

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/21/02619/OUT
FULL APPLICATION DESCRIPTION:	Residential development of up to 20no. dwellings (Outline - some matters reserved)
NAME OF APPLICANT:	Mandale Homes
ADDRESS:	Land south of Eve Lane, Spennymoor, Co Durham
ELECTORAL DIVISION:	Tudhoe
CASE OFFICER:	Mark O'Sullivan, Senior Planning Officer, 03000 261056, mark.o'sullivan@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site relates to a parcel of agricultural land (some 0.78Ha) located to the north of the A688 and south of the Durham Gate redevelopment on the east side of Spennymoor. The site is bound by existing mature trees and hedgerow, with a small paddock to the east. Existing residential development on Hay Lane/Eve Lane lies to the north and north west.

The Proposal

2. Outline planning permission is sought for the erection of up to 20no. residential properties, with associated SUDS, landscaping and access infrastructure. The dwellings would be constructed for market sale, with no details of affordable housing provision submitted with the application. Site access would be taken from a new vehicular access point off Eve Lane to the north which is detailed in the submission. Details of layout, scale, appearance and landscaping of the scheme are to be confirmed through reserved matters, although an indicative layout plan is shown.
3. The application has been revised since the scheme was originally submitted, which sought permission for up to 22no. dwellings on the site. This was reduced to 20no. units after officers expressed concern over the principle of the development proposed.
4. The planning application is being reported to the Planning Committee in accordance with the Council's Scheme of Delegation as the proposals fall within the definition of major development.

PLANNING HISTORY

5. The application site falls outside of the Durham Gate Masterplan area to the north. There is no relevant planning history relating to the application site.

PLANNING POLICY

NATIONAL POLICY

6. 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.
7. *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.
8. *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.
9. *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.
10. *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.
11. *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.

12. *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.
13. *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.
14. *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.
15. *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.

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

NATIONAL PLANNING PRACTICE GUIDANCE:

16. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to; determining a planning application; flood risk; healthy and safe communities; land affected by contamination; housing and economic development needs assessments; housing and economic land availability assessment; natural environment; noise; public rights of way and local green space; planning obligations; use of planning conditions; and; water supply, wastewater and water quality.

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

LOCAL PLAN POLICY:

The County Durham Plan

17. 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:

Policy 6 (Development on unallocated sites)
Policy 15 (Addressing housing need)
Policy 19 (Type and mix of housing)
Policy 21 (Delivering sustainable transport)
Policy 25 (Developer contributions)
Policy 26 (Green infrastructure)
Policy 29 (Sustainable design)
Policy 31 (Amenity and pollution)
Policy 32 (Despoiled, degraded, derelict, contaminated and unstable land)
Policy 35 (Water management)
Policy 36 (Water infrastructure)
Policy 39 (Landscape)
Policy 40 (Trees, woodlands and hedges)
Policy 41 (Biodiversity and geodiversity)
Policy 56 (Safeguarding mineral resources)

Residential Amenity Standards SPD (2020 Adopted version) – Provides guidance on the space/amenity standards that would normally be expected where new dwellings are proposed.

<https://www.durham.gov.uk/cdp>

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

18. *Spennymoor Town Council* – No comments received.
19. *Highway Authority* – No objections in principle.
20. *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. Conditions are suggested relating to the submission of a detailed scheme for the disposal of foul and surface water from the development.
21. *The Coal Authority* – No objections, subject to suggested conditions.

INTERNAL CONSULTEE RESPONSES:

22. *Spatial Policy* – This site is not allocated for housing under Policy 4 of the CDP. The proposal should be assessed primarily against Policy 6 of the CDP. For this proposal to be acceptable, the impacts in terms of landscape, townscape and integration with settlement form and access to services and facilities would need to be within acceptable parameters
23. *Ecology* – Raise no objections subject to conditioning the mitigation and enhancements included in the updated EclA report dated December 2021
24. *Contaminated Land* – The application site is located in a coalfield high risk development area and a Phase 2 is required. Given this and the fact that the development constitutes a change of use to a more sensitive receptor, a contaminated land condition should apply to any permission granted.

25. *Environmental Health (Noise)* – No objections, subject to a condition requiring a suitable acoustic design scheme to be provided and discharged at reserved matters in line with the submitted report: Apex Acoustics, Land at Green Lane, Spennymoor - Noise Risk Assessment 9194.1, 5th July 2021, Revision A, section 9. Submitted details should include a glazing and trickle ventilation specification in line with the submitted report and a schematic plan of the proposed garden areas where noise mitigation measures will be undertaken. This should include details of relevant mitigation measures and how they will be implemented.
26. *Landscape* – Objections raised in the context of CDP Policies 6, 29 and 39. The density of development does not allow for any structure planting to the south. This would form the new settlement edge and would look incongruously urban with dwellings close to, and conspicuous from, the highway. The proposals would not be appropriate in respect of their scale, design, layout and location to the character, form and setting of the settlement. Furthermore, the development would not contribute positively to the area's character and townscape. The proposals are for edge of settlement development but don't provide for an appropriate level of structural landscaping. Insofar as the proposals would create an unattractive settlement edge they would entail some localised harm to the character of the landscape. The proposals do not incorporate appropriate mitigation measures in respect of structure planting to the settlement edge and would conflict with policy in that respect.
27. *Trees* – The submitted proposal will result in the retention of all existing individual trees, with the measures proposed having low impact. There is the likelihood of some minor encroachment by a proposed parking area, to the east of the site, into the RPA of G2. Consideration should be given to the utilisation of special construction measures inside the RPA at this location. There will be a loss of approximately 13m of hedgerow in the north west corner of the site..
28. *Affordable Housing* –Based on a scheme of 20no. units to be delivered as market housing, this proposal would be required to provide 3no. affordable units in total, 2no. (or 10%) for affordable home ownership and 1no. as affordable rent. Based on the information provided, concerns are raised over the lack of detail on the affordable housing provision that will be provided on site. There is no affordable housing statement which would outline the location, type and product the affordable housing would provide.
29. *Education* – Based on the projected rolls of the schools, taking into account the likely implementation of the development, build out rates and other relevant committed development, it is anticipated that there will be sufficient space to accommodate the pupils generated by the development in primary and secondary schools and no further mitigation is required in this instance.
30. *Drainage* – The proposal as set out in the Flood Risk Assessment and Outline Drainage Strategy Report - 23.09.21 is acceptable in principle, subject to control at reserved matters in relation to detention basin details.
31. *Archaeology* – No objections. Nearby archaeological investigations have found low significance remains, and this combined with the small scale of the development indicates that the proposals are unlikely to have a significant impact on undisturbed remains.
32. *Design* – Objections raised. Whilst the current proposals constitute a modest reduction in the proposed number of units, earlier concerns regarding the proposed layout and

relationship to Eve Lane have not been addressed. The submitted layout results in inward-looking development which is dominated by highways and parking.

33. *Police Architectural Liaison Officer (PALO)* – Advice given based on the principles of Crime Prevention through Environmental Design (CPTED), intended to help create strong cohesive communities in line with the National Planning Policy Framework.

NON-STATUTORY RESPONSES:

34. *NHS* – The NHS advise that based on the number of units proposed, there would be no requirement for NHS contributions to be secured by S106 monies in this case.

PUBLIC RESPONSES:

35. The application has been publicised by way of site and press notice, and notification letters to neighbouring residents. 6no. letters of objection/comment were received in response to this exercise, with a summary of the key areas of concern as follows:
- The site was not allocated within the CDP for housing, nor the Councils SHLAA as a potential housing site. This is a greenfield site where development would increase the sprawl of the Spennymoor settlement at a time when there are already a large number of new residential developments across the settlement.
 - Little reference is mentioned as to how this site ties in with the wider DurhamGate redevelopment area to the north. The adjacent DurhamGate development remains unfinished with no retail or green spine infrastructure provided. Why should more houses be built before finishing the adjacent estate? The site should be made available for open space to DurhamGate residents and not for further development;
 - The site is so heavily constrained that it appears to have driven the indicative layout which appears at odds with the design standard achieved at DurhamGate. Further attention should be given to destiny and improved design;
 - Development of the site would result in increased pressure on already busy roads which are used as a rat run for all types of vehicles, avoiding Thinford roundabout;
 - The proposed access point serving the development would be unsafe, located too close to a busy mini roundabout and neighbouring property;
 - Intensified use of local roads would result in increased noise and disturbance and air pollution from passing traffic and increased parking in close proximity to neighbouring properties;
 - Loss of light, overlooking and loss of privacy, resulting from overdevelopment of the site in close proximity to neighbouring properties;
 - Impact on local wildlife/ecology;
 - Impact on trees/vegetation. The existing site provides a level of screening from the adjacent road network to the south. Development would involve loss of vegetation and therefore screening.
 - Development of the site would place greater pressure on already stretched local services and education, with no mention of improvements to services being made;

36. In addition, Town Cllr Pete Molly has raised objection to the proposals, citing concerns over traffic increase and loss of arable, greenfield farmland
37. Following the receipt of revised plans, reducing the quantum of development to 20no. dwellings, all neighbours and interested parties were reconsulted. 4no. further letters were received. 2no. raising objections to the proposals in the context of the aforementioned reasons. The other letters offer support to the proposals, accepting that this is an outline scheme, with detailed scrutiny to be offered through reserved matters. Notwithstanding this, the revised layout remains linear and regimented.
38. A number of other concerns have been received which cannot be considered as material to the determination of this application. These include impact on property values in the area, future saleability of property and loss of views.

PLANNING CONSIDERATIONS AND ASSESSMENT

39. 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, deliverability/achievability, urban/landscape impact, privacy/amenity, highways, ecology, land stability, flooding/drainage and planning obligations.

The Principle of the Development

40. The application is to be determined in accordance with relevant policies set out within the County Durham Plan (CDP) and the NPPF. Paragraph 11C of the NPPF requires applications for development proposals that accord with an up to date development plan to be approved without delay.
41. The NPPF seeks to boost significantly the supply of housing, as well as using land that is physically well related to existing settlements. Part 11 (Making effective use of land) seeks to promote an effective use of land in meeting the need for homes, with particular emphasis on previously developed/brownfield development and underutilised land/buildings. Part 5 (Delivering a sufficient supply of homes) clarifies the Government's objective of significantly boosting the supply of homes, and that the needs of groups with specific housing requirements are addressed.
42. Policy 19 of the CDP seeks to ensure that on all new housing developments, the Council will secure an appropriate mix of dwelling types and sizes, taking account of existing imbalances in the housing stock, site characteristics, viability, economic and market considerations and the opportunity to facilitate self-build or custom build schemes.
43. This application site comprises undeveloped greenfield land located at the edge of the Spennymoor settlement. The site is not allocated for housing within Policy 4 of the County Durham Plan (CDP) and has not been previously considered within the Councils SHLAA. Development of housing on unallocated sites should be assessed and determined against CDP Policy 6 which sets out the following criteria:
44. The development of sites which are not allocated in the Plan or in a Neighbourhood Plan which are either (i) within the built-up area; or (ii) outside the built-up area (except where a settlement boundary has been defined in a neighbourhood plan) but well-

related to a settlement, will be permitted provided the proposal accords with all relevant development plan policies and:

a. is compatible with, and is not prejudicial to, any existing, allocated or permitted use of adjacent land;

b. does not contribute to coalescence with neighbouring settlements, would not result in ribbon development, or inappropriate backland development;

c. does not result in the loss of open land that has recreational, ecological or heritage value, or contributes to the character of the locality which cannot be adequately mitigated or compensated for;

d. is appropriate in terms of scale, design, layout, and location to the character, function, form and setting of the settlement;

e. will not be prejudicial to highway safety or have a severe residual cumulative impact on network capacity;

f. has good access by sustainable modes of transport to relevant services and facilities and reflects the size of the settlement and the level of service provision within that settlement;

g. does not result in the loss of a settlement's or neighbourhood's valued facilities or services unless it has been demonstrated that they are no longer viable;

h. minimises vulnerability and provides resilience to impacts arising from climate change, including but not limited to, flooding;

i. where relevant, makes as much use as possible of previously developed (brownfield) land; and

j. where appropriate, it reflects priorities for urban regeneration.

45. It is considered that criteria b), c), d), and f) will be the most relevant considerations to these current proposals.
46. With particular regard to criteria b), the application site concerns undeveloped, greenfield land which presently serves as a natural buffer between the A688 to the south and the settlement to the north.
47. With regards criteria c), the development would result in the loss of open land which has ecological value, and which contributes significantly to the character of the locality which cannot be adequately mitigated or compensated for. Whilst some mitigation could evidently be achieved as part of the development, this does not avoid the fact that development would see the development and therefore loss of open countryside with ecological and landscape impacts to result as discussed later in this report.
48. With regards criteria d), the application is outline in nature, with only indicative plans available at this time. Notwithstanding this, submitted plans detail the erection of detached dwellings set within private curtilage. Landscape concerns are raised over the proposals which would not be appropriate in respect of their scale and layout to the character, form and setting of the settlement, and which would not contribute positively to the areas character and townscape.

49. Regarding criteria f), the site is located adjacent to the existing settlement and would benefit from good access by sustainable modes of transport to relevant services and facilities.
50. A key issue in the consideration of the application would be whether the development of the site would be a natural extension to the settlement or whether it would unacceptably affect the landscape character of the countryside. The following material planning considerations explore the above in more detail.

Deliverability/achievability

51. Paragraph 74 of the NPPF maintains the requirement for LPA's 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. 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.
52. It was established under the adoption of the CDP that the Council can demonstrate in excess of 5 years housing land supply (6.33 years). The CDP was adopted in October 2020 and therefore, in accordance with paragraph 74 of the NPPF, a five-year supply of deliverable housing sites, with the appropriate buffer can be demonstrated.
53. The Government 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.
54. The LPA argue that given the speculative, outline nature of the current application and other housing commitments within the settlement still to be built out, there remains no clear evidence that there is a realistic prospect that housing completions will begin on site within 5 years. To compound this concern there is presently no written agreement/contract between the land owner and a house builder.
55. As was the case in 2020 (and taking into account reduced building activity during the pandemic), Spennymoor currently has a high level of housing commitments. Some of the larger approved schemes including Gladman/Gleeson at Middlestone Moor; the former Electrolux site, Barratt at the former Thorn Lighting site on Merrington Lane, Barratt at Whitworth and Taylor Wimpey/The Acorns at Durham Gate, all have a significant number of dwellings still to be built out in addition to a number of smaller scale residential approvals in close proximity to the site. This includes a recent approval for 39no. bungalows just to the north within the Durham Gate redevelopment area.
56. Concerns are also raised regarding the costs of the proposed development arising from site remediation requirements in relation to previous coal mining activity, and those associated with the on-site open space provision, biodiversity mitigation requirements, extensive SUDS works, and how this would impact on the viability and attractiveness of the site in a challenging housing market area.

57. There is therefore concern that the proposed development would not meet the NPPF deliverable definition in the absence of any clear evidence to suggest otherwise, and the site would not make any meaningful contribution to boosting the supply of homes.

Urban/Landscape impact

58. Part 12 of the NPPF and CDP policy 29 seek to ensure good design in new developments. New development should be appropriate in terms of scale, design, layout, and location to the character, function, form and setting of the settlement. It should contribute positively to an area's character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities; and also create buildings and spaces that are adaptable to changing social, technological, economic and environmental conditions and include appropriate and proportionate measures to reduce vulnerability, increase resilience and ensure public safety and security.
59. The application is outline in nature with details of scale, design and layout reserved matters. Notwithstanding this, the application must still be carefully considered in terms of the perceived visual impacts on the surrounding landscape at the outline stage.
60. A pre-application enquiry in 2020 for 26no dwellings at the site was not considered favourably by the LPA with concerns raised over the high density, urban development form which would impact on the landscape wedge at the edge of the settlement, and the proposed layout of the site which failed to positively address Eve Lane to the north. Whilst the current proposals detail a modest reduction in the proposed number of units to 20no. (recently reduced from 22no.), previous concerns regarding the proposed layout and relationship to Eve Lane have not been satisfactorily addressed. The initial indicative layout resulted in a largely inward-looking development dominated by highway and parking. The revisions to provide to 20no. units fails to address these previous concerns, with the scheme largely inward looking, and dwellings dominated to their frontages by highways and parking. Although outline in nature, it is difficult to see how 20no. units could be accommodated on the site in a layout that is notably different to that shown.
61. In terms of landscape impact, CDP Policy 39 requires new development to be permitted where it would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals will be expected to incorporate appropriate measures to mitigate adverse landscape and visual effects. Development proposals should have regard to the County Durham Landscape Character Assessment and County Durham Landscape Strategy and contribute, where possible, to the conservation or enhancement of the local landscape.
62. CDP Policy 40 concerns trees and hedgerows. Proposals for new development will not be permitted that would result in the loss of, or damage to, trees of high landscape, amenity or biodiversity value unless the benefits of the proposal clearly outweigh the harm. Where development would involve the loss of ancient or veteran trees it will be refused unless there are wholly exceptional reasons and a suitable compensation strategy exists.
63. Proposals for new development will be expected to retain existing trees where they can make a positive contribution to the locality or to the development, maintain adequate stand-off 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. Where trees are lost, suitable replacement planting, including appropriate provision for maintenance and management, will be required within the site or the locality.

64. Regarding hedgerow, proposals for new development will not be permitted that would result in the loss of hedges of high landscape, heritage, amenity or biodiversity value unless the benefits of the proposal clearly outweigh the harm. Proposals for new development will be expected to retain existing hedgerows where appropriate and integrate them fully into the design having regard to their management requirements. Where any hedges are lost, suitable replacement planting or restoration of existing hedges, will be required within the site or the locality, including appropriate provision for maintenance and management.
65. The application site forms part of a narrow tract of open farmland between the built edge of Spennymoor and the A688 to the south. It is bounded by mature hedges and mature trees. Although the site is not covered by any national or local landscape designations, it is visible at close quarters from Eve Lane and properties adjacent to the north, and from the A688 to the south. It is also visible at greater distance to the south from a range of receptors on higher ground on the escarpment – from where it is seen against buildings along the settlement edge.
66. Although plans are indicative only, it is likely that perimeter vegetation could be largely retained other than localised removal of hedgerow and trees at the site entrance. Notwithstanding this, the effects on the character of the site itself would be transformative. It is not part of a landscape of high sensitivity but is in a prominent location at the entrance to the settlement.
67. The application is submitted alongside a detailed Arboricultural Impact Assessment which is considered by officers to be comprehensive and acceptable. Furthermore, officers are satisfied that the submitted proposal would retain all existing individual trees, with the measures proposed having low impact. Notwithstanding this, there is the likelihood of some minor encroachment by the proposed parking area, to the east of the site, into the Root Protection Area of Tree Group G2. Consideration should therefore be given to the utilisation of special construction measures inside the RPA at this location.
68. To the north west corner of the site, approximately 13m of hedgerow would be lost to facilitate development. In accordance with Policy 40, the loss of hedgerow could be mitigated by a robust planting plan within the estate, albeit such details would be addressed through reserved matters which would need to focus upon a stronger landscape buffer to the southern site boundary. Unfortunately given the density of development proposed, the indicative layout does not allow for any structure planting to the south where a new, extended settlement edge would be created, and which would look incongruously urban with dwellings close to, and conspicuous from, the adjacent highway.
69. In this respect, the proposals would not be appropriate in respect of their scale and form and would not contribute positively to the area's character and townscape. It would also fail to provide for an appropriate level of mitigatory structural landscaping, creating an unattractive settlement edge that would result in localised harm to the character of the landscape. All of the above concerns would result in a direct conflict with specific criterion of CDP Policy 6. The proposals do not incorporate appropriate mitigation measures in respect of structure planting to the settlement edge and would also conflict with CDP policy 39 in that respect.

Privacy/Amenity

70. CDP Policy 31 seeks to support proposals only 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. The proposal will also need to demonstrate that future occupiers of the proposed development will have acceptable living and/or working conditions. 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 whilst ensuring that any existing business and/or community facilities do not have any unreasonable restrictions placed upon them as a result.
71. Outline consent is sought, with details of layout, scale and design reserved. The proposed site plan is indicative only, albeit demonstrates how 20no. units could be arranged within the site, facing north towards the shared access road, parking areas and green space/SuDS area. Given the linear arrangement, all dwellings would achieve satisfactory separation from one another in excess of the minimum requirements set out within the residential amenity standards SPD 2020. Furthermore, all dwellings would benefit from reasonably scaled private rear gardens, with off street parking to the frontages. Details of enclosures are not specified at this stage.
72. The Environmental Health Officer has undertaken a technical review of information submitted in relation to the likely impact upon amenity in accordance with the relevant TANs (Technical Advice Notes). A noise assessment has been submitted in support of the application. The report considers the noise climate under both night-time and daytime hours, with the most dominant noise source identified being from road traffic, predominantly from A688 and Eve Lane. The report establishes that noise during daytime periods fall into the medium category of risk. During night-time high risk has been identified on the A688 boundary and medium risk further away from the road. The report establishes that relevant guideline values will be breached and states that a scheme of good acoustic design must be considered to achieve relevant guidance levels.
73. Currently no specific detailed scheme is submitted and therefore, should permission be granted, a condition requiring a suitable acoustic design scheme would need to be imposed. This should be provided and discharged at reserved matters. Conditions should also ensure a glazing and trickle ventilation specification is provided in line with the submitted report, and a schematic plan of the proposed garden areas where noise mitigation measures should be undertaken. This should include details of relevant mitigation measures and how they will be implemented. The proposed works can be carried out within the existing development footprint in a manner that achieves a satisfactory relationship with neighbouring properties. Subject to the recommendations of the Environmental Health Officer, the application is considered to satisfy the provision of CDP Policy 31.

Highways

74. 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. CDP Policy 21 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.

75. The applicant has submitted a revised Illustrative Site Plan which attempts to address initial highways objections, with the exception of the provision of a refuse bin storage area at the private shared drive and electric vehicle charge points. The incorporation of the requested link footways and ramped crossings as shown on plans is welcomed, as is the level of parking provision at 2no. spaces per dwelling, not including additional visitor parking bays throughout the site. It is accepted that such detail is indicative only, albeit it is demonstrated that such provision can be achieved.
76. The radius of the site road between plots 1 and 3 is tight and whilst the swept path analysis contained in Appendix D of the submitted Transport Statement is noted, some additional curve widening on the inside curve is required.
77. It is further noted that the drawing of the Proposed Site Access indicates the junction radii have been increased to 10m and the site road is 5m in width which is acceptable. The visibility splays depicted on this drawing are therefore acceptable.
78. Notwithstanding the above, the proposed estate road must be designed and constructed to meet current highway design standards and no development should commence until plans showing full engineering details of the proposed estate road have been submitted to and approved by the Local Planning Authority. The proposed development shall not be brought into use until the estate roads have been constructed in accordance with the submitted and approved plans.
79. Subject to the satisfactory inclusion of the above amendments the principle of the development is acceptable from a highways perspective and proposals would satisfy the provisions of Part 9 of the NPPF and CDP Policy 21.

Ecology

80. Part 15 of the NPPF ensures that when determining planning applications, Local Planning Authorities seek to conserve and ensure that measurable gains in biodiversity are achieved. CDP Policy 41 seeks to ensure new development minimizes impacts on biodiversity by retaining and enhancing existing diversity assets and features. Proposals for new development should not be supported where it would result in significant harm to biodiversity or geodiversity.
81. The application is supported by an updated Ecological Impact Assessment report (Whitcher Wildlife Ltd, December 2021) which assesses the habitats on site, and risk of presence of protected species. It is noted that whilst the mature trees within the existing hedgerow on site, have been categorised as BCT Guidance Category 2 trees, no detailed assessment of the trees for the likely presence of bats has been undertaken. Despite this, it is understood from the text in the report, as well as the associated proposed access plans for the site that these will be retained as part of the proposals.
82. In respect of the ability of the proposed development to meet the required net gains in biodiversity, as stipulated in the NPPF, the following is noted. Despite the fact that this is an outline application, the number of housing proposed and therefore the resulting remaining open space is known. It is therefore possible to understand where opportunities for net gains can be achieved on site. It is important that the ability of the site to attain net gains in biodiversity is assessed and fully understood in advance of determination of the application in order to give the LPA confidence in the likelihood

of achieving this. The level of impact on biodiversity, and the broad principles of how this can be mitigated needs to be fully understood prior to determination, in order to ensure that the requirements of the NPPF are adhered to. It should be noted that if net gains cannot be delivered in their entirety on site having regard to the number of houses proposed, together with the overall size of the site, that an offsite location will need to be considered and put forward to the LPA. This needs to be understood prior to determination and cannot be left to reserved matters/condition.

83. The updated Ecological Impact Assessment and accompanying Defra Metric have been provided as requested by the Local Planning Authority. Despite the metric showing an overall loss in biodiversity as a result of the proposed development, in this instance ecology officers would be content for the proposed integrated bird and bat boxes to address this loss and ensure that a net gain is achieved. This is due in the main to the low distinctiveness of the habitats to be lost. It is therefore recommended that the Mitigation and Enhancements detailed in Section 4 and 5 of the report be conditioned. Subject to the above, outline proposals would satisfy the provisions of Part 15 of the NPPF and CDP Policy 41, with no ecological objections raised.

Land stability

84. Part 15 of the NPPF seeks to prevent unacceptable risks from pollution and land stability. Where a site is affected by contamination or where land stability issues arise, responsibility for securing a safe development rests with the developer and/or landowner. Policy 32 of the CDP seeks to resist development where the developer is unable to 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.
85. EHO's have assessed the available information and historical maps with respect to land contamination including the following report: Solmek (June 2021) Phase 1: Desk Study, Green Lane, Spennymoor. Officers are satisfied with the information provided. The site is located in a coalfield high risk development area and a phase 2 investigation is required. Given this and due to the fact that this development constitutes a change of use to a more sensitive receptor, a contaminated land condition should apply to any permission granted.
86. With regards Coal mining legacy, the application site falls within the defined Development High Risk Area. Coal Authority records indicate that the site lies within an area of probable shallow coal mining and a coal seam. If shallow coal workings have taken place beneath the site, this could affect the safety and stability of the proposed development.
87. The aforementioned Phase 1: Desk Study Report (June 2021) informs the extent of remedial/mitigation measures that would be required to ensure the safety and stability of the proposed development in accordance with NPPF paragraphs 183 and 184. No objections are raised subject to the imposition of a condition ensuring appropriate intrusive site investigation works are undertaken prior to the commencement of

development, with any necessary remediation/mitigation works to address land instability implemented on site to ensure that the site is made safe and stable for development. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development must be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity. The applicant is also to be reminded that Permission is required from the Coal Authority Permit and Licensing Team before undertaking any activity, such as ground investigation and ground works, which may disturb coal property.

88. Subject to the above, there are no land contamination or Coal mining legacy objections to the proposed development and proposals would satisfy the provisions of Part 15 of the NPPF and CDP Policy 32.

Flooding and Drainage:

89. Part 14 of the NPPF seeks to resist inappropriate development in areas at risk of flooding, whilst ensuring that new development does not give rise to increased flood risk elsewhere. CDP policies 35 and 36 concern water management. All development proposals will be required 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. This includes completion of a Flood Risk Assessment (FRA) where appropriate. For major developments, the management of water must be an intrinsic part of the overall development, and there must be no net increase in surface water runoff for the lifetime of the development. Where greenfield sites are to be developed (as would be the case here), the runoff rates must not exceed and where possible should reduce the existing greenfield runoff rates. Meanwhile, on previously developed land, as close as practicable to a greenfield rate must be achieved.
90. The application is not located within a known flood risk area, with indicative layout plans detailing a SuDS area to be created to the north of the development, within the wider site boundary. The application is accompanied by a Flood Risk Assessment and Outline Drainage Strategy Report which are deemed to be acceptable in principle for the purposes of an outline application. Details relating to surface water discharge and basin design would need to be confirmed through reserved matters. To this extent, outline proposals would satisfy the provisions of Part 14 of the NPPF and CDP policies 35 and 36.

Planning obligations

91. Policy 25 of the CDP seeks to ensure that new development is only approved where any mitigation necessary to make the development acceptable in planning terms are secured through appropriate planning conditions or planning obligations. Developers will be required to enter into Planning Obligations which are directly related to the development and fairly and reasonably related in scale and kind to the development

Affordable Housing

92. Paragraph 64 of the NPPF requires major development proposals to include at least 10% of the homes provided 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 required is set out in Policy 15 of the CDP, which based on viability evidence confirms that 15% is appropriate within this part of the County (which is regarded as a medium value area).

93. In medium value areas, on sites of 10no. or more units. 10% of the homes provided should be for affordable home ownership (starter homes, discount market sale housing and other affordable routes to home ownership). Any contribution above 10% should be provided as affordable housing for rent. Based on a scheme of 20no. units to be delivered as market housing, this proposal would be required to provide 3no. affordable units in total, 2no. (or 10%) of which should be affordable home ownership and 1no. as affordable rent.
94. Based on the information provided, concerns are raised over the lack of detail on the affordable housing provision that will be provided on site. There is no affordable housing statement which would outline the location, type and product the affordable housing would provide. In the absence of this information, proposals would conflict with Paragraph 65 of the NPPF and CDP Policy 15. Notwithstanding this, the applicant has agreed to the provision of the necessary affordable housing numbers and tenures. Should the applicant progress to appeal, it would be expected that such detail is agreed between parties beforehand through an agreed heads of terms document.

Open Space contributions

95. CDP Policy 26 requires proposals for new residential development to make provision for open space to meet the needs of future residents having regard to the standards of open space provision set out in the Open Space Needs Assessment (OSNA). 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. A scheme of 20no. units would generate 44no. people based on 2011 census data of 2.2 persons per household. Based on a scheme of 20no. units, a minimum 660m² of usable on-site amenity open space would be required. In addition, (providing the aforementioned on-site provision is achieved in full), a further £31,482.00 financial contribution would be required for off-site open space provision/enhancement. The applicant has agreed to enter into a s106 obligation to secure these funds, to be paid in a single installment upon first occupation of the dwellings.

Healthcare

96. Paragraph 93 of NPPF recognises the need for planning decisions to ensure an integrated approach when considering the location of new housing and to plan positively for the provision and use of community facilities and local services. This provides policy justification to seek mitigation in respect to essential services including GP provision where a deficit would result or be exacerbated by the proposal. Local surgeries are part of CCG wide plans to improve GP access and would be the likely beneficiaries of any S106 funds secured. Local GP Practices are keen to maintain/improve their access, and an increase in patient numbers may require adjustments to existing premises/access methods. The NHS advise that based upon the scale of development proposed, no contribution would be sought in this instance.

Educational provision

97. Paragraph 95 of NPPF confirms that the government places great importance to ensure that sufficient choice of school places is available to meet the needs of existing and new communities and requires LPAs to seek this. Based on the projected rolls of the schools, taking into account the likely implementation of the development of 20no. units, build out rates and other relevant committed development, it is anticipated that

there will be sufficient space to accommodate the pupils generated by the development in primary and secondary schools and no further mitigation is required in this instance.

Other matters

Accessible and adaptable homes

98. CDP Policy 15 includes a requirement for sites for 5 or more dwellings to ensure 66% of the dwellings proposed are built to Building Regulations Requirement M4(2) (accessible and adaptable dwellings) standard. In this instance 66% would equate to 14no. of the 22no. proposed dwellings. Furthermore, on sites of 10 units or more, a minimum of 10% of the total number of dwellings on the site should be of a design and type that will increase the housing options of older people. This equates to 2no. of the proposed units. These properties should be built to M4(2) standard and would contribute to meeting the 66% requirement set out above. They should be situated in the most appropriate location within the site for older people. Appropriate house types considered to meet this requirement include:
- level access flats;
 - level access bungalows; or
 - housing products that can be shown to meet the specific needs of a multi-generational family.
99. Based on the information submitted with the application, it is unclear from the proposed housing site layout whether any of the dwellings conform to these requirements, however, it is noted that the application is outline in nature, with any reserved matters submission expected to confirm such detail in achieving a mix of dwelling types and sizes on the site.

Safeguarding mineral resources

100. CDP Policy 56 seeks to safeguard mineral resources. Significant areas of the county fall into such mineral safeguarding areas, including the application site and wider area. Coal Authority's records also indicate that surface coal resource is present on the site, although this should not be taken to imply that mineral extraction would be economically viable, technically feasible or environmentally acceptable. Although a non-mineral development is proposed, it is not considered that the current proposals would sterilise this mineral resource taking into consideration the scale of the site and the residential setting. No objections are raised in this regard.

CONCLUSIONS

101. Outline planning permission (all matters reserved except access) is sought for the erection of 20no. dwellings on land to the south of Eve Lane. Only indicative site layouts are provided at this time, with details of layout, scale, design and landscaping constituting reserved matters. Consideration is given to the principle, of the works proposed and the resulting landscape/urban impacts, deliverability, neighbouring amenity, highways, ecological impact, land stability and drainage. Concerns have been expressed over the perceived landscape/visual impacts. In addition, a number of concerns have been raised by local residents and the points raised are taken into careful consideration, where material to the application. Proposals are considered to conflict with Policies 6, 29, 39 and 40 of the County Durham Plan and Part 12 of the NPPF. For the reasons specified, current proposals are recommended for refusal.

RECOMMENDATION

Recommendation that the application is REFUSED for the following reason:

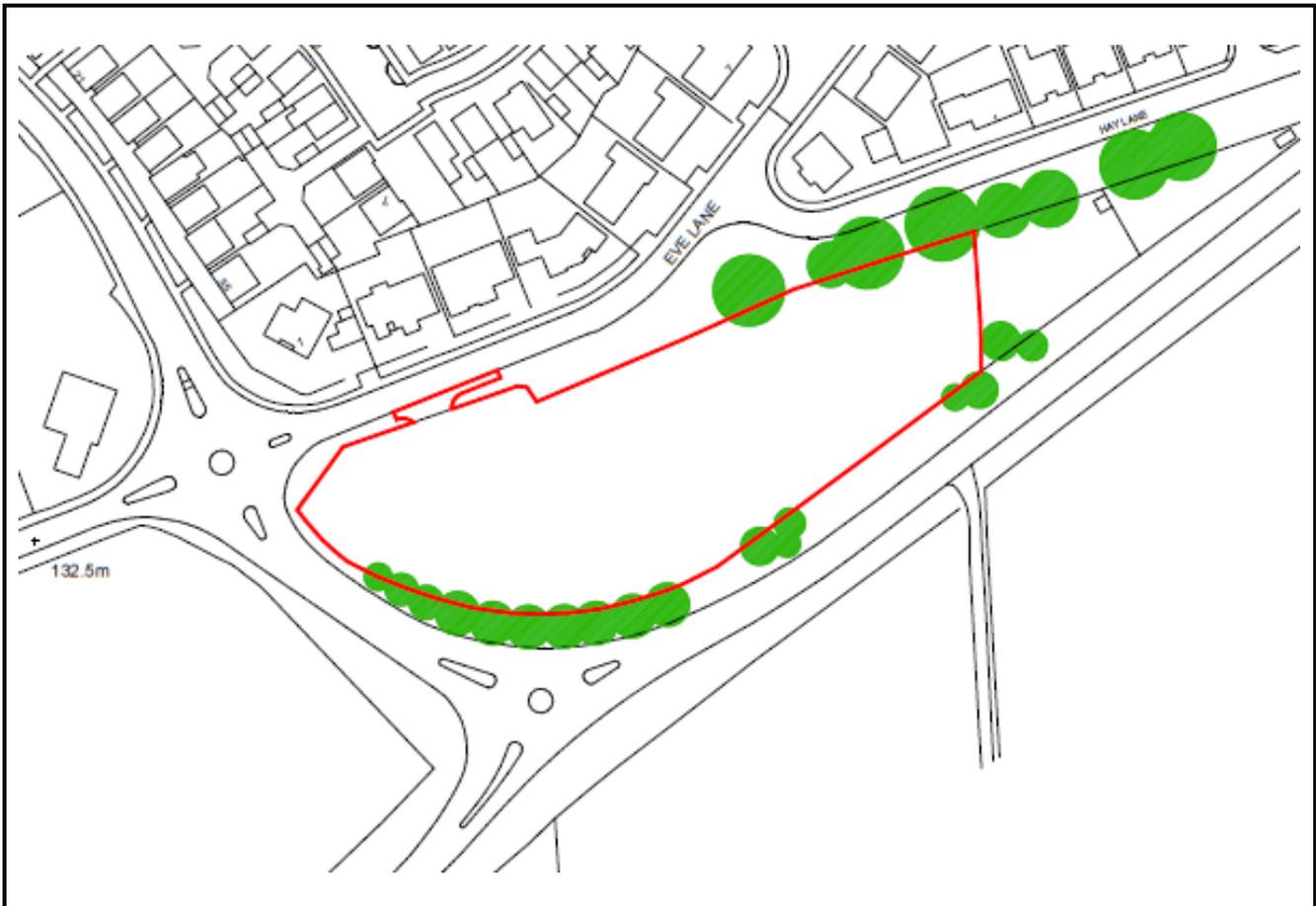
1. The Local Planning Authority considers that the proposal would not be appropriate in respect of its scale and form and would not contribute positively to the area's character and townscape. It would also fail to provide for an appropriate level of mitigatory structural landscaping, creating an unattractive settlement edge that would result in localised harm to the character of the landscape. The proposals would be contrary to the provisions of Part 12 of the NPPF and Policies 6, 29, 39 and 40 of the County Durham Plan.

STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at its decision to refuse 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. However, this has not been possible in this instance. (Statement in accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

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

Residential development of up to 20no. dwellings (Outline - some matters reserved)

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Comments

Date 16 December 2021