

COMMITTEE REPORT

APPLICATION DETAILS

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

DESCRIPTION OF THE SITE AND PROPOSALS

Site

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

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

PROPOSAL:

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

PLANNING HISTORY

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

PLANNING POLICY

NATIONAL POLICY

15. A revised National Planning Policy Framework (NPPF) was published in July 2021. The overriding message continues to be that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways.
16. In accordance with Paragraph 219 of the National Planning Policy Framework, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). The relevance of this issue is discussed, where appropriate, in the assessment section of the report. The following elements of the NPPF are considered relevant to this proposal.
17. *NPPF Part 2 – Achieving Sustainable Development* – The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three overarching objectives - economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.
18. *NPPF Part 6 – Building a Strong, Competitive Economy* – The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.
19. *NPPF Part 8 – Promoting Healthy and Safe Communities* – The planning system can play an important role in facilitating social interaction and creating healthy, inclusive and safe communities. Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and community facilities and services should be adopted.
20. *NPPF Part 9 – Promoting Sustainable Transport* – Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion.
21. *NPPF Part 14 – Meeting the Challenge of Climate Change, Flooding and Coastal Change* – The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.

22. *NPPF Part 15 – Conserving and Enhancing the Natural Environment* – The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, site of biodiversity or geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.
23. *NPPF Part 16 – Conserving and Enhancing the Historic Environment* – Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

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

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

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

LOCAL PLAN POLICY:

The County Durham Plan (October 2020)

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

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

28. *Policy 26 – Green Infrastructure* – States that development proposals will not be permitted that would result in the loss of open space or harm to green infrastructure assets unless the benefits of the development clearly outweigh that loss or harm and an assessment has been undertaken which has clearly shown the open space or land to be surplus to requirements. Where valued open spaces or assets are affected, proposals must incorporate suitable mitigation and make appropriate provision of equivalent or greater value in a suitable location. Where appropriate there will be engagement with the local community.
29. *Policy 29 – Sustainable Design*. Requires all development proposals to achieve well designed buildings and places having regard to SPD advice and sets out detailed criteria which sets out that where relevant development is required to meet including; making a positive contribution to an areas character and identity; provide adaptable buildings; minimise greenhouse gas emissions and use of non renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; providing suitable landscape proposals; provide convenient access for all users; adhere to the Nationally Described Space Standards (subject to transition period).
30. *Policy 31 – Amenity and Pollution* - Sets out that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and that the development can be effectively integrated with any existing business and community facilities. Development will not be permitted where inappropriate odours, noise, vibration and other sources of pollution cannot be suitably mitigated against, as well as where light pollution is not suitably minimised to an acceptable level.
31. *Policy 32 – Despoiled, Degraded, Derelict, Contaminated and Unstable Land* – requires that where development involves such land, any necessary mitigation measures to make the site safe for local communities and the environment are undertaken prior to the construction or occupation of the proposed development and that all necessary assessments are undertaken by a suitably qualified person.
32. *Policy 35 – Water Management* – Requires all development proposals to consider the effect of the proposed development on flood risk, both on-site and off-site, commensurate with the scale and impact of the development and taking into account the predicted impacts of climate change for the lifetime of the proposal. All new development must ensure there is no net increase in surface water runoff for the lifetime of the development.
33. *Policy 36 – Water Infrastructure* – Advocates a hierarchy of drainage options for the disposal of foul water. Applications involving the use of non-mains methods of drainage will not be permitted in areas where public sewerage exists. New sewage and waste water infrastructure will be approved unless the adverse impacts outweigh the benefits of the infrastructure. Proposals seeking to mitigate flooding in appropriate locations will be permitted though flood defence infrastructure will only be permitted where it is demonstrated as being the most sustainable response to the flood threat.
34. *Policy 39 – Landscape* – States that proposals for new development will only be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals are expected to incorporate appropriate mitigation measures where adverse landscape and visual impacts occur. Development affecting Areas of Higher landscape Value will

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

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

NEIGHBOURHOOD PLAN:

39. There is no Neighbourhood Plan for this area.

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

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

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

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

INTERNAL CONSULTEE RESPONSES:

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

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

EXTERNAL CONSULTEE RESPONSES:

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

PUBLIC RESPONSES:

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

APPLICANTS STATEMENT:

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

PLANNING CONSIDERATIONS AND ASSESSMENT

63. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that if regard is to be had to the development plan, decisions should be made in accordance with the development plan unless material considerations indicate otherwise. In accordance with advice within the National Planning Policy Framework (NPPF), the policies contained therein are material considerations that should be taken into account in decision-making. Other material considerations include representations received. In this context, it is considered that the main planning issues in this instance relate to the principle of development, layout and design, locational sustainability of the site, access and traffic, residential amenity, contamination and coal mining risk, flooding and drainage, landscape, ecology, recreational amenity, cultural heritage, other matters and public sector equality duty.

The Principle of the Development

64. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The County Durham Plan (CDP) is the statutory development plan and the starting point for determining applications as set out in the Planning Act and reinforced at Paragraph 12 of the NPPF. The CDP was adopted in October 2020 and provides the policy framework for the County up until 2035.
65. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means:-
- c) approving development proposals that accord with an up to date development plan without delay; or
 - d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or,
 - ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
66. In light of the recent adoption of the CDP, the Council now has an up to date development plan. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means approving development proposals that accord with an up to date development plan without delay (Paragraph 11 c). Accordingly, Paragraph 11(d) of the NPPF is not engaged.
67. The application site is located within the settlement of Tudhoe and is allocated for housing within CDP Policy 4 with the reference H24 (Tudhoe Grange Lower) for 85 houses. CDP Policy 4 states that applications which come forward for housing development on allocated housing land will be approved where they comply with other requirements of the CDP. However, it should also be noted that the Policy seeks to protect the former playing fields of the part of Tudhoe Grange Lower School and states that they can only be developed subject to an up-to-date Playing Pitch Strategy, which identifies a surplus of playing pitches in the catchment area in accordance with Sport England's playing field policy exception.
68. Whilst the site is allocated for housing under CDP Policy 4, and its development for other uses would draw no support from this particular Policy, it is considered that other uses, such as a school could still be found to be acceptable in their own right under CDP Policy 6. Even though the site has an existing allocation within the CDP, the criteria laid out within Policy 6 represents the most appropriate means to assess the suitability of a school on this site.
69. Regarding impacts upon the Council's Housing Land supply, it is worthwhile noting that this site does not feature in the 5-year housing land supply as it has never had planning permission for housing and would not meet the NPPF definition (Annex 2: Glossary) of a 'deliverable' housing site. Therefore, the development of the site for a

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

70. Furthermore, an argument can be made that whilst the site was originally earmarked for housing in the CDP as a logical Previously Developed Land (PDL) infill site, this has been overtaken by events and the specific need to identify a site for a new primary school in Spennymoor. The fact that this site will no longer deliver 85 housing units can be offset by the contributions that windfall sites will make over the lifetime of the CDP under Policy 6.
71. It should be noted that Paragraph 95 of the NPPF emphasises the importance of sufficient school places to meet the needs of existing and new communities. Local Planning Authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. In essence a new school on this site will deliver wider community benefits and can be viewed in terms of the requirements of CDP Policy 6, along with other policy requirements of the CDP.
72. Policy 6 of the CDP states that the development of sites which are not allocated in the Plan or in a Neighbourhood Plan which are either (i) within the built-up area; or (ii) outside the built-up area (except where a settlement boundary has been defined in a neighbourhood plan) but well-related to a settlement, will be permitted provided the proposal accords with all relevant development plan policies and:
 - a) is compatible with, and is not prejudicial to, any existing, allocated or permitted use of adjacent land;
 - b) does not contribute to coalescence with neighbouring settlements, would not result in ribbon development, or inappropriate backland development;
 - c) does not result in the loss of open land that has recreational, ecological or heritage value, or contributes to the character of the locality which cannot be adequately mitigated or compensated for;
 - d) is appropriate in terms of scale, design, layout, and location to the character, function, form and setting of, the settlement;
 - e) will not be prejudicial to highway safety or have a severe residual cumulative impact on network capacity;
 - f) has good access by sustainable modes of transport to relevant services and facilities and reflects the size of the settlement and the level of service provision within that settlement;
 - g) does not result in the loss of a settlement's or neighbourhood's valued facilities services unless it has been demonstrated that they are no longer viable; or
 - h) minimises vulnerability and provides resilience to impacts arising from climate change, including but not limited to, flooding;
 - i) where relevant, makes as much use as possible of previously developed (brownfield) land; and
 - j) where appropriate, it reflects priorities for urban regeneration.

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

Layout and Design

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

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

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

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

Locational Sustainability of the Site

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

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

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

Access and Traffic

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

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

Residential Amenity

110. Paragraph 174 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of air or noise pollution. Development should, wherever possible, help to improve local environmental conditions such as air quality and water quality. Paragraph 185 of the NPPF states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could

arise from the development. Paragraph 186 of the NPPF advises that planning decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement. Paragraph 187 of the NPPF advises that planning decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs).

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

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

Contamination and Coal Mining Risk

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

Flooding and Drainage

122. Part 14 of the NPPF directs Local Planning Authorities to guard against flooding and the damage it causes. Protection of the water environment is a material planning consideration and development proposals, including waste development, should ensure that new development does not harm the water environment. Paragraph 174 of the NPPF advises that planning decisions should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of water pollution. Development should, wherever possible, help to improve local environmental conditions such as water quality.
123. Paragraph 167 of the NPPF states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment it can be demonstrated that it incorporates sustainable

drainage systems, unless there is clear evidence that this would be inappropriate, and any residual risk can be safely managed.

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

Landscape

130. Paragraph 174 of the NPPF states that decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes in a manner commensurate with their statutory status or identified quality in the development plan.
131. CDP Policy 39 states that proposals for new development will be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the

landscape, or to important features or views. Proposals will be expected to incorporate appropriate measures to mitigate adverse landscape and visual effects. Development affecting Areas of Higher Landscape Value will only be permitted where it conserves, and where appropriate enhances, the special qualities of the landscape, unless the benefits of development in that location clearly outweigh the harm.

132. CDP Policy 40 states that proposals for new development will not be permitted that would result in the loss of, or damage to, trees of high landscape, amenity or biodiversity value unless the benefits of the proposal clearly outweigh the harm. Where development would involve the loss of ancient or veteran trees it will be refused unless there are wholly exceptional reasons, and a suitable compensation strategy exists. Proposals for new development will not be permitted that would result in the loss of hedges of high landscape, heritage, amenity or biodiversity value unless the benefits of the proposal clearly outweigh the harm. Proposals for new development will not be permitted that would result in the loss of, or damage to, woodland unless the benefits of the proposal clearly outweigh the impact and suitable replacement woodland planting, either within or beyond the site boundary, can be undertaken.
133. A pre-development tree survey has been provided in support of the application. The survey identifies trees on the site and considers those that need to be removed and sets out protection measures for those in proximity to areas to be developed or used for construction purposes. It is identified that 10 trees would need to be removed from the northern area of the site in order to facilitate the new car park but the remaining trees on site should not require removal. Mitigation measures for safe working to avoid damaging to trees and root protection areas is provided within the survey report. A tree protection plan has also been provided in support of the application.
134. Indicative landscaping plans have been provided to show hard and soft landscaping within the site, including playing fields, pathways and planting.
135. Landscape officers have considered the proposals and raised no objections. Conditions are recommended to confirm full details of hard and soft landscape proposals. Hard landscape details should include all enclosing elements, street furniture and street lighting locations. Details of external finishing materials should include finished levels, and all construction details confirming materials, colours, finishes and fixings. Officers have stated that the impact of the scheme on Durham Road is important, and the proposed feature wall could make a positive contribution to the local streetscape.
136. Soft landscaping details should include a detailed planting plan and specification of works indicating soil depths, plant species, numbers, densities, locations inter relationship of plants, stock size and type, grass, and planting methods including construction techniques for pits in hard surfacing and root barriers. Details of rabbit protection should be provided. All existing or proposed utility services that may influence proposed tree planting shall be indicated on the planting plan.
137. In support of the planting schedule, details of proposed soft landscape management should be provided. The soft landscape management plan shall include long term design objectives, management responsibilities and maintenance schedules for all landscape areas/ retained vegetation, other than small privately owned domestic garden. Landscape maintenance shall be detailed for the initial 5 year establishment from date of completion of the total scheme regardless of any phased development period followed by a long-term management plan for a period of 20 years.
138. The proposed development would result in the loss of some tree planting, but this would be mitigated through replacement planting across the site along with

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

Ecology

139. Paragraph 180 of the NPPF sets out the Government's commitment to halt the overall decline in biodiversity by minimising impacts and providing net gains where possible and stating that development should be refused if significant harm to biodiversity cannot be avoided, mitigated or, as a last resort, compensated for. CDP Policy 41 reflects this guidance by stating that proposals for new development will not be permitted if significant harm to biodiversity or geodiversity resulting from the development cannot be avoided, or appropriately mitigated, or, as a last resort, compensated for. CDP Policy 43 states that development proposals that would adversely impact upon nationally protected sites will only be permitted where the benefits clearly outweigh the impacts whilst adverse impacts upon locally designated sites will only be permitted where the benefits outweigh the adverse impacts.
140. The presence of protected species is a material consideration in planning decisions as they are a protected species under the Wildlife and Countryside Act 1981 and the European Union Habitats Directive and the Conservation of Habitats and Species Regulations 2017 (as amended). The Habitats Directive prohibits the deterioration, destruction or disturbance of breeding sites or resting places of protected species. Natural England has the statutory responsibility under the regulations to deal with any licence applications but there is also a duty on planning authorities when deciding whether to grant planning permission for a development which could harm a European Protected Species to apply three tests contained in the Regulations in order to determine whether a licence is likely to be granted. These state that the activity must be for imperative reasons of overriding public interest or for public health and safety, there must be no satisfactory alternative, and that the favourable conservation status of the species must be maintained. Brexit does not change the Council's responsibilities under the law.
141. A Preliminary Ecological Appraisal (PEA) and Biodiversity Metric Report have been provided with the application. The assessment provides a baseline study of the site including the proximity of designated sites, habitats and constraints within the site and includes a Phase 1 habitat survey. The PEA concludes that the largest habitat category was poor semi-improved grassland, which covers a large area of the southern section of the site, though the southern site boundary is covered with a mosaic of scrub, rank grassland, and tall ruderal vegetation. The northern area of the site is predominantly semi-improved grassland, though a small area of amenity grassland is present on the northern boundary, within which there is a small area of introduced shrub. The site's eastern boundary is lined with broadleaved trees with a species-poor native hedgerow also present in the eastern area of the site. Scattered trees are present along the sites southern and western boundaries. A small area of hardstanding is present in the north, and a building is present on the western boundary. None of these habitats are considered rare either locally or nationally. The scrub and treeline on site provide potential breeding and foraging habitat for a range of bird species as well as small mammals, whilst the grasslands on site may provide foraging opportunities for small mammals and therefore barn owl. The building hold negligible bat roost potential and the hard-standing bare ground holds negligible ecological value. Overall, the site is generally of limited ecological value due to the quality and size of the habitats present and the site's location, with some of the mature trees present holding the highest ecological value.

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

Recreational Amenity

145. Part 8 of the NPPF seeks to promote healthy communities with a key reference being towards the protection and enhancement of public rights of way and access. Paragraph 99 of the NPPF states that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless an assessment has been undertaken showing the facility to be surplus to requirements; the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.
146. CDP Policy 26 states that development proposals will not be permitted that would result in the loss of open space or harm to green infrastructure assets unless the benefits of the development clearly outweigh that loss or harm and an assessment has been undertaken which has clearly shown the open space or land to be surplus to requirements. Where valued open spaces or assets are affected, proposals must incorporate suitable mitigation and make appropriate provision of equivalent or greater value in a suitable location. Where appropriate there will be engagement with the local community.
147. The proposed development would provide a range of outdoor play spaces and pitches. Informal hard play areas would spread around the school building, formal hard play and a Multi Use Games Area would be located to the south of the building and a large area of informal soft play would be located in the southern area of the site. Soft landscaping around the site would provide space for a woodland classroom, den building and story telling areas and a woodland habitat area.
148. Sport England has been consulted on the application and have objected due to the reduction in available playing pitch space that was associated with the former Tudhoe Grange School. Sport England has commented that the proposed development would not meet any of the exception criteria set out in the Sport England Playing Field Policy.

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

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

Cultural Heritage

155. In assessing the proposed development regard must be had to the statutory duty imposed on the Local Planning Authority under the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character and appearance of a conservation area. In addition, the Planning (Listed Buildings and Conservation Areas) Act 1990 also imposes a statutory

duty that, when considering whether to grant planning permission for a development which affects a listed building or its setting, the decision maker shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. If harm is found this gives rise to a strong (but rebuttable) statutory presumption against the grant of planning permission. Any such harm must be given considerable importance and weight by the decision-maker.

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

Other Matters

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

Public Sector Equality Duty

163. Section 149 of the Equality Act 2010 requires public authorities when exercising their functions to have due regard to the need to i) the need to eliminate discrimination, harassment, victimisation and any other prohibited conduct, ii) advance equality of

opportunity between persons who share a relevant protected characteristic and persons who do not share it and iii) foster good relations between persons who share a relevant protected characteristic and persons who do not share that characteristic.

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

CONCLUSION

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

RECOMMENDATION

170. That the application is **APPROVED** subject to the following conditions:
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
 2. The Local Planning Authority shall be given at least seven days prior written notification of the date of commencement of the development

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

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

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

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

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

-Details of methods and means of noise reduction;

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

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

-Details of measures to prevent mud and other such material migrating onto the highway from construction vehicles;

-Designation, layout and design of construction access and egress points;

-Details for the provision of directional signage (on and off site);

-Details of contractors' compounds, materials storage and other storage arrangements, including cranes and plant, equipment and related temporary infrastructure;

-Details of provision for all site operations for the loading and unloading of plant, machinery and materials;

-Details of provision for all site operations, including visitors and construction vehicles for parking and turning within the site during the construction period;

-Routing agreements for construction traffic;

-Details of the erection and maintenance of security hoarding;

-Details of construction and decommissioning working hours;

-Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

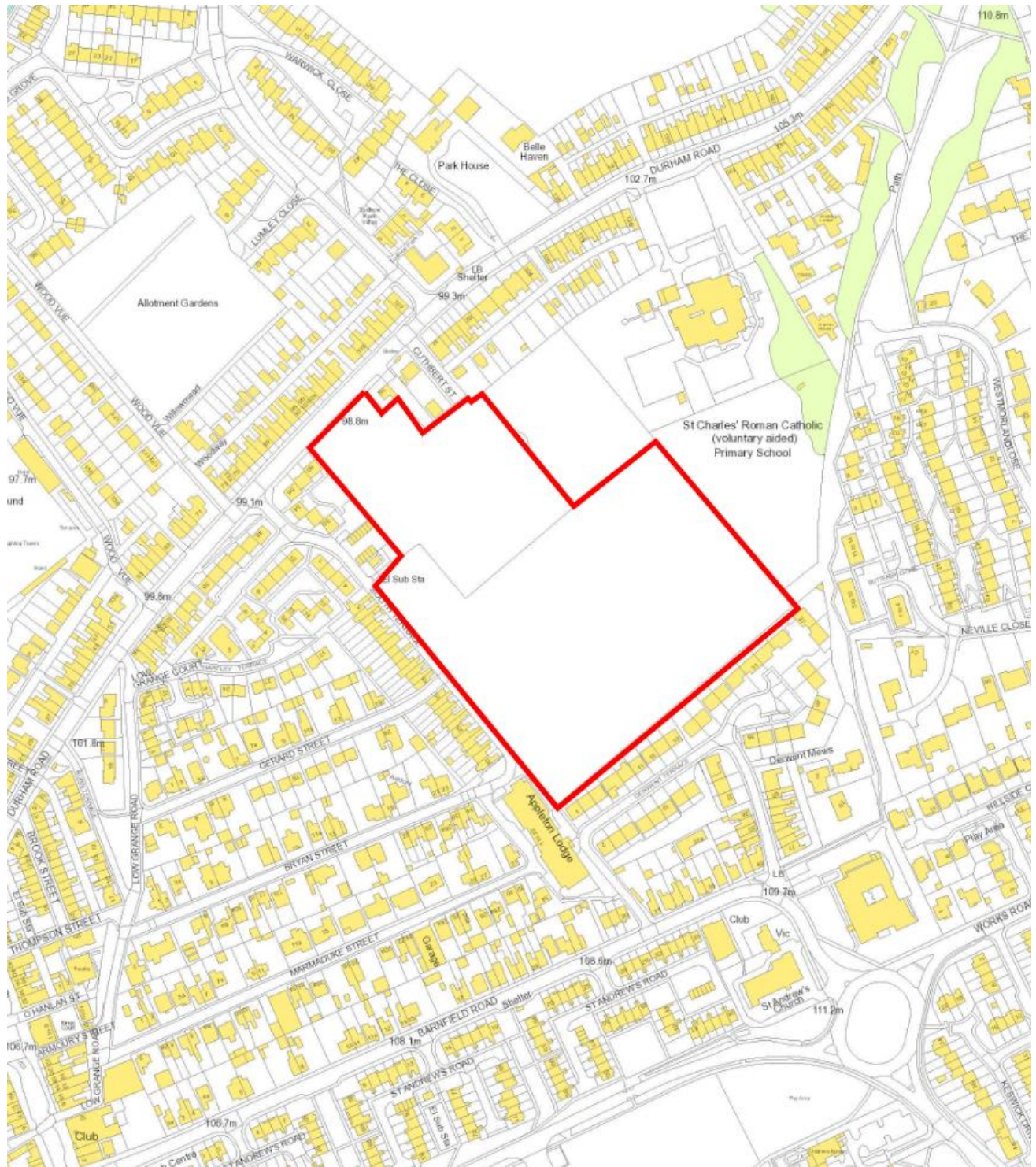
Reason: In the interests of residential amenity in accordance with County Durham Plan Policy 31 and Part 15 of the NPPF.

STATEMENT OF PROACTIVE ENGAGEMENT

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

BACKGROUND PAPERS

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



Planning Services

DM/21/04097/FPA

New 630 place Primary School at Site Of Former Tudhoe Grange Comprehensive School

Durham Road, Spennymoor

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Comments

Date May 2022

Scale Not to Scale