

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/21/04047/FPA
FULL APPLICATION DESCRIPTION:	Erection of 27 dwellings with associated infrastructure (revised description 16/05/2022)
NAME OF APPLICANT:	Lovell
ADDRESS:	Site of former J Mitchinson, Merrington Lane Industrial Estate, Spennymoor, DL16 7UT
ELECTORAL DIVISION:	Tudhoe
CASE OFFICER:	Laura Eden Senior Planning Officer 03000 263980 laura.eden@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site relates to the former Mitchinson site comprising a small parcel of land extending to approximately 0.7ha on the Merrington Lane Industrial Estate. It is located off Vyners Close in Spennymoor, lying on the southern edge of town and to the south of the A688 dual carriage way. It lies adjacent to a larger site known as the former Electrolux site which has outline planning permission for a mixed-use development comprising of up to 425 dwellings and commercial uses. The building that formerly occupied the site and associated hardstandings have recently been cleared as part of the wider restoration works to the former Electrolux site.
2. The surrounding area is within mixed usage. Whilst the adjacent site (immediately to the north and east) benefits from consent for housing and commercial uses, parts of Merrington Lane Industrial Estate have been retained with units lying to the south and Thorn and other units off Lindsay Walk to the east. Beyond that lies the Merrington Park housing development. There are some other residential properties location of the B6288 and C152 roundabout to the south west. To the north lies Daisy Fields recreation ground and allotment gardens with the underpass linking to the town centre beyond.
3. Two Public Rights of Way (PROW), Footpath 56 (Spennymoor) and Byway 58 (Spennymoor), lie within the vicinity of the site on the opposite site of the newly installed toucan crossing.
4. The site lies outside of any nationally or locally designated landscape, heritage or ecological areas. A structural planting belt lines the site's north western boundary with the B6288.

The Proposal

5. The application seeks full planning permission for the erection of 27 dwellings, an increase of 3no. units from the 24 originally proposed. The proposal includes a mix of 1 bedroomed apartments as well as 2 and 3 bedroomed houses including a 2.5 storey townhouse in a range of detached and semi-detached options. The materials palette includes facing brickwork, a tiled roof, anthracite grey UPVC windows and Golden Oak doors and garage doors. Boundary treatments are proposed to be a mixture of walls and timber fencing. All properties feature off-street parking and enclosed rear gardens.
6. Vehicular access into the site would be taken off Vyners Close via the new spine road and roundabout arrangement that would serve both this development and part of the Phase 1 reserved matters development.
7. Notwithstanding the scale of the development, the application is being reported to the County Planning Committee because of the site's relationship with the former Electrolux site which is of strategic significance.

PLANNING HISTORY

8. Prior approval was not required for the demolition of the Mitchinson office block and factory that formerly stood on the site (DM/20/0152/PND).
9. Outline planning permission was granted on the adjacent (former Electrolux) site in 2013 for a mixed-use development comprising of up to 425 dwellings and commercial uses including associated access and landscaping works (8/CMA/7/91). A number of subsequent s.96a (non-material amendment) and discharge of condition applications have since been approved allowing the development to be built out in a phased manner and agreeing various conditions including those relating to the recently installed toucan crossing, tree protection measures, addressing the coal mining legacy and land contamination issues.
10. A reserved matters application relating to Phase 1 of the development comprising of 100 dwellings is also pending consideration (DM/18/03075/RM). The developer's intention is to build the application site and Phase 1 out as one development.
11. Homes England has delivered a programme of site infrastructure works including various drainage, highways and utilities works in association with the earlier grant of permission for the Electrolux site (DM/19/01479/FPA). The current application site would be served via the now installed spine road for that development.

PLANNING POLICY

NATIONAL POLICY

12. A revised National Planning Policy Framework (NPPF) was published in July 2021 (with updates since). The overriding message continues to be that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways.
13. 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.

14. *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.
15. *NPPF Part 4 - Decision-making.* Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
16. *NPPF Part 5 - Delivering a Sufficient Supply of Homes.* To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
17. *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.
18. *NPPF Part 8 – Promoting healthy and safe communities.* The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. *Developments* should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
19. *NPPF Part 9 – Promoting sustainable transport.* Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
20. *NPPF Part 11 – Making effective use of land.* Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.
21. *NPPF Part 12 – Achieving well-designed places* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.

22. *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.
23. *NPPF Part 15 - Conserving and Enhancing the Natural Environment* - Conserving and enhancing the natural environment. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.
24. *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.
25. *NPPF Part 17 - Facilitating the Sustainable Use of Minerals* - It is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. Since minerals are a finite natural resource, and can only be worked where they are found, best use needs to be made of them to secure their long-term conservation.

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

26. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to; air quality; historic environment; design process and tools; determining a planning application; flood risk; healthy and safe communities; land stability; land affected by contamination; housing and economic development needs assessments; housing and economic land availability assessment; light pollution; natural environment; neighbourhood planning; noise; open space, sports and recreation facilities, public rights of way and local green space; planning obligations; travel plans, transport assessments and statements; use of planning conditions; viability; Tree Preservation Orders and trees in conservation areas and; water supply, wastewater and water quality.

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

LOCAL PLAN POLICY:

The County Durham Plan

27. *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.

28. *Policy 10 – Development in the Countryside.* Development in the countryside will not be permitted unless allowed for by specific policies in the Plan, relevant policies within an adopted neighbourhood plan relating to the application site or where the proposal relates to one or more of the following exceptions; economic development, infrastructure development or the development of existing buildings. New development in the countryside must accord with all other relevant development plan policies and general design principles.
29. *Policy 14 – Best and Most Versatile Agricultural Land and Soil Resources.* Development of the best and most versatile agricultural land, will be permitted where it is demonstrated that the benefits of the development outweigh the harm, taking into account economic and other benefits.
30. *Policy 15 - Addressing Housing Need.* Establishes the requirements for developments to provide on-site affordable housing, the circumstances when off-site affordable housing would be acceptable, the tenure mix of affordable housing, the requirements of developments to meet the needs of older people and people with disabilities and the circumstances in which the specialist housing will be supported.
31. *Policy 19 - Type and Mix of Housing.* Advises that on new housing developments the council will seek to secure an appropriate mix of dwelling types and sizes, taking account of existing imbalances in the housing stock, site characteristics, viability, economic and market considerations and the opportunity to facilitate self build or custom build schemes.
32. *Policy 21 - Delivering Sustainable Transport.* Requires all development to 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. Development should have regard to Parking and Accessibility Supplementary Planning Document.
33. *Policy 25 - Developer Contributions.* Advises that any mitigation necessary to make the development acceptable in planning terms will be secured through appropriate planning conditions or planning obligations. Planning conditions will be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Planning obligations must be directly related to the development and fairly and reasonably related in scale and kind to the development.
34. *Policy 26 – Green Infrastructure.* States that development will be expected to maintain and protect, and where appropriate improve, the County's green infrastructure network. Advice is provided on the circumstances in which existing green infrastructure may be lost to development, the requirements of new provision within development proposals and advice in regard to public rights of way.
35. *Policy 27 – Utilities, Telecommunications and Other Broadcast Infrastructure.* States amongst its advice that new residential and commercial development should be served

by a high speed broadband connection or appropriate infrastructure for future installation if direct connection is not appropriate, practical or economically viable.

36. *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).
37. *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 they 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 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.
38. *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.
39. *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. Amongst its advice, the policy advocates the use of SuDS and aims to protect the quality of water.
40. *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.
41. *Policy 39 – Landscape.* 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 impacts occur. Development affecting Areas of Higher landscape Value will only be permitted where it conserves and enhances the special qualities, unless the benefits of the development clearly outweigh its impacts.
42. *Policy 40 - Trees, Woodlands and Hedges.* 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 or provide suitable replacement planting. The loss or deterioration of ancient woodland will require wholly exceptional reasons and appropriate compensation.

43. *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 are biodiversity net gains. Proposals must protect geological features, have regard to Geodiversity Action Plans and the Durham Geodiversity Audit and where appropriate promote public access, appreciation and interpretation of geodiversity.
44. *Policy 43 - Protected Species and Nationally and Locally Protected Sites.* 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. 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.
45. *Policy 44 - Historic Environment.* 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. The policy advises on when harm or total loss of the significance of heritage assets can be accepted and the circumstances/levels of public benefit which must apply in those instances.
46. *Policy 56 Safeguarding Mineral Resources.* Sets out that planning permission will not be granted for non-mineral development that would lead to the sterilisation of mineral resources within a Mineral Safeguarding Area unless certain exception criteria apply.

NEIGHBOURHOOD PLAN:

47. There is no Neighbourhood Plan for this area.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

48. *Highway Authority* – Following the submission of revised plans, no highway objection is raised subject to the imposition of conditions and informatives.
49. *Drainage and Coastal Protection* – Whilst the drainage strategy has been agreed, the hydraulic calculations need to be submitted and verified. No objection is raised subject to a condition to secure these details.
50. *Coal Authority* –No objection.

INTERNAL CONSULTEE RESPONSES:

51. *Spatial Policy* – This site is a former employment site within the built-up area of Spennymoor; however, it is not allocated for housing within policy 4, or employment in policy 2 of the County Durham Plan (CDP). The site is a small parcel of land adjacent to a larger site which has outline permission for 425 units, with the first phase reserved matters application currently pending for 100 units. Both sites are proposed to be developed together to create an integrated scheme, with the reserved matters application having been amended to take account of this. In this context, it is considered that the site would satisfy the policy 6 criteria in principle, subject to matters of detail such as ensuring that the design, layout and density of the site accords with criterion d of Policy 6 as well as Policy 29 of the CDP and that highway safety and access issues in relation to criterion e are acceptable, and that the policy requirements set out above are delivered. A key consideration will be ensuring that the site integrates and connects well to the adjacent site. On mineral safeguarding grounds, no objection is raised on the grounds of Policy 56.
52. *Design and Conservation* – The overall layout and design has been amended to reflect the comments raised at the Council's internal Design Review process. No objection is raised on the grounds of heritage impact.
53. *Ecology* – The delivery of the bat and bird boxes should be included on the proposed site plans in order to give the Local Planning Authority confidence of their delivery.
54. *Environment, Health and Consumer Protection (Air Quality)* – Raise no objection subject to a Dust Management Plan being secured.
55. *Environment, Health and Consumer Protection (Pollution Control)* – Raise no objection subject to a condition being imposed to secure the scheme of noise mitigation measures.
56. *Environment, Health and Consumer Protection (Contaminated Land)* – Advise a conditional approach in relation to land contamination.
57. *Housing Delivery - Affordable Housing* provision should reflect the requirements of local residents in respect of property type, size and location. The area has a need for more 2 and 3 bedroomed units for affordable rent, alternative intermediate products could be considered in the area and there is high demand for bungalow accommodation. Where discount market sale is being considered as affordable home ownership the required percentage discount will need to be agreed with the Housing Development Team.
58. *Landscape* – Whilst the landscape strategy is agreed in principle the detailed landscape scheme should be agreed via condition.
59. *Landscape (Arboriculture)* – The proposals will require the removal of one tree and a short section of hedge, from the western boundary to accommodate a new link footpath. Any tree loss will be mitigated by a substantial replacement planting programme as identified on the landscape plan.
60. *School Places Manager* – It is considered that the development is likely to produce 9 primary pupils and 4 secondary pupils. Based on the projected rolls of the schools, taking into account the likely implementation of the development, build out rates and other relevant committed development there is anticipated to be sufficient space at both the local primary and secondary schools to accommodate the pupils generated by this development. No mitigation is required in this instance.

EXTERNAL CONSULTEE RESPONSES:

61. *Northumbrian Water Limited* – Recommend a conditional approach to secure the implementation of the approved drainage strategy.
62. *Police Architectural Liaison Officer* – Outline a series of recommendations from a Secured By Design perspective.
63. *County Durham Clinical Commissioning Group* – State that a contribution of £13,041 would be required to increase GP surgery capacity.

PUBLIC RESPONSES:

64. The application has been advertised by way of a press and site notice and individual notification letters to neighbouring residents. No letters of representation have been received in response.

The above is not intended to repeat every point made and represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at: <https://publicaccess.durham.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

APPLICANTS STATEMENT:

65. The Merrington Lane Industrial Estate, Spennymoor was once a thriving manufacturing hub for the County. However, since the closure of Electrolux and the Mitchinson Factory, (together with the relocation of Thorns lighting), Merrington Lane has become a focus for residential development to ensure the successful regeneration of a prominent brownfield site off the A688.
66. The Mitchinson site was not part of the original outline planning permission at Electrolux (October 2013), however since the closure of the Mitchinson Factory it is logical that the site can be brought forward seamlessly with the adjoining Electrolux site to ensure a fully resolved comprehensive development.
67. Homes England's design input and understanding of the wider regeneration site has assisted Lovell Homes in arriving at a proposal which maximises design quality and place making outcomes. Following the Council's own Design Review feedback, further revisions have also been made to the layout to ensure that the highest possible design quality can be achieved which will in turn result in safe and healthy communities.
68. The layout is designed around a large swathe of public open space which is central to the site. This provides a green spine which is framed by landscaping and planting to support biodiversity and healthy movements. The use of Sustainable Urban Drainage has been comprehensively designed to ensure there is no flood risk to residents or will increase the risk of flooding elsewhere on the site.
69. The Mitchinson site will also help to ensure that the identified housing needs can be met, including those for general market, affordable housing and homes which are suitable for the needs of older people. The site ensures pedestrian and cyclist connectivity by linking to the toucan crossing point which affords easy access to Spennymoor town centre.
70. The planning application is policy compliant against the development plan and we would respectfully encourage planning committee to approve this application with the conditions to ensure that a comprehensive design solution can be achieved on the wider former Electrolux site.

PLANNING CONSIDERATIONS AND ASSESSMENT

71. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that if regard is to be had to the development plan, decisions should be made in accordance with the development plan unless material considerations indicate otherwise. In accordance with advice within the National Planning Policy Framework (NPPF), the policies contained therein are material considerations that should be taken into account in decision making. Other material considerations include representations received. In this context, it is considered that the main planning issues in this instance relate to: the principle of the development, locational sustainability of the site, highway safety and access, landscape and visual impact, layout and design, heritage and archaeology, residential amenity, ecology, flooding and drainage, infrastructure and public open space, addressing housing need, contamination and land stability, developer contributions, other considerations and public sector equality duty.

The Principle of the Development

The Development Plan

72. 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.
73. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means:-
- c) approving development proposals that accord with an up to date development plan without delay; or
 - d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or,
 - ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
74. The application site is located on the southern edge of Spennymoor on land to the south of Vyners Close. It forms a small parcel of land adjacent to a larger site which has outline planning permission for a mixed-use development comprising of up to 425 dwellings and commercial uses. Whilst it is a former employment site, it is not allocated as such under Policy 2 of the CDP nor is it a site that is allocated for housing within Policy 4. Development of housing on unallocated sites should be assessed and determined against Policy 6 of the CDP.
75. Policy 6 of the CDP sets out the following criteria. The development of sites which are not allocated in the Plan or in a Neighbourhood Plan which are either (i) within the built-

up area; or (ii) outside the built-up area (except where a settlement boundary has been defined in a neighbourhood plan) but well-related to a settlement, will be permitted provided the proposal accords with all relevant development plan policies and:

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

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

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

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

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

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

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

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

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

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

76. As the application site is located within the built-up area of Spennymoor, CDP Policy 10 relating to development in the countryside is not applicable.

77. Both this site and the pending Phase 1 reserved matters application are intended to be developed together to create an integrated scheme. It is considered that the development of the application site would not be in conflict with Policy 6 being within the built up area of Spennymoor, it would be compatible with permitted uses of adjacent land (criteria a) and makes use of previously development land (criteria j). 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.

Housing Land Supply

78. Paragraph 73 of the NPPF maintains the requirement for Local Planning Authorities (LPAs) to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old.

79. It was established under the adoption of the CDP that the Council can demonstrate in excess of 5 years housing land supply (6.3 years). The CDP was adopted in October

2020 and therefore, in accordance with paragraph 74 of the NPPF, a five year supply of deliverable housing sites, with the appropriate buffer can be demonstrated.

Locational Sustainability of the Site

80. 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.
81. The County Durham Settlement Study 2018 is an evidence-based document which seeks to provide an understanding of the number and range of services available within the settlements of County Durham. The site lies in Spennymoor Cluster comprising of three named areas (Middlestone Moor, Spennymoor and Tudhoe). The Spennymoor Cluster is ranked 9th within the County based on the services and facility within the area and is, therefore, considered capable of accommodating appropriate housing growth.
82. However, although the Spennymoor Cluster is, in general, considered to be served by an appropriate range of services and amenities, consideration is required to be given as to the ability of future occupiers to access these.
83. In relation to distances to services and amenities, the site (at its closest point) lies within approximately 0.3km of employment opportunities and 0.7km of Spennymoor town centre boundary which contains an array of amenities and services including shopping, leisure facilities and health centres. North Park Primary School lies within 1.1km of the site and 1.6km of Whitworth Park School (secondary). In terms of distances to services and amenities, these are generally considered acceptable as set out in the Chartered Institute of Highways and Transportation (CIHT) documents including 'Guidelines for Providing for Journeys on Foot' and 'Planning for Walking', The Department for Transport's 'Manual for Streets', along with work undertaken by independent consultants. In general, a walking distance of 1650-2000m or a 20-minute walk is considered at the upper end of what future residents could be expected to walk, taking into account topography and desirability of routes. The toucan crossing has been installed making it easier and safer to cross Vyners Close and funding has been secured from other housing developments to secure improvements (lighting and CCTV) to the (A688) underpass. These factors are likely to encourage future residents to access these facilities on foot. In terms of cycle access, the site performs well, with services in the town centre within a short cycle ride.
84. Two Public Rights of Way (PROW) lie within the vicinity of the site, on the opposite site of the newly installed toucan crossing. Footpath 56 (Spennymoor) heads north, connecting to the underpass and the town centre beyond. Byway 58 (Spennymoor)

provided connections to the west. Neither would be directly impacted upon by the proposals.

85. The closest bus stop to the development is located outside Asda (within the town centre) approximately 825m from the nearest part of the site boundary. The entire site would therefore lie outside the recommended 400m walking distance criteria to bus stops. The services that operate from this stop are relatively infrequent with hourly stops typically Monday to Friday (one service operates on a Saturday) which do not run into the evening or weekends. Excellent bus services (frequent service including evenings and weekends) do however operate from Cheapside (approximately 990m from the site boundary) therefore only marginally further away. The Institution of Highways and Transportation (CIHT) "Providing for Journeys" document contains suggested acceptable walking distances for pedestrians to access facilities and services. In terms of access to bus routes, a walk of up to 400m falls within the 'desirable' range whereas a walk of 800m falls within the 'acceptable' range. Future residents would therefore have the option to access bus routes closer to their homes (albeit with more limited services) or could choose to walk a little further (within what is considered to be an acceptable walking range) to access a much wider range of services. Furthermore, money has been secured from a nearby development to improve the underpass which links the development site to the town centre and a toucan crossing has been installed on Vyners Close which should result in a more feasible and desirable walking route to the aforementioned bus stops. The proposed development (being just 27 units) is not of a scale whereby a new bus route could be justified given the cost of implementing a new service and the significant costs already incurred by Homes England remediating the site. Furthermore, it is similar situation for all the new developments that lie to the south of the A688 bypass given no bus service currently operates along Vyners Close.
86. Overall, it is considered that the site has access to an array of services and facilities, to serve the development proposed and that these are within relatively easy reach of the site. Whilst access to established bus services lie outside the recommended walking distances, there are no opportunities to improve this given the site's constraints. Overall, walking and cycle routes would give future residents alternative options to the private motor car to access services when taken in the round, and subsequently no objections are raised having regards to the locational sustainability of the site.
87. In conclusion, the development would promote accessibility by a range of methods in accordance with Policies 6 criterion f, 21, 26 and 29 of the CDP and Paragraphs 98, 103, 108 and 110 of the NPPF.

Highway Safety and Access

88. Policy 6 (criteria e) of the CDP outlines that development should not be prejudicial to highway safety or have a severe cumulative impact on network capacity. Policy 21 reiterates the requirement of Policy 6 in addition to expecting developments to deliver well designed pedestrian routes and sufficient cycle and car parking provision. Similarly, Policy 29 advocates that convenient access is made for all users of the development together with connections to existing cycle and pedestrian routes. Specifically, the NPPF sets out at Paragraph 110 that safe and suitable access should be achieved for all people. In addition, Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
89. Homes England has delivered a programme of site infrastructure works including various drainage, highways and utilities works (see application DM/19/01479/FPA) in association with the earlier grant of permission for the Electrolux site. In relation to

highways specifically, this includes the now completed main 6.75m wide local distributor road route through the site, including the two roundabouts. The current application site, including a portion of the Phase 1 reserved matters development site, would be accessed from the western internal roundabout.

90. Internally, the scheme has been amended to address areas of concerns initially raised by the Highway's Authority. The main access road into the site has been widened to 5.5m including amendments to the existing roundabout leg, tracking information has been provided to demonstrate the proposed layout works, redundant vehicular access and footway links are to be removed, parking provision and distribution is now considered to be appropriate as too are footpath connections. In the event of an approval, a condition to secure the estate roads being designed and constructed to meet current highway standards, the delivery of new connections and the removal others in addition to two informatives relating to the creation of a 20mph speed limit controlled by a Traffic Regulation Order and entering into an adoption agreement would be required.
91. Overall, the highway impacts of the proposed development are considered to be acceptable and in accordance with Policies 6, 21 and 29 of the CDP as well as Part 9 of the NPPF.

Landscape and Visual Impact

92. Policy 39 of the CDP states 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 would be expected to incorporate appropriate measures to mitigate adverse landscape and visual effects. These are similar requirements to those outlined at Policy 6 of the CDP. Policy 26 of the CDP outlines developments are expected to provide new green infrastructure and ensure provision for its long-term management and maintenance. Similar requirements are outlined in Policy 29. Policy 40 of the CDP seeks to avoid the loss of existing trees and hedgerows unless suitable replacement planting is provided. Parts 12 and 15 of the NPPF promotes good design and sets out that the planning system should contribute to and enhance the natural and local environment by (amongst other things) recognising the intrinsic character and beauty of the countryside. Paragraph 131 of the NPPF sets out that planning decisions should ensure that new streets are tree-lined.
93. The site doesn't lie in an area covered by any national or local landscape designations. Trees within the site are not covered by a Tree Preservation Order (TPO). Externally the development is well screened given the structural planting along the site's boundary with the B6288 Vyners Close although the site can clearly be viewed from the existing vehicular access point.
94. The revised landscape strategy plan now reflects the advice given by Landscape Officers and as part of the wider Design Review process. There is a strong avenue of trees that runs along the site's frontage with the spine road which seeks to tie in with the approach taken on the Electrolux site. Internally, there are tree lined streets sat within small pockets of open space which helps create attractive pedestrian linkages through the site, breaks up the rear parking areas and helps form social spaces. The finer details of the landscaping scheme need to be agreed therefore a conditional approach is proposed.
95. The proposed layout retains the majority of existing landscape features. Any loss to landscape features is considered minimal and would be more than compensated for by the additional tree and hedge planting. A condition would be required to ensure existing

features are suitably protected during the construction phase. Any trees to be lost would be compensated for by additional tree planting.

96. It has been advised that a private management company would be used to manage and maintain the areas of open space within the development funded by future residents paying an annual service charge. Conditions can secure the details of the future management and maintenance arrangements.
97. Neither the Council's Landscape Officer or Arboriculturist raise any objections to the proposals. The proposals comply with Policies 6, 26, 29, 39 and 40 of the CDP and Parts 12 or 15 of the NPPF.

Layout and Design

98. Policy 29 of the CDP 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.
99. In recognition of national planning advice and to achieve high quality housing developments DCC has adopted an in-house review process to assess schemes against the Building for Life 12 (BfL 12) Standards. The Building for Life Supplementary Planning Document (2019) (BfL SPD) formalises the review process and establishes the guidelines and standards for its operation and is linked to the Sustainable Design Policy (29) in the CDP. The scheme was considered against the BfL standard through a series of 12 questions. The scoring is based on a traffic light system with the aim of the proposed new development to secure as many "greens" as possible, minimise the number of "ambers" and avoid "reds". The more "greens" achieved the better the development will be, "ambers" are usually concerns that can be raised to "green" with revisions, whereas a "red" gives a warning that a particular aspect needs strong reconsideration. Following amendments to the scheme, it achieved 12 ambers thereby addressing all earlier red scores. Since this final assessment, further amendments have been made to address the limited areas of concern and conditions will be imposed to further improve other areas.
100. The development is considered to represent good design and the scheme has been significantly improved since it was first submitted. In response to earlier feedback, properties appropriately front the main spine road/boulevard, rear parking has been successfully integrated within the development, corner turners have been successfully introduced to add to the streetscape and provide informal surveillance of shared spaces and attractive linkages through the development have been created. Conditions are recommended to secure materials and boundary enclosure details.
101. The Council's Design and Conservation Officer raises no objection to the development. The overall design and layout of the development would be compliant with Policies 6 (criterion d) and 29 of the CDP and Part 12 of the NPPF in this respect.

Heritage and Archaeology

102. Policy 44 of the CDP sets out development will be expected to sustain the significance of designated and non-designated heritage assets, including any contribution made by their setting. Development proposals should contribute positively to the built and historic

environment and should seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets whilst improving access where appropriate. The NPPF advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

103. The Planning (Listed Buildings and Conservation Areas) Act 1990 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. Any such harm must be given considerable importance and weight by the decision-maker. Under the Act, special attention to the desirability of preserving or enhancing the character and appearance of a conservation area must be equally considered.
104. There are no designated or non-designated heritage assets within close proximity of the development site. Kirk Merrington Conservation Area, containing a number of Grade II and II* listed buildings, is located approximately 1.6km to the south. The nearest listed building to the site is the Grade II Church of St. Andrew, 1km to the north of the site. It is considered that there would be no intervisibility between the site and surrounding heritage assets due to the distances involved, the intervening buildings, topography and landscaping. It is therefore considered that the proposal would have no adverse impact on heritage assets within the vicinity of the site and would not impact upon the setting of the nearby conservation area, in accordance with Policy 44 of the CDP and Part 16 of the NPPF. Design and Conservation Officers raise no objection to the scheme on these grounds.
105. The Council's Archaeologist has confirmed that no objection is raised and no further work is required. The proposal is therefore considered to comply Paragraph 189 of the NPPF. comply with Policy 44 of the CDP and Part 16 of the NPPF.

Residential Amenity

106. Policies 29 and 31 of the CDP outline that developments should provide high standards of amenity and privacy, minimise the impact of development upon the occupants of existing adjacent and nearby properties and not lead to unacceptable levels of pollution. A Residential Amenity Standards Supplementary Planning Document (SPD) has been adopted by the Council. Parts 12 and 15 of the NPPF require that a good standard of amenity for existing and future users be ensured, whilst seeking to prevent both new and existing development from contributing to, or being put at unacceptable risk from, unacceptable levels of pollution.
107. Guidance within the SPD advocates separation distances of 21m between facing principal elevations and 18m between bungalows, 13m between principal and two storey gable elevations and 10m to a single storey. The length of gardens will generally be dictated by the minimum distancing standards but should be no less than 9 metres unless site specific circumstances allow for a reduction in size. The layout demonstrates that minimum separation distances between proposed properties and existing dwellings would be achieved. Internal arrangements are also considered to provide an adequate level of amenity although it is acknowledged that on some occasions where they fall slightly short of the required standards. As an example, there are instances where front to front distances fall slightly short (there is approximately 18m between the facing elevations of plots 33 and 55) as does a back to gable arrangements (there is

approximately 11.7 between the rear elevation of plot 34 and the gable of plot 37). Garden lengths are generally acceptable however fall short of the recommended 9m on a couple of occasions. Whilst disappointing, it is not considered that arrangements fall short to an unacceptable degree and are such that the privacy and amenity of existing and prospective occupiers is considered to be safeguarded in this instance. Overall, it is considered that the layout arrangements are acceptable, provide adequate levels of private amenity space and would not lead to any unacceptable impacts with regards to loss of light, overshadowing, loss of privacy or overbearing impact in accordance with the requirements of Policies 6, 29 and 31 of the CDP and Parts 12 and 15 of the NPPF.

108. Some of the proposed housing would be in close proximity to Vyners Close and retained units within the wider industrial estate, therefore, the noise arising from this and the impact to future occupants needs to be considered. The submitted noise assessment advises that acceptable noise levels can be achieved through installing close boarded fencing and additional glazing specification to properties to ensure adequate internal noise levels. Environment, Health and Consumer Protection (Nuisance) Officers advise a conditional approach to secure the proposed noise mitigation scheme. Subject to this condition being imposed it is not considered that there would be any unacceptable noise impacts upon dwelling from either the adjacent road or industrial estate. As residential development has already been consented in closer proximity to existing industrial units it is not considered that this particular development would result in any unacceptable constraints on those operators.
109. There is the potential for disturbance during the construction period, therefore, a construction management plan (CMP) should be secured to deal with construction related impacts. Subject to the imposition of such a condition and one controlling hours of working, construction related impacts could be adequately mitigated.
110. The site is not within or adjacent to an Air Quality Management Area (AQMA) and it is not considered that the development would have any significant effect on air quality. With respect to the construction phase of the development, a dust action management plan be secured by condition. Environment, Health and Consumer Protection raise no objection to the scheme. On balance, it is not considered there would be an adverse impact on the environment having regard to Policy 31 of the CDP and Paragraph 186 of the NPPF.
111. The development would not lead to a significant reduction in residential amenity for existing or future residents, subject to appropriate conditions. Overall, the scheme would comply with Policies 29 and 31 of the CDP and Parts 12 and 15 of the NPPF.

Ecology

112. Policies 26, 35, 41 and 43 of the CDP seek to secure net gains for biodiversity and coherent ecological networks. Policy 43 relates to protected species and nationally and locally protected sites. Part 15 of the NPPF seeks to ensure that developments protect and mitigate harm to biodiversity interests, and where possible, improve them. 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.

113. An Ecological Appraisal has been submitted in support of the proposal. It notes no statutory designated sites falls within 2km of the site boundary. A non-statutory site lies within the vicinity of the development this being North Close Marsh Local Wildlife Site (LWS) (0.35km to the SW). The habitats on site are poor for nesting birds however some birds may nest in the trees adjacent to the site. In relation to bats, habitats are considered poor as there are no roosting opportunities however, they may occasionally forage around the trees that are adjacent to the site. There are no ponds on site and ones in the area are poorly connected to the site so have been ruled out of the assessment with regards to great crested newt. No badger activity was recorded within the site.
114. The report outlines the potential impacts of the development to both habitats and species as well as a series of recommendations to minimise these. The mitigation measures can be secured via condition. No interference with protected species is identified as a result of the development. A European Protected Species Licence is therefore not considered to be required and there is no need to apply the degradation tests of the Habitats Directive brought into effect by the Conservation of Habitats and Species Regulations 2017 and the Council's Ecologist is satisfied with the submitted assessment.
115. The delivery of a landscaping scheme will include the creation and enhancement of habitats that will benefit biodiversity. A minimum of 8 integrated bat boxes, 6 integrated bird boxes for swifts and 8 nest boxes to be erected on retained trees around the site boundary would also be secured. Overall, this would achieve net gains in accordance with CDP Policy 26 and 41 requirements and Paragraph 174 of the NPPF.
116. Overall and subject to the imposition of conditions to secure the mitigation strategy, a low level lighting scheme and the delivery of the bat and bird boxes the proposal would comply with Policies 26, 35, 41 and 43 of the CDP and Part 15 of the NPPF. The Council's Ecologist offers no objection to the scheme on this basis.

Flooding and Drainage

117. 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.
118. The application is accompanied by a Flood Risk Assessment (FRA) and Drainage Strategy which highlights that the application site is within Flood Zone 1 with a low flood risk probability. The drainage strategy for the overall site including Phase 1 of the Electrolux site includes the incorporation of Sustainable Urban Drainage (SUD's) including permeable paving, roadside swale and a detention basin to treat and attenuate surface water runoff. Drainage and Coastal Protection Officers advise that this approach

would be in compliance complies with National Standards and Council Policies in providing sustainable surface water management solutions and ensuring the prevention of flood risk to and from the proposed development. As the hydraulic calculations have not yet been verified a conditional approach is recommended.

119. In relation to foul water, it is proposed to connect to the existing sewerage network, to which Northumbrian Water raise no objections subject to the imposition of a condition.
120. On this basis no objections to the development on the grounds of flood risk or drainage are raised having regards to Policies 35 and 36 of the CDP and Part 14 of the NPPF.

Infrastructure and Open Space Provision

121. It is important to ensure that development proposals contribute to improvements in infrastructure capacity to mitigate for the additional demands that new development creates. By securing financial contributions through planning obligations, developers would help fund the physical, social and environmental infrastructure that is needed to make development acceptable and ensure that the development mitigates its impact upon existing infrastructure. Policy 25 of the CDP supports securing developer contributions where mitigation is necessary to make the development acceptable in planning terms including for social infrastructure such as education and health facilities. Paragraphs 55-58 of the NPPF explain the circumstances when it is appropriate for planning obligations to be used to mitigate the impacts of the development.
122. Policy 26 of the CDP outlines that new residential developments will be required to make provision for open space to meet the needs of future residents having regard to the standards of open space provision set out in the Open Space Needs Assessment (OSNA). Where it is determined that on-site provision is not appropriate, the Council will require financial contributions to be secured through planning obligations towards the provision of new open space, or the improvement of existing open space elsewhere in the locality. Paragraph 98 of the NPPF highlights that access to a network of high-quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities. Paragraph 130 requires amongst its advice that developments function well and optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space).
123. The Council's Open Space Needs Assessment (OSNA) 2018 is considered the most up to date assessment of need. It identifies the five typologies (allotments; amenity/natural greenspace; parks, sports and recreation grounds; play space (children) and play space (youth)), sets out requirements for public open space on a population pro rata basis and whether provision should be either within the site, or through a financial contribution towards offsite provision, in lieu taking into consideration factors such as the scale of the development, existing provision within suitable walking distances and the level of contribution sought.
124. Given the scale of the development, only amenity/natural greenspace would be provided for on-site. A contribution of £43,930 would be required for off-site provision in lieu of those typologies not provided for onsite (allotments, parks/recreational grounds, children's and youth play space) and would be secured by a S106 agreement. Having regard to the OSNA, the availability and the proximity of existing facilities to the development this is considered to acceptable and in accordance with the Council's standard approach. This would satisfy the OSNA requirements, Policy 26 of the CDP and Paragraph 98 of the NPPF with regards to the provision of public open space.

125. Paragraph 95 of NPPF confirms that the government places great importance to ensure that sufficient choice of school places is available to meet the needs of existing and new communities. The School Places Manager has advised that the proposed development is likely to generate an additional 9 primary age school pupils and 4 secondary age school pupils. Based on the projected rolls of the schools, taking into account the likely implementation of the development, build out rates and other relevant committed development there is anticipated to be sufficient space at both the local primary and secondary schools to accommodate the pupils generated by this development. No mitigation is required in this instance.
126. The County Durham Clinical Commissioning Group (CD CCG) advise that local GP practices are at full capacity with regards to space requirements to deliver services to their patient list size. A contribution of £13,041 is requested to support creating extra capacity for them to provide appropriate services to patients and to make the proposed housing expansion supportable from a health infrastructure perspective and this is proposed to be secured by a S106 payment.

Addressing Housing Need

127. Part 5 of the NPPF is clear that developments should help to address housing needs. Policy 15 of the CDP states that affordable housing will be sought on sites of 10 or more units, for up to 25% of units in the highest value areas to 10% in the lowest. On sites of 10 or more units, 10% of the homes provided should be for affordable home ownership (starter homes, discount market sale housing and other affordable routes to home ownership). Any contribution above 10% should be provided as affordable housing for rent in order to meet the requirements of Policy of the CDP.
128. The site falls within a medium value area, meaning this development would be required to deliver 15% affordable housing in the form of affordable home ownership (3 no.) and affordable rent (2 no.). The scheme however intends to deliver 14no. affordable homes therefore over and above the 15% policy requirement. Only the 4no. units would be secured in perpetuity through a planning obligation under S106 of the Town and County Planning Act 1990 (as amended) thereby meeting the requirements of Policy 15 of the CDP and Paragraph 65 of the NPPF. The remaining units would be delivered with funding from Homes England. Whilst the application proposes 52% affordable housing delivery, full weight can only be attributed to the 15% that would be secured via the S106 agreement.
129. Policy 15 of the CDP also requires that on sites of 10 or more units, a minimum of 10% of the units should be designed so as to increase the housing options for older persons and people with disabilities comprising of level access flats and bungalows or housing products which can be shown to meet the specific needs of a multi-generational family. There are 3 no. level access apartments which would fulfil this requirement. The policy also requires that 66% of dwellings should be built to Building Regulations Requirement M4(2) (accessible and adaptable dwellings) standard unless site specific factors indicate otherwise. The developer has indicated that they would meet this requirement and a condition is proposed to ensure that this is achieved. All new residential development will be required to comply with the Nationally Described Space Standards (NDSS). All properties within the development would meet the requirements.
130. Policy 19 requires an appropriate mix of dwellings, types and sizes. Paragraph 61 of the NPPF states that the size, type and tenure of housing needed for different groups in the community should be assessed. In terms of housing mix, the development would provide a range of 1, 2 and 3 bed roomed units including detached, semi-detached houses and townhouses as well as apartment options therefore in compliance with Policy 19 of the CDP and Part 5 of the NPPF.

131. Overall, the scheme meets the identified housing needs of the County in accordance with the requirements of Policy 15 of the CDP and Part 5 of the NPPF.

Contamination and Land Stability

132. Policy 32 of the CDP requires sites to be suitable for use taking into account contamination and unstable land issues. Paragraph 183 of the NPPF requires sites to be suitable for their proposed use taking account of ground conditions and any risks arising from land instability and contamination.

133. Given the sensitive end use of the site, a Phase 2 Geo-Environmental site investigation report has been submitted in support of the application considering the issue of land contamination. Environmental Health Officers have considered this report, concluding that conditions to secure Phase 3 works (remediation works) and 4 (verification) reports in addition to an informative relating to unforeseen contamination would be required to ensure that the site is suitable for its intended use taking account of any risks arising from contamination. The proposal would therefore accord with Policy 32 of the CDP and Paragraph 183 of the NPPF.

134. Paragraph 174 of the NPPF sets out that unstable land should be remediated and mitigated where appropriate. The application site lies within the coal mining high risk area with Coal Authority records indicating parts of the site lie within an area where shallow coal mining has taken place. The application is supported by a report which aim to provide an assessment of the coal mining affects within the site including the results of intrusive investigations. The reports concludes that the potential effects to the proposed development from the mining of the coal seams beneath the site is low and as such they are satisfied that no further investigation or remedial measures are required. The Coal Authority therefore raises no objection to the development. The site is considered to be safe, stable and suitable for its proposed used thereby meeting the requirements of Policy 32 of the CDP and Part 15 of the NPPF.

Developer Contributions

135. Policy 25 of the CDP, Paragraph 57 of the NPPF and Paragraph 122 of The Community Infrastructure Levy Regulations 2010 set out three planning tests which must be met in order for weight to be given to a planning obligation. These being that matters specified are necessary to make the development acceptable in planning terms, are directly related to the development, and are fairly and reasonably related in scale and kind to the development. The following obligations are considered to meet these tests and have been sought from the developer to mitigate the impacts of the development and to meet an identified affordable housing need in the County and would be secured through a planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended):

- £43,930 towards improving offsite open space and recreational provision within Tudhoe Electoral Division;
- £13,041 to increase GP surgery capacity;
- provision of 15% affordable housing units on site comprising of 3no. units for affordable home ownership and 2no. unit for affordable rent.

Other Considerations

136. Policy 29 of the CDP sets out that major new build residential development should achieve CO₂ reductions. Part 14 of the NPPF advises that the planning system should

support the transition to a low carbon future. A condition would be imposed to secure this.

137. Policy 14 of the CDP relating to best and most versatile agricultural land and soil resources is not applicable to this application given it relates to previously developed land.
138. The site lies within a Mineral Safeguarding Area due to it lying within a coal resource area. Policy 56 of the CDP states that planning permission will not be granted for non-mineral development that would lead to the sterilisation of mineral resources within such areas unless specific criteria apply. For criteria a) of the Policy to be met, applicants should demonstrate to the satisfaction of the local planning authority that the mineral in the location concerned is no longer of any current or potential value as it does not represent an economically viable and therefore exploitable resource. The Council's Spatial Policy team, having reviewed the Minerals Assessment, considers that in overall terms the remaining coal resource underlying the site would not be economic to extract. Furthermore, the site is small which restricts opportunities for prior extraction and nearby residential properties would also represent a constraint. On this basis, no objection is raised on the grounds of either Policy 56 of the CDP or Part 17 of the NPPF.
139. Policy 27 of the CDP outlines that new residential development should be served by a high-speed broadband connection. Part 10 of the NPPF also has similar aims. The developer has confirmed that the site will be served by fibre broadband and a condition can be imposed to secure this.

Public Sector Equality Duty

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

CONCLUSION

141. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. 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).
142. Whilst it is a former employment site, it is not allocated as such under Policy 2 of the CDP nor is it a site that is allocated for housing within Policy 4. Policy 6 of the CDP does however permit development on unallocated sites on the basis that specific criteria are met. Through the course of this report, the overall acceptability of the scheme or otherwise has been considered taking account all of the issues and consideration of applicable policies.
143. It is considered that the development of the application site would not be in conflict with Policy 6 as it lies within the built up area of Spennymoor, it represents a more

compatible use of land (housing compared to the former industrial use) to the adjacent site which benefits from consent for a mixed used residential and commercial development, it makes use of previously developed land, it is acceptably designed and would not be prejudicial to highway safety or have a severe residual cumulative impact on network capacity. Whilst access to established bus services lie outside the recommended walking distances there are no opportunities to improve this given the site's constraints. Overall, walking and cycle routes would give future residents alternative options to the private motor car to access services and taken in the round, no objections are raised having regards to the locational sustainability of the site.

144. The development would assist in maintaining housing land supply including the provision of affordable housing and older person accommodation whilst acknowledging that the Council can demonstrate in excess of 6 years housing land supply against an objectively assessed need. Accordingly, the weight to be afforded to the boost to housing supply as a benefit of the development is reduced.

145. On balance, it is considered that proposals are acceptable, and the application is recommended for approval.

RECOMMENDATION

That the application be **APPROVED** subject to the completion of a S106 Legal Agreement to secure the following:

- £43,930 towards improving offsite open space and recreational provision within Tudhoe Electoral Division;
- £13,041 to increase GP surgery capacity;
- provision of 15% affordable housing units on site comprising of 3no. units for affordable home ownership and 2no. unit for affordable rent.

And 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 development hereby approved shall be carried out in strict accordance with the approved plans listed in Part 3 - Approved Plans.

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies 6, 15, 19, 21, 29, 31, 35, 36, 39, 40, 41 and 44 of the County Durham Plan and Parts 1, 2, 4, 5, 6, 8, 9, 11, 12, 14, 15 and 16 of the National Planning Policy Framework.

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

1. A Dust Action Plan including measures to control the emission of dust and dirt during construction.

2. Details of methods and means of noise reduction/suppression.

3. Where construction involves penetrative piling, details of methods for piling of foundations including measures to suppress any associated noise and vibration.
4. Details of measures to prevent mud and other such material migrating onto the highway from all vehicles entering and leaving the site.
5. Designation, layout and design of construction access and egress points.
6. Details for the provision of directional signage (on and off site).
7. Details of contractors' compounds, materials storage and other storage arrangements, including cranes and plant, equipment and related temporary infrastructure.
8. Details of provision for all site operatives for the loading and unloading of plant, machinery and materials.
9. Details of provision for all site operatives, including visitors and construction vehicles for parking and turning within the site during the construction period.
10. A Construction Traffic Management Plan, including routing agreements for construction traffic and site staff parking.
11. Details of the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.
12. Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works.
13. Management measures for the control of pest species as a result of demolition and/or construction works.
14. Detail of measures for liaison with the local community and procedures to deal with any complaints received.

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

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

Reason: To protect the residential amenity of existing and future residents from the development in accordance with Policy 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework. Required to be pre commencement to ensure that the whole construction phase is undertaken in an acceptable way.

4. 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 3 remediation strategy, which where necessary shall include details of 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.

5. 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 Policy 32 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

6. No development or works to trees or hedges shall commence until a Tree Protection Plan has been submitted to and approved in writing by the Local Planning Authority. No construction work shall take place, nor any site cabins, materials or machinery be brought on site until all trees and hedges, scheduled for retention, have been protected in accordance with the approved details and in accordance with BS 5837:2012. The protection measures shall remain in place until the cessation of the development works. The tree protection shall be retained throughout the construction period. No materials, equipment or vehicles shall be stored inside the protective fencing.

Reason: In the interests of the visual amenity of the area and to comply with Policy 40 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework. Required as a pre-commencement condition to ensure that the trees are adequately protected prior to the commencement of the development.

7. No development, other than site investigation and remediation works, shall commence until a scheme for the provision of foul and surface water drainage works have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be developed in accordance with the Councils Sustainable Drainage Systems (SuDS) Adoption Guide 2016. The development thereafter shall be completed in accordance with the details and timetable agreed.

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

8. No development shall commence until a detailed landscaping scheme, based on the principles set out in drg. no. 1236_101 Rev. B (Landscape Strategy), has been submitted to and approved in writing by the Local Planning Authority.

No tree shall be felled or hedge removed until the landscape scheme, including any replacement tree and hedge planting, is approved as above.

Any submitted scheme must be shown to comply with legislation protecting nesting birds and roosting bats.

The landscape scheme shall include accurate plan based details of the following:

Trees, hedges and shrubs scheduled for retention.

Details of hard and soft landscaping including planting species, sizes, layout, densities, numbers.

Details of planting procedures or specification.

Finished topsoil levels and depths.

Details of temporary topsoil and subsoil storage provision.

Seeded or turf areas, habitat creation areas and details etc. Details of land and surface drainage.

The establishment maintenance regime, including watering, rabbit protection, tree stakes, guards etc.

The Local Planning Authority shall be notified in advance of the start on site date and the completion date of all external works.

Trees, hedges and shrubs shall not be removed without agreement within five years.

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

9. No development, other than site investigations and remediation works, shall commence until such time as a scheme detailing the precise means of broadband connection to the site has been submitted to and agreed in writing by the local planning. Thereafter, the development shall be carried out in accordance with the agreed detail.

Reason: To ensure a high quality of development is achieved and to comply with the requirements of Policy 27 of the County Durham Plan and Part 10 of the NPPF.

10. No development, other than site investigations and remediation works, shall commence until a scheme to achieve CO2 emissions reductions has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved scheme prior to first occupation and permanently retained thereafter.

Reason: In the interests of sustainable construction and in accordance with Policy 29 of the County Durham Local Plan and Part 14 of the National Planning Policy Framework.

11. No development, other than site investigations and remediation works, shall commence until full engineering details of the estate roads and external footpath connections have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved scheme.

Reason: In the interests of highway safety in accordance with Policies 6, 21 and 29 of the County Durham Plan and Part 9 of the National Planning Policy Framework.

12. No development, other than site investigations and remediation works, shall commence until a scheme comprising of a minimum of 8 integrated bat boxes, 6 integrated bird boxes for swifts and 8 nest boxes to be erected on retained trees around the site boundary has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the exact location, specification, design and timetable for installation of the nesting boxes. The approved scheme shall be completed in accordance with the approved details and timescales.

Reason: To conserve protected species and their habitat in accordance with Policies 41 and 44 of the County Durham Plan and Part 15 of the National Planning Policy Framework. Required to be pre-commencement as the proposals to mitigate the impacts of the development and construction works must be resolved at the earliest juncture.

13. Prior to the construction of the 1st dwelling hereby approved, full details of the proposed site levels, finished floor levels and all means of enclosure to be erected within the development shall be submitted to and approved in writing by the Local Planning

Authority. The submitted details must include details of any retaining walls/structures required including their interaction with other means of enclosure such as garden fences within the site. The development shall thereafter be carried out in accordance with the approved details.

Reason: In the interests of the amenity of the surrounding areas and neighbouring properties, in accordance with Policy 29 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.

14. Prior to the commencement of construction at damp proof course or above, samples of the external walling and roofing materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

Reason: In the interests of the appearance of the area and to comply with Policy 29 of the County Durham Plan and Part 12 of the National Planning Policy Framework.

15. Prior to the commencement of construction at damp proof course or above, samples of external door finishes shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

Reason: In the interests of the appearance of the area and to comply with Policy 29 of the County Durham Plan and Part 12 of the National Planning Policy Framework.

16. No dwellings shall be occupied until a scheme for the ongoing maintenance of the areas of public open space within the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. In the event of proposals to maintain the public open space by means other than through transfer to the Local Authority then the scheme shall provide for details of an agreed maintenance and cutting schedule in perpetuity.

Reason: In the interests of appearance of the area in accordance with Policy 26 and 29 of the County Durham Plan and Parts 12 and 15 of the NPPF.

17. No dwelling shall be occupied until a scheme showing the removal of both the redundant vehicular access and stepped footway on the B6288 Vyners Close including the reinstatement of the land has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details and timescales.

Reason: In the interests of highway safety in accordance with Policies 6, 21 and 29 of the County Durham Plan and Part 9 of the National Planning Policy Framework.

18. No dwelling shall be occupied until a detailed specification for the new external footpath link to the west of the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be completed in accordance with the approved details and timings thereafter.

Reason: To secure new pedestrian routes and to comply with Policy 26 of the County Durham Plan and Parts 4 and 8 of the National Planning Policy Framework.

19. All planting, seeding or turfing and habitat creation in the approved details of the landscaping scheme shall be carried out in the first available planting season following the practical completion of the development.

No tree shall be felled or hedge removed until the removal/felling is shown to comply with legislation protecting nesting birds and roosting bats.

Any approved replacement tree or hedge planting shall be carried out within 12 months of felling and removals of existing trees and hedges.

Any trees or plants which die, fail to flourish or are removed within a period of 5 years from the substantial completion of the development shall be replaced in the next planting season with others of similar size and species.

Replacements will be subject to the same conditions.

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

20. No external lighting shall be erected/installed until a detailed lighting strategy for the development hereby approved has been submitted to and approved in writing. All external lighting shall thereafter be completed in accordance with the approved details.

Reason: To ensure retained habitat is protected and to conserve protected species in accordance with Policies 41 and 44 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

21. The sound attenuation measures detailed in Section 6 of the Noise Assessment Version V3.0 dated November 2021 shall be fully implemented prior to the beneficial occupation of the development and permanently retained thereafter.

Reason: In the interest of the amenity of future occupants in accordance with Policies 29 and 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

22. The development shall be carried out in accordance with the recommendations outlined within Section 5 of the Ecological Assessment Version FINAL dated 28th October 2020 by BSG Ecology.

Reason: In the interests of ecology and ensuring no protected species are affected by the development in accordance with Policies 41 and 44 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

23. The development hereby approved shall include 18 units which meet the Building Regulations Standard M4(2) Accessible and Adaptable Dwellings. No development shall take place until verification identifying which dwellings will be built to Buildings Regulations M4(2) standard, from a suitably competent and qualified person, has been submitted to and approved in writing by the Local Planning Authority. The development shall then be completed fully in accordance with the approved details.

Reason: To meet the housing needs of older people and people with disabilities in accordance with Policy 15 of the County Durham Plan and Part 5 of the NPPF. Required to be pre-commencement to ensure that an acceptable scheme can be agreed and incorporated into the development before site works commence.

24. All of the dwellings hereby approved shall be provided with electric vehicle charging points and said charging points must be installed and available for use before occupation of each dwelling.

Reason: In the interests of sustainable construction and in accordance with Policy 29 of the County Durham Local Plan and Part 14 of the National Planning Policy Framework.

25. All of the dwellings hereby approved shall be provided with private bike storage and said storage must be installed and available for use before occupation of each dwelling.

Reason: To encourage sustainable transport modes of travel having regard to CDP Policy 21 and Part 9 of the NPPF.

26. No external construction works, works of demolition, deliveries, external running of plant and equipment shall take place other than between the hours of 0730 to 1800 on Monday to Friday and 0800 to 1300 on Saturday.

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

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

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

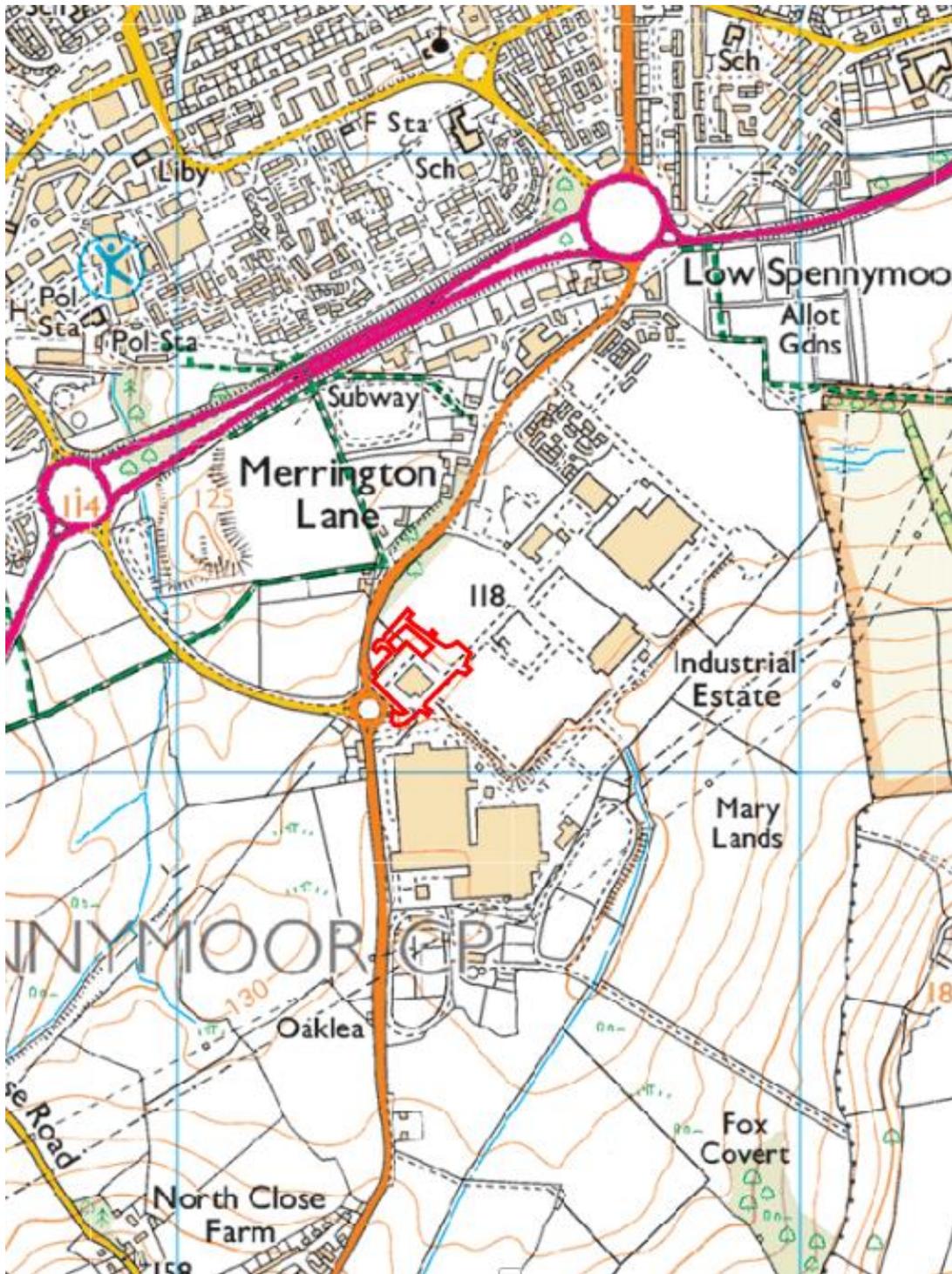
Reason: To protect the residential amenity of existing and future residents from the development in accordance with Policies 29 and 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

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 Practice Guidance notes.
- County Durham Plan
- Statutory, internal and public consultation response
- County Durham Strategic Housing Market Assessment (2019)
- Settlement Study (2018)
- Open Space Needs Assessment (2018)
- Residential Amenity Standards SPD (2020)
- County Durham Building for Life SPD (2019)
- County Durham Landscape Character Assessment: Wear Lowlands(2019)



Planning Services

DM/21/04047/FPA

Erection of 27 dwellings with associated infrastructure (revised description 16/05/2022)
 Site of former Electrolux site, Merrington Lane Industrial Estate, Spennymoor, DL16 7EY

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

Comments

Date 7th June 2022

Scale Not to Scale