

## COMMITTEE REPORT

---

### APPLICATION DETAILS

---

|                                      |   |
|--------------------------------------|---|
| <b>APPLICATION NO:</b>               | <b>DM/18/00374/FPA</b>  |
| <b>FULL APPLICATION DESCRIPTION:</b> | <b>Erection of 84 dwellings with associated access, parking and landscaping (revised description 05/04/2019)</b>                          |
| <b>NAME OF APPLICANT:</b>            | <b>Pillars Construction</b>   |
| <b>ADDRESS:</b>                      | <b>Greyhound Track, Front Street, Merrington Lane, Spennymoor</b>   |
| <b>ELECTORAL DIVISION:</b>           | <b>Tudhoe</b>   |
| <b>CASE OFFICER:</b>                 | <b>Laura Eden<br/>Senior Planning Officer<br/>03000 263980<br/><a href="mailto:laura.eden@durham.gov.uk">laura.eden@durham.gov.uk</a></b> |

---

### DESCRIPTION OF THE SITE AND PROPOSALS

---

#### The Site

1. The application site relates to the former Greyhound Track located off Front Street in Spennymoor and extends to approximately 2.04ha. The track was closed and demolished in the 1990s. The site now consists of unkempt, open scrubland with only the line of the former race track, some walls and an area of hardstanding where the former terrace and concourse once stood remaining.
2. The application site is located on the southern edge of Spennymoor separated from the main built up area by the A688 dual carriage. The site lies approximately 290 metres to the south east of the town centre boundary and pedestrian links are provided through the underpass.
3. Vehicular access into the site is taken off Front Street on the eastern boundary which then connects onto the main highway network beyond. To the north of the access point is a substation and to the south lies a gym and builder's merchant. Allotment gardens border the southern boundary with a public house to the south east. A public right of way (footpath 56 Spennymoor) follows, but lies outside of, the site's western boundary with a recreation ground lying beyond. The site boundary partially borders the A688 dual carriage way on its north eastern border. The highway sits at a higher level to the application site at the top of an embankment which is landscaped. The remainder of the northern boundary is occupied by a day centre and some small commercial properties. Public footpath 57 crosses the sites northern boundary linking to FP56, the underpass and the town centre beyond to the west and out onto Front Street to the east.
4. The site lies outside of any nationally or locally designated landscape, heritage or ecological areas. There are a number of trees along the site's northern boundary, a small group to the south east corner and individual trees to the east and north west.

## The Proposal

5. The proposal seeks full planning permission for the erection of 84 units (revised from an originally proposed 104). A range of 2 (9 no.) and 3 bedroomed (74 no. 3 different house types including corner feature plots) semi-detached and terraced units are proposed. The materials palette hasn't been specified however indicative plans show facing brickwork, render, tiled roofs and UPVC windows and doors. Each property would benefit from private amenity space and off-street car parking spaces. There will also be 21 non-allocated visitor car parking spaces. The scheme includes 15% affordable housing provision equating to 13 units (9no. affordable (social rent) and 4no. intermediate tenure).
6. Vehicular access into the site would be taken from Front Street. Public footpath 57 which crosses the site would be retained although the route is proposed to be altered. The 3m foot and cycleway is proposed to closely follow the highway access route through the site. The layout provides 0.85ha of public open space which predominantly lies along the site's northern boundary. This would also accommodate a sustainable drainage system (SuDS). A small pocket of open space would also be provided adjacent to the site entrance.
7. The application is being reported to the South West Area Planning Committee as it constitutes a major residential development proposal on a site less than 4ha and comprising of less than 200 dwellings.

---

## PLANNING HISTORY

---

8. Outline planning permission was granted in 2009 for the erection of up to 100 dwellings on the site (7/2007/0704/DM) however this was never implemented. Consent was granted to renew permission in both 2011 (7/2011/0054/DM) and 2013 (7/2012/0043/DM).

---

## PLANNING POLICY

---

### NATIONAL POLICY

9. A revised National Planning Policy Framework (NPPF) was published in July 2018 (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.
10. In accordance with Paragraph 213 of the National Planning Policy Framework, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). The relevance of this issue is discussed, where appropriate, in the assessment section of the report. The following elements of the NPPF are considered relevant to this proposal.
11. *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.

12. *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.
13. *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.
14. *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.
15. *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.
16. *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.
17. *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.
18. *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.
19. *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.

20. *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.
21. *NPPF Part 16 Conserving and Enhancing the Historic Environment* - Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

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

22. 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; conserving and enhancing the historic environment; design; determining a planning application; flood risk; health and well-being; land stability; housing and economic development needs assessments; housing and economic land availability assessment; light pollution; natural environment; noise; open space, sports and recreation facilities, public rights of way and local green space; planning obligations; travel plans, transport assessments and statements; use of planning conditions and; water supply, wastewater and water quality.

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

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

The Sedgfield Borough Local Plan (SBLP) 1996

23. *Policy E1 – Landscape Protection and Enhancement.* Normally requires that landscape features such as hedgerows, woods, streams and buildings fit into the landscape scheme for any development in the southern and eastern lowlands landscape.
24. *Policy E11 – Safeguarding sites of Nature Conservation Interest.* Sets out that development detrimental to the interest of nature conservation will not be normally permitted, unless there are reasons for the development that would outweigh the need to safeguard the site, there are no alternative suitable sites for the proposed development elsewhere in the county and remedial measures have been taken to minimise any adverse effects.
25. *Policy E15 – Safeguarding woodlands, trees and hedgerows* – Sets out that the council expect development to retain important groups of trees and hedgerow and replace any trees which are lost.
26. *Policy H19 – Provision of a range of house types and sizes including Affordable Housing* – Sets out that the Council will encourage developers to provide a variety of house types and sizes including the provision of affordable housing where a need is demonstrated.

27. *Policy T1 – Footways and Cycleways in Towns and Villages* – states that the Council will seek to ensure that safe, attractive and convenient footpath and cycleway links and networks are provided.
28. *Policy L1 – Provision of Sufficient Open Space to Meet the Needs for Sports Facilities, Outdoor Sports, Play Space and Amenity Space*. Requires a standard of 2.4 ha per 1,000 population of outdoor sports and play space in order to benchmark provision.
29. *Policy L2 - Open Space in New Housing Development* - sets out minimum standards for informal play space and amenity space within new housing developments of ten or more dwellings.
30. *Policy L9 - Footpaths, Cycleways and Bridleways in the Countryside*. The council will seek to promote the provision of a safe, attractive and convenient network of footpath, cycleway and bridleway routes.
31. *Policy D1 – General Principles for the layout and design of new developments* – Sets out that all new development and redevelopment within the District should be designed and built to a high standard and should contribute to the quality and built environment of the surrounding area.
32. *Policy D2 – Design for people* – Sets out that the requirements of a development should be taken into account in its layout and design, with particular attention given to personal safety and security of people.
33. *Policy D3 - Design for access* - Requires that developments should make satisfactory and safe provision for pedestrians, cyclists, cars and other vehicles.
34. *Policy D5 – Layout of housing development* – Requires that the layout of new housing development should provide a safe and attractive environment, have a clearly defined road hierarchy, make provision for appropriate areas of public open space either within the development site or in its locality, make provision for adequate privacy and amenity and have well designed walls and fences.
35. *Policy D8 – Servicing and Community Requirements of New Development* – states that the Council will normally expect new developments to meet servicing requirements, and to offset costs imposed by the development upon the local community.
36. *Policy D9 – Art in the Environment* – seeks to encourage the incorporation of artistic elements in development schemes.

#### **EMERGING PLAN:**

##### The County Durham Plan

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

---

## CONSULTATION AND PUBLICITY RESPONSES

---

### STATUTORY RESPONSES:

38. *Spennymoor Town Council* – Originally objected to the proposal considering that it conflicted with the NPPF, however, following amendments these objections have been withdrawn.
39. *Highway Authority* – Overall the impacts associated with this development on the highway network are considered to be acceptable. An appropriate means of access, site layout including parking arrangements has been agreed following the submission of amended plans. Subject to the imposition of appropriate conditions and informatives there are no highway objections.
40. *Drainage and Coastal Protection* – No objections providing a condition is imposed to ensure the development is carried out in accordance with the submitted surface water management scheme and the submission of hydraulic calculations and a management plan for approval.
41. *Coal Authority* – Raise no objection subject to the imposition of a condition.

### INTERNAL CONSULTEE RESPONSES:

42. *Spatial Policy* – Advise that the starting point for determining the acceptability of planning proposals is the Development Plan, in this case the Sedgefield Borough Local Plan (SBLP). The SBLP contains no specific policies on how to assess applications for housing within towns such as Spennymoor (also applies to Newton Aycliffe, Ferryhill and Shildon) as Policy H1 was not saved. Remaining policies within the SBLP of relevance to the site are considered to relate to specific matters rather than influencing the principle of the development. The acceptability of the development must, therefore, be considered in the context of Paragraph 11(d) of the NPPF as there are no relevant policies within the Local Plan which inform on housing. The site has been considered within the Council's Strategic Housing Land Availability Assessment (SHLAA) (ref: 7/SP/312) and has a suitable (green) classification. It is advised that the Council can presently demonstrate in excess of a 5 year housing land supply.
43. *Landscape* – Existing trees within the development will not be retained therefore it is expected that the tree planting indicated on the plans will be followed through into detailed planting proposals that include good sized trees. Conditions are required to securing a scheme of landscaping and future management and maintenance thereafter.
44. *Landscape (Arboriculture)* – There are only a small number of larger trees within the site which the developer has opted to remove. A tree protection plan is required to ensure the protection of the trees outside the site to the north. Consideration should be given to mitigating the loss of existing trees through the submission of a suitable landscaping scheme including replacement tree planting which are likely to have a long-term impact.
45. *Archaeology* - No objection is raised and no further works are required. The archaeological desk-based assessment considers that there would be no significant impact on an archaeological or historical resource and doesn't recommend any further archaeological works.
46. *Design and Conservation* – No objections are raised in relation to heritage impacts. The proposed layout has evolved and improved throughout the application process. Revised

house types have been submitted which includes additional detailing and interest. Areas of the site are dominated by parked cars therefore a landscaping scheme should be developed to help soften this impact and alternative parking arrangements/layouts explored. It is noted that some of the access routes through the site appear convoluted.

47. *Ecology* – Raise no objection subject to a S106 agreement to secure a financial contribution and the imposition of conditions. Biodiversity offsetting is required to ensure there is no net loss to biodiversity. Therefore a contribution of £9,328.20 is required to be used by the Council towards biodiversity enhancements in accordance with the framework identified in Durham County Council's Local Biodiversity Compensation Strategy document. Conditions relating to the provision of bat and bird boxes within the site, adherence to the Ecology Addendum Mitigation Report, a detailed landscaping scheme and maintenance regime to be agreed.
48. *Employability Section* – Request that targeted recruitment and training clauses are included within a S106 planning obligation.
49. *Environment, Health and Consumer Protection (Air Quality)* – No objections are raised subject to a condition relating to a dust action plan.
50. *Environment, Health and Consumer Protection (Pollution Control)* – No objections, subject to conditions to secure a scheme of noise attenuation measures and construction management plan.
51. *Environment, Health and Consumer Protection (Contaminated Land)* – Advise a conditional approach in relation to land contamination.
52. *Housing* – Advise that the proposed 15% affordable housing would comply with policy requirements and help meet an identified need. It is recommended that a mixed tenure of 70% affordable rent and 30% intermediate tenure would be desirable. It is also advised that 10% of the housing should be for the elderly/accessible homes.
53. *Public Rights of Way* – The applicant will be required to apply for a diversion of Footpath 57 under Section 257 of the Town and Country Planning Act. The footpath will need to remain open until a diversion is confirmed. Consideration is also required to be given to an alternative and safe route through the site during the construction phase.
54. *School Places Manager* – The development is likely to generate a requirement for 26 primary and 11 secondary pupil places. There is insufficient capacity at the local primary schools. Consequently, a contribution of £382,278 would be required to provide additional capacity for primary school pupils.
55. *Sustainable Travel* – The site lies outside the recommended 400m walking distance to the nearest serviced bus stop. It is considered that there is very little opportunity to make changes to the existing network therefore there is the requirement for a new bus service to be added to the weekday (daytime) network. The estimated cost of this service is £60,000 per annum for a period of 5 years (£300,000) to allow the service time to become established, increase patronage and ultimately move towards commercial sustainability. A travel plan condition is not required to be imposed due to the revised scale of the development.

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

56. *Dales, Easington and Sedgfield Clinical Commissioning Group* – Based on a standard approach to costing the impact of additional housing growth a financial contribution of

£71,760 would be sought to make the proposed housing expansion (104 dwellings) supportable from a health infrastructure perspective.

57. *Police Architectural Liaison Officer* – Object to the revised plans as they do not give a clear indication of the approach to boundary treatment throughout the estate. They also have some recommendations with regards to designing out crime particularly in relation to footpaths.
58. *The Ramblers Association* – Raise no objection.
59. *Northumbrian Water Limited* – Raise no objection, subject to the development being carried out in accordance with the submitted drainage strategy.

#### **PUBLIC RESPONSES:**

60. The application has been publicised by way of press notice, site notice, and individual notification letters to neighbouring residents.
61. One letter of support has been received which outlines that new housing is required within Spennymoor. This proposal represents good quality housing in an area where it is needed.
62. Two letters of representation have also been received from Cllr Sproat of Spennymoor Town Council. Her concerns relate to;
  - The existing public right of way and how this will be impacted upon by the development.
  - Access arrangements into the site for both vehicles and pedestrians.
  - Why the highway response refers to the site as being off Vyners Close rather than Merrington Lane.

*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:**

63. The applicant's team has worked in close liaison with the Council's planning officers and their colleagues towards the proposed residential development of vacant land at the former Greyhound Track, Spennymoor. Through a process of design review and evolution the scheme has been reduced from 110 apartments and houses to 84 houses to create an attractive residential development.
64. The application site is a suitable, accessible and highly sustainable location for new housing and will create high quality dwellings, enhancing variety and choice within the local market whilst making a significant contribution to the Council's housing land supply. The housing mix comprises two and three bedroom dwellings, all with private driveways and landscaping. These will be accessible to people from a range of communities, as the scheme will deliver policy compliant affordable housing. The applicant will also provide financial contribution towards open space, education and ecology.
65. Redevelopment of the site for housing will improve the environmental quality of the area and help Durham County Council achieve its targets for the redevelopment of brownfield sites.

66. Technical matters relating to drainage (implementation of SUDs), highways (adequate car parking across the site), noise mitigation and tree retention have all been resolved with no outstanding issues.
67. The proposed landscaping of the site incorporates a high-quality scheme with attractive areas of open space, dual aspect dwellings on key corners and permeable logical routes for future residents linking the site to the town centre.
68. The proposed development will provide a viable solution, in line with local authority plans and objectives.

---

## **PLANNING CONSIDERATIONS AND ASSESSMENT**

---

69. 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, impact on the character of the surrounding area, layout and design, affordable and accessible/adapted housing, residential amenity, ecology, infrastructure and public open space, flooding and drainage, heritage and archaeology and other matters.

### The Principle of the Development

70. 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 Sedgefield Borough Local Plan (SBLP) remains 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.
71. The SBLP was adopted in 1996 and was intended to cover the period to 2006. However, NPPF Paragraph 213 advises that Local Plan policies should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF. Notwithstanding this, it is considered that a policy can be out-of-date if it is based upon evidence which is not up-to-date/is time expired depending on the circumstances. Paragraph 213 also sets out that due weight should be given to existing policies, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).
72. The SBLP contains no specific policies on how to assess applications for housing within towns such as Spennymoor (also applies to Newton Aycliffe, Ferryhill and Shildon) as Policy H1 was not saved. Remaining policies within the SBLP of relevance to the site are considered to relate to specific matters rather than influencing the principle of the development. The acceptability of the development must, therefore, be considered in the context of Paragraph 11(d) of the NPPF as there are no relevant policies within the Local Plan which inform on housing. Paragraph 11 sets out that planning permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provide clear reasons for refusing the development proposed; or, 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.

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 acceptability of the proposed development rests on whether any adverse impacts of approving the development would significantly and demonstrably outweigh the benefits or whether there are any specific policies in the NPPF that indicate development should be restricted. Clearly, this assessment can only be considered following an examination of all of the issues within the planning balance.

#### Housing Land Supply

75. 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.
76. Within County Durham all the extant development plans are more than five years old and their housing figures need revising so the starting point for calculating land supply will be local housing need using the Government's standard methodology. The 'Pre Submission Draft' (Jan 2019) stage of the emerging County Durham Plan (CDP) is aligned with the standardised methodology and identifies a housing need figure of 1,308 dwellings per annum (dpa). At this time, the Council is able to demonstrate in excess of 5 years supply of deliverable housing land against this figure. The Council also has commitments of an additional supply beyond the deliverable 5-year supply period.
77. Although in a recent written representations appeal involving a site in Esh Winning, the Inspector took the view that housing supply had not been demonstrated by the Council in the terms of paragraph 74 of the Framework. However, the Planning Inspectorate have subsequently confirmed that the Inspector misapplied paragraph 74, as it was impossible for the Council to have an Annual Position Statement in place at the time of the appeal. In addition, in three further, more recent, written representation appeals, the Inspector outlined that there are also the requirements of Paragraph 73 under which councils are required to identify annually a supply of housing sites to provide a minimum of 5YHLS, set against local housing needs where strategic policies are more than 5 years old. The Council's approach to demonstrating a 5YHLS is, therefore, considered to be appropriate in the circumstances, and in line with the requirements of the NPPF.
78. The Government has also recently published its Housing Delivery Test (HDT) results alongside the publication of the update NPPF in February 2019. The HDT outcome for the Council indicates that housing delivery has been above the requirement over the

last three years, which is evidence that delivery of housing on the ground is on track and exceeding our housing targets.

79. To summarise, the Council's position remains that the NPPF has confirmed the use of the standard method for calculating local housing need and, as the emerging CDP is aligned with the figure derived from the standardised methodology (1,308dpa), a supply in excess of 5 years of deliverable housing can be demonstrated. Accordingly, the weight to be afforded to the boost to housing supply as a benefit of the development is clearly less than in instances where such a healthy land supply position could not be demonstrated.

#### Locational Sustainability of the Site

80. Collectively SBLP policies D1, D2, D3 and T1 require developments to provide for satisfactory, safe, attractive and convenient provision for pedestrians, cyclists, public transport, cars and other vehicles including linkages between residential areas and surrounding facilities and services where appropriate for all users. These policies are considered consistent with the NPPF which also seeks to promote accessibility by a range of methods therefore can be given full weight in considering the application. Specifically, the NPPF sets out at Paragraph 103 states 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 108 the NPPF states that appropriate opportunities to promote sustainable transport modes should be taken whilst paragraph 110 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 rates Spennymoor as having a settlement score of 328.7. It is therefore ranked as one of the higher order settlements within the County. Spennymoor, is generally well served by services with good access to work opportunities, health facilities, school, shopping and leisure facilities. It is therefore considered that Spennymoor is a settlement which in principle has a range of services and facilities to cater for residential development. Furthermore, there have been several approvals on the site for housing however these have now lapsed.
82. In relation to distances to services and amenities, the site lies within approximately 0.3km of the Spennymoor town centre boundary which contains an array of amenities and services including shopping, leisure and healthcare facilities. The site is within 0.65km of North Park Primary School and 1.4km 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 walking routes into Spennymoor town centre and beyond are also on adopted well-lit highways with no significant topographical restrictions and funding has been secured from other housing developments to secure improvements (lighting and CCTV) to the underpass. In terms of cycle access, the site performs well, with services in the town centre within a short cycle ride.
83. The closest bus stop to the development is located outside Asda (within the town centre) approximately 385m from the nearest part of the site boundary. Large proportions of the 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 560m from the site boundary) and to a lesser extent St Andrew's Lane (approximately 530m 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. 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 to improve the underpass which links the development site to the town centre and the aforementioned bus stops which should result in it being a more feasible and desirable walking route.

84. Public Transport are concerned about the distances to the nearest serviced bus stop and consider that there is very little opportunity to make changes to the existing network. They therefore suggest a new bus, operating along the B6288 Vyners Close, should be added to the weekday (daytime) network. The estimated cost of this service is £60,000 per annum for a period of 5 years (£300,000 in total) to allow the service time to become established, increase patronage and ultimately move towards commercial sustainability. Whilst the benefits arising from an additional route are recognised, the contribution is not considered necessary to make the development acceptable in planning terms given the distances to alternative bus stops and the accessibility of the site taken in the round. The contribution therefore fails tests set out at paragraph 56 of the NPPF and Paragraph 122 of The Community Infrastructure Levy Regulations 2010.
85. Two Public Rights of Way (PROW) lie within the vicinity of the site. Footpath 56 (Spennymoor) follows, but lies outside of, the site's western boundary. Public footpath 57 (Spennymoor) crosses the sites northern boundary linking to FP56, the underpass and the town centre beyond to the west and out onto Front Street to the east. Paragraph 98 of the NPPF outlines that decisions should protect and enhance public rights of way and access including taking opportunities to provide better facilities for users. Policy L9 of the SBLP also seeks to protect existing PROW therefore is consistent with the NPPF and can be afforded full weight. In this regard FP57 would be retained and enhanced (a new surface and widened to 3m) although it would follow a slightly altered route. In this respect a diversion order under Section 257 of the Town and Country Planning Act 1990 will be necessary. During construction an alternative, safe footpath route through the site linking into FP56 will be required which can be secured by condition.
86. Overall, it is considered that the site has access to a large array of services and facilities, to serve the development proposed and that these are within relatively easy reach of the site. No objections are therefore raised having regards to the locational sustainability of the site.
87. In conclusion, it is considered that the walking distances, improved pedestrian links and the established bus services would give future residents alternative options to the private motor car to access to services and amenities. The proposal would therefore accord with Paragraph 108 of the NPPF and Policies D1, D2, D3 and T1 of the SBLP (NPPF consistent) in this respect.

#### Highway Safety and Access

88. SBLP Policy D3 requires that development proposals should achieve a satisfactory means of access onto the wider highway network while protecting highway safety in terms of vehicle movements and traffic generation. This policy is considered compliant

with Paragraph 108 of the NPPF which also seeks to promote accessibility by a range of methods and ensure that safe and suitable accesses can be achieved. In addition, Paragraph 109 of the NPPF states that development should only be refused on transport grounds where the residual cumulative impacts on development are severe. Concerns over the access arrangements have been raised as a concern by a member of the Town Council.

89. Following amendments to the scheme the Highway Authority are satisfied that the site access arrangements, layout and parking are acceptable. Furthermore, the proposed development will not result in severe residual cumulative impacts on the operation of the highway network. Subject to a condition being imposed to secure a safe and suitable footpath link through the site during the construction works and standard informatives being added they raise no objection
90. Overall, the highways impact of the proposed development is considered to be acceptable, subject to the necessary condition and informatives, and therefore in accordance with SBLP Policy D3 and Part 9 of the NPPF.

#### Impact on the Character and Appearance of the Surrounding Area, Layout and Design

91. SBLP Policies D1, D2, D3 and D5 seek to promote good design which relates well to the natural and built features of the site, the surrounding area and adjacent land uses. Policy E15 expects development proposals to retain woodland, hedgerows and important trees wherever possible. Part 12 of the NPPF also seeks to promote good design, while protecting and enhancing local environments. Paragraph 127 of the NPPF also states that planning decisions should aim to ensure developments function well and add to the overall quality of the area and establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit. Due to their compliance with the NPPF significant weight can be afforded to SBLP Policies D1, D2, D5 and E15 in this respect.
92. The development is well screened given existing development and landscaping to the north, south and east and would be more readily seen in views from the existing public rights of way within the vicinity of the site. The proposed dwellings are considered commensurate in scale and design with surrounding and consented developments. The proposed layout allows for natural surveillance of the public open spaces, SUDS wetland areas and, vehicular and pedestrian routes through the site and there are feature plots on the corners. Some areas of the site are dominated by parked cars therefore a landscaping scheme should be developed to help soften this impact. The materials palette hasn't been specified however indicative plans show facing brickwork, render, tiled roofs and UPVC windows and doors. Whilst the general approach to materials is acceptable a condition would be appropriate to agree the exact details. Overall it is considered that this design approach would be adequately in keeping with the surrounding area.
93. The site relates to a former greyhound track which was closed and demolished in the 1990s. The site consists of unkempt, open scrubland with only the line of the former race track, some walls and an area of hardstanding where the former terrace and concourse once stood remaining. Paragraph 118 of the NPPF indicates that substantial weight should be given to the value of using suitable brownfield land within settlements for homes. The proposal meets these criteria being located within Spennymoor and entails the re-development of previously developed land/ Development of the site would result in environmental improvement in terms of the overall appearance of the site. These benefits should be afforded substantial weight in the planning balance.

94. The Police Architectural Liaison Officer has raised an objection, concerned that the proposed boundary treatment arrangements have not been fully detailed. It is hoped that this will be resolved in advance of Committee in which case Members would be provided with a verbal update. Alternatively, it is considered a condition can be imposed in this regard.
95. Policy D9 (Art in the Environment) sets out that the Council will encourage the provision of works of art as part of development. Although the NPPF is silent on public art, it is supportive of ensuring that development makes places better for people. This mirrors the aims of SBLP policy which is considered to be partially consistent with the NPPF and can be afforded weight. A condition can be imposed to secure artistic elements within the design and layout of the development in accordance with SBLP Policy D9.
96. The site is located in an area of mixed character and relates to an area of overgrown scrubland. There are a number of trees along the site's northern boundary, a small group to the south east corner and individual trees to the east and north west. The majority of these are younger specimens although there are a small number of larger trees within the site which the developer has proposed to remove. A tree protection plan is required to ensure the protection of the trees outside the site to the north. It is expected that the tree planting indicated on the plans will be followed through into detailed planting proposals that include good sized trees to mitigate the loss of existing trees in accordance with Policy E15.
97. The principle of developing this site is therefore considered acceptable in landscape terms. No objection has been received from either the landscape or tree officer subject to conditions being imposed to secure a detailed landscape scheme including replacement tree planting, future management and maintenance arrangements and tree protection measures. Subject to the imposition of conditions the development is therefore considered to comply with SBLP Policies D1, D2, D5, D9 and E15, as well as Part 12 of the NPPF.

#### Affordable and Accessible/Adapted Housing

98. In order to widen the choice of high quality homes and widen opportunities for home ownership, Paragraph 64 of the NPPF encourages the provision of affordable housing based on evidenced need. SBLP Policy H19 also encourages developers to provide an appropriate variety of house types, including affordable housing on specific allocated sites. This site is not identified as being one of those sites, and the policy is only considered to be partially consistent with NPPF. Accordingly, advice within the NPPF should be afforded significant weight with regards to this issue.
99. The Council's evidence base for the area requires that a proportion of affordable housing of 15% on this site, amounting to 13 dwellings. The Housing Delivery Team has requested that this be delivered in the form of 70% affordable rent (9no.) and 30% affordable home ownership (4no.). It also demonstrates a need to provide 10% of the private and intermediate properties for older person including level access bungalows or Building for Life provision. The applicant has confirmed that the affordable requirement can be met by a planning obligation secured through S106 of the Town and Country Planning Act 1990 and, therefore, the proposal is considered to be acceptable in this regard. The development doesn't include older person offer as this is a more recent requirement by which stage the layout and house types were more significantly advanced. This is something to be considered in the planning balance.
100. In terms of housing mix, the development would provide 2 and 3 bedroomed semi-detached and terraced properties Although the housing options are relatively limited the

development would provide a mix of housing in compliance with Paragraph 61 of the NPPF.

## Residential Amenity

101. SBLP Policy D5 requires that satisfactory levels of amenity and privacy are achieved for both the new dwelling and existing adjacent dwellings. This policy is considered to be compliant with Paragraph 127 of the NPPF which states that planning decisions should always seek to secure a good standard of amenity for existing and future occupants of land and buildings. Part 8 of the NPPF amongst other guidance advises on the need to create safe and accessible environments where crime and disorder and the fear of such are considered. Whilst Part 15 seeks to prevent both new and existing development from contributing to or being put at unacceptable risk from unacceptable levels of pollution.
102. The submitted site layout indicates that generally separation distances between dwellings in the development are in excess of 21m between facing principal elevations or 14m between principal and gable elevations as advocated in the Local Plan. There are a few instances where distances fall slightly short although not to an unacceptable extent. These all relate to relationships between the proposed dwellings. As such it is not considered that any significant issues in terms of overlooking, overshadowing or overbearing impact would arise and as such that there would be no significant adverse residential amenity impacts.
103. The development would be located in proximity of a number of noise sources including the nearby A688 and commercial/industrial uses within surrounding area including units on the adjacent industrial estate and the builder's merchant. The application is supported by a noise impact assessment which sets out the noise mitigation measures in the form of improved glazing and acoustic boundary treatments for a number of properties within the development closest to these noise sources in order to safeguard the amenity of future residents. Environment, Health and Consumer Protection officers advise that the methodology and conclusions of the report are sound and that subject to the implementation of the sound attenuation measures outlined in the report adequate levels of residential amenity would be achieved.
104. The submitted noise report has assessed the impact of the development against the existing noise climate, which includes the existing commercial/industrial buildings to the north and south of the site which currently operate at a low intensity. Should the intensity of these uses increase or be brought back into use a conflict could potentially rise with the new housing. The buildings have an unrestricted B2/B8 use there would be no planning restriction on the future activities and therefore they would be at risk of restrictions placed upon them through the Environmental Protection Act 1990 (Statutory Nuisance) which Paragraph 182 of the NPPF seeks to avoid. However, as it has been demonstrated that existing businesses can continue to operate as they currently do, whilst securing an adequate level of residential amenity (subject to the sound attenuation measures being fully completed) it is not considered that this presents a significant risk moving forward.
105. Environment, Health and Consumer Protection officers note the potential for disturbance during the construction period. It is considered that conditions relating to a Construction Management Plan (CMP) and hours of working would provide sufficient mitigation in this case. Whilst a CMP was submitted in support of the application it is considered to require refinement under condition.

106. Similarly, they do not consider that the development will have a significant effect on air quality and there is no requirement to undertake further assessment. There would not be an adverse impact on the environment having regard to paragraph 181 of the NPPF.
107. Overall, it is considered that the development would not cause any adverse impact upon the amenity of those living in the vicinity of the development site, and adequate levels of amenity for prospective occupiers can be secured the imposition of conditions. The development is therefore considered compliant with SBLP Policies D1 and D5 in this respect and Parts 8 and 15 of the NPPF.

## Ecology

108. The site is located approximately 3.6km to the east The Carrs Site of Scientific Interest (SSSI), 0.65km to the north east of North Close Marsh Local Wildlife Site and 1.1km to the south of Cow Plantation Local Nature Reserve. Part 15 of the NPPF seeks to ensure that developments protect and mitigate harm to biodiversity interests, and where possible, improve them. SBLP Policy E11 seeks to ensure that developments protect and mitigate harm to biodiversity interests. Paragraph 170 of the NPPF advises decisions should contribute and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity. Policy E11 is considered consistent in this regard and can be afforded full weight.
109. An ecology survey has been submitted with the application, highlighting that no species that are afforded special legal protection under the Conservation of Habitats and Species Regulations 2017 and/or the Wildlife and Countryside Act 1981 (as amended) have been recorded within the site. To mitigate the impact of the development the report suggests there is an opportunity to improve habitats on site and it is recommended that bat and bird boxes are installed which can be secured by condition.
110. Ecology officers have however raised concerns that in its current form the development would result in a loss of biodiversity without sufficient on-site mitigation to offset this. An assessment of these biodiversity losses has been undertaken which calculates the level of required compensation. A contribution of £9,328.20 is required to be used by the Council towards biodiversity enhancements in accordance with the framework identified in Durham County Council's Local Biodiversity Compensation Strategy which would be secured by means of a planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended). On-site improvement works, bat and bird boxes in addition to a management plan for the habitats to be created on site could be secured through condition. Overall this approach would ensure that there is no net loss of biodiversity in regard to Paragraph 175 of the NPPF.
111. 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 as a result of the development having regards to the requirements of the Habitats Directive brought into effect by the Conservation of Habitats and Species Regulations 2017. Therefore, subject to securing a financial contribution to deliver biodiversity offsetting and conditions relating to securing a mitigation strategy and a management plan for habitats to be created and the installation of bat and bird boxes the proposal would comply with SBLP Policy E11, and Part 15 of the NPPF in this respect. The Council's Ecologist offers no objection to the scheme on this basis.

## Infrastructure and Open Space Provision

112. Paragraph 94 of NPPF confirms that the Government places great importance on the availability of sufficient choice of school places 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 26 primary age school pupils and 11 secondary age school pupils. Whilst there is sufficient capacity at Whitworth Park School and Sixth Form there is insufficient capacity at the local primary schools (Ox Close Primary, Middlestone Moor Primary, Rosa Street Primary, North Park Primary and Kirk Merrington Primary) to accommodate this need. A total contribution of £382,278 (26 x £14,703) towards education provision is therefore required, so as to mitigate the impacts of the development, as a planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended).

113. Paragraph 92 of NPPF recognises the need for planning decisions to ensure an integrated approach when considering the location of new housing and to plan positively for the provision and use of community facilities and local services. This provides policy justification to seek mitigation in respect to essential services including GP provision where a deficit would result or be exacerbated by the proposal. The Durham Dales, Easington and Sedgefield Clinical Commissioning Group (DDES CCG) has advised that based on a standard approach to costing the impact of additional housing growth a financial contribution of £71,760 would be sought to make the proposed housing expansion supportable from a health infrastructure perspective. The contribution was sought on the basis that 104 dwellings were proposed however unit numbers have decreased to 84 as the application has progressed. The CCG have been consulted to request an amended response to take account of this and to also request additional information to justify the contribution sought. Despite repeated requests this response has not been forthcoming therefore it is not considered the amount sought is proportionate or fully justified. A verbal update will be provided to Members at Committee if the position changes.
114. SBLP Policy L1 seeks to ensure adequate open space and recreational space is provided across the borough whilst Policy L2 seeks to ensure adequate provision is provided in new housing development. Both policies are considered only partially NPPF compliant as the evidence base has now been updated within the Open Space Needs Assessment (OSNA). The Council's Open Space Needs Assessment (OSNA) 2018 is considered the most up to date assessment of need for the purposes of Paragraph 96 of the NPPF. The OSNA sets out the requirements for public open space on a population pro rata basis, and this development would be expected to provide provision for five typologies, either within the site, or through a financial contribution towards offsite provision, in lieu.
115. A development of this scale would be expected to provide appropriate levels of amenity open space/natural green space and children's (non-equipped) play space. Whilst there would be an overprovision of amenity open space/natural green space it is the developer's preference to provide a financial contribution in lieu of onsite play provision. The nearest alternative play facilities are currently being developed at the Barratt site (to the south east of the site) and will include both equipped and non-equipped play areas. On balance it is considered that this approach is acceptable. The development would generate a required contribution of £132,367.50 for those typologies not provided on site, which would be secured through a planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended). This would satisfy the OSNA requirements and Paragraph 96 of the NPPF with regards to the provision of public open space.

#### Flooding and drainage

116. 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, informed by a site-specific flood risk assessment.

117. The application is accompanied by a Flood Risk Assessment and Surface Water Management Strategy report which highlights that the application site is within Flood Zone 1 with a low flood risk probability. The drainage strategy has been amended to take account of the most recent comments from the Council's Drainage and Coastal Protection section and is currently being considered. The scheme now proposes the surface water flows are directed to a Sustainable Urban Drainage (SUDs) system and swales along the northern site boundary of the site. The amended layout is acceptable although the full hydraulic calculations are required to be verified in addition to a management plan. These requirements can be secured by condition. Northumbrian Water raise no objections subject to the imposition of a condition.
118. In relation to foul water, it is proposed to connect to the existing sewerage network, to which Northumbrian Water raise no objections.
119. On this basis no objections to the development on the grounds of flood risk or drainage are raised having regards to Part 14 of the NPPF.

#### Heritage and Archaeology

120. An archaeological desk-based assessment has been submitted in support of the application which considers that there would be no significant impact on an archaeological or historical resource and doesn't recommend any further archaeological works. 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.
121. There are no designated or non-designated heritage assets within close proximity of the development site. Tudhoe Conservation Area, containing a number of Grade II and II\* listed buildings, is located approximately 1.45km to the north. The nearest listed building to the site is the Grade II Church of St. Andrew, 515m 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. The proposal would not adversely impact on the setting of either the Conservation Area or listed buildings. Design and Conservation officers have raised no objections to the proposal on heritage grounds. Paragraph 196 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. In this case it is considered that there would be no harm. This approach reflects the requirements of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires that special regard must be paid to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses.

#### Other Issues

122. Given the sensitive end use of the site a Phase 1 Preliminary Risk Assessment was submitted in support of the application. Environmental Health Officers agree with the conclusions within the report and that a Phase 2 site investigation is required including gas monitoring. A condition to secure the aforementioned condition will ensure that the site is suitable for its intended use taking account of any risks arising from contamination the proposal would accord with Part 15 of the NPPF.

123. The site lies partly within the coal mining high risk area. The accompanying Desk Based Coal Mining Risk Assessment Report concludes that the potential unrecorded mining of two coal seams at shallow depth poses a potential risk to stability at the site therefore further works are undertaken. The Coal Authority has recommended that such works are conditioned to establish the exact situation regarding ground conditions and to enable appropriate remediation measures to be identified if necessary. Subject to the condition being imposed the proposal would meet the requirements of Part 15 of the NPPF in demonstrating that the application site can be made safe and stable and as such the Coal Authority raise no objection to the scheme on this basis.
124. The proposal has generated limited public interest with only three letters of representation received, one in support and the other two raising a series of concerns and queries. The objections and concerns raised have been taken account and addressed within the report.

### Planning Obligations

125. Paragraph 56 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 proposed contributions towards ensuring net biodiversity gains are achieved, providing additional teaching accommodation and off-site open space provision are considered to be in accordance with these tests, as is the securing of affordable housing.

### Planning Balance

126. The acceptability of the development should be considered in the context of Paragraph 11(d) of the NPPF as there are no relevant policies within the Local Plan which inform on housing. Furthermore, there are no NPPF policies that protect areas or assets of particular importance provide a clear reason to refuse the application and therefore in order to justify the refusal of planning permission any adverse impacts of a proposed development must significantly and demonstrably outweigh any benefits.

### *Benefits*

127. The development would assist in maintaining housing land supply at a time when the housing policies for the area are silent 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.
128. This boost to housing supply would extend to the delivery of affordable homes as the development proposes 15% affordable housing provision in accordance with the Strategic Housing Market Assessment (SHMA). The provision of the affordable housing can be secured through a planning obligation under S106 of the Town and Country Planning Act 1990.
129. To a degree the development would provide direct and indirect economic benefits within the locality and from further afield in the form of expenditure in the local economy. This would include the creation of construction jobs, as well as further indirect jobs over the lifetime of the development. A temporary economic uplift would be expected to result from the development and expenditure benefits to the area.

130. The development would result in the positive re-use of previously developed resulting in environmental improvements to the area. This benefit and the reuse of brownfield land should be afforded weight in the planning balance.
131. Overall, based upon the ecological works proposed in addition to the financial contribution to be secured through a planning obligation under S106 of the Town and Country Planning Act 1990, it is considered that the development would lead to net gain in terms of biodiversity.

### *Adverse Impacts*

132. The development could prejudice the use of the adjacent industrial units should their use intensify. In regards to these neighbouring commercial units it has been demonstrated that these existing businesses can continue to operate as they currently do, whilst securing an adequate level of residential amenity, subject to the sound attenuation measures being fully completed. No conflict between the current uses and proposed development is therefore considered to exist. Should adjacent commercial uses intensify there is some potential that this could be restricted/prejudiced by the presence of neighbouring residential properties. However, as explained this is not a present issue and the risk is not deemed significant moving forward.
133. Whilst the proposal has addressed the affordable housing requirements of the locality via the provision of 15% affordable housing, the development does not include the older person provision which the Council's latest evidence also seeks to secure.

---

## **CONCLUSION**

---

134. The acceptability of the application should be considered in the context of the planning balance test contained within Paragraph 11d of the NPPF. Therefore, in order to justify the refusal of planning permission any adverse impacts of a proposed development must significantly and demonstrably outweigh any benefits.
135. It has been identified that there is a potential future risk of some restriction being placed upon intensification of adjacent commercial operations, though the proposals would not adversely impact on the current operation of these businesses. The proposal does not provide housing specifically designed for the elderly. However, for the purposes of Paragraph 11d ii, this harm would not significantly and demonstrably outweigh the recognised, social and economic benefits of new housing even when considering the Council's housing land supply position. Therefore, in accordance with Paragraph 11 of the NPPF, the proposed development should be granted planning permission.
136. Paragraph 56 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 proposed ensuring net biodiversity gains are achieved, providing additional teaching accommodation and off-site open space provision are considered to be in accordance with these tests, as is the securing of affordable housing.
137. The proposal has generated some limited public interest, with two letters of objection having been received and one letter of support. The objections and concerns raised have been taken account and addressed within the report. On balance the concerns raised were not felt to be of sufficient weight to justify refusal of this application in light

of the benefits of the scheme and the ability to impose conditions and secure a planning obligation under S106 of The Town and Country Planning Act 1990 (as amended).

---

## RECOMMENDATION

---

That the application is **APPROVED** subject to the completion of a Section 106 Legal Agreement to secure the following:

- provision of 15% affordable housing units on site equating to 13 units;
- £382,278 towards providing additional primary teaching accommodation in Spennymoor;
- £132,367.50 towards improving offsite open space and recreational provision within Low Spennymoor and Tudhoe Grange Electoral Division;
- £9,328.20 is required to be used by the Council towards biodiversity enhancements in accordance with the framework identified in Durham County Council's Local Biodiversity Compensation Strategy

And subject to the following conditions:

### Time Full

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

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

### Plans

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

Drg. no. PC-1012/010 Location Plan received 05/02/2018  
Drg. no. SCP/17448/ATR01 Rev. B Swept Path Analysis received 21/02/2019  
Drg. no. SCP/17448/F01 Rev. B Visibility Splays received 21/02/2019  
Drg. no. 2B01 - 2B House received 12/06/2019  
Drg. no. 3BR01 - 3B House Render received 12/06/2019  
Drg. no. 3B03 - 3B IT received 12/06/2019  
Drg. no. 3B04 - 3B D3B received 12/06/2019  
Drg. no. 3BD01 Rev. A 3B (Alt) House received 12/06/2019  
Drg. no. 3BD02 Rev. A 3B (Alt) House received 12/06/2019  
Drg. no. PL01 Rev AB proposed site layout received 10/06/2019  
Drg. no. BT01 Rev. C boundary treatment plan received 10/06/2019

*Reason: To define the consent and ensure a satisfactory form of development is obtained in accordance with Policies E1, E11, E15, H19, T1, L1, L2, L9, D1, D2, D3, D5, D8 and D9 of the Sedgfield Borough Local Plan.*

### Contaminated Land

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

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

#### Pre-Commencement

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

#### Completion

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

*Reason: The site may be contaminated as a result of past or current uses and/or is within 250m of a site which has been landfilled and the Local Planning Authority wishes to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems in accordance with NPPF Part 15. Required to be pre-commencement in order to ensure that this is no risk of contamination during groundworks.*

## Land Stability

4. Prior to the commencement of development a scheme to stabilise the site in relation to former coal mining activity shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall detail:-
- The undertaking of an appropriate scheme of intrusive site investigations which is adequate to properly assess the ground conditions and the potential risks posed to the development by past shallow coal mining activity;
  - The submission of a report of findings arising from the intrusive site investigations, including the results of any gas monitoring undertaken;
  - The submission of a scheme of remedial works for the shallow coal workings for approval;
  - A timetable for the completion of the approved works

The scheme thereafter shall be completed in accordance with the approved details and timeframes.

*Reason: In order to stabilise the site in relation to former coal mining activity in accordance with Part 15 of the National Planning Policy Framework. Required to be pre-commencement as the stability of the site must be ensured at the earliest juncture in the development.*

## Construction Management

5. No development or any works of demolition, shall be carried out 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. Routing agreements for construction traffic.
  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. 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 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 residential amenity having regards to Policy D5 of the Sedgefield Borough Local Plan and Part 15 of the NPPF. Required to be pre-commencement as construction activity mitigation must be agreed before works commence.*

### **Public Rights of Way**

6. Prior to the commencement of development, a scheme demonstrating an alternative, suitable and safe footpath access route through the site during the construction phase shall be submitted to and approved in writing by the Local Planning Authority. The scheme thereafter shall be completed in accordance with the approved details and timeframes.

Public footpath 57 (Spennymoor) should not be closed off until such time until such time as an alternative and acceptable footpath diversion route is agreed through a diversion order under Section 257 of the Town and Country Planning Act 1990.

*Reason: In the interests of protecting an existing public right of way having regards to Policies L9 of the Sedgefield Borough Local Plan and Paragraph 98 of the NPPF. Required to be pre-commencement as the proposals for alternative footpath route provision during construction must be resolved prior to construction works.*

### **Tree Protection Plan**

7. No construction work shall take place, nor any site cabins, materials or machinery be brought on site until a scheme has been agreed in writing with the Local Planning Authority for the protection of the trees that lie outside the northern boundary. The trees shall be protected through the erection of fencing and comprising a vertical and horizontal framework of scaffolding, well braced to resist impacts, and supporting temporary welded mesh fencing panels or similar in accordance with BS 5837:2012. Protection measures shall remain in place until the cessation of the development works unless the local planning authority agrees in writing to any variation.

*Reason: To protect trees from construction damage. In the interests of visual amenity of the area having regards to Sedgefield Borough Local Plan Policies E1, E15, D1 and D5 and Parts 7 and 11 of the NPPF. Required to be pre-commencement as the trees must be protected ahead of the construction activities occurring which pose potential risk to their health.*

### **Bat and Bird Boxes**

8. Prior to the commencement of development a scheme comprising of a minimum of 10 bird and 5 bat nesting boxes/bricks 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/bricks. The approved scheme shall be implemented in accordance with the approved details and timescales.

*Reason: To conserve protected species and their habitat in accordance with Policy E11 of the Sedgefield Borough Local 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.*

### **Surface Water Drainage**

9. No development, other than site remediation works, shall commence until the management plan and Hydraulic Calculations to verify the drainage scheme contained within the Flood Risk Assessment and Drainage Management Strategy dated 28/05/2019 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 foul and surface water drainage strategy.

*Reason: To prevent the increased risk of flooding from any sources in accordance with Part 14 of the NPPF.*

### **Landscape Scheme**

10. No development, other than site remediation works, shall commence until a detailed landscaping scheme including details of the biodiversity mitigation measures has been submitted to and approved in writing by the Local Planning Authority. The landscape scheme shall include 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.
  - The establishment maintenance regime, including watering, rabbit protection, tree stakes, guards etc.
  - A timetable for the implementation of the various elements of the landscaping scheme including the structural planting, biodiversity mitigation measures, general and estate landscaping.

The approved landscaping scheme shall be implemented and completed in accordance with the approved details and timescales.

Any trees or plants which die, fail to flourish or are removed within 5 years of 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 Policies E1, L2 and D1 and D9 of the Sedgefield Borough Local Plan and Parts 12 and 15 of the National Planning Policy Framework.*

### **Site Levels**

11. No development, other than site remediation works, shall commence until details of the existing and proposed site levels and the finished floor levels of the dwellings have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be completed in accordance with the approved information thereafter.

*Reason: In the interests of the visual amenity in accordance with Policies E1, D1 and D5 of the Sedgefield Borough Local Plan and Parts 12 and 15 of the National Planning Policy Framework.*

## **Materials**

12. 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 D1 of the Sedgefield Borough Local Plan and Part 12 of the NPPF.*

13. Prior to the commencement of construction at damp proof course or above, window and door details 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 D1 of the Sedgefield Borough Local Plan and Part 12 of the NPPF.*

## **Open Space Maintenance**

14. No dwellings shall be occupied until a scheme for the ongoing maintenance of the areas of public open space, SuDs and areas for biodiversity enhancement 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 the visual amenity of the area and to comply with Policies E1, L2 and D1 and D9 of the Sedgefield Borough Local Plan and Parts 12 and 15 of the National Planning Policy Framework.*

## **Public Art**

15. Within six months of the commencement of the development, a scheme for the provision of public art on site, together with a timetable for its implementation and future maintenance, shall be submitted to and approved in writing by the Local Planning Authority. Once agreed, the scheme shall be completed in accordance with the approved details.

*Reason: In the interests of the amenity of the surrounding area in accordance with Policy D9 of the Sedgefield Borough Local Plan and Part 12 of the NPPF.*

## **Sound Attenuation**

16. All sound attenuation measures detailed in the noise assessment by Nova Acoustics Ltd. reference 3355PC dated 15th April 2019 shall be fully completed prior to the first occupation of any of the dwellings and permanently retained thereafter.

*Reason: To protect the residential amenity of future residents from the adjacent noise sources to comply with Policies D1 and D5 of the Sedgefield Borough Local Plan and Part 15 of the NPPF.*

## Ecology Mitigation

17. The development shall take place in strict accordance with the recommendations detailed in Section 6 of the Preliminary Ecological Appraisal ref. UES0223/01 by UES dated 18/09/2018.

*Reason: To conserve protected species and their habitat in accordance with Policy E11 of the Sedgefield Borough Local Plan and Part 15 of the National Planning Policy Framework.*

## Working Hours

18. No external construction works, works of demolition, deliveries, external running of plant and equipment shall take place other than between the hours of 0730 to 1800 on Monday to Friday and 0800 to 1400 on Saturday.

No internal works audible outside the site boundary shall take place on the site other than between the hours of 0730 to 1800 on Monday to Friday and 0800 to 1700 on Saturday.

No construction works or works of demolition whatsoever, including deliveries, external running of plant and equipment, internal works whether audible or not outside the site boundary, shall take place on Sundays, Public or Bank Holidays.

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

*Reason: To protect the residential amenity of existing and future residents from the development to comply with Part 11 of the National Planning Policy Framework.*

---

## STATEMENT OF PROACTIVE ENGAGEMENT

---

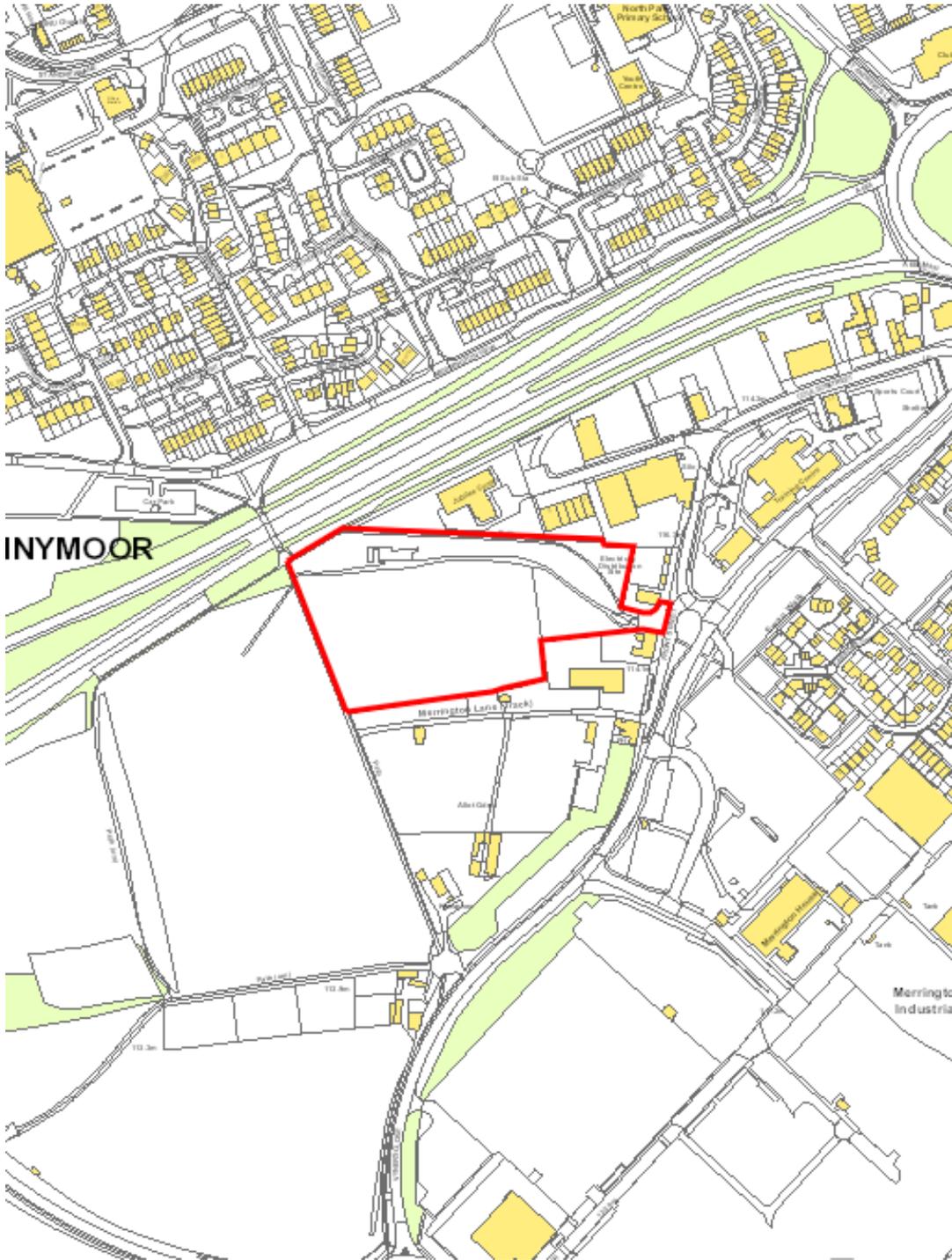
The Local Planning Authority in arriving at its decision to support this application has, without prejudice to a fair and objective assessment of the proposals, issues raised, and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering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

---

## BACKGROUND PAPERS

---

- Submitted application form, plans supporting documents and subsequent information provided by the applicant.
- The National Planning Policy Framework (2019)
- National Planning Practice Guidance notes.
- Sedgefield Borough Local Plan
- Evidence Base Documents e.g. SHLAA, SHMAA, County Durham Settlement Study and OSNA
- DCC Sustainable Urban Drainage Systems Adoption Guide 2016
- Statutory, internal and public consultation responses



**Planning Services**

Ref: DM/18/00374/FPA  
 Erection of 84 dwellings with associated access, parking and landscaping (revised description 05/04/2019)  
 Pillars Construction  
 Greyhound Track, Front Street, Merrington Lane, Spennymoor

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

**Comments**

**Date** 20<sup>th</sup> June 2019

**Scale** Not to Scale