general market, affordable housing and homes which are suitable for the needs of older people. The site ensures pedestrian and cyclist connectivity by linking to the toucan crossing point which affords easy access to Spennymoor town centre.
70. The planning application is policy compliant against the development plan and we would respectfully encourage planning committee to approve this application with the conditions to ensure that a comprehensive design solution can be achieved on the wider former Electrolux site.

PLANNING CONSIDERATIONS AND ASSESSMENT

71. 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 the development, locational sustainability of the site, highway safety and access, landscape and visual impact, layout and design, heritage and archaeology, residential amenity, ecology, flooding and drainage, infrastructure and public open space, addressing housing need, contamination and land stability, developer contributions, other considerations and public sector equality duty.

The Principle of the Development

The Development Plan

72. 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.
73. 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.
74. The application site is located on the southern edge of Spennymoor on land to the south of Vyners Close. It forms a small parcel of land adjacent to a larger site which has outline planning permission for a mixed-use development comprising of up to 425 dwellings and commercial uses. Whilst it is a former employment site, it is not allocated as such under Policy 2 of the CDP nor is it a site that is allocated for housing within Policy 4. Development of housing on unallocated sites should be assessed and determined against Policy 6 of the CDP.
75. Policy 6 of the CDP sets out the following criteria. The development of sites which are not allocated in the Plan or in a Neighbourhood Plan which are either (i) within the built-

up area; or (ii) outside the built-up area (except where a settlement boundary has been defined in a neighbourhood plan) but well-related to a settlement, will be permitted provided the proposal 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 or 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.

76. As the application site is located within the built-up area of Spennymoor, CDP Policy 10 relating to development in the countryside is not applicable.

77. Both this site and the pending Phase 1 reserved matters application are intended to be developed together to create an integrated scheme. It is considered that the development of the application site would not be in conflict with Policy 6 being within the built up area of Spennymoor, it would be compatible with permitted uses of adjacent land (criteria a) and makes use of previously development land (criteria j). The reasoning behind this judgement is set out in the consideration of the scheme against the relevant criterion of the policy in later sections of this report.

Housing Land Supply

78. Paragraph 73 of the NPPF maintains the requirement for Local Planning Authorities (LPAs) to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old.

79. It was established under the adoption of the CDP that the Council can demonstrate in excess of 5 years housing land supply (6.3 years). The CDP was adopted in October

2020 and therefore, in accordance with paragraph 74 of the NPPF, a five year supply of deliverable housing sites, with the appropriate buffer can be demonstrated.

Locational Sustainability of the Site

80. Criteria f of Policy 6 of the CDP requires that developments on unallocated sites have good access by sustainable modes of transport to relevant services and facilities and reflects the size of the settlement and the level of service provision within that settlement. Policy 21 of the CDP requires all developments to deliver sustainable transport by providing appropriate, well designed, permeable and direct routes for walking, cycling and bus access, so that new developments clearly link to existing services and facilities together with existing routes for the convenience of all users. Policy 29 of the CDP requires that major development proposals provide convenient access for all users whilst prioritising the needs of pedestrians, cyclists, public transport users, people with a range of disabilities, and emergency and service vehicles whilst ensuring that connections are made to existing cycle and pedestrian networks. Specifically, the NPPF sets out at Paragraph 105 that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. At paragraph 110 the NPPF states that appropriate opportunities to promote sustainable transport modes should be taken whilst paragraph 112 amongst its advice seeks to facilitate access to high quality public transport.
81. The County Durham Settlement Study 2018 is an evidence-based document which seeks to provide an understanding of the number and range of services available within the settlements of County Durham. The site lies in Spennymoor Cluster comprising of three named areas (Middlestone Moor, Spennymoor and Tudhoe). The Spennymoor Cluster is ranked 9th within the County based on the services and facility within the area and is, therefore, considered capable of accommodating appropriate housing growth.
82. However, although the Spennymoor Cluster is, in general, considered to be served by an appropriate range of services and amenities, consideration is required to be given as to the ability of future occupiers to access these.
83. In relation to distances to services and amenities, the site (at its closest point) lies within approximately 0.3km of employment opportunities and 0.7km of Spennymoor town centre boundary which contains an array of amenities and services including shopping, leisure facilities and health centres. North Park Primary School lies within 1.1km of the site and 1.6km of Whitworth Park School (secondary). In terms of distances to services and amenities, these are generally considered acceptable as set out in the Chartered Institute of Highways and Transportation (CIHT) documents including 'Guidelines for Providing for Journeys on Foot' and 'Planning for Walking', The Department for Transport's 'Manual for Streets', along with work undertaken by independent consultants. In general, a walking distance of 1650-2000m or a 20-minute walk is considered at the upper end of what future residents could be expected to walk, taking into account topography and desirability of routes. The toucan crossing has been installed making it easier and safer to cross Vyners Close and funding has been secured from other housing developments to secure improvements (lighting and CCTV) to the (A688) underpass. These factors are likely to encourage future residents to access these facilities on foot. In terms of cycle access, the site performs well, with services in the town centre within a short cycle ride.
84. Two Public Rights of Way (PROW) lie within the vicinity of the site, on the opposite site of the newly installed toucan crossing. Footpath 56 (Spennymoor) heads north, connecting to the underpass and the town centre beyond. Byway 58 (Spennymoor)

provided connections to the west. Neither would be directly impacted upon by the proposals.

85. The closest bus stop to the development is located outside Asda (within the town centre) approximately 825m from the nearest part of the site boundary. The entire site would therefore lie outside the recommended 400m walking distance criteria to bus stops. The services that operate from this stop are relatively infrequent with hourly stops typically Monday to Friday (one service operates on a Saturday) which do not run into the evening or weekends. Excellent bus services (frequent service including evenings and weekends) do however operate from Cheapside (approximately 990m from the site boundary) therefore only marginally further away. The Institution of Highways and Transportation (CIHT) "Providing for Journeys" document contains suggested acceptable walking distances for pedestrians to access facilities and services. In terms of access to bus routes, a walk of up to 400m falls within the 'desirable' range whereas a walk of 800m falls within the 'acceptable' range. Future residents would therefore have the option to access bus routes closer to their homes (albeit with more limited services) or could choose to walk a little further (within what is considered to be an acceptable walking range) to access a much wider range of services. Furthermore, money has been secured from a nearby development to improve the underpass which links the development site to the town centre and a toucan crossing has been installed on Vyners Close which should result in a more feasible and desirable walking route to the aforementioned bus stops. The proposed development (being just 27 units) is not of a scale whereby a new bus route could be justified given the cost of implementing a new service and the significant costs already incurred by Homes England remediating the site. Furthermore, it is similar situation for all the new developments that lie to the south of the A688 bypass given no bus service currently operates along Vyners Close.
86. Overall, it is considered that the site has access to an array of services and facilities, to serve the development proposed and that these are within relatively easy reach of the site. Whilst access to established bus services lie outside the recommended walking distances, there are no opportunities to improve this given the site's constraints. Overall, walking and cycle routes would give future residents alternative options to the private motor car to access services when taken in the round, and subsequently no objections are raised having regards to the locational sustainability of the site.
87. In conclusion, the development would promote accessibility by a range of methods in accordance with Policies 6 criterion f, 21, 26 and 29 of the CDP and Paragraphs 98, 103, 108 and 110 of the NPPF.

Highway Safety and Access

88. Policy 6 (criteria e) of the CDP outlines that development should not be prejudicial to highway safety or have a severe cumulative impact on network capacity. Policy 21 reiterates the requirement of Policy 6 in addition to expecting developments to deliver well designed pedestrian routes and sufficient cycle and car parking provision. Similarly, Policy 29 advocates that convenient access is made for all users of the development together with connections to existing cycle and pedestrian routes. Specifically, the NPPF sets out at Paragraph 110 that safe and suitable access should be achieved for all people. In addition, Paragraph 111 of the NPPF states that development should 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.
89. Homes England has delivered a programme of site infrastructure works including various drainage, highways and utilities works (see application DM/19/01479/FPA) in association with the earlier grant of permission for the Electrolux site. In relation to

highways specifically, this includes the now completed main 6.75m wide local distributor road route through the site, including the two roundabouts. The current application site, including a portion of the Phase 1 reserved matters development site, would be accessed from the western internal roundabout.

90. Internally, the scheme has been amended to address areas of concerns initially raised by the Highway's Authority. The main access road into the site has been widened to 5.5m including amendments to the existing roundabout leg, tracking information has been provided to demonstrate the proposed layout works, redundant vehicular access and footway links are to be removed, parking provision and distribution is now considered to be appropriate as too are footpath connections. In the event of an approval, a condition to secure the estate roads being designed and constructed to meet current highway standards, the delivery of new connections and the removal others in addition to two informatives relating to the creation of a 20mph speed limit controlled by a Traffic Regulation Order and entering into an adoption agreement would be required.
91. Overall, the highway impacts of the proposed development are considered to be acceptable and in accordance with Policies 6, 21 and 29 of the CDP as well as Part 9 of the NPPF.

Landscape and Visual Impact

92. Policy 39 of the CDP states proposals for new development will be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals would be expected to incorporate appropriate measures to mitigate adverse landscape and visual effects. These are similar requirements to those outlined at Policy 6 of the CDP. Policy 26 of the CDP outlines developments are expected to provide new green infrastructure and ensure provision for its long-term management and maintenance. Similar requirements are outlined in Policy 29. Policy 40 of the CDP seeks to avoid the loss of existing trees and hedgerows unless suitable replacement planting is provided. Parts 12 and 15 of the NPPF promotes good design and sets out that the planning system should contribute to and enhance the natural and local environment by (amongst other things) recognising the intrinsic character and beauty of the countryside. Paragraph 131 of the NPPF sets out that planning decisions should ensure that new streets are tree-lined.
93. The site doesn't lie in an area covered by any national or local landscape designations. Trees within the site are not covered by a Tree Preservation Order (TPO). Externally the development is well screened given the structural planting along the site's boundary with the B6288 Vyners Close although the site can clearly be viewed from the existing vehicular access point.
94. The revised landscape strategy plan now reflects the advice given by Landscape Officers and as part of the wider Design Review process. There is a strong avenue of trees that runs along the site's frontage with the spine road which seeks to tie in with the approach taken on the Electrolux site. Internally, there are tree lined streets sat within small pockets of open space which helps create attractive pedestrian linkages through the site, breaks up the rear parking areas and helps form social spaces. The finer details of the landscaping scheme need to be agreed therefore a conditional approach is proposed.
95. The proposed layout retains the majority of existing landscape features. Any loss to landscape features is considered minimal and would be more than compensated for by the additional tree and hedge planting. A condition would be required to ensure existing

features are suitably protected during the construction phase. Any trees to be lost would be compensated for by additional tree planting.

96. It has been advised that a private management company would be used to manage and maintain the areas of open space within the development funded by future residents paying an annual service charge. Conditions can secure the details of the future management and maintenance arrangements.
97. Neither the Council's Landscape Officer or Arboriculturist raise any objections to the proposals. The proposals comply with Policies 6, 26, 29, 39 and 40 of the CDP and Parts 12 or 15 of the NPPF.

Layout and Design

98. Policy 29 of the CDP outlines that development proposals should contribute positively to an area's character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities. Parts 12 and 15 of the NPPF also seek to promote good design, while protecting and enhancing local environments. Paragraph 130 of the NPPF also states that planning decisions should aim to ensure developments function well and add to the overall quality of the area and establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit.
99. In recognition of national planning advice and to achieve high quality housing developments DCC has adopted an in-house review process to assess schemes against the Building for Life 12 (BfL 12) Standards. The Building for Life Supplementary Planning Document (2019) (BfL SPD) formalises the review process and establishes the guidelines and standards for its operation and is linked to the Sustainable Design Policy (29) in the CDP. The scheme was considered against the BfL standard through a series of 12 questions. 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. Following amendments to the scheme, it achieved 12 ambers thereby addressing all earlier red scores. Since this final assessment, further amendments have been made to address the limited areas of concern and conditions will be imposed to further improve other areas.
100. The development is considered to represent good design and the scheme has been significantly improved since it was first submitted. In response to earlier feedback, properties appropriately front the main spine road/boulevard, rear parking has been successfully integrated within the development, corner turners have been successfully introduced to add to the streetscape and provide informal surveillance of shared spaces and attractive linkages through the development have been created. Conditions are recommended to secure materials and boundary enclosure details.
101. The Council's Design and Conservation Officer raises no objection to the development. The overall design and layout of the development would be compliant with Policies 6 (criterion d) and 29 of the CDP and Part 12 of the NPPF in this respect.

Heritage and Archaeology

102. Policy 44 of the CDP sets out development will be expected to sustain the significance of designated and non-designated heritage assets, including any contribution made by their setting. Development proposals should contribute positively to the built and historic

environment and should seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets whilst improving access where appropriate. The NPPF advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

103. The Planning (Listed Buildings and Conservation Areas) Act 1990 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. Any such harm must be given considerable importance and weight by the decision-maker. Under the Act, special attention to the desirability of preserving or enhancing the character and appearance of a conservation area must be equally considered.
104. There are no designated or non-designated heritage assets within close proximity of the development site. Kirk Merrington Conservation Area, containing a number of Grade II and II* listed buildings, is located approximately 1.6km to the south. The nearest listed building to the site is the Grade II Church of St. Andrew, 1km to the north of the site. It is considered that there would be no intervisibility between the site and surrounding heritage assets due to the distances involved, the intervening buildings, topography and landscaping. It is therefore considered that the proposal would have no adverse impact on heritage assets within the vicinity of the site and would not impact upon the setting of the nearby conservation area, in accordance with Policy 44 of the CDP and Part 16 of the NPPF. Design and Conservation Officers raise no objection to the scheme on these grounds.
105. The Council's Archaeologist has confirmed that no objection is raised and no further work is required. The proposal is therefore considered to comply Paragraph 189 of the NPPF. comply with Policy 44 of the CDP and Part 16 of the NPPF.

Residential Amenity

106. Policies 29 and 31 of the CDP 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. A Residential Amenity Standards Supplementary Planning Document (SPD) has been adopted by the Council. Parts 12 and 15 of the NPPF require that a good standard of amenity for existing and future users be ensured, whilst seeking to prevent both new and existing development from contributing to, or being put at unacceptable risk from, unacceptable levels of pollution.
107. Guidance within the SPD advocates separation distances of 21m between facing principal elevations and 18m between bungalows, 13m between principal and two storey gable elevations and 10m to a single storey. The length of gardens will generally be dictated by the minimum distancing standards but should be no less than 9 metres unless site specific circumstances allow for a reduction in size. The layout demonstrates that minimum separation distances between proposed properties and existing dwellings would be achieved. Internal arrangements are also considered to provide an adequate level of amenity although it is acknowledged that on some occasions where they fall slightly short of the required standards. As an example, there are instances where front to front distances fall slightly short (there is approximately 18m between the facing elevations of plots 33 and 55) as does a back to gable arrangements (there is

approximately 11.7 between the rear elevation of plot 34 and the gable of plot 37). Garden lengths are generally acceptable however fall short of the recommended 9m on a couple of occasions. Whilst disappointing, it is not considered that arrangements fall short to an unacceptable degree and are such that the privacy and amenity of existing and prospective occupiers is considered to be safeguarded in this instance. Overall, it is considered that the layout arrangements are acceptable, provide adequate levels of private amenity space and would not lead to any unacceptable impacts with regards to loss of light, overshadowing, loss of privacy or overbearing impact in accordance with the requirements of Policies 6, 29 and 31 of the CDP and Parts 12 and 15 of the NPPF.

108. Some of the proposed housing would be in close proximity to Vyners Close and retained units within the wider industrial estate, therefore, the noise arising from this and the impact to future occupants needs to be considered. The submitted noise assessment advises that acceptable noise levels can be achieved through installing close boarded fencing and additional glazing specification to properties to ensure adequate internal noise levels. Environment, Health and Consumer Protection (Nuisance) Officers advise a conditional approach to secure the proposed noise mitigation scheme. Subject to this condition being imposed it is not considered that there would be any unacceptable noise impacts upon dwelling from either the adjacent road or industrial estate. As residential development has already been consented in closer proximity to existing industrial units it is not considered that this particular development would result in any unacceptable constraints on those operators.
109. There is the potential for disturbance during the construction period, therefore, a construction management plan (CMP) should be secured to deal with construction related impacts. Subject to the imposition of such a condition and one controlling hours of working, construction related impacts could be adequately mitigated.
110. The site is not within or adjacent to an Air Quality Management Area (AQMA) and it is not considered that the development would have any significant effect on air quality. With respect to the construction phase of the development, a dust action management plan be secured by condition. Environment, Health and Consumer Protection raise no objection to the scheme. On balance, it is not considered there would be an adverse impact on the environment having regard to Policy 31 of the CDP and Paragraph 186 of the NPPF.
111. The development would not lead to a significant reduction in residential amenity for existing or future residents, subject to appropriate conditions. Overall, the scheme would comply with Policies 29 and 31 of the CDP and Parts 12 and 15 of the NPPF.

Ecology

112. Policies 26, 35, 41 and 43 of the CDP seek to secure net gains for biodiversity and coherent ecological networks. Policy 43 relates to protected species and nationally and locally protected sites. Part 15 of the NPPF seeks to ensure that developments protect and mitigate harm to biodiversity interests, and where possible, improve them. The presence of protected species is a material consideration in planning decisions as they are a protected species under the Wildlife and Countryside Act 1981 and the European Union Habitats Directive and the Conservation of Habitats and Species Regulations 2017 (as amended). The Habitats Directive prohibits the deterioration, destruction or disturbance of breeding sites or resting places of protected species. Natural England has the statutory responsibility under the regulations to deal with any licence applications but there is also a duty on planning authorities when deciding whether to grant planning permission for a development which could harm a European Protected Species to apply three tests contained in the Regulations in order to determine whether a licence is likely to be granted. These state that the activity must be for imperative

reasons of overriding public interest or for public health and safety, there must be no satisfactory alternative, and that the favourable conservation status of the species must be maintained. Brexit does not change the Council's responsibilities under the law.

113. An Ecological Appraisal has been submitted in support of the proposal. It notes no statutory designated sites falls within 2km of the site boundary. A non-statutory site lies within the vicinity of the development this being North Close Marsh Local Wildlife Site (LWS) (0.35km to the SW). The habitats on site are poor for nesting birds however some birds may nest in the trees adjacent to the site. In relation to bats, habitats are considered poor as there are no roosting opportunities however, they may occasionally forage around the trees that are adjacent to the site. There are no ponds on site and ones in the area are poorly connected to the site so have been ruled out of the assessment with regards to great crested newt. No badger activity was recorded within the site.
114. The report outlines the potential impacts of the development to both habitats and species as well as a series of recommendations to minimise these. The mitigation measures can be secured via condition. No interference with protected species is identified as a result of the development. A European Protected Species Licence is therefore not considered to be required and there is no need to apply the degradation tests of the Habitats Directive brought into effect by the Conservation of Habitats and Species Regulations 2017 and the Council's Ecologist is satisfied with the submitted assessment.
115. The delivery of a landscaping scheme will include the creation and enhancement of habitats that will benefit biodiversity. A minimum of 8 integrated bat boxes, 6 integrated bird boxes for swifts and 8 nest boxes to be erected on retained trees around the site boundary would also be secured. Overall, this would achieve net gains in accordance with CDP Policy 26 and 41 requirements and Paragraph 174 of the NPPF.
116. Overall and subject to the imposition of conditions to secure the mitigation strategy, a low level lighting scheme and the delivery of the bat and bird boxes the proposal would comply with Policies 26, 35, 41 and 43 of the CDP and Part 15 of the NPPF. The Council's Ecologist offers no objection to the scheme on this basis.

Flooding and Drainage

117. Policies 35 and 36 of the CDP relate to flood water management and infrastructure. Policy 35 requires development proposals to consider the effects of the scheme on flood risk and ensure that it incorporates a Sustainable Drainage System (SuDs) to manage surface water drainage. Development should not have an adverse impact on water quality. Policy 36 seeks to ensure that suitable arrangements are made for the disposal of 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.
118. The application is accompanied by a Flood Risk Assessment (FRA) and Drainage Strategy which highlights that the application site is within Flood Zone 1 with a low flood risk probability. The drainage strategy for the overall site including Phase 1 of the Electrolux site includes the incorporation of Sustainable Urban Drainage (SUD's) including permeable paving, roadside swale and a detention basin to treat and attenuate surface water runoff. Drainage and Coastal Protection Officers advise that this approach

would be in compliance complies with National Standards and Council Policies in providing sustainable surface water management solutions and ensuring the prevention of flood risk to and from the proposed development. As the hydraulic calculations have not yet been verified a conditional approach is recommended.

119. In relation to foul water, it is proposed to connect to the existing sewerage network, to which Northumbrian Water raise no objections subject to the imposition of a condition.
120. On this basis no objections to the development on the grounds of flood risk or drainage are raised having regards to Policies 35 and 36 of the CDP and Part 14 of the NPPF.

Infrastructure and Open Space Provision

121. It is important to ensure that development proposals contribute to improvements in infrastructure capacity to mitigate for the additional demands that new development creates. By securing financial contributions through planning obligations, developers would help fund the physical, social and environmental infrastructure that is needed to make development acceptable and ensure that the development mitigates its impact upon existing infrastructure. Policy 25 of the CDP supports securing developer contributions where mitigation is necessary to make the development acceptable in planning terms including for social infrastructure such as education and health facilities. Paragraphs 55-58 of the NPPF explain the circumstances when it is appropriate for planning obligations to be used to mitigate the impacts of the development.
122. Policy 26 of the CDP outlines that new residential developments will be required to make provision for open space to meet the needs of future residents having regard to the standards of open space provision set out in the Open Space Needs Assessment (OSNA). Where it is determined that on-site provision is not appropriate, the Council will require financial contributions to be secured through planning obligations towards the provision of new open space, or the improvement of existing open space elsewhere in the locality. Paragraph 98 of the NPPF highlights that access to a network of high-quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities. Paragraph 130 requires amongst its advice that developments function well and optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space).
123. The Council's Open Space Needs Assessment (OSNA) 2018 is considered the most up to date assessment of need. It identifies the five typologies (allotments; amenity/natural greenspace; parks, sports and recreation grounds; play space (children) and play space (youth)), sets out requirements for public open space on a population pro rata basis and whether provision should be either within the site, or through a financial contribution towards offsite provision, in lieu taking into consideration factors such as the scale of the development, existing provision within suitable walking distances and the level of contribution sought.
124. Given the scale of the development, only amenity/natural greenspace would be provided for on-site. A contribution of £43,930 would be required for off-site provision in lieu of those typologies not provided for onsite (allotments, parks/recreational grounds, children's and youth play space) and would be secured by a S106 agreement. Having regard to the OSNA, the availability and the proximity of existing facilities to the development this is considered to acceptable and in accordance with the Council's standard approach. This would satisfy the OSNA requirements, Policy 26 of the CDP and Paragraph 98 of the NPPF with regards to the provision of public open space.

125. Paragraph 95 of NPPF confirms that the government places great importance to ensure that sufficient choice of school places is available to meet the needs of existing and new communities. The School Places Manager has advised that the proposed development is likely to generate an additional 9 primary age school pupils and 4 secondary age school pupils. Based on the projected rolls of the schools, taking into account the likely implementation of the development, build out rates and other relevant committed development there is anticipated to be sufficient space at both the local primary and secondary schools to accommodate the pupils generated by this development. No mitigation is required in this instance.
126. The County Durham Clinical Commissioning Group (CD CCG) advise that local GP practices are at full capacity with regards to space requirements to deliver services to their patient list size. A contribution of £13,041 is requested to support creating extra capacity for them to provide appropriate services to patients and to make the proposed housing expansion supportable from a health infrastructure perspective and this is proposed to be secured by a S106 payment.

Addressing Housing Need

127. Part 5 of the NPPF is clear that developments should help to address housing needs. Policy 15 of the CDP states that affordable housing will be sought on sites of 10 or more units, for up to 25% of units in the highest value areas to 10% in the lowest. On sites of 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). Any contribution above 10% should be provided as affordable housing for rent in order to meet the requirements of Policy of the CDP.
128. The site falls within a medium value area, meaning this development would be required to deliver 15% affordable housing in the form of affordable home ownership (3 no.) and affordable rent (2 no.). The scheme however intends to deliver 14no. affordable homes therefore over and above the 15% policy requirement. Only the 4no. units would be secured in perpetuity through a planning obligation under S106 of the Town and County Planning Act 1990 (as amended) thereby meeting the requirements of Policy 15 of the CDP and Paragraph 65 of the NPPF. The remaining units would be delivered with funding from Homes England. Whilst the application proposes 52% affordable housing delivery, full weight can only be attributed to the 15% that would be secured via the S106 agreement.
129. Policy 15 of the CDP also requires that on sites of 10 or more units, a minimum of 10% of the units should be designed so as to increase the housing options for older persons and people with disabilities comprising of level access flats and bungalows or housing products which can be shown to meet the specific needs of a multi-generational family. There are 3 no. level access apartments which would fulfil this requirement. The policy also requires that 66% of dwellings should be built to Building Regulations Requirement M4(2) (accessible and adaptable dwellings) standard unless site specific factors indicate otherwise. The developer has indicated that they would meet this requirement and a condition is proposed to ensure that this is achieved. All new residential development will be required to comply with the Nationally Described Space Standards (NDSS). All properties within the development would meet the requirements.
130. Policy 19 requires an appropriate mix of dwellings, types and sizes. Paragraph 61 of the NPPF states that the size, type and tenure of housing needed for different groups in the community should be assessed. In terms of housing mix, the development would provide a range of 1, 2 and 3 bed roomed units including detached, semi-detached houses and townhouses as well as apartment options therefore in compliance with Policy 19 of the CDP and Part 5 of the NPPF.

131. Overall, the scheme meets the identified housing needs of the County in accordance with the requirements of Policy 15 of the CDP and Part 5 of the NPPF.

Contamination and Land Stability

132. Policy 32 of the CDP requires sites to be suitable for use taking into account contamination and unstable land issues. Paragraph 183 of the NPPF requires sites to be suitable for their proposed use taking account of ground conditions and any risks arising from land instability and contamination.

133. Given the sensitive end use of the site, a Phase 2 Geo-Environmental site investigation report has been submitted in support of the application considering the issue of land contamination. Environmental Health Officers have considered this report, concluding that conditions to secure Phase 3 works (remediation works) and 4 (verification) reports in addition to an informative relating to unforeseen contamination would be required to ensure that the site is suitable for its intended use taking account of any risks arising from contamination. The proposal would therefore accord with Policy 32 of the CDP and Paragraph 183 of the NPPF.

134. Paragraph 174 of the NPPF sets out that unstable land should be remediated and mitigated where appropriate. The application site lies within the coal mining high risk area with Coal Authority records indicating parts of the site lie within an area where shallow coal mining has taken place. The application is supported by a report which aim to provide an assessment of the coal mining affects within the site including the results of intrusive investigations. The reports concludes that the potential effects to the proposed development from the mining of the coal seams beneath the site is low and as such they are satisfied that no further investigation or remedial measures are required. The Coal Authority therefore raises no objection to the development. The site is considered to be safe, stable and suitable for its proposed used thereby meeting the requirements of Policy 32 of the CDP and Part 15 of the NPPF.

Developer Contributions

135. Policy 25 of the CDP, Paragraph 57 of the NPPF and Paragraph 122 of The Community Infrastructure Levy Regulations 2010 set out three planning tests which must be met in order for weight to be given to a planning obligation. These being that matters specified 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. The following obligations are considered to meet these tests and have been sought from the developer to mitigate the impacts of the development and to meet an identified affordable housing need in the County and would be secured through a planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended):

- £43,930 towards improving offsite open space and recreational provision within Tudhoe Electoral Division;
- £13,041 to increase GP surgery capacity;
- provision of 15% affordable housing units on site comprising of 3no. units for affordable home ownership and 2no. unit for affordable rent.

Other Considerations

136. Policy 29 of the CDP sets out that major new build residential development should achieve CO₂ reductions. Part 14 of the NPPF advises that the planning system should

support the transition to a low carbon future. A condition would be imposed to secure this.

137. Policy 14 of the CDP relating to best and most versatile agricultural land and soil resources is not applicable to this application given it relates to previously developed land.
138. The site lies within a Mineral Safeguarding Area due to it lying within a coal resource area. Policy 56 of the CDP states that planning permission will not be granted for non-mineral development that would lead to the sterilisation of mineral resources within such areas unless specific criteria apply. For criteria a) of the Policy to be met, applicants should demonstrate to the satisfaction of the local planning authority that the mineral in the location concerned is no longer of any current or potential value as it does not represent an economically viable and therefore exploitable resource. The Council's Spatial Policy team, having reviewed the Minerals Assessment, considers that in overall terms the remaining coal resource underlying the site would not be economic to extract. Furthermore, the site is small which restricts opportunities for prior extraction and nearby residential properties would also represent a constraint. On this basis, no objection is raised on the grounds of either Policy 56 of the CDP or Part 17 of the NPPF.
139. Policy 27 of the CDP outlines that new residential development should be served by a high-speed broadband connection. Part 10 of the NPPF also has similar aims. The developer has confirmed that the site will be served by fibre broadband and a condition can be imposed to secure this.

Public Sector Equality Duty

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

CONCLUSION

141. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. In light of the recent adoption of the CDP, the Council now 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).
142. Whilst it is a former employment site, it is not allocated as such under Policy 2 of the CDP nor is it a site that is allocated for housing within Policy 4. Policy 6 of the CDP does however permit development on unallocated sites on the basis that specific criteria are met. Through the course of this report, the overall acceptability of the scheme or otherwise has been considered taking account all of the issues and consideration of applicable policies.
143. It is considered that the development of the application site would not be in conflict with Policy 6 as it lies within the built up area of Spennymoor, it represents a more

compatible use of land (housing compared to the former industrial use) to the adjacent site which benefits from consent for a mixed used residential and commercial development, it makes use of previously developed land, it is acceptably designed and would not be prejudicial to highway safety or have a severe residual cumulative impact on network capacity. Whilst access to established bus services lie outside the recommended walking distances there are no opportunities to improve this given the site's constraints. Overall, walking and cycle routes would give future residents alternative options to the private motor car to access services and taken in the round, no objections are raised having regards to the locational sustainability of the site.

144. The development would assist in maintaining housing land supply including the provision of affordable housing and older person accommodation whilst acknowledging that the Council can demonstrate in excess of 6 years housing land supply against an objectively assessed need. Accordingly, the weight to be afforded to the boost to housing supply as a benefit of the development is reduced.

145. On balance, it is considered that proposals are acceptable, and the application is recommended for approval.

RECOMMENDATION

That the application be **APPROVED** subject to the completion of a S106 Legal Agreement to secure the following:

- £43,930 towards improving offsite open space and recreational provision within Tudhoe Electoral Division;
- £13,041 to increase GP surgery capacity;
- provision of 15% affordable housing units on site comprising of 3no. units for affordable home ownership and 2no. unit for affordable rent.

And 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 approved plans listed in Part 3 - Approved Plans.

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies 6, 15, 19, 21, 29, 31, 35, 36, 39, 40, 41 and 44 of the County Durham Plan and Parts 1, 2, 4, 5, 6, 8, 9, 11, 12, 14, 15 and 16 of the National Planning Policy Framework.

3. No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include as a minimum but not necessarily be restricted to the following:

1. A Dust Action Plan including measures to control the emission of dust and dirt during construction.

2. Details of methods and means of noise reduction/suppression.

3. Where construction involves penetrative piling, details of methods for piling of foundations including measures to suppress any associated noise and vibration.
4. Details of measures to prevent mud and other such material migrating onto the highway from all vehicles entering and leaving the site.
5. Designation, layout and design of construction access and egress points.
6. Details for the provision of directional signage (on and off site).
7. Details of contractors' compounds, materials storage and other storage arrangements, including cranes and plant, equipment and related temporary infrastructure.
8. Details of provision for all site operatives for the loading and unloading of plant, machinery and materials.
9. Details of provision for all site operatives, including visitors and construction vehicles for parking and turning within the site during the construction period.
10. A Construction Traffic Management Plan, including routing agreements for construction traffic and site staff parking.
11. Details of the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.
12. Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works.
13. Management measures for the control of pest species as a result of demolition and/or construction works.
14. Detail of measures for liaison with the local community and procedures to deal with any complaints received.

The management strategy shall have regard to BS 5228 "Noise and Vibration Control on Construction and Open Sites" during the planning and implementation of site activities and operations.

The approved Construction Management Plan shall also be adhered to throughout the construction period and the approved measures shall be retained for the duration of the construction works.

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. Required to be pre commencement to ensure that the whole construction phase is undertaken in an acceptable way.

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

Reason: To ensure that the presence of contamination is identified, risk assessed and proposed remediation works are agreed in order to ensure the site is suitable for use, in accordance with Part 15 of the National Planning Policy Framework. Required to be pre-commencement to ensure that the development can be carried out safely.

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

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

6. No development or works to trees or hedges shall commence until a Tree Protection Plan has been submitted to and approved in writing by the Local Planning Authority. No construction work shall take place, nor any site cabins, materials or machinery be brought on site until all trees and hedges, scheduled for retention, have been protected in accordance with the approved details and in accordance with BS 5837:2012. The protection measures shall remain in place until the cessation of the development works. The tree protection shall be retained throughout the construction period. No materials, equipment or vehicles shall be stored inside the protective fencing.

Reason: In the interests of the visual amenity of the area and to comply with Policy 40 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework. Required as a pre-commencement condition to ensure that the trees are adequately protected prior to the commencement of the development.

7. No development, other than site investigation and remediation works, shall commence until a scheme for the provision of foul and surface water drainage works have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be developed in accordance with the Councils Sustainable Drainage Systems (SuDS) Adoption Guide 2016. The development thereafter shall be completed in accordance with the details and timetable agreed.

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.

8. No development shall commence until a detailed landscaping scheme, based on the principles set out in drg. no. 1236_101 Rev. B (Landscape Strategy), has been submitted to and approved in writing by the Local Planning Authority.

No tree shall be felled or hedge removed until the landscape scheme, including any replacement tree and hedge planting, is approved as above.

Any submitted scheme must be shown to comply with legislation protecting nesting birds and roosting bats.

The landscape scheme shall include accurate plan based details of the following:

Trees, hedges and shrubs scheduled for retention.

Details of hard and soft landscaping including planting species, sizes, layout, densities, numbers.

Details of planting procedures or specification.

Finished topsoil levels and depths.

Details of temporary topsoil and subsoil storage provision.

Seeded or turf areas, habitat creation areas and details etc. Details of land and surface drainage.

The establishment maintenance regime, including watering, rabbit protection, tree stakes, guards etc.

The Local Planning Authority shall be notified in advance of the start on site date and the completion date of all external works.

Trees, hedges and shrubs shall not be removed without agreement within five years.

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

9. No development, other than site investigations and remediation works, shall commence until such time as a scheme detailing the precise means of broadband connection to the site has been submitted to and agreed in writing by the local planning. Thereafter, the development shall be carried out in accordance with the agreed detail.

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 Part 10 of the NPPF.

10. No development, other than site investigations and remediation works, shall commence until a scheme to achieve CO2 emissions reductions has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved scheme prior to first occupation and permanently retained thereafter.

Reason: In the interests of sustainable construction and in accordance with Policy 29 of the County Durham Local Plan and Part 14 of the National Planning Policy Framework.

11. No development, other than site investigations and remediation works, shall commence until full engineering details of the estate roads and external footpath connections have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved scheme.

Reason: In the interests of highway safety in accordance with Policies 6, 21 and 29 of the County Durham Plan and Part 9 of the National Planning Policy Framework.

12. No development, other than site investigations and remediation works, shall commence until a scheme comprising of a minimum of 8 integrated bat boxes, 6 integrated bird boxes for swifts and 8 nest boxes to be erected on retained trees around the site boundary has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the exact location, specification, design and timetable for installation of the nesting boxes. The approved scheme shall be completed in accordance with the approved details and timescales.

Reason: To conserve protected species and their habitat in accordance with Policies 41 and 44 of the County Durham Plan and Part 15 of the National Planning Policy Framework. Required to be pre-commencement as the proposals to mitigate the impacts of the development and construction works must be resolved at the earliest juncture.

13. Prior to the construction of the 1st dwelling hereby approved, full details of the proposed site levels, finished floor levels and all means of enclosure to be erected within the development shall be submitted to and approved in writing by the Local Planning

Authority. The submitted details must include details of any retaining walls/structures required including their interaction with other means of enclosure such as garden fences within the site. The development shall thereafter be carried out in accordance with the approved details.

Reason: In the interests of the amenity of the surrounding areas and neighbouring properties, in accordance with Policy 29 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.

14. Prior to the commencement of construction at damp proof course or above, samples of the external walling and roofing materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

Reason: In the interests of the appearance of the area and to comply with Policy 29 of the County Durham Plan and Part 12 of the National Planning Policy Framework.

15. Prior to the commencement of construction at damp proof course or above, samples of external door finishes shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

Reason: In the interests of the appearance of the area and to comply with Policy 29 of the County Durham Plan and Part 12 of the National Planning Policy Framework.

16. No dwellings shall be occupied until a scheme for the ongoing maintenance of the areas of public open space within the development hereby approved have been 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 and cutting schedule in perpetuity.

Reason: In the interests of appearance of the area in accordance with Policy 26 and 29 of the County Durham Plan and Parts 12 and 15 of the NPPF.

17. No dwelling shall be occupied until a scheme showing the removal of both the redundant vehicular access and stepped footway on the B6288 Vyners Close including the reinstatement of the land has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details and timescales.

Reason: In the interests of highway safety in accordance with Policies 6, 21 and 29 of the County Durham Plan and Part 9 of the National Planning Policy Framework.

18. No dwelling shall be occupied until a detailed specification for the new external footpath link to the west of the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be completed in accordance with the approved details and timings thereafter.

Reason: To secure new pedestrian routes and to comply with Policy 26 of the County Durham Plan and Parts 4 and 8 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 and to comply with Policy 29 of the County Durham Plan and Part 12 of the National Planning Policy Framework.

20. No external lighting shall be erected/installed until a detailed lighting strategy for the development hereby approved has been submitted to and approved in writing. All external lighting shall thereafter be completed in accordance with the approved details.

Reason: To ensure retained habitat is protected and to conserve protected species in accordance with Policies 41 and 44 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

21. The sound attenuation measures detailed in Section 6 of the Noise Assessment Version V3.0 dated November 2021 shall be fully implemented prior to the beneficial occupation of the development and permanently retained thereafter.

Reason: In the interest of the amenity of future occupants in accordance with Policies 29 and 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

22. The development shall be carried out in accordance with the recommendations outlined within Section 5 of the Ecological Assessment Version FINAL dated 28th October 2020 by BSG Ecology.

Reason: In the interests of ecology and ensuring no protected species are affected by the development in accordance with Policies 41 and 44 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

23. The development hereby approved shall include 18 units which meet the Building Regulations Standard M4(2) Accessible and Adaptable Dwellings. No development shall take place until verification identifying which dwellings will be built to Buildings Regulations M4(2) standard, from a suitably competent and qualified person, has been submitted to and approved in writing by the Local Planning Authority. The development shall then be completed fully in accordance with the approved details.

Reason: To meet the housing needs of older people and people with disabilities in accordance with Policy 15 of the County Durham Plan and Part 5 of the NPPF. Required to be pre-commencement to ensure that an acceptable scheme can be agreed and incorporated into the development before site works commence.

24. All of the dwellings hereby approved shall be provided with electric vehicle charging points and said charging points must be installed and available for use before occupation of each dwelling.

Reason: In the interests of sustainable construction and in accordance with Policy 29 of the County Durham Local Plan and Part 14 of the National Planning Policy Framework.

25. All of the dwellings hereby approved shall be provided with private bike storage and said storage must be installed and available for use before occupation of each dwelling.

Reason: To encourage sustainable transport modes of travel having regard to CDP Policy 21 and Part 9 of the NPPF.

26. 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 1300 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.

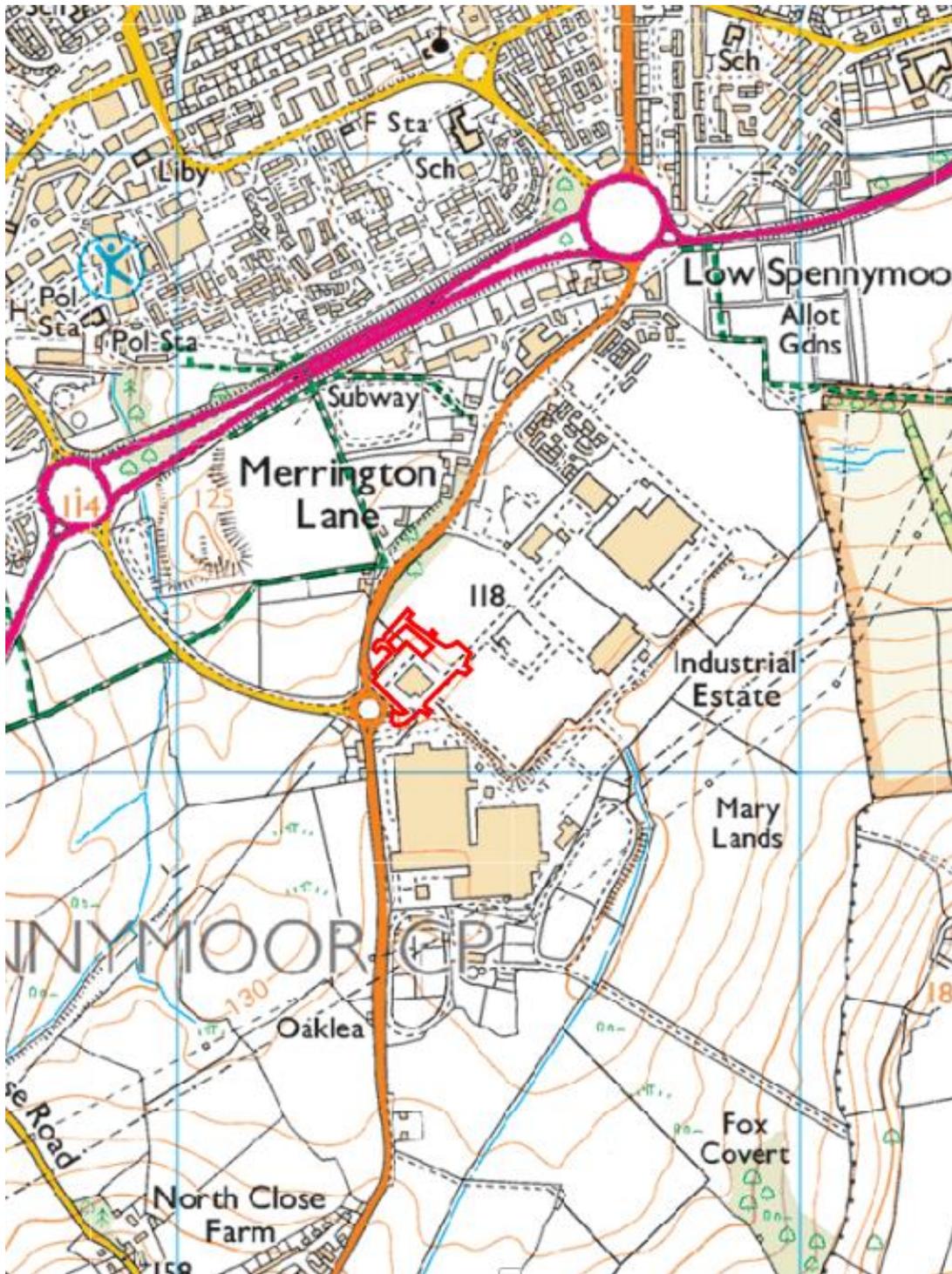
Reason: To protect the residential amenity of existing and future residents from the development in accordance with Policies 29 and 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

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.

BACKGROUND PAPERS

- Submitted application form, plans supporting documents and subsequent information provided by the applicant.
- The National Planning Policy Framework (2021)
- National Planning Practice Guidance notes.
- County Durham Plan
- Statutory, internal and public consultation response
- County Durham Strategic Housing Market Assessment (2019)
- Settlement Study (2018)
- Open Space Needs Assessment (2018)
- Residential Amenity Standards SPD (2020)
- County Durham Building for Life SPD (2019)
- County Durham Landscape Character Assessment: Wear Lowlands(2019)



Planning Services

DM/21/04047/FPA

Erection of 27 dwellings with associated infrastructure (revised description 16/05/2022)
 Site of former Electrolux site, Merrington Lane Industrial Estate, Spennymoor, DL16 7EY

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Comments

Date 7th June 2022

Scale Not to Scale