

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	DM/20/03305/FPA
FULL APPLICATION DESCRIPTION:	Extension to the school, relocation of external gym area, additional parking and extensions to car park
NAME OF APPLICANT:	Durham County Council
ADDRESS:	The Oaks Secondary School, Rock Road, Spennymoor DL16 7DB
ELECTORAL DIVISION:	Spennymoor
CASE OFFICER:	Hilary Sperring, Planning Officer, 03000 263947, hilary.sperring@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

1. The Oaks Secondary School is situated on a site of approximately 4.3 hectares on the east side of Rock Road Spennymoor from which vehicle access is taken. Residential dwellings lie to the north and east with a terrace of properties to the south and A688 beyond. A cemetery is opposite the site to the west.
2. The school was constructed in 2005 and provides generic special needs education for 11 -19 aged young people. The site comprises a relatively flat parcel of land, with the main school building located centrally to the site and a sixth form centre to the north. There is an outside gymnasium to the east and a MUGA to the south east of the main school building. The north east area is occupied by a school sports field and additional sports fields are located to the west. Tarmac play areas are situated on both sides of the east wing of the school with sensory gardens positioned around the site.
3. The car parking area and bus turning circle with taxi drop off is located to the north of the school and west of the Sixth Form Centre. The car park currently has 73 parking bays with 3 accessible bays.
4. The application involves the erection of a single storey extension to the eastern side of the main school building. An existing WC (east of the main existing building) is to be demolished to allow the formation of the link between the existing school and the new extension.
5. The proposed extension would have a linear form running north to south across the site and would measure approximately 10.34 metres by 53.3 metres in length. It would be approximately 7 metres in height extending centrally from the existing building with lower elements either side approximately 5 metres in height to the ridge and 3.1 metres to eaves. The extension would provide 6 no. classrooms (each around 54m² in area) with an integral store, 2 no. quiet rooms, staff and pupil toilets, hygiene room (which could also act as an accessible WC), store for server cabinet and electric distribution boards and cleaners cupboard. The proposals also include the relocation of the external gym area.

6. The proposed extension would have a pitched roof design and would be constructed in external materials to match the existing school with red brickwork to window level and render above to soffit level. External doors and windows would be powder coated aluminium.
7. Supporting information with the application advises that the proposed extension is required to cater for the increasing demand for places at the school which is currently at over capacity. The school currently have 306 pupil places and the 6 additional classrooms will allow its capacity to be increased to 320 pupils. In the event that planning permission is granted for the works it would be the intention to provide the new accommodation for the start of the new term in September this year.
8. The proposals originally included the provision of 32 additional staff car parking spaces. However, this number has been increased by 10 no spaces during the course of the application.
9. 42 additional car parking spaces are proposed at various locations on the site as part of the development. The main new area of parking would be created on the south side of the existing access road. This would take the form of a row of 29 spaces within an existing grassed area on the edge of the sports field. Further groups of 3 and 4 spaces and 3 sets of 2 spaces on grassed areas are also proposed within the existing car park areas. This will necessitate the removal of a number of trees to facilitate the works. Access to the site will remain as existing.
10. The application is being reported to the Planning Committee at the request of Cllr Maddison because of concerns relating to traffic generation, highways safety, road access, adequacy of parking and road access.

PLANNING HISTORY

11. In 2003 planning permission was granted for the demolition of the existing school and construction of a replacement school (7/2003/0523/CM). The new school was then built around 2005 Since this time there have been numerous applications for classroom buildings, associated structures, parking areas and a MUGA, in and around the wider site.

PLANNING POLICY

NATIONAL POLICY

12. 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. In accordance with Paragraph 213 of the National Planning Policy Framework, the following elements of the NPPF are considered relevant to this proposal.
13. *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.

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

RELEVANT POLICY:

The County Durham Plan

22. Paragraph 47 of the NPPF states that planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. The development plan is the County Durham Plan (CDP). The following CDP policies would be deemed relevant to the determination of the application:
23. *Policy 6 Development on unallocated Sites* - states that the development of sites within the built up area that are not allocated in the plan or in a neighbourhood plan will be permitted provided they accord with all relevant development plan policies and meet specific criteria in relation to existing permitted uses, coalescence of settlements, loss of land with identified value such as in relation to ecology or recreation, is appropriate, is not prejudicial to highway safety, has good access to sustainable modes of transport to relevant services and facilities, does not result in the loss of the settlements last community building, minimises vulnerability and provides resilience to impacts resulting from climate change, maximises the effective of previously developed land and where appropriate reflects priorities for urban regeneration.
24. *Policy 21 Delivering Sustainable Transport* - states that all development shall deliver sustainable transport by (in part) ensuring that any vehicular traffic generated by new development, following the implementation of sustainable transport measures, can be safely accommodated on the local and strategic highway network and does not cause an unacceptable increase in congestions or air pollution and that severe congestion can be overcome by appropriate transport improvements.
25. *Policy 29 Sustainable Design* - requires all development proposals to achieve well designed buildings and places having regard to supplementary planning documents and other local guidance documents where relevant, and contribute positively to an area's character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities.
26. *Policy 31 Amenity and Pollution* - development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment. Proposals which will have an unacceptable impact such as through overlooking, visual intrusion, visual dominance or loss of light, noise or privacy will not be permitted unless satisfactory mitigation measures can be demonstrated.
27. *Policy 32 Despoiled, Degraded, Derelict, Contaminated and Unstable Land* - states [in part] that development will not be permitted unless the developer can demonstrate that the site is suitable for the proposed use, and does not result in unacceptable risks which would adversely impact on the environment, human health and the amenity of local communities.
28. *Policy 35 Water Management* - states that all new development should adopt the hierarchy of preference in relation to surface water disposal.
29. *Policy 36 Disposal of Foul Water* - states that all new development should adopt the hierarchy of preference.

30. *Policy 39 Landscape* - states that proposals for new development will be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views and that development affecting valued landscapes will only be permitted where it conserves, and where appropriate enhances, the special qualities of the landscape, unless the benefits of the development in that location clearly outweigh the harm.
31. *Policy 40 Trees, Woodlands and Hedges* - states that proposals will be expected to retain existing trees where they can make a positive contribution to the locality or to the development, maintain adequate standoff distances between them and new land-uses, including root protection areas where necessary, to avoid future conflicts, and integrate them fully into the design having regard to their future management requirements and growth potential.
32. *Policy 41 Biodiversity and Geodiversity* - states that proposal for new development will not be permitted if significant harm to biodiversity or geodiversity resulting from the development cannot be avoided, or appropriately mitigated, or as a last resort, compensated for.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

33. *Spennymoor Town Council* – No comments received.
34. *Highway Authority* – The proposed application is acceptable from a highways perspective
35. *NWL* – Do not offer comments on aspects outside their area of control. Information offered in terms of private drains and sewers, drainage and additional flows.
36. *Sport England* – No objection

INTERNAL CONSULTEE RESPONSES:

37. *Drainage and Coastal Protection* – No objection subject to agreement of permeable paving details and run off calculations
38. *Ecology* – No objections
39. *Education* – No response received
40. *Environmental Health (Contaminated Land)* - No objections, subject to appropriate conditions with respect to land contamination
41. *Environmental Health (Noise)* – No objection. Based on the information submitted with the application the development is unlikely to cause a statutory nuisance.
42. *Landscape* – There is scope across the site for replacement planting to mitigate the losses, which could be delivered through a condition requiring a scheme to be submitted.
43. *Sustainable Travel* – Request a Travel Plan condition
44. *Trees* – As per landscape comments

PUBLIC RESPONSES:

45. The application has been advertised by way of neighbour notification letters to nearby properties and a site notice has also been displayed.
46. One representation has been received neither objecting to or supporting the application, noting that their garden backs onto the area of building and highlighting traffic concerns. From minibuses and taxis dropping off and picking up children, and the amount of traffic on Rock Road associated with the school and also the neighbouring Middlestone Moor Primary school with traffic lining up on Rock Road and spilling out onto South View and the potential for accidents.
47. It is suggested that the school has a one way system in relation to taxis and minibuses so that they come in one entrance and leave via another, on the land of the proposed extension. Would object to the extension unless a one way system is put into place.
48. Councillor Maddison on behalf of local residents notes that she receives regular complaints that there is no onsite facility for the drop off and collection of pupils that arrive from various locations across the County. Noting vehicles park outside of the school perimeter on the grass verges and along Rock Road, creating a hazard for pedestrians and traffic particularly at drop off and collection times. This linked with the traffic generated from vehicles dropping off and collecting children from Middlestone Moor Primary School and Nursery and the Rainbow Nursery along this road causes a complexity of road traffic issues and many complaints regarding road safety.
49. Numerous measures in the past have been put in place to try to overcome these traffic issues including double yellow lines, improved zig zag marking in front of the schools and bollards on footpaths, as well as keep clear road markings in front of residents' drives but still these problems persist. Whilst not against the proposed extension residents consider that there should be more onsite parking to stop cars, taxis and mini cabs from parking up on Rock Road at busy drop off and collection times and that there should be a formalised traffic management plan to minimise the highways issues that are currently being experienced on the main highway along the whole of Rock Road in front of all existing schools.
50. The addition of 32 car parking spaces to accommodate the number of existing and additional staff required for the new 6 classroom extension is believed to be inadequate to accommodate the traffic that will be generated from the increase in staff and pupil numbers at the school and just exacerbate the road traffic problems that currently exist.

APPLICANTS STATEMENT:

51. The extension of provision at The Oaks School is in response to the Strategic Intention for County Durham as set out in the consultation on support for SEND and young people who need support to stay in education and the High Needs Block report agreed by Cabinet on 15 January 2020 to extend the range of specialist places offered in County Durham, so children can access services locally rather than attend high cost independent placements outside of the local area.
52. Cabinet further agreed to continued work with headteachers of special schools to extend the range of specialist places offered in County Durham so that children can access services locally.

Strategic Need

53. Generic Special Schools like the Oaks are beyond the place numbers for which they were initially designed to accommodate. This has prevented the schools developing their offer further to meet the needs of some young people who have since been placed in private independent provision, this is a specific problem in making discrete autism provision.
54. The new provision at The Oaks site will
- ensure young people receive the Specialist Education they require nearer to home
 - Provide a discrete autism provision at a scale that meets current demand
 - Avoid out of county provision that results in lengthier travel time for young people, saving to the High Needs Funding Block and savings to the transport budget
55. Why the Oaks Site
1. The Oaks is an outstanding (Ofsted) Special School. The Oaks has been considered the most desirable generic special school in County Durham for families. This has resulted in a high level of parental preference in both the Oaks and more recently Evergreen (the feeder primary).
 2. The provision is one of the most central and accessible Special Schools in Durham with relative with good transport links.
 3. The existing Oaks building is one of the newest Special Schools in Durham.
 4. The site within which the school is placed is large with extensive fields including a brownfield site where a previous school building stood

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <https://publicaccess.durham.gov.uk/online-applications/search.do?action=simple&searchType=Application>

PLANNING CONSIDERATIONS AND ASSESSMENT

56. 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, privacy/amenity, landscape/visual impact; highways, flooding and drainage, ecology and land stability.

The principle of the development:

57. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise with the NPPF representing a material planning consideration in this regard. The County Durham Plan (CDP) was adopted in October 2020 and as such represents the up to date local plan for the area and the starting point for the determination of this planning application. Consequently, the application is to be determined in accordance with relevant policies set out within the CDP. Paragraph 11c of the NPPF requires applications for development proposals that accord with an up to date development plan to be approved without delay.
58. The proposal would therefore need to be assessed for conformity with the CDP unless material considerations dictated otherwise. One such material consideration is the National Planning Policy Framework (NPPF).

59. Paragraph 94 of the NPPF refers to the importance of ensuring that ‘a sufficient choice of school places is available to meets the needs of new and existing communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should also ‘give great weight to the need to create, expand or alter schools’. In addition, Part 6 of the NPPF seeks to promote a strong competitive economy and conditions where businesses can invest.
60. With regard to open space paragraph 97 of the NPPF advises that open space including playing fields should not be built on unless certain requirements are met. In this case the land is currently not used for active sport participation and Sport England has raised no objection to the application and the proposal therefore accords to paragraph 97 of the NPPF.
61. Part 11 of the NPPF seeks to promote an effective use of land for a variety of uses and strives to make as much use as possible of previously developed land. Paragraph 118 expects planning decisions to give substantial weight to the value of using suitable brownfield land within settlements for a variety of uses. As the proposals relate to development on an existing school site within the main settlement, the application would glean support from these sections of the NPPF.
62. Policy 6 of the CDP states that the development of sites which are not allocated in the Plan or in a Neighbourhood Plan which are either (i) within the built-up area; or (ii) outside the built-up area (except where a settlement boundary has been defined in a neighbourhood plan) but well-related to a settlement, will be permitted provided the proposal accords with all relevant development plan policies and:
 - a. is compatible with, and is not prejudicial to, any existing, allocated or permitted use of adjacent land;
 - c. does not result in the loss of open land that has recreational, ecological or heritage value, or contributes to the character of the locality which cannot be adequately mitigated or compensated for;
 - d. is appropriate in terms of scale, design, layout, and location to the character, function, form and setting of, the settlement;
 - f. has good access by sustainable modes of transport to relevant services and facilities and reflects the size of the settlement and the level of service provision within that settlement;
63. It is suggested within the supporting policy text that where buildings already exist on site, their retention will be encouraged where they make a positive contribution to the area or have intrinsic value. In determining whether a site is appropriate for new development, the relationship with adjacent buildings and the surrounding area will be taken into account along with the current use of the site and the compatibility of the proposal with neighbouring uses. Given the site is currently the location for the Oaks Secondary School, the proposal is considered to comply with policy 6.
64. Accordingly, the principle of development is considered to accord with the County Durham Plan and the NPPF and regarded as acceptable subject to detailed consideration of the issues below.

Privacy / Amenity:

65. Paragraph 127 of the NPPF states that developments should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. Para. 180 of the NPPF specifies that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.
66. Policy 29 of the CDP seeks to secure high standards of amenity and privacy and minimise the impact of development upon the occupants of existing adjacent and nearby properties.
67. Criteria a) of policy 6 of the CDP states that development will only be supported if it is compatible with, and is not prejudicial to, any existing, allocated or permitted use of adjacent land. In addition, policy 31 of the CDP is also relevant and states that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and that can be integrated effectively with any existing business and community facilities.
68. The application site is located within school grounds, bordered by residential development. The rear of residential properties within Beech Avenue and Chestnut Avenue and their associated garden areas adjoin the application site to the north. Given the design and siting of the extension and separation distances (over 40 metres from the nearest property) the proposals are not considered to give rise to any material overlooking, loss of privacy, overshadowing or loss of light to the detriment of the amenity of neighbouring occupiers.
69. In terms of the proposed car parking, 29 of the proposed spaces would extend the parking area west, in a position to the south of the existing access road, with the remainder contained within the existing car park areas. The rear of residential properties within Beech Avenue bound the area (to the north), demarked in part by hedging and a variety of boundary treatments. The existing outside gym is also to be relocated to a position to the north east of the proposed extension.
70. It is appreciated that the proposals will lead to some increased levels of activity in and around the site. However, given the established use of the site and position of the proposals, it is not considered that the development would give rise to conditions of excessive noise and disturbance, over and above the existing, to sustain a refusal.
71. Environmental Health (Noise) offer no objection considering that based on the information submitted with the application the development is unlikely to cause a statutory nuisance.
72. It is not considered that the residential amenity and amenities of nearby occupiers will be significantly and detrimentally impacted upon and the proposals are considered to satisfy the provisions of Parts 12 and 15 of the NPPF and policies 6 and 31 of the CDP.

Visual/Landscape Impact

73. Part 12 and 15 support high quality design, protection of the natural environment and valued landscapes. CDP policy 29 (Sustainable Design) seeks to ensure that all development proposals will achieve well designed buildings and places having regard to supplementary planning documents and other local guidance documents where

relevant, and contribute positively to an area's character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities; create buildings and spaces that are adaptable to changing social, technological, economic and environmental conditions.

74. In addition, CDP policy 6 advises that development should be compatible with, and is not prejudicial to, any existing, allocated or permitted use of adjacent land; does not result in the loss of open land that has recreational, ecological or heritage value, or contributes to the character of the locality which cannot be adequately mitigated or compensated for and in addition proposals should be appropriate in terms of scale, design, layout, and location to the character, function, form and setting of, the settlement.
75. The proposed extension would extend the existing building to the east and would be seen in close visual association with the existing school buildings, positioned well within the site. Proposed materials are to match the existing and are thus considered appropriate to the location. The car parking areas are well related to the existing and also considered acceptable in terms of their visual impact. The works are considered to result in a sympathetic form of development which would respect the existing school site and its surroundings in terms of scale, massing and appearance.
76. Policy 39 of the CDP indicates that proposals for new development will be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals will be expected to incorporate appropriate measures to mitigate adverse landscape and visual effects.
77. Policy 40 also states that proposals for new development will not be permitted that would result in the loss of, or damage to, trees of high landscape, amenity or biodiversity value unless the benefits of the proposal clearly outweigh the harm. Where trees are lost, suitable replacement planting, including appropriate provision for maintenance and management, will be required within the site or the locality.
78. Landscape Officers advise that the proposals do not entail any significant landscape or visual effects. Noting that there would be some localised removal of small trees and shrubs along the access road and east of the building. They consider that there is scope across the site for replacement planting to mitigate the losses and this could be delivered through a condition requiring a scheme to be submitted. They also advise that there would be further opportunities within the site to enhance it with additional tree planting. Noting that the Council are currently developing a programme for planting trees with children and the issue of enhancement (i.e. works going beyond replacement) could be left to that programme as the planting would engage children as part of its educational purpose.
79. Subject to condition, no landscape or arboricultural objections are therefore raised with respect to the current proposals.

Highways:

80. NPPF Part 9 seeks to ensure that development only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
81. Policy 21 of the CDP seeks to ensure that any vehicular traffic generated by new development, following the implementation of sustainable transport measures, can be safely accommodated on the local and strategic highway network and does not cause

an unacceptable increase in congestion or air pollution and that severe congestion can be overcome by appropriate transport improvements. New developments should provide for appropriate, well designed, permeable and direct routes for walking, cycling and bus access, so that new developments clearly link to existing services and facilities together with existing routes for the convenience of all users. This is also reaffirmed in Policy 6 part e of the CDP that seeks to ensure that proposals will not be prejudicial to highway safety or have a severe residual cumulative impact on network capacity.

82. Linked to Policy 21, Policy 29 (Sustainable Design) also places great importance on safe sustainable modes of transport, in the following order of priority: those with mobility issues or disabilities, walking, cycling, bus and rail transport, car sharing and alternative fuel vehicles.
83. The application site is in close proximity to Middlestone Moor Primary School and also the Rainbow Nursery located to the north all of which are accessed from Rock Road.
84. Highway safety, parking and access issues have been raised by Councillor Maddison and nearby residents who express concerns over the impact of the proposed works on existing traffic congestion in the area immediately surrounding the school site. Concerns highlight the existing problems of parking and congestion within the area, particularly associated with pick up and drop offs, with vehicles spilling out onto nearby roads and creating complex traffic and safety issues.
85. Information submitted with the application advises that the school currently has 100 full time and 40 part time staff members. The proposals would see an additional 22 full time staff members.
86. The car park currently has 73 parking bays with 3 accessible bays. The proposals had originally proposed the addition of 32 additional staff car parking spaces. Following comments from Councillor Maddison the proposals have been amended and a further 10 car parking spaces have been added to the proposals, thus creating an additional 42.
87. Access to the site is gained from Rock Road and this would remain unaltered by the proposals. The Highways Authority has provided comments advising that they are satisfied that the existing access onto Rock Road will have sufficient capacity to accommodate the increased number of trips generated by the expansion of the school.
88. Following the submission of amended plans the Highways Officer notes that the applicant has provided clarifications with regards to cycle and visitor parking which is considered acceptable. Further parking provision has also been incorporated into the proposed layout and whilst the overall number is marginally below the standard (in line with the County Durham Parking and Accessibility Standards 2019) it is considered that constraints within the site make meeting the standard impractical and the additional number of spaces is a reasonable compromise. With the additional parking provision and clarifications, it is concluded that the proposed application is acceptable from a highways perspective.
89. The Sustainable Travel Section offer no comments in respect of public transport as the proposals all relate to an existing school site. However, it is requested in respect of walking and cycling that a full Travel Plan is developed for the site, requesting this is secured by way of a condition.

90. Submitted information with the application advises that the school opens at 9.05am and taxis etc enter the driveway where the pupils are met by Oaks Staff. Pupils disembark from the transport between 9.05-9.15am. There are currently 4 bays which are used for tail lift minibuses and wheelchair access, with staff directing transport as people enter and exit the school.
91. The school day finishes at 3.25pm. Taxis and minibuses are able to park on the drive at the school from 3.15pm to reduce congestion on Rock Road.
92. Pupils go to specific classrooms for their bus line and are escorted to the bus by Oaks Staff, again with staff directing traffic as efficiently as possible.
93. The school has a total of 306 pupils on roll and advise that over 70 minibuses and taxis enter the Oaks School. The proposals would increase the number of pupils on roll to 320, an addition of 14.
94. Paragraph 109 of the NPPF advises that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Whilst there would be additional vehicular traffic associated with the proposals particularly at the dropping off/picking up times, it is difficult to claim that the cumulative impact of the development would be severe to sustain a refusal.
95. It is appreciated that parking issues on the streets surrounding the school site cannot be ignored. However, given the provision of additional onsite parking, provision of a Travel Plan and no objections from the Highways Engineers, no highway objections are raised. Proposals would satisfy the provisions of Part 9 of the NPPF and policy 21 of the CDP.
96. Given the existing layout, arrangements and operations of the site the request for a one way system in relation to taxis and minibuses has not been pursued with the applicant.

Flooding and Drainage:

97. 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.
98. Policy 35 of the CDP requires development proposals to consider the effect of the proposed development on flood risk, both on-site and off-site, commensurate with the scale and impact of the development and taking into account the predicted impacts of climate change for the lifetime of the proposal. Development in flood zones should not be permitted unless in exceptional circumstances. Regarding surface water flood risk, the management of water must be considered intrinsic to the overall development, with runoff rates carefully controlled. Policy 36 of the CDP requires proposals to the disposal of foul water, utilising the hierarchy of foul water.
99. The application site is not located within a high risk flood zone 2 or 3 area.
100. The Drainage Engineer has provided comments requesting details of the permeable paving construction details and hydraulic calculations relating to discharge rates. It is recommended that a suitable condition be attached to secure these details.

101. Subject to condition the proposal is deemed to be satisfactory with respect to the management of surface water for the development with proposals considered to satisfy the principles of Part 14 of the NPPF and Policies 35 and 36 of the NPPF.

Ecology:

102. Part 15 of the NPPF seeks to ensure that when determining planning applications, local planning authorities seek to conserve and enhance biodiversity. Policy 41 of the CDP seeks to resist proposals for new development which would otherwise result in significant harm to biodiversity or geodiversity, which cannot be avoided, or appropriately mitigated, or, as a last resort, compensated for.
103. The Ecologist has provided comments advising the building is low risk for use by protected species and therefore have no objections to the proposals on ecological grounds.
104. Proposals would therefore satisfy the provisions of Part 15 of the NPPF and Policy 41 of the CDP.

Land stability

105. 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. Policy 32 of the CDP stipulates that development will not be permitted unless the developer can demonstrate that:
 - a. any existing despoiled, degraded, derelict, contaminated or unstable land issues can be satisfactorily addressed by appropriate mitigation measures prior to the construction or occupation of the proposed development;
 - b. the site is suitable for the proposed use, and does not result in unacceptable risks which would adversely impact on the environment, human health and the amenity of local communities; and
 - c. all investigations and risk assessments have been undertaken by an appropriately qualified person.
106. Contaminated land officers have assessed the available information and historical maps with respect to land contamination and are satisfied with the information provided in the phase 1 assessment. The sources of contamination have been identified and they agree with the requirement for a phase 2 site investigation. They note that the phase 2 report focuses on the location of the building extension and not the remaining areas of the site. It is noted elevated levels of PAHs have been identified in the soils beneath the tarmac and ground gas monitoring is ongoing at the time of reporting. The report states there is unlikely to be a risk if the soils remain below the building footprint or it is to be removed from site, advising further clarification is required as to the proposal and sampling locations. They therefore request pre commencement conditions in this regard.
107. With respect to Coal Mining Legacy issues, the application site is located in a coalfield low risk development area.
108. Subject to conditions, no objections are raised, with proposals to satisfy Part 15 of the NPPF and Policy 32 of the CDP.

CONCLUSIONS

109. The application is to be determined in accordance with relevant policies set out within the CDP and therefore the application falls to be determined in accordance with Paragraph 11c of the NPPF which requires applications which accord with an up to date development plan to be approved without delay. The proposals relate to an existing school site and would improve the provision of educational services available. The principle of extending this existing school to provide additional classrooms and improved on site facilities is therefore considered acceptable.
110. The proposed layout, design and scale of the development and parking is considered acceptable and in keeping with the main school building and character and appearance of the wider area. The amenities of neighbouring residents and occupiers are considered to be appropriately safeguarded. The proposals are also considered acceptable in terms of issues relating to landscape, trees, drainage, land stability and ecology.
111. Representations in terms of existing parking problems, access and highways safety issues are fully appreciated. Careful consideration has been given to the concerns expressed by residents and members with regard to highway issues, however, in light of comments from the Highways Authority and subject to condition relating to a Travel Plan, the proposals are not considered to result in an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be so severe to warrant refusal.
112. The proposals are therefore considered to satisfy the provisions of Parts 2, 4, 6, 8, 9, 11, 12, 14, and 15 of the NPPF and in particular policies 6, 21, 29, 31, 32, 35, 36, 39, 40 and 41 of the CDP. The application is recommended for approval subject to the following conditions.

RECOMMENDATION

113. That the application be **APPROVED** subject to the following conditions

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.

Approved plans

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

A000-04 Rev 0 Site Location Plan (amended drawing) received 22 December 2020

A100-01 Rev 0 Proposed Site Plan – School received 12 November 2020

A100-02 Rev A Proposed Site Plan - Car Park (amended drawing) received 6 January 2021

A200-06 Rev A Proposed Overall Site Plan (amended drawing) received 14 December 2020

A100-03 Rev 0 Site Plan showing tree, bushes, fencing & external Gym to be removed received 12 November 2020

A200-01 Proposed Plan received 12 November 2020

A200-03 Rev 0 Proposed Roof Plan and Details received 12 November 2020

A300-01 Rev 0 Proposed Elevations received 12 November 2020

A400-01 Rev 0 Proposed Elevations (section details) received 12 November 2020

OAKS A 100-04- DCC – HE -05 – 01 Rev 0/- Drainage Layout – OAKS 1 100-04 (school) received 12 November 2020

Solmek Phase 2: Site Investigation Report The Oaks Secondary School, Spennymoor S200903/SI received 12 November 2020

Solmek Phase 1: Desk Study The Oaks Secondary School, Spennymoor S200903 received 15 December 2020

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

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 and Phase 3 remediation strategy 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.

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.

Drainage

No development other than ground clearance or remediation works shall commence until details of permeable paving construction and hydraulic calculations in digital format for audit have been submitted to and approved in writing by the Local Planning Authority. The discharge rate should be QBAR greenfield rate for events up to and

including the 1 in 100 year event plus 40% climate change. The development thereafter shall be completed in accordance with the details agreed.

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

Travel Plan

Prior to the first use of the development, a School Travel Plan, to achieve Bronze Level Accreditation within 1 year of first occupation, shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall use Modeshift STARS to carry out this process and include mechanisms for monitoring and review over the life of the development and timescales for implementation. The approved Travel Plan shall thereafter be implemented, monitored and reviewed in accordance with the approved details.

Reason: To reduce reliance on the private motor car and to promote sustainable transport methods in accordance with Policy 21 of the County Durham Plan and Part 9 of the National Planning Policy Framework.

Parking provision

The car parking spaces shall be installed prior to first occupation of the extension hereby approved and retained for the lifetime of the development. The parking spaces shall be kept free of obstruction and used for no other purpose other than the parking of vehicles respectively.

Reason: To ensure adequate parking and safe vehicle access to the site is provided, in the interest of highway safety and to accord with policies 6, 21 and 29 of the County Durham Plan and Part 9 of the National Planning Policy Framework.

Landscape Scheme

The development hereby approved shall not be brought into use until details of all external hard surfacing, soft landscaping and trees, been submitted to and agreed in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the agreed detail.

Reason: In the interests of the visual amenity of the area and to comply with Policies 29, 39 and 40 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.

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 (or occupation of buildings or commencement of use whichever is earlier), 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 29, 39 and 40 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.

Materials

Notwithstanding the details shown on the submitted application, the external building materials to be used shall match the existing building.

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

Construction Works

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.

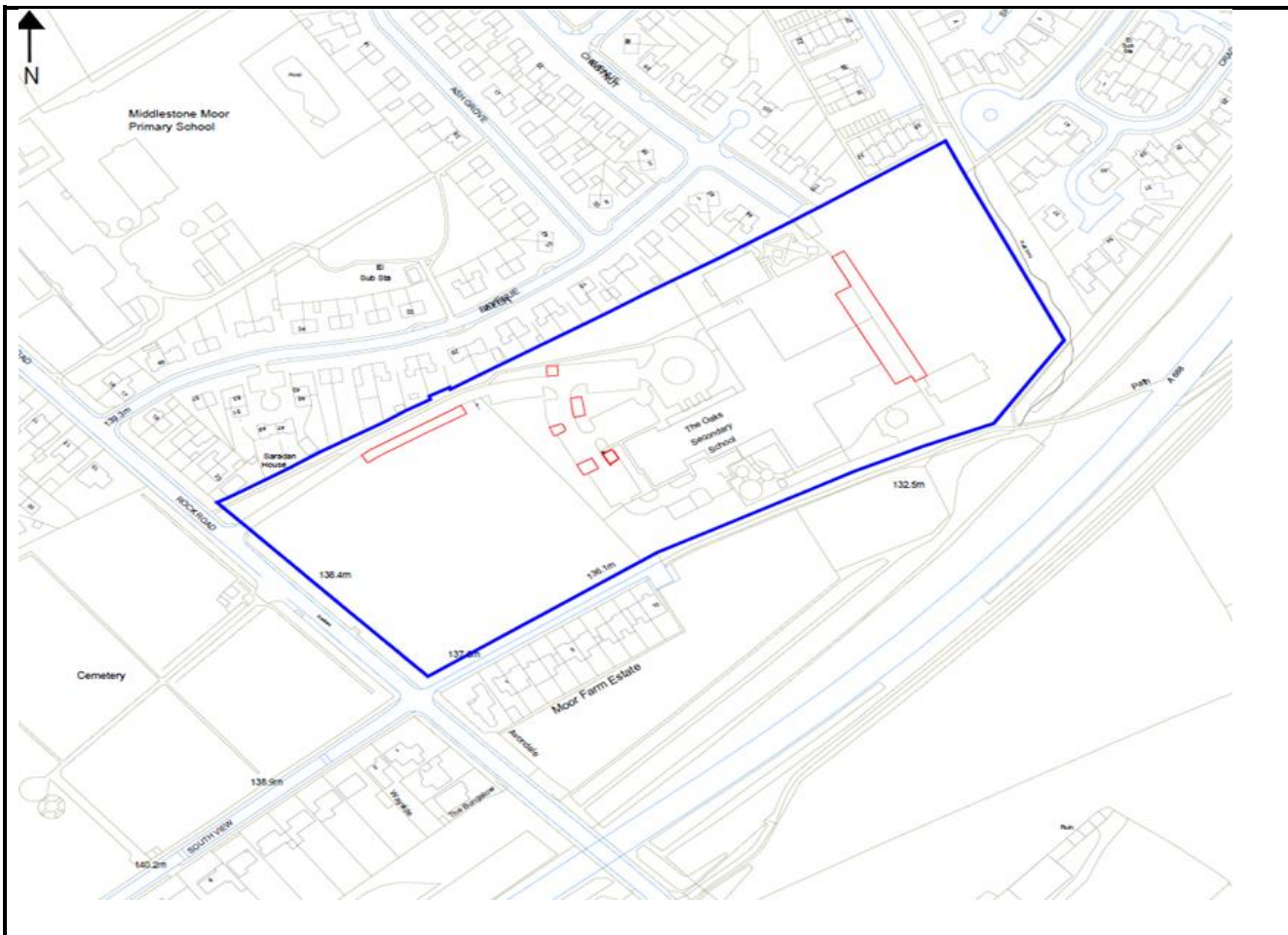
Reason: In the interests of the privacy/amenities of neighbouring occupiers and to comply with Policy 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at its decision to approve the 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) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.) It has been necessary to use pre commencement conditions in this instance for matters that cannot be left to a later stage in the development

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documents
National Planning Policy Framework
The County Durham Plan (CDP)
Statutory consultation responses
Internal consultation responses
External consultation responses



Planning Services

DM/20/03305/FPA

Extension to the school, relocation of external gym area, additional parking and extensions to car park

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Comments

Date January 2021