

# COMMITTEE REPORT

---

## APPLICATION DETAILS

---

<b>APPLICATION No:</b>	DM/19/03961/FPA
<b>FULL APPLICATION DESCRIPTION:</b>	11no. bungalows including demolition of existing sheltered housing
<b>NAME OF APPLICANT:</b>	Livin
<b>ADDRESS:</b>	King William Grange, High Grange Road, Spennymoor, Co Durham
<b>ELECTORAL DIVISION:</b>	Tudhoe
<b>CASE OFFICER:</b>	Mark O'Sullivan, Planning Officer, 03000 261056, mark.o'sullivan@durham.gov.uk

---

## DESCRIPTION OF THE SITE AND PROPOSALS

---

1. The application relates to the decommissioned King William Grange sheltered housing site in Spennymoor located to the north of Oxford Road and south of High Grange Road. The site is situated within predominantly residential surrounds, with neighbouring bungalows to the north and west of the site and a row of two storey terraced properties to the east (for which requires 11no. off street parking spaces within the application site boundaries would be retained). The Moors Tavern PH is located to the north east of the site with retail uses within Spennymoor Town Centre to the south beyond Oxford Road. To the west beyond the existing bungalows is a large area of landscaped open space forming a green corridor between the town centre to the south and properties to the north.
2. The application is submitted by Livin (a registered provider of social housing) who wish to replace the existing sheltered housing unit on the site (comprising 32no. 1-bed living units) with 11no. 2-bed bungalows (resulting in an overall net decrease of 21no. dwellings across the site), targeted towards over 55s and disabled occupiers. All 11no. units would be provided for affordable rent and arranged in a mix of 2no. short terraces of 3no. units, a semi-detached pair and 2no. detached properties.
3. The single storey bungalows (5.3m in height to ridge level) would have external finishes comprising a mix of white render or buff brick finish, grey tiled roof, with areas of feature cedar cladding and white/anthracite fenestration.
4. Vehicular access to the site would be taken from High Grange Road to the north, and a new tarmac surface estate road would extend through the middle of the site, with the 11no. units to be developed either side. This road would not connect with Oxford Road to the south although strong pedestrian access would be maintained across the site, linking properties to the north with the Town Centre to the south.
5. The proposals include off-street resident and visitor parking provision set amongst lawned garden areas, with small areas of public open space would be retained

primarily to the south of the site adjacent to Oxford Road, with existing trees to be kept where possible.

6. This application is being reported to the Planning Committee in accordance with the Council's Scheme of Delegation as it falls within the definition of major development.

---

## **PLANNING HISTORY**

---

7. There is no planning history relevant to the current submission. Previous prior notification applications for the demolition of the existing sheltered housing units which presently occupy the site were withdrawn (DM/18/03665/PND) or returned invalid (DM/19/00665/PND).

---

## **PLANNING POLICY**

---

### **NATIONAL POLICY**

8. 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.
9. 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.
10. *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.
11. *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.
12. *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.

13. *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.
14. *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.
15. *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.
16. *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.
17. *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.
18. *NPPF Part 15 Conserving and Enhancing the Natural Environment* - Conserving and enhancing the natural environment. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from Page 73 pollution and land stability and remediating contaminated or other degraded land where appropriate.

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

19. The development plan is the Sedgefield Borough Local Plan saved policies:
20. *Policy D1 - General principles for the layout and design of new developments* - requires the layout and design of all new developments to take account of the site's relationship to the adjacent land uses and activities.
21. *Policy D3 - Design for access* - seeks to ensure new development makes satisfactory provision for all road users and pedestrians.
22. *Policy D5 - Layout of new housing development* - sets criteria for the layout of new housing developments.

23. *Policy D9 – Art in the environment* – seeks to encourage the incorporation of artistic elements in development schemes.
24. *Policy E15 – Safeguarding of woodlands, trees and hedgerows* - seeks to ensure that new proposals retain areas of woodland, important groups of trees, copses and hedgerow wherever possible, replacing any trees which are lost.
25. *Policy H14 - Maintenance and improvement of housing stock* – seeks to support the maintenance and improvement of the Boroughs housing stock, granting permission that would lead to improvement of housing areas through the redevelopment, conversion or modernisation of buildings, environmental improvements, improvements to access, traffic circulation and parking arrangements.
26. *Policy H17 - Backland and infill housing development* - sets criteria for new backland and infill housing development.
27. *Policy H19 - Provision of a range of house types and sizes including affordable housing* – seeks to support proposals which would provide an appropriate variety of house types and sizes, including the provision of affordable housing where a need is demonstrated.
28. *Policy L2 – Provision of open space in new housing development* – seeks to ensure open space provision in housing developments of 10 or more dwellings.
29. *Policy L5 – Safeguarding of areas of open space* – sets criteria for the retention of areas of open space.
30. Residential Amenity Standards SPD (2020 Adopted version) – Provides guidance on the space/amenity standards that would normally be expected where new dwellings are proposed.

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

##### The County Durham Plan

31. 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 Examination in Public (EiP) of the County Durham Plan (CDP) is currently in progress. Although the CDP is now at an advanced stage of preparation, it is considered that it should not be afforded any weight in the decision-making process at the present time. This position will be subject to review upon receipt of further correspondence from the Inspector.

---

#### **CONSULTATION AND PUBLICITY RESPONSES**

---

##### **STATUTORY RESPONSES:**

32. *Spennymoor Town Council* – Has made no comment or objection on the application.
33. *Highway Authority* – Parking provision would be considered acceptable given this is a sustainable town centre location. The proposed access offers good visibility in both directions and given the volumes of likely traffic it would be acceptable. No objections are raised subject to informatives relating to the applicant entering into a

Section 38 agreement, Highways Act 1980 in order to ensure adoption of the proposed new highways, and a Section 278 agreement of the same act to allow works within the existing highway to be carried out.

34. *The Coal Authority* – Concur with the recommendations of the Coal Mining Risk Assessment Report; that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site. The Coal Authority recommends the imposition of a planning condition requiring the undertaking of the necessary site investigation works prior to commencement of development.
35. *NWL* –The planning application does not provide sufficient detail with regards to the management of foul and surface water from the development for Northumbrian Water to be able to assess its capacity to treat the flows from the development. It is therefore recommended that any approval is subject to a condition requiring foul and surface water drainage details.

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

36. *Ecology* – The mitigation and compensation detailed in Section H of the submitted Bat Survey Report (E3 Ecology, December 2019) should be conditioned, including but not restricted to the acquisition of a relevant bat license prior to any works commencing on site. All works thereafter should be undertaken in strict accordance with the conditions of a relevant protect species license.
37. *Contaminated Land* – No objections, subject to conditions with respect land contamination.
38. *Noise* – The applicant should ensure that during demolition and construction, appropriate controls are in place to minimise noise, vibration and dust emissions from the site. Consideration should also be given in relation to the level of protection of amenity for the future residents of the bungalows in relation to noise from external sources. The imposition of a condition relating to the submission of a Construction/Demolition Management Plan (CDMP), and a suitable assessment of noise mitigation measures would be sufficient to mitigate the potential of statutory nuisance.
39. *Affordable Housing* – Affordable Housing provision should reflect the requirements of local residents in respect of property type, size and location. Proposals seek to deliver an affordable housing scheme and the Housing Development Team are happy that these proposals meet the affordable needs of the area.
40. *Spatial Policy* – No objections. The application site comprises of 'white' land located within the town of Spennymoor and falls to be determined in accordance with paragraph 11d of the NPPF. This proposal will help provide a wider range of housing choice for the varying ages and householder types of the local population, and re-use previously developed land.
41. *Landscape* – No landscape objection. There should be a comprehensive landscaping scheme for the site, with a maintenance programme, and clarity over the responsibility for maintenance.
42. *Arboriculture* – Proposals will result in the removal of two mature cherry trees and a sorbus with some adverse visual amenity impact. Providing the submitted tree

protection measures are adhered to in full, any harm should be mitigated by the retained trees.

43. *Design and Conservation* – No objections.
44. *Drainage* – The proposed design demonstrates compliance with National Standards and Council Policies in providing sustainable solutions to surface water management and ensuring the prevention of flood risk to and from the proposed development. The application is acceptable with respect to surface water management and flood risk. Details of the proposed drainage design for the SuDS area should be controlled by condition.

#### **NON-STATUTORY RESPONSES:**

45. *NHS* – In this case, the increase in resident population should not have a material effect on the local GP surgeries and their abilities to provide care

#### **PUBLIC RESPONSES:**

46. The application has been publicised by way of site notice, press advertisement and notification letters to neighbouring residents. No objections have been received in response to this consultation and publicity exercise.

#### **APPLICANTS STATEMENT:**

47. This application seeks approval for 11no. two bed bungalows consisting of affordable high-quality homes, all to rent, for older people/disabled. The new homes will replace 32no. 1 bed roomed flats and bedsits within the former King William Grange sheltered housing unit owned by Livin and decommissioned in 2017. The new homes proposed by this application offer significant improvements in design, space and thermal efficiency.
48. The proposed development will support a range of economic benefits, including:
- the generation of direct and indirect construction jobs;
  - support local businesses through the use and purchase of local materials; and
  - an increase in local expenditure.
49. The proposed development provides social benefits by supporting strong, vibrant and healthy communities through delivering 11no. well-designed affordable homes for rent, to meet the needs of present and future generations, boosting the supply of affordable homes.
50. The development offers older person housing replacing existing unsuitable housing with more energy efficient stock, built to the latest building regulations ensures that the development will have a positive environmental impact. The proposed scheme sits in the town centre of Spennymoor and these works will contribute to the overall regeneration of the town centre.
51. The principle of residential development on site has been established by virtue of the existing housing on site. In summary, the proposed development contributes to all three dimensions of sustainable development, delivering substantial social, economic and environmental benefits.

---

## **PLANNING CONSIDERATIONS AND ASSESSMENT**

---

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

The principle of the development:

53. 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 statutory development plan comprises the Sedgefield Borough Local Plan (SBLP) (1996). A new county wide development plan is currently in preparation; however, no weight can currently be afforded to the 'Submission Version'.
54. Part 5 of the NPPF clarifies the Government's objective of significantly boosting the supply of homes, and that the needs of groups with specific housing requirements are addressed. Paragraph 61 sets the requirement for the size, type and tenure of housing needed for different groups in the community to be reflected in planning policies.
55. Section 11 (Making effective use of land) seeks to promote an effective use of land in meeting the need for homes and strives to make as much use as possible of previously-developed land. Para 118 expects planning decisions to give substantial weight to the value of using suitable brownfield land within settlements for homes and promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing.
56. Saved policies H17 and D5 of the Sedgefield Borough Local Plan support new residential development on backland and infill locations where this can achieve a satisfactory means of access and parking provision, satisfactory amenity and privacy for both the new dwellings and existing adjacent dwellings, and where development is in keeping with the scale and form of adjacent dwellings and the local setting of the site.
57. Given the housing supply policies which are most important for determining the application are considered to be out of date, the application would fall to be determined in accordance with paragraph 11d of the NPPF (February 2019). This means planning permission should be granted unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason 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 the NPPF taken as a whole.
58. The application site is located within the Spennymoor settlement in a sustainable and accessible location. It comprises of previously developed land and is currently occupied by the decommissioned King William Grange sheltered housing unit which is to be demolished. Development would assist in the provision of a wider range of housing choice for varying ages and householder types. As the application is submitted by Livin (a registered social provider), all homes would be made available

for affordable rent, meeting many of the above policy objectives, adding diversity to the housing tenure in Spennymoor and contributing towards creating a socially inclusive community. The application site offers excellent links to local services and amenities in the adjacent town centre and surroundings and was previously considered within the SHLAA (ref: 7/SP/445), having been given a suitable (green) classification.

59. With regards housing supply, 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.
60. 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 County Durham Plan (CDP) is aligned with the standardised methodology and identifies a housing need figure of 1,368 dwellings per annum (dpa). At this time, the Council is able to demonstrate 6.37 years supply of deliverable housing land against this figure. The Council also has commitments of an additional supply of 15,946 dwellings beyond the deliverable 5-year supply period.
61. 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.
62. Further to this, Annex 2 of the NPPF sets out that to be considered deliverable, sites for housing should be available now and have a realistic prospect that housing will be delivered within 5 years. In particular where a site has planning permission for major development it should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years. In this respect the proposal involves a detailed planning application by an established social housing provider on land in their control. Given the scale of the development it is likely that the site could be build out in its entirety within a 5 year period.
63. The Government has also recently published its Housing Delivery Test (HDT) results 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 DCC housing targets.
64. There are no policy objections to the principle of developing this site for housing subject to an assessment of the impacts and benefits of the proposals in accordance with the following material planning considerations.

#### Scale / Design:

65. Part 12 of the NPPF and saved policies D1 and H17 of the SBLP seek to ensure good design in new developments, having regard to a sites natural and built features and the relationship to adjacent land uses and activities. Development should be in keeping with the scale and form of adjacent dwellings and the local setting of the site. The proposed development site lies within an existing residential setting to the north of Durham Road.
66. There are no heritage assets within the proposed development site with the nearest being the Grade II Listed Spennymoor Settlement Building approximately 90m to the

east and the Grade II Listed Spennymoor UD War Memorial some 180m to the south. Spennymoor Jubilee Park (which is a Park and Garden of Local Interest) is located some 210m to the west. Due to the existing plan form of the area there is no inter-visibility between the site and the identified heritage assets and therefore the proposed development would not impact on the setting of these assets.

67. The decommissioned residential block presently occupying the site is falling into disrepair and detracts from its setting. Redevelopment would allow for the removal of this building and the creation of a stronger residential frontage to Oxford Road and High Grange Road from the proposed detached, semi-detached and short terrace bungalows, framed by some of the existing trees to be retained. Plans have been revised at the request of the design team to reduce the amount of white render across the development, introducing a mixed palette of material finishes comprising white render and buff brick as detailed on proposed plans. Consequently, the scheme is considered to be of a scale and design which respect their surroundings, representing a notable improvement on the current condition of the site thereby satisfying the principles of Part 12 of the NPPF and saved policies H17 and D1 of the SBLP.

#### Privacy / Amenity:

68. Saved policies H17, D1 and D5 of the SBLP seek to ensure that new developments provide satisfactory amenity and privacy for new and existing adjacent dwellings. Minimum separation distances between dwellings as set out within Supplementary Planning guidance Note 3 have now been superseded by the Councils recently adopted Residential Amenity Standards SPD which provides guidance on the space/amenity standards that would normally be expected where new dwellings are proposed. With regards new bungalow development, a minimum 18m separation is recommended between opposing main facing elevations containing windows serving a habitable room (21m between bungalows and 2 storey development). This distance reduces to 10m between a main facing elevation and an opposing gable elevation which does not contain a window serving a habitable room (13m between bungalows and 2 storey development).
69. The proposed 11no. units would be arranged across the site and orientated in such a way so as to achieve levels of separation between one another in excess of the minimum spacing requirements. The proposed layout and single storey scale of dwellings would ensure no direct overshadowing of neighbouring plots or overlooking window openings whilst also respecting the amenity/privacy of existing neighbouring dwellings to the north, east and west. Furthermore, each dwelling would benefit from private garden areas, with the landscaped frontage to the south of the site fronting Oxford Road to be retained. Although the size of the gardens may fall below that threshold of 9m indicated within the Residential Amenity Standards SPD, this is considered commensurate in scale to the dwellings they serve, and the intended occupiers.
70. The plans seem to indicate that the majority of the site will remain open plan and details of any proposed enclosures can be controlled by condition in the interests of good design and to ensure that acceptable privacy between neighbours is maintained without impacting the character of the wider street scene. Given the limited space around each dwelling permitted development rights for extensions and outbuildings are to be removed by condition to ensure that separation distances are not unacceptably reduced in the future in the interests of residential amenity.
71. The views of the environmental health section have been sought who advise the site is located near to mixed residential and commercial properties including a Public

House to the north, with roads to the northern and southern boundaries. The proposed development would be both a Noise Generating Site (NGS), in relation to demolition and construction activities, and a Noise Sensitive Receptor (NSR). Insufficient information has been provided in relation to mitigation techniques for the demolition or construction phases of the existing site, nor in relation to proposed attenuation for the residential units. As such the information that has been submitted would suggest that the development is likely to breach the thresholds within the TANS during the demolition, construction and occupation stages.

72. With regards to the demolition and construction phases, it is inevitable that some level of disturbance to neighbouring residents would result from site operations. However, this can be appropriately controlled by condition in terms of site operations and hours of working so as to ensure the limitation of noise emission from the site during more sensitive hours. Consideration should also be given in relation to the level of protection of amenity for future residents of the bungalows in relation to noise from external sources. The imposition of a condition relating to the submission of a CDMP and a suitable assessment of noise mitigation measures would be sufficient to mitigate the potential of statutory nuisance and to ensure a satisfactory standard of residential amenity. Subject to the above, the proposed development is considered to satisfy the provisions of saved local plan policies H17, D1 and D5.

#### Arboricultural/landscape impact

73. Saved policy E15 of the SBLP seeks to ensure that new proposals retain areas of woodland, important groups of trees, copses and hedgerow wherever possible, replacing any trees which are lost. The application site is located on the edge of Spennymoor Town Centre in an established residential setting, fronting Oxford Road to the south. A landscape verge separates King William Grange from this highway and is to remain as part of the proposals. A number of trees would be removed as part of the proposals, most notably 2no. mature cherry trees and a sorbus which make some contribution to the visual amenity of the street scene. These trees are set back from the public highway and are not protected. Arboriculture officers consider that their loss could be acceptably mitigated by retaining the remaining trees along this frontage. The submitted landscape plans show that these are to be retained and a Tree Protection plan identifies the trees that are to be kept and their method of protection throughout the course of development.
74. Whilst the loss of existing vegetation is regrettable, on balance the improvements which would result from the regeneration and re-use of this prominent edge of town centre site, combined with proposed mitigation and protection measures for retained trees along the prominent frontage are deemed to outweigh any landscape harm. The application is considered to satisfy the provisions of saved policy E15 of the SBLP in this regard.

#### Highways:

75. Saved policies H17 and D3 of the SBLP, and Part 4 of the NPPF require new development to achieve a safe and suitable access. NPPF paragraph 32 states development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are considered to be severe.
76. A revised site layout has been developed in accordance with advice provided by the Highways section. The proposed development relies on the creation of a new access point onto King John Street to the north and would offer good visibility in both directions and given the volumes of likely traffic it would be deemed to be acceptable. A stretch of adopted highway would intersect through the centre of the

development, linking to a private shared driveway arrangement at its western extent. Dwellings would frame this arrangement to the north and south with sufficient off street parking and visitor parking provision to be provided across the development site. Proposed plot 11 to the north of the site will be served by 2no. off street parking bays to the west whilst maintaining the existing footway through the site. Plans also detail the retention of 12no. spaces to the east of the site which provide parking facility for existing residents at King Street. Given the town centre setting, such provision is deemed acceptable.

77. No highway objections are raised with details having been provided to confirm which parts of the existing highway network are to be extinguished (Stopped up) and which parts are to be dedicated as adopted highway. It will be necessary for the applicant to enter into an agreement under Section 38 of the Highways Act 1980, in order to ensure the adoption of the proposed new highways. It will also be necessary for the applicant to enter into an agreement under Section 278 of the same Act, to allow the required works within the existing highway to be carried out. The applicant is to be reminded of such detail by informative.
78. Proposals are deemed to be consistent with the principles of saved policies H17 and D3 of the Sedgfield Borough Local Plan, and paragraph 32 of the NPPF.

#### Flooding and Drainage:

79. Part 14 of the NPPF seeks to resist inappropriate development in areas at risk of flooding, directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.
80. The application site is not located within a flood zone area. The application is submitted alongside a Flood Risk and Drainage Statement (19169/FRA.1, January 2020 V1) and the proposed drainage design has been developed in consultation with the Councils drainage section who consider the resulting layout (which incorporates areas of permeable paving) to demonstrate compliance with National Standards and Council Policies in providing sustainable solutions to surface water management, ensuring the prevention of flood risk to and from the proposed development. Revised plans detail the creation of a SuDS area to the western extent of the development with details of its design and future maintenance subject to condition. Subject to conditions seeking to ensure adherence to the aforementioned flood risk and drainage statement, submission of and adherence to full hydraulic simulation calculations, proposals would be considered to satisfy the provisions of part 14 of the NPPF It is requested that the proposed permeable carriageway construction be agreed with the highway authority.

#### Ecology:

81. Part 15 of the NPPF seeks to ensure that when determining planning applications, local planning authorities seek to conserve and enhance biodiversity. The application is submitted alongside a Bat Survey report (E3 Ecology, December 2019) which identifies the presence of a small roost within the existing buildings on site. It is recommended that the mitigation and compensation detailed in Section H of the Bat Report be conditioned, including but not restricted to the acquisition of a relevant bat license prior to any works commencing on site. All works thereafter should be undertaken in strict accordance with the conditions of the license.
82. In relation the requirement for a bat license, it is a criminal offence to kill, injure or disturb the nesting or breeding places of protected species unless it is carried out

with the benefit of a license from Natural England which is normally obtained after planning permission has been granted. The Conservation of Habitats and Species Regulations 2017 contain three "derogation tests" which must be applied by Natural England when deciding whether to grant a license to a person carrying out activity which would harm a European Protected Species (EPS). This license is normally obtained after planning permission has been granted. The three tests are that:

The activity to which the license is required must be for imperative reasons of:

- overriding public interest or for public health and safety;
- There must be no satisfactory alternative and;
- Favourable conservation status of the species must be obtained.

83. Notwithstanding the licensing regime, the local planning authority (LPA) must discharge its duty to the 2017 Regulations and also be satisfied that these three tests are met when deciding whether to grant planning permission for a development which could harm an EPS.
84. In this case mitigation is to be provided by the provision of bat boxes and crevice roost sites within the new buildings, with sensitive timing of works, sensitive site working methods and enhanced landscaped planting to support bats and nesting birds. Subject to the above, the Council's Ecology Section are satisfied with the proposed mitigation to ensure there would be no adverse impacts upon bats as a protected species.
85. Having regard to the Habitats Regulations, there is overriding public interest in the scheme which would enhance the wider site through the removal of a disused, prominent building on the edge of the Town Centre, and provision of an affordable social housing scheme for the elderly and/or disabled. There are no more suitable alternative to the proposals. Furthermore, the proposed mitigation measures are considered appropriate so as to ensure there will be no significant impact on the conservation of the local bat population as a whole and that favourable conservation status of the species will be obtained. It is therefore considered that Natural England would be likely to grant a licence. Accordingly, the LPA can discharge its duties under the Habitats Regulations with proposals considered to satisfy the provisions of Part 15 of the NPPF.

Contaminated Land/Coal mining:

86. Part 15 of the NPPF seeks to prevent unacceptable risks from pollution and land instability. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner. The application site falls within a defined Development High Risk Area; therefore, within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application. The applicant has obtained appropriate and up-to-date coal mining information for the proposed development site which has been used to inform a Coal Mining Risk Assessment (Solmek, February 2014), accompanying the planning application. The report correctly identifies the potential for shallow coal mining to exist beneath the site but is unable to discount the risk.
87. The Coal Authority concurs with the recommendations of the Coal Mining Risk Assessment Report; that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site. A Planning Condition is imposed requiring these site investigation

works prior to commencement of development with due consideration to also be afforded to the potential risk posed by mine gas to the proposed development.

88. With regards land contamination, the February 2014 Solmek Phase 1 Desk Study (S140210) confirms the potential for Made Ground/contamination associated with the buildings on site. Contaminated Land officers agree with the risk assessment and all recommendations made, including a revised preliminary risk assessment to be provided in the phase 2 where necessary and a sampling and analysis plan included. Subject to condition, coal mining risks can be adequately mitigated with no objections raised to the proposed works in accordance with the provisions of Part 15 of the NPPF.

## Planning obligations

### *Affordable Housing*

89. As the proposed development is for 11no. dwellings, it exceeds the size threshold (10no. dwellings) where there is a need to provide affordable housing as part of the scheme. Policy H19 of the SBLP requires affordable housing on allocated housing sites identified within Policies H2 and H9, and it is considered justifiable to seek affordable housing on windfall sites such as this too. Paragraph 64 of the NPPF requires major development proposals to include at least 10% of the homes to be made available for affordable home ownership. The Strategic Housing Market Assessment (SHMA) (2019) identifies the need for affordable housing within County Durham which it defines as one housing market area. The % of affordable housing which the LPA would ask for is not set out within a Policy, however, it is based on viability evidence which confirms that 15% is appropriate within this part of the County, which is regarded as a medium value area.
90. The applicant is a social housing provider who has stated that all of the 11no. units would be made available at affordable rent levels to over 55s and/or disabled, with 2no. (18%) of these to be offered for affordable rent in perpetuity and controlled by legal agreement. Those who are not over 55 years of age would not be eligible to rent a property, falling outside of the necessary criteria required by the housing provider.
91. The Councils housing team consider the proposals to be acceptable in delivering an affordable housing scheme which would assist in meeting the affordable housing needs of the area. Approval is subject to the satisfactory completion of a S106 agreement securing this provision.

### *Educational provision*

92. Paragraph 94 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 and requires LPAs to seek this. The applicant confirms that the proposed development is to be made available for over 55s and/or disabled only and dependant on eligibility criteria. Given the scale of the units proposed and the intended target occupancy, the Councils Education section are satisfied that there would be no requirement for educational contribution or mitigation in this case.

### *NHS*

93. Noting the former use of the site and proposed development, the NHS advise that the increase in resident population should not have a material effect on the local GP

surgeries and their abilities to provide care with no requirement for NHS contribution in this case.

### *Open Space contributions*

94. The OSNA (2010) sets out the most up to date position in respect to open space provision across the county and provides a formula for calculating requirements on a site specific basis. This is a relevant material consideration in conjunction with Policy L2 of the SBLP. Given the scale of the proposals the LPA would expect S106 open space contributions for off-site provision with a scheme of 11no. 2 bed properties to generate around 17no. occupants based on a reduced figure of 1.5 persons per household (on the basis that some of the properties would likely be single occupancy of over 55s). An off-site open space contribution has been calculated at £13,400.00 to be paid in a single installment upon first occupation of the dwellings. The applicant has agreed to enter into an agreement to secure this contribution.

### *Provision of public art*

95. Saved policy D9 of the SBLP seeks to encourage the incorporation of artistic elements in development schemes. However indicative plans show there would be limited opportunity to provide public art within the site. Furthermore, taking into account the nature of the application and the resulting viability implications, it is not considered appropriate on this occasion to require the provision of public art as part of the development.

### *Planning balance:*

#### *Benefits*

96. The application site is located within a sustainable and accessible location within the Spennymoor settlement, occupying previously developed residential land and close to existing shops, services and public transportation linkages within the adjacent town centre, reducing any overreliance upon private vehicle use.
97. The proposal would see the clearance of the disused sheltered accommodation on the site, replacing this with 11no. affordable rent bungalows targeted towards the over 55s and/or disabled (dependent upon eligibility criteria), within an upgraded physical setting.
98. The development would assist in maintaining housing land supply, however this at a time when the Council can demonstrate 6.37 years of deliverable housing 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 while recognising the detailed nature of this application and likely timings of housing deliveries. Notwithstanding this, proposals would assist in the delivery of a mix of house types to the settlement.
99. The proposed development would relate well to the surrounding residential and landscaped area, enhancing the character of the surroundings in terms of layout and design.
100. The proposed layout would achieve acceptable relationships between dwellings, both internally and externally to the site and would safeguard the privacy and amenity for existing and future residents

101. Typical of any residential housing development, there would be direct and indirect economic benefits within the locality and from further afield through increased expenditure. This would include the creation of construction jobs, as well as indirect employment over the lifetime of the development. A temporary economic uplift would be expected to result from the development and expenditure benefits to the area.
102. In addition, the applicant has agreed to enter into an obligation to secure financial contributions towards off site open space enhancement, whilst maintaining a minimum 18% of the units as affordable in perpetuity.

#### Adverse Impacts

103. Proposals will result in the loss of a small number of existing trees, most notably 2no. mature cherry trees and a sorbus which make some contribution to the visual amenity of the street scene. Whilst the loss of existing vegetation is regrettable, on balance the improvements which would result from the regeneration and re-use of this prominent edge of town centre site, combined with proposed mitigation and protection measures for retained trees along the prominent frontage are deemed to outweigh any identified landscape harm.
104. Having regard to the above, it is considered on balance that the adverse impacts of the development scheme are significantly outweighed by the overall benefits.

---

## CONCLUSIONS

---

105. Proposals would see the demolition of the decommissioned King William Grange sheltered housing unit and its replacement with 11no. affordable rent bungalows targeted towards the over 55s and/or disabled in a sustainable and accessible location on the edge of Spennymoor town centre. The application is submitted by Livin (a registered social housing provider) providing a mix of affordable house types to the settlement whilst representing a sustainable form of development in an established residential setting that would deliver economic, social and environmental benefits in accordance with the core principles of the NPPF. The development would result in a scheme that can be appropriately integrated within the surrounding street scene without compromising highway safety, residential amenity, open space provision, landscaping, ecology or land contamination.
106. The application falls to be determined in accordance with para 11d of the NPPF and planning permission should be granted unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason 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 the NPPF taken as a whole. All representations have been considered, however there have been no adverse impacts identified that would significantly and demonstrably outweigh the benefits of the proposal. In view of the foregoing, the application is recommended for approval subject to the following conditions and completion of a s106 obligation.

---

## RECOMMENDATION

---

That the application be **APPROVED** subject to the completion of a Section 106 Obligation to secure the retention of 2no. affordable units in perpetuity and an off-site open space

contribution of £13,400.00, payable in a single instalment prior to the occupation of the first dwelling, and the following conditions:

#### 1. Time limit

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. Approved plans

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

100-00 rev1 (Site location plan), received 24 December 2019

200:01 rev8 (Proposed site plan), received 12 February 2020

200:03 rev1 (Proposed roof plan), received 24 December 2019

210:02 rev1 (Proposed floor plan, detached, Plots 9, 10,11), received 29 January 2020

210:05 rev1 (Proposed floor plan, semi-detached, Plots 7, 8), received 29 January 2020

210:08 rev1 (Proposed substructure and ground floor plan, terraced), received 29 January 2020

220:01 rev1 (Proposed elevations, detached, plots 9, 10, 11), received 29 January 2020

220:02 rev1 (Proposed gable elevations, detached, Plot 9), received 29 January 2020

220:03 rev1 (Proposed gable elevations, detached, Plots 10, 11), received 29 January 2020

220:04 rev1 (Proposed elevations, semi-detached, Plots 7, 8), received 29 January 2020

220:05 rev1 (Proposed gable elevations, semi-detached, Plots 7, 8), received 29 January 2020

220:06 rev1 (Proposed elevations, Terrace, Plots 1-3 and 4-6), received 29 January 2020

AIA TPP A (Arboricultural impact assessment, tree protection plan, TPP revA), received 24 December 2019

AMS TPP A (Arboricultural impact assessment, tree protection plan, AMS TPP revA) received 24 December 2019

19169/FRA.1 V1 Flood risk and drainage statement, received 30 January 2020

D300 rev1 (Proposed long sections), received 30 January 2020

D500 rev1 (Kerbs and surfacing), received 30 January 2020

D700 rev1 (Typical external construction details), received 30 January 2020

D800 rev1 (S106 works), received 30 January 2020

*Reason: For the avoidance of doubt and in the interests of proper planning.*

#### 3. Enclosures

No new above ground construction work shall commence until details of means of enclosure have been submitted to and approved in writing by the Local Planning Authority. The enclosures shall be constructed in accordance with the approved details prior to the occupation of the dwelling to which they relate.

*Reason: In the interests of the visual amenity of the area and to comply with saved policies H17 and D1 of the Sedgfield Borough Local Plan.*

#### 4. Bin store

No new above ground construction work shall commence until details of bin stores are submitted to and approved in writing by the Local Planning Authority. The bin stores shall be constructed and available for use prior to the occupation of the dwelling to which they relate.

*Reason: In the interests of the visual amenity of the area and to comply with saved policies H17 and D1 of the Sedgfield Borough Local Plan.*

#### 5. Landscape details

No new above ground construction work shall commence until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The

scheme of landscaping shall include details of hard and soft landscaping, planting species, sizes, layout, densities, numbers, method of planting and maintenance regime, as well as indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.

*Reason: In the interests of the visual amenity of the area and to comply with policies D1, H17 and E15 of the Sedgefield Borough Local Plan.*

#### 6. Landscape implementation

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

*Reason: In the interests of the visual amenity of the area and to comply with policies D1, H17 and E15 of the Sedgefield Borough Local Plan.*

#### 7. Coal Mining

No development shall commence until an appropriate scheme of intrusive site investigations as directed by the submitted Coal Mining Risk Assessment Report (Solmek, February 2014) has been submitted to and approved in writing by the Local Planning Authority in consultation with the Coal Authority. Furthermore, no works may commence before the submission of a report of findings arising from the intrusive site investigations, the submission of a scheme of remedial works for approval (if deemed necessary), and the completion of those remedial works, again to be agreed in writing by the Local Planning Authority.

*Reason: The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 178 and 179 of the National Planning Policy Framework.*

#### 8. Contaminated Land (Phase 2-3)

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.*

#### 9. Contaminated Land (Phase 4)

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.*

#### 10. Noise

No new above ground construction work shall commence until a noise impact assessment has been submitted to and approved in writing by the Local Planning Authority. Approved details shall be implemented prior to the first occupation of the development.

*Reason: In the interests of the residential amenity of neighbouring properties and to comply with saved policies D1 and H17 of the Sedgfield Borough Local Plan.*

#### 11. SUDS

No development, other than site remediation works, shall commence until a scheme for the management and disposal of foul and surface water from the development has been submitted to and approved in writing by the Local Planning Authority including details of the proposed SuDS, drainage calculations and maintenance plan. Thereafter the development shall be implemented in accordance with the approved details.

*Reason: To ensure effective drainage measures and sustainable principles are adhered to, and to safeguard the proposed development from flood risk, whilst not increasing flood risk elsewhere in accordance with Part 14 of the NPPF.*

#### 12. Drainage calculations

No development, other than site remediation works shall commence until full hydraulic simulation calculations are submitted to and approved in writing by the Local planning authority. Works shall be carried out in accordance with the approved details thereafter.

*Reason: To ensure effective drainage measures and sustainable principles are adhered to, and to safeguard the proposed development from flood risk, whilst not increasing flood risk elsewhere in accordance with Part 14 of the NPPF.*

#### 13. Mitigation

No development shall take place unless in accordance with the mitigation detailed within Section H of the Bat Survey Report (E3 Ecology, December 2019) including but not restricted to the acquisition of a relevant bat license prior to any works commencing on site. All works thereafter should be undertaken in strict accordance with the conditions of the license.

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

#### 14. CDMP

Prior to the commencement of any part of the development or any works of demolition, hereby permitted, a Construction Management Plan shall be 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;
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 construction vehicles;
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 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 the residential amenity of neighbouring properties and to comply with saved policies D1 and H17 of the Sedgefield Borough Local Plan.*

15.PD rights removed

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

*Reason: In the interests of the visual amenity of the area and to comply with saved policies H17, D1 and D5 of the Sedgefield Borough Local Plan.*

16.Construction

No external construction works, works of demolition, deliveries, external running of plant and equipment shall take place other than between the hours of 0730 to 1800 on Monday to Friday and 0800 to 1400 on Saturday. No internal works audible outside the site boundary shall take place on the site other than between the hours of 0730 to 1800 on Monday to Friday and 0800 to 1700 on Saturday. No construction works or works of demolition whatsoever, including deliveries, external running of plant and equipment, internal works whether audible or not outside the site boundary, shall take place on Sundays, Public or Bank Holidays. For the purposes of this condition, construction works are defined as: The carrying out of any building, civil engineering or engineering construction work involving the use of plant and machinery including hand tools.

*Reason: In the interests of the privacy/amenities of neighbouring occupiers and to comply with saved policies H17 and D1 of the Sedgefield Borough Local Plan.*

---

## **STATEMENT OF PROACTIVE ENGAGEMENT**

---

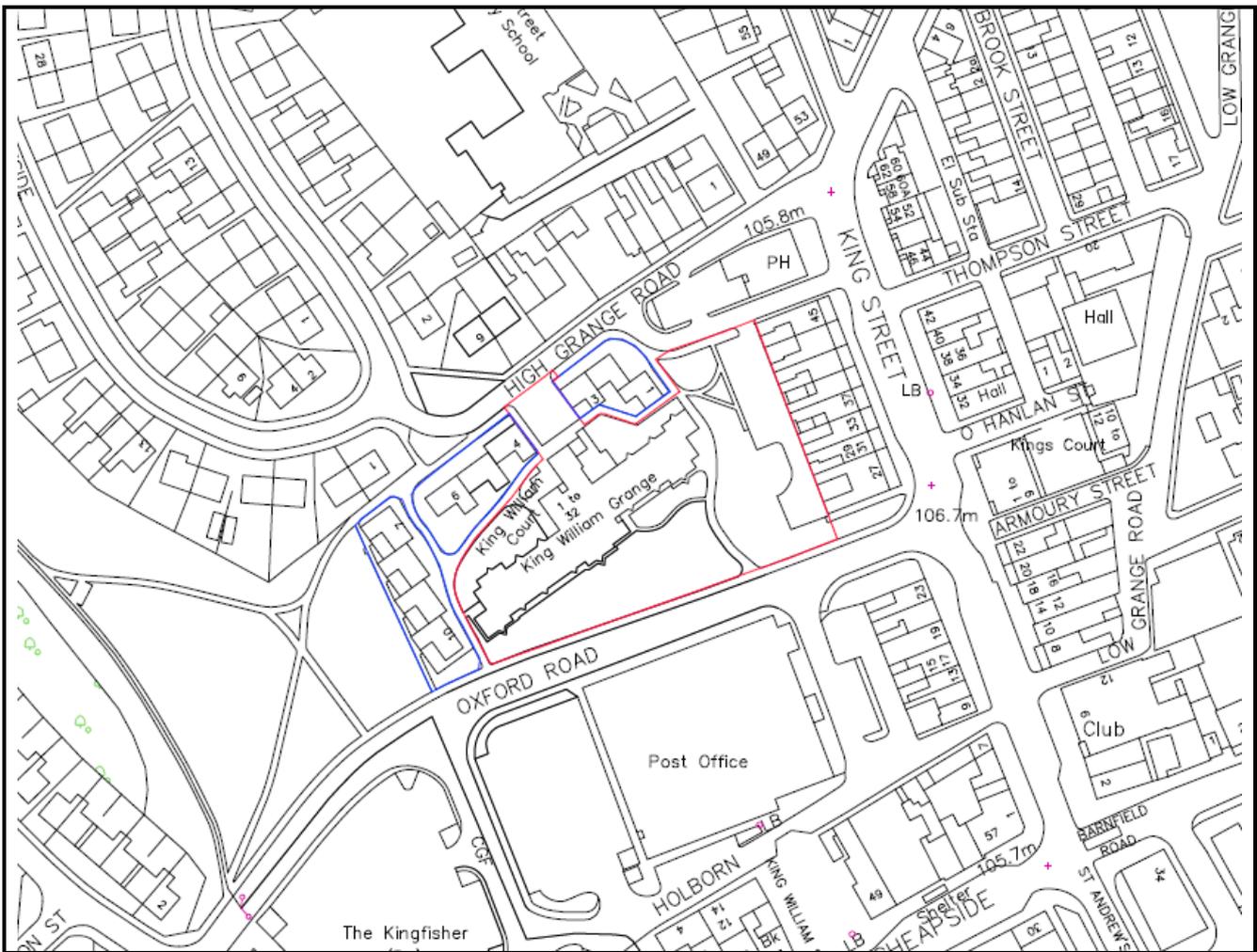
The Local Planning Authority in arriving at its decision have, without prejudice to a fair and objective assessment of the proposals, issues raised, and representation received, sought to work with the applicant in a positive and proactive manner. The Local Planning Authority have sought to ensure that this application has been determined within the statutory determination period. All pre-commencement conditions have been agreed in advance with the applicant as necessary.

---

## **BACKGROUND PAPERS**

---

Submitted Application Forms, Plans and supporting documents  
National Planning Policy Framework  
Sedgefield Borough Local Plan  
Statutory consultee responses  
Internal consultee responses  
External consultee responses



**Planning Services**

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

11no. bungalows including demolition of existing sheltered housing scheme

**Comments**

**Date 20 February 2020**