



Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

Application No:	DM/23/01358/FPA
Full Application Description:	Erection of 65no. dwellings with associated access, infrastructure, and landscaping
Name of Applicant:	Hardwick Homes Ltd and Livin Housing Ltd
Address:	Site of Former Greyhound Track, Front Street, Merrington Lane, Spennymoor, DL16 7RS
Electoral Division:	Tudhoe
Case Officer:	George Spurgeon (Senior Planning Officer) Tel: 03000 261 959 Email: george.spurgeon@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSAL

The Site

1. The application site relates to a parcel of land comprising the former Greyhound Track located off Front Street in Spennymoor. The rectangular shaped site measures approximately 2.25ha in area. The Greyhound track was closed and demolished in the 1990s and the site now consists of unkempt, open scrubland with only the line of the former race track, some walls and an area of hardstanding where the former terrace and concourse once stood remaining.
2. The site is located on the southern edge of Spennymoor, separated from the main built up area by the A688 dual carriageway. The site lies approximately 600m to the south east of the town centre boundary, pedestrian links are provided through an underpass to the north of the site. Vehicular access into the site is taken off Front Street through the eastern boundary which then connects onto the main highway network beyond. To the north of the access point is a Northern PowerGrid substation and to the south lies a gym and builder's merchant. Allotment gardens border the southern boundary with a public house to the south east.

3. A Public Right of Way (Footpath no.56) lies adjacent to the site's western boundary with Daisy Fields park and recreation ground lying beyond. The site boundary partially borders the A688 dual carriage way on its north-eastern border. The highway sits at a higher level to the application site at the top of an embankment which is landscaped. The remainder of the northern boundary is occupied by various small commercial properties. PRoW Footpath no.57 crosses the site's northern boundary linking to Footpath no.56, the underpass and the town centre beyond to the west and out onto Front Street to the east.
4. The site lies outside of any nationally or locally designated landscape, heritage or ecological areas. There are a number of trees along the site's northern boundary, a small group to the south east corner and individual trees to the east and north west. To the east of the site, 384 dwellings have been built on the site of the former Thorn Lighting factory, with an extant consent for up to 425 dwellings on the former Electrolux site to the south east.

The Proposal

5. The application seeks full planning permission for the erection of 65 dwellings comprising 7no. 2 bed bungalows, 31no. 2 bed dwellings, 24no. 3 bed dwellings, and 3no. 4 bed dwellings across 5 house types. The applicants have confirmed that 100% of the units would be delivered as affordable housing to be managed by Livin Homes, with 7no. affordable rent to buy properties and the rest available for affordable rent. Each dwelling would be served by its own private rear garden and in-curtilage car parking spaces, with 15no. visitor bays distributed throughout the site.
6. A single storey gym building is proposed to be demolished to facilitate a new access to the site from Front Street. The proposed layout comprises dwellings sited along two main central spine roads which terminate in private shared driveways to the north west and south west corners of the site. A SUDs basin is proposed to be located to the north eastern corner of the site which would be overlooked by Plots 49-51. Areas of public open space are also indicated to either side of the site entrance and along the north of the site. A pumping station is shown to be positioned along the southern side of the main entrance route through the site, to the north of the Jewson builders merchants. Footpath connections are proposed from the north west and south west corners of the site to PRoW no.56 and from the north east of the site to PRoW no.57. The route of these footpaths is not proposed to be altered.
7. The dwellings themselves would be constructed from a limited palette of materials comprising a mix of red and buff brick and grey and red roof tiles, grey UPVC windows and composite timber doors with flat roofed canopies above. Feature brick stripes in recessed panels are proposed to the frontages of all house types.
8. The application is being reported to the South West Area Planning Committee in accordance with the Council's Scheme of Delegation as it constitutes a major housing development on a site less than 4ha and comprising fewer than 200 dwellings.

RELEVANT PLANNING HISTORY

The Application Site

9. Outline application 7/2006/0548/DM with all matters reserved except for access for the erection of 104 dwellings was approved by the planning committee on the 10th of November 2008 but was never implemented. Application 7/2007/0703/DM for the construction of a new access and remediation works was approved on the 7th of March 2008.
10. Outline application 7/2007/0704/DM with all matters reserved for the erection of up to 100 dwellings was approved on the 6th of January 2009, however this was never implemented. Consent was granted to renew permission in both 2011 (7/2011/0054/DM) and 2013 (7/2012/0043/DM).
11. Application DM/18/00374/FPA for the erection of 84 dwellings with associated access, parking and landscaping was finally disposed of on the 10th of August 2020. The application was initially recommended for and approved by the planning committee subject to a Section 106 agreement, however this agreement was never finalised due to the position of the proposed access over land owned by Northern PowerGrid, who raised concerns regarding the potential for this to affect their underground cables. The current application now proposes to demolish the single storey gym to facilitate the creation of a new access to the site further to the south without requiring land owned by Northern PowerGrid.

Housing Commitments Nearby

12. Outline application 7/2006/0476/DM with all matters reserved except for access sought to demolish the Thorn Lighting factory premises to the east of the current site and redevelop it for approximately 400 dwellings. Approved on the 20th of October 2006.
13. The reserved matters for 416 dwellings were subsequently approved under application 7/2009/0274/DM on the 21st of December 2010.
14. Application 7/2012/0030/DM for the erection of 365 dwellings with associated highway infrastructure, parking, landscaping and public open space was approved on the 17th of September 2012.
15. An outline application with all matters reserved for a mixed use development comprising up to 425 dwellings and commercial uses including associated access and landscaping works on the former Electrolux site to the south east of the current site was approved on the 14th of October 2013 under reference 8/CMA/7/91.
16. The reserved matters for Phase 1 comprising 97 dwellings DM/18/03075/RM were approved on the 16th of August 2022.
17. Application DM/21/04047/FPA for the erection of 27 dwellings on the adjacent former J Mitchinson site was approved on the 6th of December 2022.

PLANNING POLICY

National Policy

18. A revised National Planning Policy Framework (NPPF) was published in September 2023. 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.
19. *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.
20. *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.
21. *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.
22. *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.
23. *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.
24. *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.

25. *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.
26. *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.
27. *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.
28. *NPPF Part 15 Conserving and Enhancing the Natural Environment* - Conserving and enhancing the natural environment. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from Page 73 pollution and land stability and remediating contaminated or other degraded land where appropriate.

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

National Planning Practice Guidance:

29. 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 affected by contamination; housing and economic development needs assessments; housing and economic land availability assessment; light pollution; natural environment; noise; public rights of way and local green space; planning obligations; use of planning conditions; and; water supply, wastewater and water quality.

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

Local Plan Policy:

The County Durham Plan (CDP)

30. *Policy 1 (Quantity of Development)* outlines the levels of employment land and housing delivery considered to be required across the plan period.
31. *Policy 6 (Development on 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 character of the 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; makes use of previously developed land and reflects priorities for urban regeneration.
32. *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.
33. *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.
34. *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 the Parking and Accessibility Supplementary Planning Document 2023.
35. *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.
36. *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.

37. *Policy 27 (Utilities, Telecommunications and Other Broadcast Infrastructure)* requires all residential and commercial development to be served by a high-speed broadband connection, where this is not appropriate, practical or economically viable developers should provide appropriate infrastructure to enable future installation.
38. *Policy 29 (Sustainable Design)* requires all development proposals to achieve well designed buildings and places having regard to SPD advice and sets out 18 elements for development to be considered acceptable, including: making positive contribution to areas character, identity etc.; adaptable buildings; minimising greenhouse gas emissions and use of non-renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; and suitable landscape proposals. Provision for all new residential development to comply with Nationally Described Space Standards.
39. *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.
40. *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.
41. *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.
42. *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 wastewater 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.

43. *Policy 39 (Landscape)* states that proposals for new development will only be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals are expected to incorporate appropriate mitigation measures where adverse 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.
44. *Policy 40 (Trees, Woodlands and Hedges)* states that proposals for new development will not be permitted that would result in the loss of, or damage to, trees, hedges or woodland of high landscape, amenity or biodiversity value unless the benefits of the scheme clearly outweigh the harm. Proposals for new development will be expected to retain existing trees and hedges or provide suitable replacement planting. The loss or deterioration of ancient woodland will require wholly exceptional reasons and appropriate compensation.
45. *Policy 41 (Biodiversity and Geodiversity)* states that proposal for new development will not be permitted if significant harm to biodiversity or geodiversity resulting from the development cannot be avoided, or appropriately mitigated, or as a last resort, compensated for.
46. *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.
47. Residential Amenity Standards SPD (2023 Adopted Version) – Provides guidance on the space/amenity standards that would normally be expected where new dwellings are proposed.
48. Parking and Accessibility SPD (Adoption Version 2023) – Provides guidance on the standards for car parking and cycle storage that would normally be expected where new development is proposed.

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

Neighbourhood Plan:

49. The application site is not located within an area where there is a Neighbourhood Plan to which regard is to be had.

CONSULTATION AND PUBLICITY RESPONSES

Statutory Consultee Responses:

50. *Spennymoor Town Council* – Welcome the application and the provision of affordable housing, noting the site has had a series of permissions over the years.
51. *Environment Agency* – No response received.
52. *Coal Authority* – Consider the application to be supported by sufficient information to demonstrate that the application site is, or can be made, safe and stable for the proposed development.
53. *Highways Authority* – Confirm they would not object to the proposed road layout, parking provision and access arrangements but request the imposition of conditions to control details of the development.
54. *Lead Local Flood Authority* – Whist advising that the capacity of the proposed surface water drainage system is adequate, taking into account climate change, raise concerns that SUDs have not been designed to form an intrinsic part of the layout; this would result in a less than satisfactory treatment of surface water before it is discharged from the site, contrary to CDP Policy 35.

Non-Statutory Responses:

55. *Design and Conservation* – Welcome the amendments to the scheme to provide an active frontage to the western boundary and indicate their acceptance of the visual impact of car parking to the north of the site given the presence of public open space to one side of the street.
56. *Landscape Section* – Initially raised concerns regarding the lack of active frontages to the western boundary and domination of car parking to the internal streetscape. Amendments to the scheme have improved this situation.
57. *Tree Section* – Advise that the submitted Arboricultural Impact Assessment and Tree Protection Plan are acceptable and consider the loss of 5 individual trees and 3 tree groups to have a low impact.
58. *Public Rights of Way Section* – Advise that existing footpaths no's 57 and 56 located to the north and west of the site must be maintained and remain on the legal line as per the definitive map held by DCC. Note that footpath no.57 is an adopted footpath and should remain as one.
59. *Ecology* – Indicate their satisfaction with the submitted Ecological Impact Assessment report subject to the acquisition of provisional certificate from Natural England regarding the inclusion of the site in the GCN district level licencing scheme. Notes that the proposed development would result in a net loss of -11.09 habitat units on site and indicate their satisfaction in principle to the proposed enhancements to be delivered offsite, subject to the submission of a Habitat Creation Management and Monitoring Plan.
60. *Environmental Health Nuisance* – Recommend several conditions to safeguard the amenity of the future residents from existing nearby noise sources, including one to secure noise mitigation measures relating to the Northern PowerGrid substation.

- 61. *Environmental Health Contamination* – Advise that a Phase 3 remediation strategy is required, to be secured via a suitably worded condition.
- 62. *Archaeology* – Following the submission of a trial trench evaluation no objections are raised.
- 63. *School Places Manager* – Advise that no financial contributions would be required in this instance.
- 64. *Affordable Housing Team* – Advise that there is a need for 2, 3, and 4 bed affordable homes in the area.

External Consultees

- 65. *Police Architectural Liaison Officer* – Confirm they have no comments to make.
- 66. *NHS North East and North Cumbria Integrated Care Board* – Confirm the requirement for financial contributions of £31,395 to mitigate the impact of the development and provide additional capacity for Local GP's.
- 67. *Northumbrian Water Ltd* – No response received.
- 68. *Northern PowerGrid* – Provided their own Noise Assessment which recommends installing 2.8m high acoustic screening around the transformers at the substation to safeguard the living conditions of the residents of Plots 49-51.

Public Responses:

- 69. The application has been advertised by way of a site notice, press notice and individual notification letters sent to neighbouring properties. Following this, no responses have been received.

Applicants Statement:

- 70. The Applicants, Hardwick Homes and Livin Housing, have formed a joint venture to deliver a new residential scheme, comprising 65 dwellings, at the Former Greyhound Track site in Spennymoor.
- 71. The proposed development will provide 100% affordable housing, including affordable rent and rent to buy, which will be secured by way of a Section 106 legal agreement. The delivery of 100% affordable housing to the site meets and exceeds the provision required for new residential sites set out the County Durham Plan and represents a significant contribution to the County's affordable housing provision as a whole.
- 72. The proposed development would also make use of brownfield land, which has been out-of-use since the 1990s. Indeed, and during the consultation process on the application, Spennymoor Town Council made representations to the proposals stating that they "welcome the application" on the basis of its use of

vacant brownfield land, and that they also welcome “that the application is from a social housing organisation”.

73. The development represents an exciting opportunity to provide a diverse range of housing, comprising a mix of high-quality 2, 3, and 4-bed homes, including family homes and the provision of bungalows to meet a range of needs, as well as extensive landscaping, green space and supporting infrastructure.
74. The Applicants are proposing a high-quality development in a sustainable location, within walking distance of Spennymoor Town Centre and the services and facilities it provides, including extensive public transport connectivity, as well as a diverse range of shops to meet a range of needs.
75. Over the course of the application, the Applicant has worked proactively with the Council, listening to the feedback from Officers, and responded positively by amending the scheme accordingly.
76. The Applicants have also embraced the Council’s Enhanced Design Review Service, and have met with Officers on several occasions, to discuss the proposed development. These discussions have allowed a range of opinions and ideas, to be shared, and supported the development of the scheme.
77. The proposals satisfy the criteria set out in Policy 6 in the County Durham Plan, which relates to development on unallocated sites. More specifically:
 - a The application site is located within the settlement of Spennymoor, and lies within an existing built-up area;
 - b It would not result in coalescence with any other settlements, nor would it result in ribbon or backland development;
 - c The site is not subject to any formal designations relating to recreational, ecological or heritage value. The development will deliver a landscape strategy which responds positively to the landscape context;
 - d An addition of 65 dwellings in Spennymoor is a proportionate extension to the settlement which will allow it to retain its existing character and function;
 - e There are no objections from DCC Highways or National Highways in relation to highways safety or impact on the network;
 - f the proposed residential development would not have a severe residual cumulative impact on the highway network capacity, and that travel by sustainable means can be encouraged;
 - g The proposals would not lead to a loss of neighbourhood facilities;
 - h The site falls in Flood Zone 1 and therefore development on this site is suitable in accordance with National planning policy;

i The Council's Strategic Housing Land Availability Assessment recognises the site to be suitable for residential development – scoring a 'green' rating for suitability; and

j The application site is previously developed, offering a prime opportunity for development in a sustainable location. It would also support and complement other regeneration strategies across the wider area and strengthen the local economy and maintain a strong local community.

78. Additionally, the proposed development would provide the following benefits:

- It would support a total of 135 direct, indirect and induced FTE construction jobs per annum throughout the construction period (c. 2.5 years);
- It would deliver £8.7m of Gross Value Added (GVA) (economic output) per annum throughout the construction period;
- It would generate additional expenditure in the local area, including £360,000 of one-off first occupation spend, as well as £630,000 of ongoing net additional expenditure per annum created by new residents and retained in the Local Planning Authority;
- It would providing a boost to Local Authority revenue. Once complete, the proposed development would generate £125,000 in increased Council Tax receipts per annum and £480,000 in New Homes Bonus payments;
- Creation of employment and training opportunities during the construction period;
- Incorporation of renewable energy technologies such as Solar PV panels, air source heat pumps and EV charging points to reduce carbon emissions and energy costs for prospective occupiers;
- Introduction of SuDS to enhance the management of surface water in the locality;
- Delivery of measures to achieve biodiversity net gain; and
- The provision and enhancement of landscaping which would support the strategy to achieve biodiversity net gain.

PLANNING CONSIDERATION AND ASSESSMENT

79. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues relate to the Principle of Development, Affordable Accessible and Adaptable Housing, Locational Sustainability, Design / Layout, Flooding/Drainage, Highway Safety, Residential Amenity, Ecology, Ground Conditions, Open Space and Infrastructure, Carbon Emissions, and Other Matters.

Principle of Development

80. 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 NPPF Paragraph 12. The CDP was adopted in October 2020 and provides the policy framework for the County up until 2035 and is therefore considered up to date.

81. NPPF Paragraph 11c requires applications for development proposals that accord with an up to date development plan to be approved without delay. NPPF Paragraph 12 states that where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.
82. The site is not allocated for housing by CDP Policy 4 but has been previously assessed under the Strategic Housing Land Availability Assessment (SHLAA) under reference 7/SP/312. At that time, the site scored a green rating indicating that it was suitable for residential development, however such development of the site was not considered to be achievable as the previous consent for up to 100 dwellings has expired. The main issue has historically related to deliverability, and the feasibility of achieving an acceptable access into the site.
83. CDP Policy 1 sets out the quantum of development to meet the needs for housing over the Plan period. A large proportion of the housing need consists of already committed sites, including those sites with planning permission. As the site is not specifically allocated for development it is necessary to assess the proposals against CDP Policy 6. This policy recognises that in addition to the development of specifically allocated sites, there will be situations where future opportunities arise for additional new development, this includes windfall housing sites. The policy sets out that the development of sites which are not allocated in the Plan which are either (i) in the built up area; or (ii) outside the built up area 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.
84. The County Durham Plan defines 'the built up area' as land contained within the main body of existing built development of a settlement or is within a settlement boundary defined in a Neighbourhood Plan. Areas falling outside this definition will be regarded as countryside. The supporting text to this policy at Paragraph 4.110 advises that when assessing whether a site is well-related, the physical and visual relationship of the site to the existing built-up area of the settlement will be a key consideration.
85. In this respect, the site comprises overgrown grassed land bordered by PRoW no.57 and the A688 to the north and PRoW no.56 to the west, with Daisy Field park and recreation ground beyond. Allotments and a builders merchant abuts the site along its southern edge. Industrial buildings are located to the north east, with existing residential properties to the east on the former Thorn Lighting site and an extant consent for further dwellings to the south east at the former Electrolux site. As such, the site is considered to occupy a position within the built up area. The site has not been used for greyhound racing for a number of years and so its development is not considered to conflict with criterion g).
86. The hardstanding where the former terrace and concourse once stood remains in situ to the north of the site and is visible from the PRoW network, along with the presence of a wall extending north from the builders merchants, and so the site is considered to represent previously development with the proposed development according with the aims of criterion i). In terms of criterion j), the proposed scheme would redevelop an unkempt site for 65no. affordable dwellings and so is considered to reflect priorities for urban regeneration.
87. Subject to a more detailed analysis of the remaining criteria of CDP Policy 6, the proposed development is considered to be acceptable in principle.

Affordable, Accessible and Adaptable Homes

88. CDP Policy 15 states that affordable housing will be sought on sites of 10 or more units, for 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. As this site is within a medium value area, this development would require a total of 10no. affordable units in the form of 7no. affordable home ownership homes (including 3no. First Homes), plus 3no. affordable homes for rent.

89. In this instance, the application proposes the delivery of 100% affordable housing in the form of 7no. affordable rent to buy units and 58no. affordable rent units to be managed by Livin Homes. Livin have provided evidence to demonstrate a demand for 2, 3, and 4 bed affordable homes in Spennymoor which the Council's Affordable Housing Team concur with. Therefore, the proposed development would help to meet an identified need for affordable housing in the area.
90. NPPF Paragraph 65 d) advises that where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the total number of homes to be available for affordable home ownership, unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups. Exemptions to this 10% requirement should also be made where the site or proposed development is exclusively for affordable housing. A ministerial statement from the 24th of May 2021 states that where specific developments are exempt from delivering affordable home ownership products under NPPF Paragraph 64 (now Paragraph 65), they shall also be exempt from the requirement to deliver First Homes.
91. The application does not propose the delivery of any First Homes, however as the applicant has agreed to enter into a Section 106 agreement to secure the delivery of 100% of the proposed dwellings as affordable homes (7no. affordable rent to buy, 58no. affordable rent), with the housing to be managed by Livin Homes as a registered provider, they are exempt from providing First Homes in this instance. In the context of the identified need for affordable housing of this type and tenure in the local area, this is a substantial benefit weighing in favour of the application.
92. CDP Policy 15 also states that in order to meet the needs of older people and people with disabilities, on sites of 5 units or more, 66% of dwellings must be built to Building Regulations Standard M4(2) (accessible and adaptable dwellings) standard. The applicant has completed the Council's Accessible and Adaptable Homes Statement proforma which indicates that all of the dwellings have been designed to comply with Building Regulations Standard M4(2), which exceeds the proportion (43no.) required by Policy 15. A condition is recommended to secure details of a verification report to ensure that at least 66% of the dwellings are built to the M4(2) standard.
93. Policy 15 also sets out that on sites of 10 units or more a minimum of 10% of the total number of dwellings on the site will be required to be of a design and type that will increase the housing options of older people. In this instance, 7no. bungalows are proposed which accords with the requirements of Policy 15.
94. Overall, the proposed development accords with the requirements of CDP Policy 15, subject to a Section 106 agreement to secure the delivery of 65no.

affordable homes and a condition to secure the required number of properties are built to Building Regulations Standard M4(2).

Locational Sustainability

95. Criterion f) of Policy 6 requires the development of unallocated sites to have good access by sustainable modes of transport to relevant services and facilities and to reflect the size of the settlement and the level of service provision within that settlement.
96. In addition, CDP Policy 21 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.
97. NPPF Paragraph 92 seeks for decisions to aim to achieve healthy, inclusive and safe places which include street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, that are safe and accessible.
98. NPPF Paragraph 105 advises 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, whilst NPPF Paragraph 110 states that appropriate opportunities to promote sustainable transport modes should be taken.
99. NPPF Paragraph 112 advises that priority should first be given to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use.
100. In terms of distances to services and amenities, in general, a walking distance of around 800m or a 10 minute walk is considered to represent an appropriate range, with a walking distance of 1650-2000m or a 20 minute walk at the upper end of what future residents could be expected to walk, taking into account topography and desirability of routes. These distances are based on good practice guidance set out in the Chartered Institute of Highways and Transportation (CIHT) documents including 'Guidelines for Providing for Journeys on Foot' and 'Planning for Walking', and The Department for Transport's 'Manual for Streets'.
101. 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 within the Spennymoor Cluster which comprises Middlestone Moor, Spennymoor and Tudhoe. Historically, Spennymoor, Middlestone Moor and Tudhoe were separate settlements in their own right, however due to growth they have effectively merged and operate as part of the same town. This cluster was rated as having a settlement score of 328.7 (9th out of 230), reflecting the broad range

of services and public transport available. Therefore, the settlement is capable of accommodating appropriate housing growth.

102. The closest edge of the primary shopping area of Spennymoor town centre, as defined by CDP Policy 9, lies approximately 900m away from the north west corner of the site. This would increase by approximately 230m when taken from the south east corner of the site. An Asda superstore, Lidl, Aldi, Home Bargains, North Park Nursery and Primary School, St. Andrews Medical practice, a Health Centre, and a Leisure Centre are all located within 850m of the north west corner of the site (1,080km from the south east corner). The town centre is accessed via an underpass stretching below the A688 and thereafter along continuous lit roadside footpaths, representing a suitable walking and cycling route. Funding has been secured from the housing developments to the east to secure improvements (lighting and CCTV) to the underpass. Cycle parking is available outside Spennymoor Leisure Centre for those who are willing and prefer to cycle. On the whole, there are a range of amenities located within a reasonable walking and cycling distance of the proposed dwellings.
103. In terms of public transport, the CIHT's Planning for Walking document advises that people in residential areas will typically walk 400m to access a bus stop. It should be noted that there are bus stops located on Vyners Close within 400m of the site to the south, however these are not currently serviced by any buses.
104. The primary bus stops that would serve the future residents of the site lie within the town centre at Cheapside, 560m away the north west corner of the site. From here the Arriva no.6 Sapphire provides regular services into Durham City and Bishop Auckland at 20-30min intervals from 6:25am-11:45pm Monday to Friday, with a regular service on Saturdays and an hourly service on Sundays. It is acknowledged that the distance of between 560m to 790m away from the proposed dwellings exceeds the recommended 400m which is likely to deter future residents from travelling by bus.
105. However, future residents would have the option to access amenities located within a reasonable walking distance within the town centre, and having walked into the town centre would be able to access bus routes also available here for access to a wider range of services further afield. Furthermore, money has been secured to improve the underpass which links the development site to the town centre and the aforementioned bus stops which should result in it being a more feasible and desirable walking route.
106. It is noted that at the time of the previous application for residential development on this site (DM/18/00374/FPA), the Council's Sustainable Travel team raised concerns regarding the distances to the nearest bus stops and considered that there was very little opportunity to make changes to the existing network, recommending the provision of a new bus service to be added to the weekday daytime network. However, at that time this provision was not considered necessary to make the development acceptable in planning terms. In the case of the current application, given the likely costs involved in the provision of new bus services from the stops at Vyners Close and the scale of the development proposed, it is not anticipated that the proposed development would be capable of funding the provision of additional services to the bus stops at Vyners Close, allowing time for the service time to become established, increase patronage

and ultimately move towards commercial sustainability. Therefore, it is concluded that such a contribution is not necessary to make the development acceptable in planning terms given the presence of alternative bus stops within the town centre and the accessibility of the site taken in the round. Given the scale of the recently constructed and planned residential development of the sites to the east, these may in time generate sufficient demand to make it viable for travel companies to deliver additional services to the bus stops at Vyners Close.

107. To improve connections to the town centre it is considered necessary to impose a condition to secure a scheme of surface improvement works to PRow no. 57 to the north of the site. This would be expected to consist of works to upgrade the existing 1.6m wide footpath to a 3m wide sealed surface track so that it is capable of accommodating the additional residents generated by the proposed development and of being used as a cycleway, similarly to PRow no.56 along the western boundary. It is considered good design for development to connect and tie into surrounding footpaths and this route is considered likely to be popular with residents looking to exercise their dogs, as well as residents of the more centrally located Plots within the site looking to access the town centre to the east. To the west, there is also the potential for future services to be introduced to the bus stops at Vyners Close, with the PRow considered likely to be more attractive for use by the occupants of the northern Plots than walking through the estate. This accords with the aim of CDP Policy 21 a) and b) which seek to deliver, accommodate and facilitate investment in safe sustainable modes of transport and provide appropriate, well designed, permeable and direct routes for walking and cycling so that new developments clearly link to existing services and facilities together with existing routes for the convenience of all users; CDP Policy 29 m) which seeks to ensure that connections are made to existing cycle and pedestrian networks with convenient access provided for all users whilst prioritising the needs of pedestrians and cyclists; as well as NPPF Paragraph 112 which seeks to give priority to pedestrian and cycle movements both within the scheme and with neighbouring areas. Given the above, it is considered that improvements to this footpath are necessary to serve the needs of the additional residents it would generate.
108. In addition, it is noted that Paragraph 2.2 of the Council's Building for Life SPD also advises that people who live within a new development and people who live nearby may want to walk through the development to get somewhere else, so it should be carefully considered how a development can contribute towards creating a more walkable neighbourhood. As well as serving the future residents of the application site the improvements to this footpath would also be capable of being used by existing residents of the housing to the east, providing wider benefits including helping to encourage walking and cycling into the town centre rather than use of the private car, that would help to outweigh the lack of serviced bus stops within 400m of the proposed dwellings.
109. Overall, although it is acknowledged that there are no currently serviced bus stops within the recommended 400m, in the round the site is located within a reasonable walking and cycling distance of a range of amenities available within Spennymoor town centre, which also includes bus stops for access to a wider range of amenities further afield, and so the future residents of the proposed dwellings would not be reliant upon the private car for access to these.

Therefore, subject to a condition to secure the widening of PRow no.57, the proposed development is considered to accord with CDP Policy 6 f) and 21, as well as Part 9 of the NPPF.

Design / Layout

110. Criterion d) of CDP Policy 6 requires development on unallocated sites to be appropriate in terms of scale, design, layout and location to the character, function, form and setting of the settlement.
111. CDP Policy 29 outlines that development proposals should contribute positively to an area's character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities.
112. CDP Policy 39 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.
113. Parts 12 and 15 of the NPPF also seek to promote good design, while contributing to and enhancing the natural and local environment by (amongst other things) recognising the intrinsic character and beauty of the countryside and optimise the potential use of the site. Specifically, NPPF Paragraph 130 states that planning decisions should aim to ensure developments function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, are sympathetic to local character and the surrounding built environment and landscape setting, and establish or maintain a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit.
114. The application site presents as an unkempt, open scrubland with only the line of the former greyhound racing track, some walls, and an area of hardstanding where the former terrace and concourse once stood remaining. The site occupies a position in between industrial uses to the north, east and south, and an underpass beneath the A688 connecting PRow no. 57 and the town centre. The site can be viewed from the surrounding PRow network, with glimpses available through the existing roadside vegetation down from the A688.
115. Overall, the site is highly constrained and in its current state detracts from the appearance of the surrounding area, with the redevelopment of the site for use as a well designed housing estate considered to improve its visual appearance. In this context, it is noted that a previous consent for the erection of up to 100 dwellings on the site has lapsed without being delivered, with a more recent application for 84 dwellings not being progressed to determination due to concerns over the impact upon underground cables associated with Northern PowerGrid apparatus.
116. This scheme proposes the erection of 65 dwellings that would be finished in red brick with grey roof tiles or buff brick with red roof tiles, with features such as

brick stripe detailing and flat canopies above entrance doors. Overall, the dwellings are considered to have a contemporary appearance that reflects the industrial surrounds of the site. Boundary treatments would predominantly consist of 1.8m high timber fencing, although the heights of these vary in places to meet acoustic requirements and a 1.1m high black metal railing above brickwork is proposed along much of the western boundary to provide an active frontage onto the PRow and Daisy Fields. 3.2m high timber fencing is proposed to be installed along the side of Plot 26, with a 2.5m high fence along the side of Plot 19 to meet acoustic requirements. Whilst not desirable, these would be set in from the adjacent PRow to help limit their prominence and overall only form a relatively short length of the overall western boundary.

117. Initially concerns were raised regarding the density and inward facing nature of the layout, and the dominance of car parking throughout the site. The applicant subsequently engaged in the Council's Enhanced Design Review process whereby improvements to the scheme have been made, including the re-orientation of Plots 20-25 to front onto Daisy Fields park and recreation ground to the west, the addition of corner turning units in key locations, the addition of a link from the south west corner of the site to PRow no.56, and the inclusion of street trees along the main routes through the site as well as to the site entrance to soften the fencing to Jewson's yard and Northern PowerGrid's compound. Conditions are recommended to secure further details of materials, hard surfaces, and boundary treatments, and a final landscaping scheme.
118. In relation to density, criterion p) of CDP Policy 29 requires all major new residential development be built to at least 30 dwellings per hectare (dph) net in and around town centres and locations where there is good access to facilities and frequent public transport services. The policy goes on to state that lower densities may be acceptable in other locations or where it is necessary to ensure good design and development that is compatible with its surroundings and character. NPPF Paragraph 124 d) advises that planning decisions should support development that makes efficient use of land taking into account the desirability of maintaining an area's prevailing character and setting. In this instance, the site is located in close proximity to Spennymoor town centre and the proposed development would have a density of 28.9dph. Whilst the scheme would benefit from a slightly reduced density to further break up car parking along the northern internal road, the applicant has advised that they would be unable to deliver the development of the site with a reduced number of units (although no detailed viability information has been submitted) and it is acknowledged that in this instance that dwellings would only be sited to the southern side of the road with the northern side to comprise amenity green space and retained trees which would help to soften the extent and appearance of hardstanding. A condition is recommended to secure further details of all areas of hardstanding, with suitable materials required to come forward to private shared drives to soften these hard surfaces as far as possible.
119. CDP Policy 40 seeks to avoid the loss of existing trees and hedgerows unless suitable replacement planting is provided. The application is supported by an Arboricultural Impact Assessment, Method Statement and Tree Protection Plan. These identify the loss of sections of Group 1, 6, and 7, and the loss of Trees 5-6, 8-10 and Groups 9-12 (all Category C) to facilitate the development. The reports conclude that the impact of these tree losses would be low. The

Council's Arborist has reviewed these documents and concurred with their conclusions. A condition is recommended to secure adherence to the submitted Tree Protection Plan.

120. The Landscape Strategy drawing indicates the position of a number of trees to be planted at the entrance to and along the main routes through the site which is considered to be sufficient to mitigate against the tree loss. It is noted that the root protection areas of some of these trees encroach into areas of hard surfacing which may restrict the future growth of these trees. The Council's Arborist has advised that new trees should be planted in areas capable of sustaining the growth and development of a mature tree of the species selected, with a sufficient stand-off distance between the tree and any hard surface, to enable future root growth and development. A condition is recommended to secure further information relating to the rooting volume of the proposed tree planting and strategies for dealing with future conflict via root action.
121. A Building for Life Supplementary Planning Document (2019) (BfL SPD) has been adopted by the Council. In recognition of national planning advice and to achieve high quality housing developments the Council has adopted an in-house review process to assess schemes against the Building for Life 12 (BfL 12) Standards. The 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 County Durham Plan. 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. CDP Policy 29 states that schemes with one or more red scores will not be acceptable and will be refused planning permission unless there are significant overriding reasons.
122. At the final consideration of the application by the internal Design Review Panel, the scheme received 2 "reds", 8 "amber" and 2 "green" scores. "Red" scores related to the following issues:
123. In terms of public transport, concerns were raised over the lack of bus stops within the recommended 400m distance beyond which residents are unlikely to walk to. However, as discussed in the section above it is considered that in this instance there are significant overriding reasons to overcome the red score received in relation to this question.
124. In terms of public and private spaces, concerns were raised regarding the approach to SUDs which have not been designed to form an intrinsic part of the development. This will be discussed further under the drainage section below.
125. Amber scores were received in relation to the lack of play provision on the south side of the A688; the position of bungalows towards the eastern portion of the site furthest away from the town centre; the internal streets appearing cramped and dominated by car parking along the northern route and to the north west and south west corners of the site; and various rear gardens falling below the 9m length recommended by the Council's Residential Standards Amenity SPD.

126. Green scores were received in relation to connections from the site to its surroundings having been maximised with three new links to the surrounding PRowS proposed and that the site would be easy to navigate.
127. In line with CDP Policy 29, as 2 “reds” are awarded to the scheme it is considered there are areas where the design and layout that could be improved. This policy advises that if any “reds” are scored the application should be refused unless there are significant overriding reasons otherwise. In this regard, the benefits of the proposed development should be weighed against the conflict with CDP Policy 29, and Part 12 of the NPPF.

Highway Safety/Access

128. CDP Policy 21 outlines that development should not be prejudicial to highway safety or have a severe cumulative impact on network capacity, 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. Criterion e) of Policy 6 does not permit development where it would be prejudicial to highway safety.
129. The NPPF sets out at Paragraph 110 that safe and suitable access should be achieved for all users. In addition, NPPF Paragraph 111 states that development should only be refused on transport grounds where the residual cumulative impacts on development are severe.
130. The applicant has made amendments to the layout to address various issues raised throughout the application process. Following receipt of amended plans, the Highways Authority have indicated their satisfaction with the proposed access to the site from Front Street and accepted the proposed road layout which comprises a 5.5m wide internal spine road. No concerns are raised regarding the generation of additional traffic, with the proposed development considered to have a minimal material impact on the capacity of the surrounding highway network. Conditions are recommended to secure engineering details of the estate road and to remove permitted development rights for fences, gates, and walls to Plot 45 in order to allow sufficient levels of visibility for drivers travelling around this bend.
131. The shared surface to the north west corner of the site has been removed to allow the construction of the link to PRow no.57 leading to the town centre to be in the form of a 1.8m wide adoptable footpath to prevent conflict between pedestrians and vehicles. A condition is recommended to secure the construction of this connection, alongside the other two connections proposed.
132. The level of car parking provision has also been assessed and is in accordance with the requirements of the Council’s new Parking and Accessibility SPD 2023, including the provision of 15no. visitor parking bays distributed throughout the site. The SPD at Paragraph 4.17 advises that where garages are not provided secure parking suitable for a cycle, mobility scooter or motorbike should be provided instead to allow sufficient space for bicycles, or a mobility scooter or motorbike and help to encourage cycling and support people with mobility

issues. The properties are not proposed to be served by garages and so a condition is recommended to secure further details regarding cycle storage. A condition is also recommended to secure the installation of one active electric vehicle chargepoint to each dwelling to accord with the SPD. In addition, a condition is recommended to ensure the provision of the car parking spaces shown on the plans are made available for use and retained for the lifetime of the development.

133. Whilst a Construction Management Plan has been submitted to accompany the application, the Highways Authority have advised that it does not provide sufficient detail and so recommend a condition to secure further details.
134. Overall, the proposed development is considered to be served by a safe and suitable access and sufficient car parking to meet the needs of the future residents. Therefore, the application accords with CDP Policy 21 and Part 9 of the NPPF.

Residential Amenity

135. 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.
136. CDP Policy 31 seeks to safeguard the amenity of existing and future occupants in terms of overlooking, visual intrusion, visual dominance, loss of light, noise, and privacy. Criterion a) of Policy 6 also seeks to ensure that the development of unallocated sites is compatible with, and is not prejudicial to, any existing, allocated or permitted use of adjacent land.
137. In addition, CDP Policy 29 states that all new residential development will be required to comply with the Nationally Described Space Standards (NDSS). All of the proposed dwellings have been designed to comply with the NDSS.
138. A Residential Amenity Standards Supplementary Planning Document (SPD) has been adopted by the Council, which recommends that dwellings benefit from gardens which are at least 9m long. The rear gardens of the majority of the Plots have been designed to be between 8m-9m long, with bungalows designed to have a length or width of 8m-9m, which is considered to be sufficient to provide the future residents with appropriate levels of external amenity space. It is acknowledged that the rear gardens of Plots 9 and 15 would fall below this at 7.3m and 7.5m long. This is effectively as a result of facilitating access to the rear gardens of a mid terrace property, an open aspect would nonetheless remain for these properties, overlooking the adjacent allotments. On the whole the development is considered to provide a sufficient amount of external amenity space for the future occupants
139. The SPD also advocates minimum separation distances of 21m between primary habitable room windows which are adjacent to each other where either building exceeds a single storey, and a minimum of 18m between primary habitable room windows which are adjacent to each other and both buildings are single storey. Where a main facing elevation containing a primary habitable

room window is adjacent to a gable wall which does not contain a primary habitable room window, a minimum distance of 13m shall be provided where either building exceeds a single storey or 10m where both buildings are single storey. Generally, these distances would be achieved however there are some instances where there is a shortfall.

140. The SPD advises that it is not intended to apply these distances rigidly and that there may be instances where these distances can be relaxed. One such example is within housing schemes to allow for a variation in layout where this will add interest and help create a sense of place, but such a relaxation will normally only be allowed if it can be demonstrated that future residents will still enjoy a satisfactory level of privacy, amenity and outlook. The SPD goes on to advise that greater distances may be required in some suburban and rural areas where the predominant character of the area exhibits greater separation distances.
141. On the whole these separation distances would be achieved, with the exception of the distance of 19.5m between the rear elevations of the dwellings on Plots 42 and 43 and the rear elevations of the bungalows on Plots 54 and 55, below the typically required 21m, in this instance to safeguard the privacy of the occupants of the bungalows from views from the first floor bedroom windows opposite. Given the relatively limited shortfall below the recommended 21m it is considered that the future occupants of these bungalows would still benefit from acceptable levels of privacy, with it noted that the bungalows would be NDSS compliant with sufficiently sized rear gardens to provide good levels of amenity on the whole.
142. Whilst the distance between the rear elevation of the dwelling on Plot 45 and the side of the dwelling on Plot 46 would be 7.9m, short of the typically required 10m, the kitchen within the dwelling on Plot 45 would feature a window within the side elevation which would allow for sufficient outlook for the occupants of this property. Similarly, this is the case for the bungalow on Plot 52.
143. A condition is recommended to require any windows installed within the side elevations of the dwellings on Plots 25, 46 and 50 to be obscure glazed to prevent overlooking into the rear gardens to the north.
144. Overall, the proposed development would not adversely affect existing residents in terms of loss of light, overlooking or visual dominance. Whilst there are some minor deficiencies in separation and garden lengths, as a whole the scheme overall would provide good standards of amenity for their future occupants.

Noise Pollution

145. The application is supported by a Noise Impact Assessment which identifies the main noise sources as road traffic travelling along the A688 to the north, forklift truck operations at Jewsons Building merchants to the south, and the Northern PowerGrid electricity substation to the east that operates during day and night time periods. A Council owned office and small scale industrial units are also located to the north.

146. The Assessment found that predicted noise levels would exceed the existing lowest measured background sound level during daytime periods for the closest external amenity space associated with Plot 1 of the proposed development, due to its position adjacent to the Jewson's site. As such mitigation in the form of a 1.8m high acoustic fence is recommended.
147. In relation to road traffic noise from the A688, the Lowest Observed Adverse Effect Level (LOAEL) is predicted in certain garden areas to Plots to the western portion of the site, with action required to mitigate noise levels in these areas to acceptable levels. 3.2m and 2.5m high acoustic fencing is proposed along the side of Plots 26 and 19. High specification glazing and a whole dwelling ventilation system is proposed to Plots 20-23, 24-45 (a total of 26 plots). The Noise Impact Assessment recommends that a full overheating assessment be undertaken in relation to Plots 18-45 and 47-48 which has not been provided at this time. Accordingly, a condition is recommended to secure this.
148. Overall, the report concludes that there would be no adverse impact from existing noise sources on the future residents during the day or night with the recommended mitigation.
149. Northern PowerGrid have undertaken their own Site Survey and Noise Model report based on the originally submitted layout which concludes that noise level from their substation would adversely affect Plots 48, 49 and 50 (now 49, 50, and 51). They recommend the installation of a 2.8m high acoustic screen to enclose the two transformers within their substation to mitigate against this. They estimate the cost of this as £143,750 plus VAT.
150. Environmental Health Officers (EHO) have reviewed both reports and advised that whilst it is difficult to predict whether the low frequency noise will cause an issue, the report from Northern PowerGrid is detailed with multiple measurements taken from around the substation. In their experience of investigating noise complaints, EHO have advised that the low frequency noise generated by the substation could have a harmful impact upon the amenity of the future occupants without further mitigation. The substation already exists and the proposed development would see the introduction of sensitive receptors in relatively close proximity to this and so the 'agent of change' referenced in NPPF Paragraph 187 comes into play. This advises that where the operation of an existing business or community facility could have a significant adverse effect on new development in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.
151. The EHO has advised that the mitigation recommended by Northern PowerGrid strategy would provide an all-round mitigation which would likely exceed the requirement to mitigate against the impact upon the living conditions of the future occupants of Plots 49-51. Accordingly, the level of mitigation suggested by Northern PowerGrid may not be necessary to make the development acceptable in planning terms. It may be that an agreement can be reached whereby the developer and Northern PowerGrid share the costs on the mitigation suggested, or alternatively EHO have suggested that the erection of a brick wall around the side and rear of the substation, similar to that around the front, could provide sufficient mitigation. Overall, Officers are satisfied that

there is scope for a suitable mitigation scheme to come forward to safeguard the living conditions and amenity of the future residents of the five plots closest to the substation and so it is considered appropriate to secure further details in this regard by way of a suitably worded condition.

152. EHO also recommend conditions to secure the implementation of the mitigation measures detailed within Section 6 of the applicants Noise Impact Assessment, to restrict construction working hours, and to secure details of a suitable Construction Management Plan.
153. Subject to these conditions, the proposed development is considered to provide sufficient levels of amenity and living conditions for existing and future residents, according with CDP Policies 29 and 31, and Parts 12 and 15 of the NPPF. The minor deficiencies in separation and garden lengths is however required to be taken into account in the planning balance.

Drainage

154. Part 14 of the NPPF seeks to resist inappropriate development in areas at risk of flooding, directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere. Paragraph 167 advises that when determining planning applications, Local Planning Authorities should ensure that flood risk is not increased elsewhere and that where appropriate applications should be supported by a site-specific flood-risk assessment. Paragraph 169 goes on to advise that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate.
155. CDP Policies 35 and 36 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.
156. CDP Policy 35 d) states that for major developments the management of water must be an intrinsic part of the overall development. In addition, Paragraph 7.8 of the Council's Building for Life SPD 2019 advises that, "Sustainable drainage techniques are frequently required on major schemes. Attenuation ponds need to be planned alongside the open space provision for the site to ensure a cohesive and efficient site layout."
157. In addition, criterion h) of Policy 6 requires development to minimise vulnerability and provide resilience to impacts arising from climate change, including flooding.
158. Foul water is proposed to be discharged to the public sewer which accords with the hierarchy of preference set out by CDP Policy 36. A condition is recommended to secure further details in this regard.

159. The site is located within Flood Zone 1, however areas of high, medium and low risk of surface water flooding are located across the site, with the site entrance lying within an area that is identified being at high risk of surface water flooding. Some Plots to the north eastern portion of the site are identified as being located in an area of medium risk, with those to the north and west being at low risk.
160. Annexe 3 to the NPPF classifies dwellings as representing uses that are 'more vulnerable' to flood risk. However, in accordance with Table 3 relating to flood risk vulnerability and flood zone 'compatibility', as the site lies wholly within Flood Zone 1 the proposed development is appropriate for this location without the need to undertake a sequential or exceptions test. It does however confirm the need for a site-specific flood risk assessment to be carried out by, or on behalf of, a developer to assess the risk to a development site and demonstrate how flood risk from all sources of flooding to the development itself and flood risk to others will be managed now, and taking climate change into account.
161. The application is supported by a Flood Risk Assessment and Drainage Strategy, which includes a Draft Construction Phase Surface Water Management Plan, existing Topographical Survey, hydraulic calculations, and a Drainage Maintenance Responsibility Plan. The document makes reference to Northumbrian Water's sewer map which identifies the presence of a culverted watercourse with a diameter of 900mm running north to south through the eastern portion of the site, a tributary to Valley Burn, of which its location has been confirmed by the excavation of two trial pits.
162. The Flood Risk Assessment identifies that the existing highway (Front Street) sits on a lower level than the adjacent main highway (Vyners Close / B6288). Due to the lower level of the site entrance, it will be susceptible to surface water flooding during extreme storm events at times when the culverted watercourse exceeds capacity, which at such times may hinder vehicle access into and out of the site. It should be noted that as the site levels increase westwards from Front Street the main development area is at sufficient elevation to not be affected by exceedance floodwater. Consequently, the proposed dwellings themselves are considered to be at low risk of surface water flooding. It is also noted that in these extreme events the surrounding wider highway network would also be affected and this is a pre-existing problem.
163. The proposed drainage strategy is to discharge surface water runoff to the public sewerage network via a culverted watercourse running through the eastern portion of the site, via permeable paved driveways and an attenuation basin to the north east of the site. The submission explains that the site is underlain by soils that have low permeability and so infiltration has been discounted. Therefore, this approach is in line with the hierarchy or preference set out by Policy 35.
164. The Lead Local Flood Authority have advised that developments should be designed to include Green and Blue Infrastructure with SuDS features such as basins, swales, filtration strips / drains, rain gardens etc. throughout the site. Developments should provide a quality design incorporating sustainable drainage solutions together with green space areas; providing a surface water management train to treat water as close as to where it falls and transmit it

through the site, mimicking the natural process of the water cycle. The surface water management should meet today's sustainable standards, reflecting the changing view towards climate change and protection of the environment to prevent flooding and pollution to the receiving surface water outfalls. The design should include SuDS treatment features within the site to reduce hazard levels by removing suspended solids, metals, and hydrocarbons from surface water, and therefore preventing toxic contaminants destroying ecology and wildlife downstream from the developments.

165. The submitted scheme has been amended so that the detention basin is suitably graded, while sections of the upstream pipework have been increased in size to ensure there is additional storage capacity during periods of heavy rainfall. This would provide attenuation capacity for rainfall events up to and including 1in100year return period with +45% increase applied to allow for the predicted effects of climate change, including the required 10% urban creep.
166. Despite this, the Lead Local Flood Authority advise that the basin is not of a size capable of providing sufficient treatment of surface water. The applicants have therefore proposed a hydro dynamic vortex separator to provide treatment of runoff prior to leaving the site. Whilst recognising that this would help improve water quality, the Lead Local Flood Authority have advised that utilising a treatment device in place of SUDs fails to provide a suitable sustainable solution to surface water management for a residential development, contrary to relevant guidance.
167. Criterion d) of CDP Policy 35 states that for major developments the management of water must be an intrinsic part of the overall development. In this instance, SUDs do not form an intrinsic part of the overall development and it would not be possible to adequately address this given the number of dwellings proposed. Increasing the size of the basin would require a reduction in the number of units and the applicant has advised that they would be unable to deliver the development of the site with a reduced number of units. Although no detailed viability information has been submitted, the site relates to previously developed land that has proven challenging to redevelop in the past despite the granting of planning permission for a greater number of dwellings.
168. Overall, subject to conditions securing the finer details of the drainage design, it is considered that the flood risk is within acceptable limits and the installation of a treatment device would ensure adequate treatment of surface water runoff. However, it is acknowledged that the proposed development does conflict with CDP Policy 35 d) in that SUDs have not been designed to form an intrinsic part of the layout. This policy conflict should be weighed against the benefits of the scheme in the planning balance, which include the delivery of 65no. affordable homes and the redevelopment of an unkempt site for which previous consents for a greater number of dwellings have lapsed. This exercise is undertaken in the conclusion.

Ecology

169. NPPF Paragraph 180 d) advises that opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or

enhance public access to nature where this is appropriate. In line with this, CDP Policy 41 seeks 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.

170. In addition, criterion c) of CDP Policy 6 is not permissible towards the development of unallocated sites where it would result in the loss of open land that has ecological value which cannot be adequately mitigate or compensated for.
171. The site is located approximately 3.6km to the east The Carrs Site of Scientific Interest (SSSI), 0.65km to the north east of North Close Marsh Local Wildlife Site and 1.1km to the south of Cow Plantation Local Nature Reserve. There are no sites designated due to the presence of amphibians within 500m of the application site.
172. The application is supported by an Ecological Impact Assessment, Bat Survey, Great Crested Newt eDNA Survey, and a Biodiversity Net Gain Assessment accompanied by the completed version of the associated Defra Metric.
173. The Ecological Impact Assessment and Bat Survey concluded that the site is of low value to badgers, butterflies, hedgehogs and toads, and of local value to bats and birds with woodland edge, grassland and scrub habitats providing foraging habitat. The presence of the invasive species Japanese Rose was identified within the site. The Assessment makes several recommendations including that any external lighting be limited to low level; that works take place outside of bird nesting season and in accordance with an invasive species precautionary working method statement; and the retention of trees to the north of the site. Biodiversity enhancements are recommended in the form of landscape planting to increase foraging opportunities in the area, and the installation of bat roosting features and integrated swift boxes within 50% of the dwellings. A condition is recommended to secure adherence to the recommendations within the submitted Ecological Impact Assessment.
174. The Great Crested Newt eDNA Survey identifies the presence of four ponds present within 500m of the site of which one returned a positive eDNA result for great crested newts. The Survey and Ecological Impact Assessment recommends that the development be registered under the Natural England district level licensing scheme to ensure that the impacts on GCN will be mitigated for in line with Natural England guidance. The applicant has obtained a provision certificate from Natural England which confirms that a mitigation and compensation scheme has been agreed. The mitigation relates to the delivery and monitoring of new ponds to provide habitats for great crested newts along with their monitoring. The Councils Ecologist advised that the mitigation is satisfactory to ensure that the Great Crested Newts would not be adversely affected by the development. This viewed is shared by Natural England on the basis they have granted a provisional licence.
175. The Biodiversity Net Gain Assessment Net identifies that the proposed development would result in net losses in biodiversity of 68.17% (11.13 habitat units) primarily due to the loss of grassland of medium distinctiveness within

the site. The Assessment recommends the delivery of more than 11.09 habitat units of medium distinctiveness woodland and grassland to meet the trading rules of the Defra metric.

176. Given the amount of grassland to be lost to facilitate the proposed development, and in the context of the constraints of the site and the failure to deliver the redevelopment of the site in the past despite the granting of planning permission, it would not be possible to achieve biodiversity net gains on site in this instance. As such, the applicant proposes to provide biodiversity enhancements offsite on a parcel of land in their ownership.
177. The parcel of land in question comprises approximately 8.8ha of grassland owned by the Wildlife Trust located approximately 800m to the south of the village of Mordon and 2.9km to the east of Newton Aycliffe. The applicant has provided a completed version of the Defra metric to include the proposed enhancements at the offsite, which demonstrates that 11.53 habitat units could be provided on the offsite, primarily through the provision of additional grassland. This would represent a total increase in habitat units of 0.41 (a 2.49% increase).
178. The County Ecologist has reviewed the submitted information and has advised that the required biodiversity net gains could be achieved, subject to the submission of a final detailed Habitat Creation Management and Monitoring Plan to show the location and specification details of the proposed planting within the application site and the offsite, to ensure that all semi-natural habitats to be provided will be managed over a minimum of 30 years, and that the target habitats are deliverable. It is recommended that this be secured as part of a legal agreement.
179. Overall, subject to a condition and a legal agreement, the proposed development is not considered to adversely affect protected species and to be capable of achieving biodiversity net gains, according with CDP Policies 6 c), 41 and 43, and Part 15 of the NPPF.

Ground Conditions

180. CDP Policy 32 requires sites to be suitable for use taking into account contamination and unstable land issues. NPPF Paragraph 183 requires sites to be suitable for their proposed use taking account of ground conditions and any risks arising from land instability and contamination.
181. The application is supported by a Geoenvironmental Appraisal which identified heavy metal and PAH contamination that would pose a risk to human health, as well as asbestos. Therefore, Environmental Health have recommended a condition to secure further details in the form of a Phase 3 remediation strategy. This is expected to include further details of ground gas monitoring.
182. The application site falls partly within the defined Coalfield Development High Risk Area and so within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application. The Coal Authority have advised that their information indicates a coal seam outcrops at the site, which may have

been subject to unrecorded mining activity in the past. Voids and broken ground associated with such workings can pose a risk of ground instability and may give rise to the emission of mine gases.

183. The submitted Geoenvironmental Appraisal identifies that the Brass Thill coal seam is conjectured to subcrop through the site, and acknowledges that coal mining is recorded to have taken place beneath the site and that the site lies in an area where the Coal Authority believes there is coal at, or close to the surface, which may have been worked at some time in the past.
184. The Appraisal concludes that the recorded mine workings lie at sufficient depth such that they are unlikely to affect surface stability at the site. Taking into account the results of previous borehole investigations carried out at the site in 2007, 2008 and 2019, the report considers that 'the Brass Thill coal seam (and the subjacent Top and Bottom Hutton coal seams) may actually be impoverished in the local area, or are generally too thin to be economically viable to work. As such, the Appraisal concludes that potential unrecorded shallow coal mining legacy poses a low risk to the proposed development.
185. The Coal Authority considers the content and conclusions of the Geoenvironmental Appraisal to be sufficient for the purposes of the planning system and meet the requirements of the NPPF in demonstrating that the application site is, or can be made, safe and stable for the proposed development. Therefore, the Coal Authority raise no objections to the proposed development. They advise that further more detailed considerations of ground conditions and foundation design may be required as part of any subsequent building regulations application and that should any evidence of unrecorded mine entries be found on site appropriate treatment will be required in accordance with details permitted under a Coal Authority Permit.
186. Subject to a condition to secure ground gas monitoring and a remediation strategy, the proposed development is not considered to adversely affect the stability of surrounding land, according with to CDP Policy 32 and NPPF Paragraphs 183.

Archaeology

187. CDP Policy 44 states that in determining applications which would affect a known or suspected non-designated heritage asset with an archaeological interest, particular regard will be given to ensuring that archaeological features are generally preserved in situ or if justified appropriately excavated and recorded with the results fully analysed and made publicly available.
188. The application is supported by a Geophysical Survey including a trial trench evaluation which did not reveal anything of archaeological significance. On this basis, the proposed development accords with CDP Policy 44 and Part 16 of the NPPF.

Open Space and Other Infrastructure

189. CDP Policy 26 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 other things 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).

190. 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.
191. The site layout demonstrates that 2,780m² of green space would be provided on site exceeding the amenity green space requirement (the policy requirement is for 2,145m²).
192. In addition, there is a requirement to provide 71.5m² of non-equipped children's play space on site, although no such space is indicated within the site layout. The OSNA identifies an undersupply of 0.5ha of children's play space in the mid Durham area and there are no children's play areas to the southern side of the A688, with the closest to the north west corner of the site located 850m away at Whitehouse Road, and 950m away adjacent to Villa Street. Both of these areas are located beyond the recommended 600m distance and are ranked C with potential to be ranked B in the future subject to improvements. The A rated Victoria Jubilee Park is located 1.1km away.
193. The OSNA in relation to children's play space states that, "Children and young people will play/'hang out' in almost all publicly accessible "space" ranging from the street, town centres and squares, parks, playing fields, "amenity" grassed areas etc. As well as the more recognisable play and youth facility areas such as equipped playgrounds, youth shelters, BMX and skateboard parks, Multi-use Games Areas etc. Clearly many of the other types of open space covered by this assessment will therefore provide informal play opportunities."
194. In this instance, given the scale of the proposed development the requirement relates to the provision of non-equipped children's play space on site rather than equipped play space. Whilst there are no children's play spaces within the recommended 600m, it is noted that Daisy Fields park and recreation ground lies immediately to the west of the site which measures approximately 6.45ha and would provide opportunities for children to play on. Therefore, in this instance it is considered appropriate to secure a financial contribution to secure improvements to existing children's play space in the surrounding area.

195. The OSNA also identifies a shortfall in the amount of open space falling within the parks and recreation and youth play space typologies in the Mid Durham Local Plan Monitoring Area in which the application site lies, although there is a sufficient supply of allotments.
196. Overall, it is considered appropriate and necessary to secure financial contributions of £102,316.50 as part of a Section 106 agreement to provide additional and improve existing local public open spaces in these typologies to mitigate the impacts of use by additional residents.
197. Subject to a Section 106 agreement and a condition, the proposed development would be capable of providing a sufficient quantity and quality of public open space for existing and future residents, according with the requirements of CDP Policy 26 and Part 8 of the NPPF.

Education

198. NPPF Paragraph 93 recognises the need for planning decisions to ensure an integrated approach when considering the location of new housing and to plan positively for the provision and use of community facilities and local services. It is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Paragraph 95 goes on to advise that it is important that a sufficient choice of school places is available to meet the needs of existing and new communities. In addition, Paragraphs 55-57 explain the circumstances when it is appropriate for planning obligations to be used to mitigate the impacts of the development. This provides policy justification to seek mitigation in respect to essential services, including the provision of education and health facilities, where a deficit would result or be exacerbated by the proposed development.
199. In terms of education infrastructure, the School Places Manager has advised that there are seven primary schools within a safe 2 mile walking distance of the application site, with it noted that Springwell Grange Primary School is due to replace Ox Close School in September 2024, providing capacity for an additional 300 places. The nearest secondary school is Whitworth Park Academy. Based on the projected rolls of schools, taking into account the likely implementation timeframe of the development, build rates and other committed development there would be sufficient space to accommodate the pupils generated by the development in existing and committed local schools whilst maintaining a 5% surplus. No contribution is therefore required for additional primary or secondary teaching accommodation.

Health Care

200. The closest GP practices to the site are the Bishops Close and St. Andrews Medical Practices in Westlea. The NHS North East and North Cumbria Integrated Care Board have confirmed that this practice falls within the Sedgefield North Primary Care Network which are at full capacity and would require additional space to deliver their services to an increased number of patients. Therefore, they recommend that a financial contribution of £31,395 would be required to provide additional / extended accommodation to mitigate the impact of the development and provide additional capacity for local GP

surgeries. This figure is calculated using the NHS Property Service build cost rate of £3,000 per square metre.

Summary

201. The NHS North East and North Cumbria Integrated Care Board have confirmed that local GP surgeries are part of wide plans to improve GP access and would be the likely beneficiaries of any Section 106 funds secured and are satisfied that monies secured would be capable of satisfactorily mitigating the impacts of the development. Therefore, subject to a Section 106 agreement to secure these financial contributions the proposed development would provide mitigation for the increase in population it would generate and so would not warrant refusal on these grounds. The School Places Manager is satisfied that existing and committed education facilities is sufficient to accommodate the additional school age children arising as a result of the proposed development
202. Overall, subject to a Section 106 agreement to secure financial contributions of £102,316.50 to go towards the provision of and improvements to existing public open space off site, and £31,395 to go towards the provision of additional GP surgery capacity, and a condition to secure details of the management and maintenance of the open place to be provided on site, the proposed development accords with CDP Policy 25 and 26, and Part 8 of the NPPF.

Carbon Emissions

203. Criterion c) of Policy 29 requires all development to minimise greenhouse gas emissions, by seeking to achieve zero carbon buildings and providing renewable and low carbon energy generation. Where connection to the gas network is not viable, development should utilise renewable and low carbon technologies as the main heating source.
204. In addition, criterion o) of Policy 29 requires all major residential development to achieve reductions in CO₂ emissions of 10% below the Dwelling Emission Rate (DER) against the Target Emission Rate (TER) based on current Building Regulations.
205. Criterion d) of Policy 29 requires all development to minimise the use of non-renewable and unsustainable resources, including energy, water and materials, during both construction and use by encouraging waste reduction and appropriate reuse and recycling of materials, including appropriate storage space and segregation facilities for recyclable and non-recyclable waste and prioritising the use of local materials.
206. The application is supported by an Energy Statement which confirms the use of energy efficient fabric and air source heat pumps and Photovoltaic panels to minimise energy consumption and carbon emissions, and achieve a minimum 10% carbon reduction against DER when measured against TER. Since the submission of this application and the adoption of the CDP, the Building Regulations have been updated and now require all new homes to produce 31% less CO₂ emissions than what was previously acceptable in the Part L regulations. The development would now need to comply with these new requirements and as this is covered under separate legislation there is no need

for a condition to reflect this. However, a condition is recommended to secure further details regarding the specification and location of the air source heat pumps and PV panels.

207. Given the above, the proposal is considered to accord with the sustainability aims of CDP Policy 29 and Part 2 of the NPPF.

Other Matters

208. CDP Policy 27 requires all new residential development to be served by a high speed broadband connection. This will need to be directly accessed from the nearest exchange and threaded through resistant tubing to enable easy access to the cable for future repair, replacement and upgrading. Where it can be demonstrated that this is not appropriate, practical or economically viable, developers will be encouraged to provide appropriate infrastructure to enable future installation. No details of how the dwellings will be served by a high speed broadband connection have been submitted with the application, but it is considered that these details could be secured via a suitably worded condition in this instance.

CONCLUSION

209. NPPF Paragraph 12 states that where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local Planning Authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.
210. In this instance, the site lies within the built up area of Spennymoor and was considered to be suitable for residential development under the Strategic Housing Land Availability Assessment but is not allocated for housing by CDP Policy 4 due to concerns over the achievability of development in relation to challenges in delivering previous consented schemes. The site represents previously developed land with an unkempt appearance and its redevelopment draws in principle support from CDP Policy 6.
211. The presence of existing noise generating uses nearby to the site is acknowledged. However, the application is supported by a Noise Impact Assessment which identifies adequate measures to mitigate against this. A conditional approach can address noise generated from an adjacent substation. Subject to conditions, the proposed development is considered to provide acceptable levels of amenity for the future occupants of the dwellings without adversely affecting the amenity of other residents in the area or placing unreasonable restrictions on existing businesses, according with CDP Policies 29 and 31.
212. No concerns are raised regarding highway safety, ecology, ground conditions, open space and other infrastructure, archaeology, or carbon emissions.
213. Whilst 2 “Red” scores were received when assessed against the Council’s Building for Life SPD during the Design Review process, it should be

considered whether there are significant overriding reasons capable of justifying these red scores.

214. In relation to the first red score, this was received in relation to the lack of serviced bus stops within the recommended 400m of the proposed dwellings. However, the site is considered to be located within a reasonable walking and cycling distance to defined town centre of Spennymoor and so the future occupants would not be solely reliant upon the private car for access to services, facilities and education. In addition, a development of this scale is not considered to be capable of funding the provision of additional bus services. Overall, in the round the site is considered to occupy a sustainable location and the proposed development is considered to accord with CDP Policies 6 and 21, as well as Part 9 of the NPPF.
215. This is subject to a condition to secure improvements to PRoW no.57 to the north of the site to widen it from 1.6m to 3m so that it would be capable of accommodating the additional residents generated by the proposed development and of it being used as a cycleway. This would improve connections to the town centre to the east, bus stops to the west on Vyners Close in the event that services stop here in the future, and provide a more attractive walking route for pedestrians. This condition is considered necessary to make the development acceptable by representing a good standard of design through effectively connecting with its surroundings, as well as to help outweigh the lack of serviced bus stops within 400m of the site and the conflict with CDP Policy 29. It would also benefit existing residents to the east looking to walk or cycle into the town centre, representing a wider benefit weighing in favour of the application.
216. In relation to the second red score, it is recognised that that SUDs have not been designed to form an intrinsic part of the layout which is contrary to CDP Policy 35 d). However, the surface water drainage strategy would satisfactorily attenuate water on the site to ensure that there is not an increased risk of downstream flooding.
217. It is also recognised that, there are minor conflicts with the Council's Residential amenity standards SPD, with two plots falling below minimum garden depths to facilitate access to a mid-terrace property. However, these properties would retain an open aspect overlooking gardens. The separation distance between the rear elevations of two the dwellings and the rear elevations of two bungalows would marginally, fall below the required 21m.
218. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that if a development plan is used as part of the determination of an application must be made in accordance with the plan unless material considerations indicate otherwise.
219. In this instance, the application proposes the delivery of 65no. affordable homes across a range of 2, 3, and 4 bed properties in an area where there is a high demand for properties of this size and tenure. The applicant has agreed to secure the delivery of 100% of the 65no. dwellings as affordable via a Section 106 agreement and this is a substantial benefit weighing in favour of the application. In addition, the scheme would see the redevelopment of an

unkempt, previously developed site on which housing has not been delivered in the past despite planning permission having been granted for residential developments. Whilst no viability information has been submitted in support of the application the constraints and past challenges of delivering the redevelopment of the site are acknowledged. Secured via a condition, upgrades to PRow no.57 would improve the connectivity of the site to the town centre to serve the future residents generated by the proposed development whilst also providing a benefit to existing residents and helping to encourage walking and cycling into the town centre rather than use of the private car.

220. The applicant has put forward other benefits of the scheme which include the creation of 135 jobs during the construction period, the delivery of £8.7m of investment each year during the construction period, and the generation of additional expenditure in the local area by the future residents, as well as £125,000 in increased Council Tax receipts per annum and £480,000 in New Homes Bonus payments to the Local Authority.
221. Overall, having taken into account the relevant material considerations whilst the policy conflict is acknowledged and the assessment of the application is finely balanced. However it is considered that the benefits of the scheme, including the provision of 65no. affordable homes (to be secured by legal agreement) in an area with an identified need for such, in this instance outweigh the conflict with CDP Policies 29 and 35. There are no material considerations which indicate otherwise and therefore the application is recommended for approval.

Public Sector Equality Duty

222. 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.
223. In this instance, officers have assessed all relevant factors and do not consider that there are any equality impacts identified.

RECOMMENDATION

That the application be **APPROVED** subject to the completion of a legal agreement(s) to secure the following:

- Financial contributions of £102,316.50 to go towards improving offsite open space and recreational provision within Low Spennymoor and Tudhoe Grange Electoral Division,
- Financial contributions of £31,395 to go towards increasing GP surgery capacity in the Sedgfield North Primary Care Network,
- The provision of 100% affordable housing equating to 7no. affordable rent to buy homes and 58no. homes for affordable rent,

- The provision of offsite biodiversity net gain through the long term management and maintenance, including a Habitat Creation Management and Monitoring strategy, of biodiversity land.

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 following plans:

Site Location Plan DR-A-9001 Rev P04
 Proposed Site Layout DR-A-9003 Rev P07
 Proposed Site Layout DR-A-9004 Rev P08
 Proposed Street Elevations DR-A-2110 Rev P03
 Proposed Site Sections DR-A-2210 Rev P03
 Landscaping Strategy KL-551-001 Rev P2
 Proposed S106 Plan HHMLS-PHS-XX-XX-DR-A-911
 House type 1 plans and elevations DR-A-2001 Rev P04
 House type 2 plans & elevations DR-A-2001 Rev P04
 House type 3 house plans and elevations DR-A-2001 Rev P04
 House type 4 plans DR-A-2000 Rev P04
 House type 4 elevations DR-A-2001 Rev P04
 House type 5 plans and elevations DR-A-2001 Rev P04

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies 6, 15, 19, 21, 25, 26, 27, 29, 31, 32, 35, 36, 39, 40, 41, 43 of the County Durham Plan and Parts 2, 4, 5, 8, 9, 11, 12, 14 and 15 of the National Planning Policy Framework.

3. No development other than ground clearance or remediation 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 taking into account relevant guidance such as the Institute of Air Quality Management "Guidance on the assessment of dust from demolition and construction" February 2014.
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. Routing agreements for construction traffic.
11. Details of the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.
12. Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works.
13. 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 other than ground clearance or remediation shall commence until a land contamination scheme has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall be compliant with the YALPAG guidance and include a Phase 2 site investigation including ground gas monitoring and a Phase 3 remediation strategy to include gas protection measures and method of verification where necessary.

Reason: To ensure that the presence of contamination is identified, risk assessed and proposed remediation works are agreed in order to ensure the site suitable for use, in accordance with Policy 32 of the County Durham Plan and 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 other than ground clearance and remediation shall commence until plans showing full engineering details of the proposed estate road, to demonstrate that it has been designed to meet current highway design standards, and a phasing plan for the implementation of these works have been submitted to and approved by the Local Planning Authority. Thereafter, the estate road shall be constructed in accordance with the approved details and timescales.

Reason: To ensure the development is served by a safe and suitable estate road in accordance with Policy 21 of the County Durham Plan and Part 9 of the National Planning Policy Framework.

7. No development other than ground clearance or remediation works shall commence until a scheme for the provision of foul and surface water drainage works in accordance with the principles established in the submitted Flood Risk Assessment & Drainage Strategy by C. J. Emm Ltd dated October 2023 have been submitted to and approved in writing by the Local Planning Authority. This shall include but not be limited to a Construction Phase Surface Water Management Plan with phasing details for the completion of all drainage infrastructure, Construction Details for permeable paved driveways and the SUDs basin, and the precise proposed connection point(s) to the public sewerage network. 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 other than ground clearance or remediation 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.

9. Prior to the commencement of development above damp proof course details of the number, location and manufacturers details of photovoltaics and air source heat pumps to be installed to power the dwellings shall be submitted to and approved in writing by the Local Planning Authority. The

development shall thereafter be undertaken in accordance with the approved details.

Reason: To minimise carbon emissions in accordance with Policy 29 of the County Durham Plan.

10. Notwithstanding any details of materials submitted with the application no development above damp proof course shall commence until details of the make, colour and texture of all walling and roofing materials have been submitted to and approved in writing by the Local Planning Authority. Thereafter, 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.

11. Prior to the first occupation of any of the dwellings, details of all hardsurfaced areas shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the hardsurfaced areas shall be constructed in accordance with the approved details prior to the first occupation of any dwelling and thereafter retained for the lifetime of the development.

Reason: In the interests of the visual amenity of the surrounding area and in order to ensure sufficient parking provision on the site in accordance with Policies 21 and 29 of the County Durham Plan and Parts 9, 12 and 15 of the National Planning Policy Framework.

12. Prior to the first occupation the development hereby approved, details of all means of enclosure of the site shall be submitted to and approved in writing by the Local Planning Authority. The enclosures shall be constructed in accordance with the approved details thereafter.

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

13. No dwelling shall be occupied until a scheme of surface improvement works relating to Public Right of Way footpath number 57 have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the surface improvement works shall be undertaken in accordance with the approved details prior to the first occupation of any dwelling.

Reason: To facilitate increased cycle use and improve the route from the site into the town centre in accordance with County Durham Plan policies 21 and 29 and Paragraph 92 of the National Planning Policy Framework.

14. The development hereby approved shall not be occupied until details of cycle storage compliant with the Council's Parking and Accessibility Standards, have been submitted to and agreed in writing by the Local

Planning Authority. Thereafter, the development shall be carried out in accordance with the agreed details.

Reason: To encourage sustainable transport modes of travel in accordance with Policy 21 of the County Durham Plan and Part 9 of the National Planning Policy Framework.

15. 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 Policies 26 and 29 of the County Durham Plan and Parts 8 and 12 of the National Planning Policy Framework.

16. A minimum of 43 dwellings shall be built to a standard which meets the requirements set out in M4(2) of the Building Regulations 2010 Approved Document Part M: Access to and use of building (as amended) or any updated version of replacement document.

Prior to the occupation of any dwelling constructed to Buildings Regulations M4(2) standard, a verification report compiled by a suitably competent person demonstrating that the dwelling has been constructed to achieve Buildings Regulations M4(2) standard shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the development complies with the requirements of Policy 15 of the County Durham Plan to meet the needs of older people and people with disabilities.

17. In undertaking the development that is hereby approved:

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 0730 to 1400 on Saturday.

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

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

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

Reason: 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.

18. No construction work shall take place, nor any site cabins, materials or machinery be brought on site until all trees and hedges, indicated on the approved tree protection plan as to be retained, are protected by the erection of fencing, placed as indicated on the Tree Protection Plan contained at Appendix 4 within the submitted Arboricultural Method Assessment reference ARB/CP/3059 dated October 2023 and comprising a vertical and horizontal framework of scaffolding, well braced to resist impacts, and supporting temporary welded mesh fencing panels or similar approved in accordance with BS.5837:2010.

No operations whatsoever, no alterations of ground levels, and no storage of any materials are to take place inside the fences, and no work is to be done such as to affect any tree. No removal of limbs of trees or other tree work shall be carried out. No underground services trenches or service runs shall be laid out in root protection areas, as defined on the Tree Protection Plan.

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

19. The three connections to the surrounding Public Right of Ways as shown on Proposed Site Layout HMLS PHS XX XX DR A 9003 P07 shall be constructed prior to the first occupation of any dwelling and thereafter maintained for the lifetime of the development.

Reason: To achieve a well designed development that encourages walking and cycling in accordance with Policies 21, 26 and 29 of the County Durham Plan.

20. The discharge rate of surface water runoff from the site to the public sewer shall not exceed 8.4 litres per second as detailed within the submitted Flood Risk Assessment & Drainage Strategy by C. J. Emm Ltd dated October 2023.

Reason: To safeguard against flood risk in accordance with Policy 35 of the County Durham Plan and Part 14 of the National Planning Policy Framework.

21. The SUDs basin and permeable paving shall be managed and maintained in accordance with the details contained at Appendix F within the submitted Flood Risk Assessment & Drainage Strategy by C. J. Emm Ltd dated October 2023.

Reason: To safeguard against flood risk in accordance with Policy 35 of the County Durham Plan and Part 14 of the National Planning Policy Framework.

22. The development shall be undertaken in strict accordance with Section 6 Mitigation and Compensation of the submitted Ecological Impact Assessment undertaken by OS Ecology dated October 2023.

No dwelling shall be occupied until a plan showing the location of bat boxes and bird boxes to be installed to a minimum of 33 of the dwellings has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the bat and bird boxes shall be installed in accordance with the approved details prior to the first occupation of any dwelling and retained for the lifetime of the development.

Reason: In the interest of conserving protected species and their habitats in accordance with Policy 43 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

23. A minimum of one active electric vehicle chargepoint shall be installed to each dwelling prior to the first occupation of that dwelling.

Reason: To enable the adoption of alternative fuel vehicles in accordance with Policy 21 of the County Durham Plan and the Council's Parking and Accessibility Standards SPD 2023.

24. The car parking spaces serving each dwelling and visitor parking bays as detailed on Proposed Site Layout HMLS PHS XX XX DR A 9003 P07 shall be constructed and made available for use prior to the first occupation of any dwelling and thereafter retained for the lifetime of the development.

Reason: To ensure the development is served by a sufficient amount of car parking spaces in the interests of highway safety and in accordance with Policy 21 of the County Durham Plan and the Council's Parking and Accessibility Standards SPD 2023.

25. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order), no fences, walls, or gates shall be installed within, or along the boundary of the curtilage of, Plot 45 without the grant of further specific planning permission from the Local Planning Authority. Any vegetation planted to the grassed area to the north or east of the dwelling on Plot 45 shall be maintained at a height of no higher than 1m for the lifetime of the development.

Reason: To ensure sufficient levels of visibility are maintained in the interests of highway safety, in accordance with Policy 21 of the County Durham Plan and Part 9 of the National Planning Policy Framework.

26. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order) any windows to be installed to the north side elevation of the dwellings on Plot 25, 46 and 50 shall be obscured to level 3 or higher of the Pilkington scale of privacy or equivalent and shall be maintained thereafter in perpetuity.

Reason: In the interests of the residential amenity of neighbouring properties in accordance with Policies 29 and 31 of the County Durham Plan and Part 12 of the National Planning Policy Framework.

27. Prior to the first occupation of any dwelling details of the position, dimensions, materials and screening of the proposed substation shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the substation shall be erected in accordance with the approved details.

Reason: In the interest of the visual amenity of the area in accordance with Policy 6 and 29 of the County Durham Plan and Part 12 of the National Planning Policy Framework.

28. All sound attenuation measures detailed at Section 6 of the submitted Noise Impact Assessment prepared by E3P, reference 50-774-R1-3 dated October 2023 shall be fully implemented prior to the first occupation of the dwellings and permanently retained thereafter.

In addition to the above, the following noise levels shall not be exceeded:

- o 35dB LAeq 16hr bedrooms and living room during the day-time (0700 - 2300)
- o 30 dB LAeq 8hr in all bedrooms during the night time (2300 - 0700)
- o 45 dB LAmax in bedrooms during the night-time
- o 55dB LAeq 16hr in outdoor living areas

Any noise mitigation measures required to accord with these specified noise levels shall be installed prior to the first occupation of the dwellings and shall be permanently retained thereafter.

Reason: To protect future occupiers from nearby noise sources in accordance with Policy 31 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.

29. Plots 47-51 shall not be occupied until a scheme of acoustic attenuation measures relating to the noise generated by the substation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the location, height, and materials of acoustic screening to be installed. The scheme of acoustic attenuation measures shall be carried out in accordance with the approved details prior to the first occupation of Plots 47-51 and shall be permanently retained thereafter.

Reason: To protect future occupiers from noise generated by the nearby substation in accordance with Policy 31 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.

30. No development other than remediation works shall commence until a detailed landscaping scheme 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 soft landscaping including planting species, sizes, layout, densities, numbers.

Details of planting procedures or specification to include strategies for dealing with future conflict between the proposed tree planting and adjacent hard surfaced areas and the rooting volumes of the proposed tree planting. 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.

31. 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.

32. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order), no development under Schedule 2 Part 1 Class AA shall take place without the grant of further specific planning permission from the Local Planning Authority. No two storey rear extensions to the dwellings on Plots 29-45 or 54-65 shall take place without the grant of further specific planning permission from the Local Planning Authority.

Reason: In the interest of the visual amenity of the area and to ensure sufficient levels of amenity for future residents, in accordance with Policy 29 of the County Durham Plan and Part 12 of the National Planning Policy Framework.

31. Prior to the construction of the approved highway layout, a shall be submitted to and approved in writing by the Local Planning Authority. The Highway Implementation, Maintenance and Management Plan shall detail the phases of highway construction to serve relevant dwellings, along with detailed measures of how the highway will be maintained and managed. The submitted plan may include any agreement under Section 38 of the Highways Act 1980. The development thereafter shall be carried out in accordance with the details approved for the lifetime of the development.

Reason: In the interests of highway safety to comply with Policy 21 of the County Durham Plan and Part 9 of the National Planning Policy Framework.

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documents
National Planning Policy Framework
The County Durham Plan (CDP)
County Durham Plan Strategic Housing Land Availability Assessment 2019
County Durham Plan Settlement Study 2018
County Durham Parking and Accessibility Standards 2023
County Durham Building for Life SPD 2019
Residential Amenity Standards Supplementary Planning Document 2023
Statutory consultation responses
Internal consultation responses
External consultation responses



Planning Services	Erection of 65no. dwellings with associated access, infrastructure, and landscaping		
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	Date: December 2023		