

# COMMITTEE REPORT

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### APPLICATION DETAILS

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<b>APPLICATION NO:</b>	DM/23/02170/FPA
<b>FULL APPLICATION DESCRIPTION:</b>	Construction of 187no. dwellings and associated open space
<b>NAME OF APPLICANT:</b>	Countryside Partnerships North
<b>ADDRESS:</b>	Land North and West of Almond Close Spennymoor DL16 7YG
<b>ELECTORAL DIVISION:</b>	Spennymoor
<b>CASE OFFICER:</b>	Steve France Planning Officer Telephone: 03000 264871 <a href="mailto:steve.france@durham.gov.uk">steve.france@durham.gov.uk</a>

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### DESCRIPTION OF THE SITE AND PROPOSALS

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#### The Site

1. The application consists of just under 9ha of mainly agricultural land to north-west of the Middlestone Moor area of Spennymoor. Non-agricultural land included within the proposal consists of the revised access point which crosses a landscaped area associated with the modern housing development to the south through which the development is proposed accessed. This area includes a footpath and trees.
2. The site is broadly flat, falling slightly from west to east. It is open and uninterrupted arable land with features restrained to its boundaries.
3. The boundary with the modern developments to the south-east varies in nature, consisting of residential walls and fences of varying heights alongside Page Grove, a cul-de-sac which consists of one and two storey dwellings. To the rear of the two storey dwellings in Aspen Close and Almond Close is a small area of private woodland, outwith the red line defining the extent of the development site and separating the proposals from those houses. This woodland has a clearly visible but informal path through it, with fencing damaged to provide access through it and along the rear of Page Grove to the field access on Whitworth Lane. There was evidence of other paths and apparent casual trespass across the agricultural land that forms the site visible on the Officer's site visits and in Google Earth images online.
4. The western part of the southern boundary runs parallel with a landscaped earth bund formed as part of those developments. This is mostly treed, with the exception of an unplanted but fenced area used as a dog park which belies the presence of underground services. Beside the landscaped bund a footpath runs from the proposed site entrance to an open landscaped area including a small formal play area, and then

beyond to a new pedestrian gate connecting to the public footpath on the farm track connecting Bishop's Close farm to Durham Road.

5. The north-east boundary of the site runs up to an area of woodland, often flooded that separates the site from Whitworth Road. This 'wet woodland' is a natural feature that has high ecological value. Whitworth Road itself has a 40mph speed limit where it runs parallel to the site, reducing to 30mph on the entrance to the settlement adjacent Page Grove. There is then a short distance to the main vehicular and pedestrian and vehicular entrance to Whitworth Park Academy.
6. Whitworth Road is traffic calmed on the approach to the Academy, with signs, lines, and physical calming features. With the Academy campus in this area consisting of playing fields and open areas, separated from Whitworth Road by a mature woodland belt, the road has the strong characteristics of a rural rather than an urban highway. Whitworth Road has a single footway on its west side. There is no streetlighting.
7. On the east side of the road, separate from the settlement is The Meadows School, and north of that the Auckland Way, a well-used foot/cyclepath that connects Spennymoor to Bishop Auckland and a network of public Rights of Way. This route is generally set within trees but has open sections that allow views back towards the site across the intervening arable farmland. A separate footpath runs alongside the Auckland Way for a distance on the unsurfaced farm track that then heads south-west and leads to Bishop's Close Farm.
8. The north-west boundary of the site is defined by an agricultural hedge with fence, albeit with a large gap in the flora evident, with the north point of the site where this hedge meets the wet woodland bordering Whitworth Lane obviously prone to flooding. Beyond the hedge, the land falls away across the agricultural land associated with Bishop's Close Farm, first to The Auckland Way, with the land sloping beyond designated as an Area of Higher landscape Value, that includes land included on the Local List of Historic Parks, Gardens and Landscapes associated with Whitworth Hall. The sloping land extends to the River Wear, 2.25km north of the site.
9. Along the south-west boundary of the site the unsurfaced farm track access to Bishop's Close Farm, with includes the public footpath is separated from the site by a fenced and hedged boundary which does include some trees, including on principal one just inside the site. Again, there is evidence of damage to the boundaries to allow for pedestrian access. On the other side of this farm access / footpath is the SuDs and landscape areas associated with a new housing estate, with again, damage to fencing to allow access onto the footpath from the new residential development. The farm track / footpath leads to Durham Road, with the A688 beyond.
10. In terms of the relationship to surrounding services and facilities, there are bus stops on Durham Road, 350m south of the site. The main entrance of the aforementioned Academy is the same distance from the centre of the site, with Primary and other Secondary schools within a 1km radius. There is a small parade of shops at Clyde Terrace. The main town centre is around 1.3km to the east where there are medical practices, pharmacies, a leisure centre, library supermarkets and a good range of shops.

## The Proposal

11. The application proposes a residential development of 187 dwellings served through the existing residential estates to the south.

12. As first submitted, the application proposed erection of 214 dwellings, served by an access from Whitworth Road in the position of the existing agricultural access to the rear of 11 Page Grove. Planning and Highways Officers indicated that with the nature of Whitworth Road, and the relationship to the Academy, this access could not be supported on highways safety grounds and the application would be recommended for refusal. Changes to the road layout and restrictions were examined but would not overcome the concerns.
13. The applicants revised their proposals and submitted amended plans following a public consultation event directed principally at the estate affected by the amended access. The Council then carried out a full reconsultation exercise, clearly indicating the amended nature of the proposals, significantly extended to include to whole of the estate to the south-east.
14. The revised access point uses the landscaped footpath access between Almond Close and Charhill Way. The application proposes a mix of 56no. 2 bed, 100 3 bed and 31 4 bed houses. There are 20 bungalows proposed, with the rest of the development 2 storey in height. 28 units of the development are proposed formally secured as affordable housing to meet the Policy requirement.
15. The internal layout has been amended to provide a hierarchy of streets, with traffic calming including raised tables, the changes intended to encourage low vehicle speeds and benefit highway safety.
16. SuDs basins are proposed on the east part of the site, which with the proposed planting strategy is designed to compliment the adjacent wet woodland.
17. Landscaping is proposed enhanced along the north-west boundary along the existing agricultural hedge-line, with tree lined streets proposed within the layout.
18. To facilitate the scheme construction traffic is proposed to access the site via the existing Whitworth Road field access to the rear of Page Grove.
19. This application is being considered by Committee as a 'major' development.

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## **PLANNING HISTORY**

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20. The site has no formal planning history, however approvals to the south and west are significant in this response and the context of the currently agricultural land on the edge of the settlement.
21. An extended site including the roadside trees on Whitworth Road was considered under the SHLAA that informed the County Plan, the 'Amber' assessment given justified on the basis:

*Development of the site would represent an incursion into open countryside which is likely to have some locally significant landscape and visual effects by virtue of scale and location. A full ecological assessment would be required in respect of the DBAP habitat (wet woodland) in a narrow belt along the roadside.*
22. Relevant to the consideration of this application, on land immediately west of the site, application DM/14/02556/OUT: Outline application for up to 300 dwellings, including site access, public open space, landscaping and associated infrastructure works was refused by Committee in November 2014, but allowed on appeal.

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## PLANNING POLICY

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### NATIONAL POLICY

23. The following elements of the National Planning Policy Framework (NPPF) are considered relevant to this proposal:
24. *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.
25. *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.
26. *NPPF Part 5 – Delivering a wide choice of high-quality homes.* The Government advises Local Planning Authority's to deliver a wide choice of high-quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.
27. *NPPF Part 6 – Building a strong, competitive economy:* The Government is committed to ensuring the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore, significant weight should be placed on the need to support economic growth through the planning system.
28. *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.
29. *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.
30. *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.

31. *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.
32. *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.
33. *NPPF Part 15 - Conserving and enhancing the natural environment.* Planning policies and decisions should contribute to and enhance the natural and local environment.
34. *NPPF Part 16 - Conserving and Enhancing the Historic Environment.* Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

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

#### **NATIONAL PLANNING PRACTICE GUIDANCE:**

35. 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; neighbourhood planning; noise; open space, sports and recreation facilities, public rights of way and local green space; planning obligations; travel plans, transport assessments and statements; use of planning conditions; and; water supply, wastewater and water quality.

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

#### **LOCAL PLAN POLICY:**

##### The County Durham Plan

36. *Policy 1 Quantity of Development* outlines the levels of employment land and housing delivery considered to be required across the plan period.
37. *Policy 6 Development on Unallocated Sites* supports 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.

38. *Policy 10 Development in the Countryside* states that development will not be permitted unless allowed for by specific policies in the Plan or Neighbourhood Plan or unless it relates to exceptions for development necessary to support economic development, infrastructure development or development of existing buildings. The policy further sets out 9 General Design Principles for all development in the Countryside.
39. *Policy 15 Addressing Housing Need* notes the need to increase the range and quality of housing provision within the County and with regard to meeting the needs of older people and people with disabilities.
40. *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.
41. *Policy 21 Delivering Sustainable Transport* states that all development shall deliver sustainable transport by (in part) ensuring that any vehicular traffic generated by new development, following the implementation of sustainable transport measures, can be safely accommodated on the local and strategic highway network and does not cause an unacceptable increase in congestions or air pollution and that severe congestion can be overcome by appropriate transport improvements.
42. *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.
43. *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.
44. *Policy 29 Sustainable Design* Requires all development proposals to achieve well designed buildings and places having regard to SPD advice and sets out detailed criteria which sets out that where relevant development is required to meet including; making a positive contribution to an areas character and identity; provide adaptable buildings; minimise greenhouse gas emissions and use of non-renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; providing suitable landscape proposals; provide convenient access for all users; adhere to the Nationally Described Space Standards (subject to transition period).
45. *Policy 31 Amenity and Pollution* Sets out that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and

that they can be integrated effectively with any existing business and community facilities. Development will not be permitted where inappropriate odours, noise, vibration and other sources of pollution cannot be suitably mitigated against, as well as where light pollution is not suitably minimised. Permission will not be granted for sensitive land uses near to potentially polluting development. Similarly, potentially polluting development will not be permitted near sensitive uses unless the effects can be mitigated.

46. *Policy 32 Despoiled, Degraded, Derelict, Contaminated and Unstable Land* states [in part] that development will not be permitted unless the developer can demonstrate that the site is suitable for the proposed use, and does not result in unacceptable risks which would adversely impact on the environment, human health and the amenity of local communities.
47. *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.
48. *Policy 36 Water Infrastructure*. Advocates a hierarchy of drainage options for the disposal of foul water. Applications involving the use of non-mains methods of drainage will not be permitted in areas where public sewerage exists. New sewage and waste-water infrastructure will be approved unless the adverse impacts outweigh the benefits of the infrastructure. Proposals seeking to mitigate flooding in appropriate locations will be permitted though flood defence infrastructure will only be permitted where it is demonstrated as being the most sustainable response to the flood threat.
49. *Policy 39 Landscape* states that proposals for new development will be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views and that development affecting valued landscapes will only be permitted where it conserves, and where appropriate enhances, the special qualities of the landscape, unless the benefits of the development in that location clearly outweigh the harm.
50. *Policy 40 Trees, Woodlands and Hedges* states that proposals will be expected to retain existing trees where they can make a positive contribution to the locality or to the development, maintain adequate standoff distances between them and new land-uses, including root protection areas where necessary, to avoid future conflicts, and integrate them fully into the design having regard to their future management requirements and growth potential.
51. *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.
52. *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.

53. *Policy 44 Historic Environment.* Seeks to ensure that developments should contribute positively to the built and historic environment and seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets. The policy advises on when harm or total loss of the significance of heritage assets can be accepted and the circumstances/levels of public benefit which must apply in those instances.
54. *Policy 56 Safeguarding Mineral Resources.* Sets out that planning permission will not be granted for non-mineral development that would lead to the sterilisation of mineral resources within a Mineral Safeguarding Area unless certain exception criteria apply.
55. The adopted Residential Amenity Standards SPD (2023), County Durham Building for Life SPD (2019), County Durham Landscape Strategy (2008), and Parking and Accessibility SPD (2023) were also given due weight in the assessment of the application by Planning officers and internal consultees.
56. There is no Neighbourhood Plan in this area.

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

57. *Highways* – because of the importance of Highways Officers' comments, they are set out here in full:
58. *'Following amendments to the original scheme, this proposal is now acceptable from a Highways perspective.'*
59. *Having previously been unable to come up with a mitigation scheme to allow access from Whitworth Road, the applicant has come up with an alternative access through Mulberry Drive/Bluebell Drive. This proposed access is considered acceptable in Highways terms. While objections to the access coming through the existing residential areas, there is no breach of design standards or technical Highways reason why taking the access from this location is unacceptable.*
60. *A standard residential street is usually 5.5m in width. Mulberry Drive and Bluebell Drive are both circa 6.75m in width, meaning they are significantly wider, and so can carry a greater capacity of traffic, than a standard residential street. 6.75m wide residential roads are suitable for being a bus route, such is their width. So while objections refer to the fact the these existing residential roads "are not suitable to carry additional traffic", there are numerous established residential estates serving many more houses than the total there would be at Mulberry Drive/Bluebell Drive/ the proposed development, which are served solely by 5.5m width road and below. Roads of circa 6.75m such as there are here, have the capacity to carry the traffic for both the existing, and proposed houses.*
61. *In addition, traffic calming is already in place on Mulberry Drive/Bluebell Drive to keep driver speeds down. The proposed new access would also be compliant with design standards, providing a 2.4m x 43.0m visibility splay, 5.5m wide carriageway and 2.0m footways.*



62. *It is noted that reference is made in some of the letters of objection about the suitability of the accesses from Mulberry Drive and Bluebell Drive onto Durham Road, and the fact there have been accidents in these locations, and that parking on Durham Road affects visibility when exiting Mulberry/Bluebell. Having looked at the recorded accidents at these junctions, there has only been a single accident, in January 2021, and so there is no evidence that there is an existing road safety issue at either of these junctions.*
63. *Car parking would be in accordance with the 2023 Parking and Accessibility SPD. The SPD would require 405 in curtilage parking spaces, and 47 visitor parking spaces for the proposed number of units. Actual provision on the site would be slightly over this, with 411 in curtilage spaces and 47 visitor spaces. All properties would have an Electric Vehicle charging point.*
64. *In the peak weekday hours it is considered that the development would generate 101 vehicle movements in the AM peak (28 arrivals, 73 departures), and 99 trips in the PM peak (69 arrivals, 30 departures). In the weekend peak the development would generate 62 vehicle movements (29 arrivals, 33 departures). So in the weekday peaks, the development would generate an average of less than 2 additional trips per minute, and in the weekend peak, an average of 1 trip per minute. As previously discussed, this level of traffic can easily be accommodated on the existing road network, and this level of traffic generation would not be prejudicial to road safety, or considered severe as per the test set out in NPPF paragraph 115.*
65. *As the proposed access is now in a different location to when the application was previously assessed, a revised Transport Assessment has been submitted reflecting this change. Revised traffic distributions, and junction modelling has been provided to reflect the change in access location.*
66. *A number of junctions have been assessed on the network with the addition of the development traffic factored in. These junctions are-*
- Site Access (Priority Junction);*
  - Whitworth Road / Clyde Terrace/Durham Road (Traffic Signals);*
  - Clyde Terrace / Carr Street / Durham Road (Priority Roundabout); and*
  - A688 / Clyde Terrace (Priority Roundabout).*
  - Mulberry Drive/Clyde Terrace/Durham Road*
  - Blueberry Drive/Clyde Terrace/Durham Road*
  - Clyde Terrace/Durham Road/A688 Roundabout/Whitehouse Road Roundabout*
67. *All of these junctions are shown to continue to work within design capacity with the development traffic and background growth factored in.*
68. *So overall, it is considered that this development would not be prejudicial to road safety, and the cumulative impact would not be severe, and so the application is considered compliant with NPPF paragraph 115.*
69. *Conditions would be required relating to -*
- Car parking to be laid out for each plot prior to occupation of the plot*
  - Details of cycle parking to be provided.*
70. *The applicant would be required to enter into a S278 agreement for provision of the new access. All works to the adopted highway would be at the applicant's expense'.*

71. Highways Officers have also given due consideration to the proposed use of Whitworth Road as construction site access. This temporary arrangement is proposed controlled as a 'left in, left out arrangement' that is capable of control for site traffic, but is not an arrangement that would work for residential traffic. Complimented by a suite of temporary traffic measures, with appropriate controls over the detailed operation of the access through the Construction Management Plan, this aspect of the proposals is considered acceptable by its nature and through the control mechanisms proposed.

#### **INTERNAL CONSULTEE RESPONSES:**

72. *Spatial Policy* - The site which is the subject of this planning application is located on the western edge of Spennymoor. The main issues with this proposal are whether the form of development is appropriate, taking account of how well the site relates to the built form, settlement pattern and existing properties, and whether development would result in harm (landscape and visual impact) to the character of the local area.
73. Within the CDP this site is treated as a windfall proposal as this site is not allocated for housing within Policy 4. Policy 6 (Development on Unallocated Sites) and Policy 10 (Development in the Countryside) would both be relevant to assessing the proposal. This is in recognition of the definition of the built-up area within the CDP and that sites outside of, but well related to a settlement should be assessed against both policies. Policy 10 states that development in the countryside will not be permitted unless allowed for by specific policies in the Plan, and one of the instances new housing in the countryside is permissible is where the development accords with Policy 6. This Policy (replicated in full for ease below) states that the development of sites which are not allocated in the Plan or in a Neighbourhood Plan which are either (i) within the built-up area; or (ii) outside the built-up area (except where a settlement boundary has been defined in a neighbourhood plan) but well-related to a settlement, will be permitted provided the proposal accords with all relevant development plan policies and:
- a. is compatible with, and is not prejudicial to, any existing, allocated or permitted use of adjacent land;
  - b. does not contribute to coalescence with neighbouring settlements, would not result in ribbon development, or inappropriate backland development;
  - c. does not result in the loss of open land that has recreational, ecological or heritage value, or contributes to the character of the locality which cannot be adequately mitigated or compensated for;
  - d. is appropriate in terms of scale, design, layout, and location to the character, function, form and setting of the settlement;
  - e. will not be prejudicial to highway safety or have a severe residual cumulative impact on network capacity;
  - f. has good access by sustainable modes of transport to relevant services and facilities and reflects the size of the settlement and the level of service provision within that settlement;
  - g. does not result in the loss of a settlement's or neighbourhood's valued facilities 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.
74. The site is not one allocated for housing in Policy 4 of the County Plan, and therefore should be assessed against Policies 6 and 10, Development on unallocated site, and Development in the Countryside respectively.

75. With the reduction in numbers of dwellings proposed the affordable housing provision is now for 28 units that must include 7 First Homes. The site is within a 15% area for the provision of affordable units.
76. There is a requirement for 10% of the development to be of a design and type specifically for older people, equating to 19 units. The submitted Schedule of Accommodation within the Planning and Meeting Housing Needs Statement indicates this will be achieved through the 'Juneberry' house type, a semi-detached bungalow. This is considered acceptable.
77. For Green Infrastructure, the development is of a type where the ONSA states amenity/natural green space and non-equipped play space (children) should be provided on site, and a contribution sought towards all other typologies of open space (based on Table 19 of the OSNA) person per household) x £673.50 (£790.50 - £75.00 - £42.50) = £277,077.90 alongside the requisite amenity space provided on-site.
78. In terms of Design, the development will need to accord with Policy 29 (Sustainable Design) of the CDP, which requires all development proposals to achieve well designed buildings and places. Development should contribute positively to character, provide high standards of amenity and privacy, minimise the impact of development upon the occupants of existing adjacent and nearby properties, and contribute towards healthy neighbourhoods and consider the health impacts of development and the needs of existing and future users, including those with dementia and other sensory or mobility impairments.
79. Policy 29 of the CDP also states that all new residential development will be required to comply with the Building for Life SPD, as well as targeting net zero development and achieving reductions in CO2 emissions. As set out in policy 29, all new residential development will be required to comply with the Nationally Described Space Standards (NDSS). The revised Residential Amenity Standards SPD (Jan 2023) sets out the privacy/amenity requirements for new build proposals as well as minimum lengths for gardens. Further consideration of the design will be through the design review process.
80. In terms of play space, the proposed layout does not appear to include any areas for this open space typology. It is however, noted that there appears to be a play space embedded within the housing estate immediately to the south. It is noted that the proposed layout shows a footpath link from this development to this play area. It is unclear who owns that land (DCC do not own it) but it may well be more prudent to upgrade this play area (subject to owners' consent) rather than replicate a further play area within this development. In that scenario, the s106 commuted sum would be revised to 411.40 x £715.50 (£790.50 - £75.00) = £294,356.70 to reflect that the play space is off-site.
81. Paragraph 95 of NPPF confirms that the government places great importance to ensure that sufficient choice of school places is available to meet the needs of existing and new communities and requires LPAs to seek this. This is a material consideration as opposed to a specific policy requirement.
82. Paragraph 93 of NPPF recognises the need for planning decisions to ensure an integrated approach when considering the location of new housing and to plan positively for the provision and use of community facilities and local services. This provides policy justification to seek mitigation under Policy 25 (Developer Contributions) of the CDP in respect to essential services including GP provision where a deficit would result or be exacerbated by the proposal.

83. *Affordable Housing* - have described a yearly requirement for around 850 affordable dwellings to be provided each year. There is no objection to the proposals, noting that the Planning Policy requirement is met and there is a national requirement, set out in the NPPF for First Homes. The development will help meet the required affordable housing target.
84. *Archaeology* – Officers confirm that the site surveys have revealed no features of interest and note the need for the surveys to be deposited.
85. *Design* – The planning application has been presented for assessment through the Design Review Panel which has offered comments and suggested opportunities for improvement in a standardised process including assessment of character, connections, layout and functionality. The scheme performed poorly at pre-application and in its first iterations with 11 out of 12 ‘red’ scores. Reduced to one red in March, this final concern was overcome at the April Design Review Panel meeting.
86. The developer has responded positively to requests for improved elevational treatments and use of character areas. Additional connections have been introduced, reflecting desire lines and the positive layout features of the adjacent existing estate, giving reasonable walking distances to bus stops, schools, play facilities, open spaces and public Rights of Way. Improvements have been made to the planting offer, integrating the SuDS basins into the landscaping scheme and softening the site access, complimenting the tree-lined streets. Swales and trees are used to break up parking and the internal highways layout has been significantly revised to slow vehicle speeds, whilst allowing logical pedestrian wayfinding and connections.
87. Policy 29.n. of the County Plan requires a scheme to achieve no ‘reds’ at Design Review. After a few attempts, this has been achieved.
88. *Drainage* - advise approval in principle of the proposed surface water management plan but required the highway draining to the swale detail be amended to show how the connection is made to the swale behind the footpath (this information has now been provided).
89. They also advised the filter drain next to Page Grove may need to be extended to prevent overland flow identified on the Councils flood data entering the plots.
90. Requesting submission and approval of the detail and hydraulic calculations to be submitted for audit together with an engineering layout drawing indicating all cover, invert and floor levels, this Team’s comments related to submission of detail, with no objection.
91. *Ecology* – with the application having been validated by the Council well before the new 10% Biodiversity Net Gain uplift requirements, this application is being dealt with as a transitional scheme, assessed against the previous requirement merely to achieve net bio-diversity gain. Whilst the applicant has provided documentation to show this can be achieved – albeit by a very narrow margin, there are on-going discussions regarding the approach to Great Crested Newts to ensure the developer can demonstrate that that this protected species will not be detrimentally affected.

92. There will be impacts to ground nesting birds (skylark and gray partridge) according to the ecological reports (see section 1 of the Ecological Impact Assessment), these have not been quantified as no bird surveys were completed. Although given the nature of the habitat on site it is unlikely that high numbers of breeding pairs would be affected it is still a potential negative impact that has been raised in order that it can be addressed.
93. Revisions have been sought to the Biodiversity Management and Monitoring Plan to ensure that the site can be properly maintained and monitored in future.
94. The County Ecologist is confident that the applicant's Ecologist can provide the required updates, and Members will be advised that this requirement has been met at the Committee meeting.
95. *Education* – A development of 187 dwellings would produce demand for 13 Nursery age pupils, 39 primary school age pupils, 25 secondary age pupils and 2 SEND (Special Educational Needs and Disabilities) pupils. The development is sited within the Spennymoor school place planning area within which Rosa Street Primary School, North Park Primary School, Ox Close primary School, King Street Primary School and Tudhoe Colliery Primary School Provide for early years education, with Whitworth Park Academy providing secondary provision.
96. Based on projected rolls, taking into account the likely implementation of the development and build-out rates and other relevant committed development it is anticipated that there is sufficient space to accommodate the pupils generated by the development in primary and secondary schools and no mitigation is requested.
97. In terms of SEND pupils, with a shortfall across the County a contribution of £167,960 (2 x £83,980) is requested.
98. *Environmental Health Air Quality* – identify that there are existing sensitive receptors close to the boundary situated to the south-east of the site.
99. For the construction phase, a detailed assessment has been carried out in accordance with the IAQM Guidance (Ref1). The assessment has determined a high risk of visible particulates (dust which is classified as particles of up to around 75 microns) impacting on the closest sensitive receptors (residential properties) during all stages of this phase of the development (site preparation & earthworks, construction and 'trackout'-the entrainment of material onto the wheels of vehicles that is then carried offsite.)
100. The agreement and implementation of dust mitigation control measures will, therefore, be required. A list of mitigation measures from the IAQM Guidance (Ref1) has been included in the completed air quality assessment. It is required that the dust mitigation control measures are incorporated within a Construction Environmental Management Plan (CEMP) that sets out the overall strategy for managing and controlling the risk of dust emissions impacting on receptors. The Plan needs to be agreed prior to the commencement of and then implemented for the complete duration of the Construction Phase.
101. The site is not situated within or close to a declared Air Quality Management Area (AQMA) and the background levels of air quality pollutants ('fine' particulates classified as below 10 microns- PM10) for the location of the proposed development are well below the air quality objectives. The assessed risk of emissions of 'fine' particulates (PM10) impacting on the nearest receptors is therefore low. The above requirement in

relation to controlling visible particulates will also apply to the control of 'fine' particulates (PM10).

102. There is potential for air quality pollutants (NO<sub>x</sub> and PM<sub>2.5</sub>), from the operation of Non-Road Mobile Machinery (NRMM), to impact on the air quality experienced by the existing receptors situated closest to the site boundary. The machinery used for this phase of the development should be selected to minimise any such emissions by, for example, ensuring the latest Euro engine emission standard is applied and/or plant and work methods are employed with low/zero emissions.
103. Since the location of the proposed development is situated adjacent to a residential area the impact of air quality pollutants from vehicle exhaust emissions during the Construction Phase should also be considered.
104. *Environmental Health Contaminated Land* – Whilst some fine detail is still being consulted on that will inform foundation design to control gas measures. Standard conditions for contaminated land are requested that follows the standard approach for investigation, mitigation and verification, with a standard informative for to accommodate any discovery of unexpected contamination.
105. *Environmental Health Nuisance* - have undertaken a technical review of information submitted in relation to the likely impact upon amenity in accordance with the relevant TANs (Technical Advice Notes). The housing development is noise sensitive. The locality maybe regarded as a semi urban, rural setting with both residential housing and agricultural fields being near the site. There are no major roads near to the site, therefore relevant noise levels should be relatively low and comply with the thresholds, stipulated in the TANs (Technical Advice Notes).
106. It is noted a Construction Environmental Management Plan has been submitted and we would suggest a condition is affixed which requires adherence to this plan and suggested operation timings. The information submitted demonstrates that the application complies with the thresholds stated within the TANS. This would indicate that the development will not lead to an adverse impact.
107. We would not envisage amended access to the site will have a significant impact in terms of statutory nuisance and associated amenity matters.
108. In addition, I can confirm that I have assessed the environmental impacts which are relevant to the development in relation to their potential to cause a statutory nuisance, as defined by the Environmental Protection Act 1990 and would comment as follows: *I am satisfied, based on the information submitted with the application, that the development is unlikely to cause a statutory nuisance.*
109. *Energy* - have not responded to the consultation exercise.
110. *Landscape* - Concerns remain regarding the extent of planting to the Northern boundary. It is understood that there is no requirement for SuDs basins to be lined. This presents an opportunity to plant to provide appropriate structural landscaping the further screen the development and/or extend adjacent habitat areas (subject to Ecological comment).

111. *Monitoring/Enforcement* - The submitted information details key issues in line with the Durham County Council Construction/Demolition Management Plan Guidance.
112. Where dust is shown to be at a high-risk level or where complaints have been received, further monitoring should be undertaken including the use of dust monitors. All monitoring results will be recorded and records made available to the LPA on request. Where monitoring demonstrates the presence of fugitive dust the cause must be investigated and relevant controls put into place, without delay, to prevent it arising.
113. The risk assessment, mitigation measures and monitoring will be formulated with due consideration of the IAQM document, Guidance on the Assessment of Dust from Demolition and Construction and Monitoring in the Vicinity of Demolition and Construction Sites. This information should be included in the Construction and Environmental Management Plan.
114. Some further detailed information for proposed site parking arrangements is sought to ensure robust methodology for controlling parking should be detailed and included in the CEMP. Mitigation measures could include regular daily monitoring by the site manager. This could be conditioned.
115. *NHS* - Local Healthcare Local intelligence informs that the affected practices, St Andrews Medical Practice, Bishops Close Medical Practice, fall within the Sedgefield North Primary Care Network which is at full capacity with regards to space requirements to deliver services to their patient list size. S106 funding would support creating extra capacity for them to provide appropriate services to patients. A request for £103,362 had been made for the scheme as first submitted for 214 units. In the absence of an updated reconsultation response, Officers have used this consultee's standard calculator to reflect the revised and reduced scheme, with a resultant figure of £90,321.
116. *Police Architectural Liaison Officer* – has outlined some general advice and general principles on how to achieve natural surveillance and security from the Designing Out Crime Initiative.
117. *PRoW* - have written in regard to the amended plans and are pleased to see a link from the site to footpath 13 have been included in the application as it will provide a good link for future residents.
118. *Public Health* - acknowledge the Health Impact Assessments submitted with the application as using the correct methodologies and covering the required topics. This extends to both the operational implications of the development, including the creation of recreational routes and access to promote active and healthy journeys, which in turn will promote physical and mental health and well-being, and from the construction process, that the development will create employment opportunities, which is an important measure of social value.
119. Particular attention is drawn to the need for the development to mitigate additional demands the development will impose upon existing healthcare provision, through s.106 developer contributions.
120. *Travel* – no response.

121. *Trees* - have viewed the application details with regards to potential impacts on trees at the site and studied the arboricultural report provided by ECO-SURV which provides a comprehensive impact assessment and recommendations for tree protection. The impact on trees is very low and can be easily mitigated by the recommended tree protection scheme - this includes recommendations for protective fencing, ground protection, minor pruning and site management control measures: It is recommended a suitable condition be included with any subsequent approval.
122. With regards the proposed layout, I would recommend additional new tree planting be incorporated into a wider landscaping scheme and that further details be submitted with a specification for proposed trees and their establishment maintenance e.g. to implement a sustainable landscape scheme that enhances overall landscape quality in the longer term.
123. The landscape site plan 7th Feb 2024 is indicative only showing only possible/proposed locations of trees and needs to be much more detailed to show species, locations, stock size, planting methods, tree pit design specifications for soft and hard landscaped areas, aftercare provisions such as watering regimes, stake management, replacements preferably including an establishment maintenance plan for first 5 years.
124. *TRT* – no response.

#### **EXTERNAL CONSULTEE RESPONSES:**

125. *Northumbrian Water* do not object to the application but consider that there is insufficient detail with regards to the management of foul and surface water, suggesting a pre-commencement condition to ensure that a detailed scheme of foul and surface water disposal is submitted and thereafter implemented in accordance with the approved details.
126. A standard 'informative' relating to the protection of existing sewers is detailed and will be appended to any approval.

#### **PUBLIC RESPONSES:**

127. A total of 70 representations have been received in response to the two consultation exercises totalling 350 individual letters, press and site notices. The first consultation exercise was directed at 128 addresses. Of these, 69 object to the proposals whilst there is one neutral representation. At the point the second consultation exercise was undertaken 44 objections had been received. Some objectors have submitted a number of comments. Local Ward Member Pete Molloy objects to the proposals.
128. In December 2023 a consultation exercise consisting of 128 direct mail letters to surrounding residents, institutions and businesses was sent out, site notices were posted on surrounding footpaths, including at the entrance to the Academy and on the railway path, along with an advertisement placed in the local press. The application was advertised as a Major Development and as affecting a Public Right of Way.
129. When the amended scheme was submitted, a larger consultation exercise to encompass the whole estate to the south, through which access is now proposed, was



undertaken, in February this year. Site notices were posted at the new site entrance and on the adjacent public footpath that follows the track to Bishop's Close Farm.

130. The Council's second consultation followed a public consultation exercise undertaken by the developer to gauge local opinion to the amended scheme as a whole and the revised access in particular.
131. Prominent in the responses to the first consultation exercise, it is claimed that there is no need for the development, and it should be directed elsewhere. The town currently offers a poor standard of living due to overcrowding and traffic issues, with additional housing doing nothing to alleviate this. The site itself is noted as not allocated for housing within the County Plan: as there are allocated sites in Spennymoor yet to be developed, this can form grounds for refusal. This part of Spennymoor has been extensively developed over the last 25 years, with some developments ongoing resulting in overdevelopment.
132. A significant objection was for traffic generation onto Whitworth Road, with a lack of lighting and footways restricted to one side of the road, along with the cumulative effect of other recent developments. The effects of traffic at the new site entrance on the dwellings at Page Grove. Additional traffic will bring increased environmental and noise pollution, compromising air quality.
133. Whilst the elements of the concerns directly relating to the superseded Whitworth Road access point have fallen away in so far as they relate to the operational life of the development, but remain for the construction period, more general concerns relating to traffic are taken as still relevant.
134. A loss of residential amenity is a concern. Two storey dwellings adjacent existing bungalows were not considered acceptable and relocating of units adjacent Page Close is requested. This has been achieved.
135. Compromise of the ecological value of the site, particularly at the entrance from Whitworth Lane was a concern. A shortage of parking is contended, with 313 parking spaces provided for 214 dwellings. A lack of parking has been a feature of recent developments in the area, with potential to compromise emergency vehicle access. Pedestrian Access to the nearest school is considered 'woefully inadequate'.
136. A footpath along the current settlement edge will be turned into a 'virtual alleyway' with the potential to become a focus for youths and anti-social behaviour - currently 'unheard of in this quiet peaceful location'.
137. That the part of the site adjacent Whitworth Lane is prone to flooding is contended to show the site is not appropriate for development. The area is considered a natural flood plain.
138. Following the reconsultation in February, there is significant concern that the proposed access will increase through traffic for the existing estate to the detriment of existing residents due to reduced safety and increased pollution. There will be additional wear and tear on the existing highways that will lead to additional maintenance requirements, with existing incidents of subsidence. Safety concerns relate in particular to children who play around the area and travel to and from school along the narrow roads of the estate. Existing roads are described as congested and too narrow with poor off-street parking leading to a lot of on-street parking. This creates pinch points for road users and may restrict access for emergency vehicles. There are particular parking problems at the estate entrance.

139. Again, the need for the development and the type of dwellings proposed and accommodation provided is questioned, in the particular context of the adjacent Gleasons development of 300 houses and an estimated 1000+ units within a very short distance, with a proportionate import of additional vehicles.
140. Accusations are made for the motivation behind the amended access proposed, with that from Whitworth Road considered acceptable by some.
141. The proposals are considered counter to the County Plan, with no justifiable housing need. Attention is drawn to areas of undeveloped brownfield land within Spennymoor and allocated within the County Plan. The proposals fail several criteria of Policy 6 and adds ribbon development to Whitworth Lane.
142. The development will result in the loss of beautiful open countryside, vegetation, wildlife habitats and open spaces that people enjoy. Within a confusion for the term Green Belt/Green Field, objectors note the Government's stated preference for development of brownfield land, and a loss of agricultural land.
143. The infrastructure of the settlement in terms of healthcare and education is considered inadequate to provide for additional residents.
144. Problems with the existing estate's drainage are presented as a concern, but on the assumption that construction traffic will transit through the existing estate. The SuDs approach is questioned with flooding on the eastern part of the site and in the roadside woodland likely to be exacerbated.
145. Noise and disturbance from the build process is a concern of many residents, a number of whom object to it coming through the existing estate.
146. One objector considers further sustainable energy features should be incorporated.
147. The loss of woodland to facilitate the access is considered significant and the approach to the bio-diversity calculations is questioned. Existing residents point out they have paid a maintenance charge for the trees proposed removed at the site entrance and do so for the green spaces, dog exercise area and play areas that will benefit proposed dwellings – this charge having recently been significantly increased. Landscaping provided within the existing estates is vandalised and does not become established. The payment of this fee is contended to give a right to decided how it should be used.
148. The implications of the construction period for noise, dust and disturbance is raised.
149. Adjacent residents complain of loss of view and the potential for devaluation of property.
150. *Cllr. Molloy* - has concerns for highways safety from the increased numbers of vehicles that would pass through the estate, a potential safety risk for children playing. He reflects a number of objector's concerns that there's a particular problem with on-street parking at the junction of Mulberry Drive and Grayson Road. Liaison with Middlestone Moor Primary Academy indicates that this is oversubscribed and has a waiting list in some years, presenting potential problems. Access to NHS dentists is difficult in Spennymoor with extensive waiting lists. He contends that the site is not allocated for housing in the County Plan and as a significant incursion into the countryside a development of this scale, with locally significant landscape and visual effects will be contrary to Planning Policy.

## APPLICANT'S STATEMENT:

151. The Applicant, Countryside Partnerships (as part of the Vistry Group), are one of the country's leading housebuilders. They work in close partnership with housing associations, local authorities and government agencies to deliver new homes across all housing tenures, providing the opportunity for all customers to live in one of our properties, whatever their budget.
152. Through the partnerships model, they focus on high quality, mixed-tenure developments that deliver positive social impact for those communities with placemaking at the heart of the development. This application proposes the construction of 187no. dwellings, including much needed bungalows, and will deliver a mix of new market and affordable homes, both affordable rent and Rent to Buy tenures.
153. Through extensive discussions with Planning Officers and Local Authority officers, the scheme has been amended since its original submission, comprehensively responding to both consultee and public comments. Working closely with officers has resulted in the sustainable provision of much needed housing within Spennymoor.
154. The layout offers a mix of 2- (56no.), 3- (100no.) and 4-bedroom (31no.) dwellings. House type design has been approved using two-character areas; a transitional zone implements materials and elevational styles which reflect the adjacent residential character; and the landscaped edge fronts out over agricultural land to the west, taking advantage of the rural setting. Several plots throughout the site have enhanced elevations.
155. The Applicant is pleased to propose 28no. affordable dwellings in partnership with Believe Housing, including: First Homes (seven), Affordable Rent (nine) and Route to Home Ownership (four Shared Ownership, eight Rent to Buy). This will be secured via a S106 Agreement. All dwellings comply with M4(2) requirements and NDSS. 20no. Bungalows have also been provided.
156. The site is well related to Spennymoor, and the overall density of the scheme has been reduced from the original submission and responds well to the edge of settlement location, as required by Policy 6. Enhanced landscape features have been proposed along northern and western boundaries with a mix of tree, amenity grass and native woodland mix planting. Tree-lined streets have been designed across the site. The proposal additionally provides net gain in Biodiversity.
157. Significant consideration of highways matters has been undertaken. Having engaged with the Highways Authority, to secure a safe and suitable site access, this has been relocated from Whitworth Road to between Mulberry and Bluebell Drive. The Applicant undertook a second round of public engagement during the determination process so that resident comments were suitably addressed. The proposal is policy compliant in providing 458no. parking spaces across the site (inc. 47no. Visitor Parking Spaces). Several pedestrian connections have been designed into the scheme, as such the scheme benefits from being within walking distance to a wide variety of local amenities.
158. The proposal for 187no. dwellings will provide a much-needed range of quality homes, including 20no. bungalows and 28no. affordable units. The Applicant has worked extensively since pre-application engagement and over the determination period and co-operatively with the Local Planning Authority to deliver a high-quality scheme. The proposal is policy compliant with all relevant Development Plan policies.

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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

### Principle of the Development

#### The Development Plan

160. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The County Durham Plan (CDP) is the statutory development plan and the starting point for determining applications as set out in the Planning Act and reinforced at Paragraph 12 of the NPPF. The CDP was adopted in October 2020 and provides the policy framework for the County up until 2035.

161. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
  - i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or,
  - ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

162. As the CDP represents an up-to-date development plan, paragraph 11(d) of the NPPF is not engaged.

163. The site sits adjacent Spennymoor in urban fringe countryside, and unallocated in the County Plan. In the first instance, as countryside the development is assessed against Policy 10. This states that development in the countryside will not be permitted unless allowed for by specific policies in the Plan. In this instance this leads to Policy 6, Development on Unallocated Sites, and assessment against the detailed criteria set out in the Spatial Policy comments, above.

164. Policy 6 recognises that in addition to the development of specifically allocated sites, there will be situations where future opportunities arise for additional new development over and above that identified in the development plan for the area. This policy sets out the circumstances where such opportunities will be acceptable. This will include new build housing on suitable previously developed or greenfield sites.
165. This policy applies to new development proposals within existing built-up areas or outside the built-up area, but which are well-related to a settlement. For the purposes of this policy the built-up area is contained within the main body of existing built development of a settlement or within a settlement boundary defined in a neighbourhood plan. 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.
166. It is considered that the site, whilst outside of the existing built-up area, is well related to the settlement. The countryside the site sits within is non-designated, with the Area of High Landscape Value extending up to the Auckland Way, over 250m north of the site. Officers are satisfied that in a non-designated landscape and in the context of residential development sites to the east, south and west that surround the site on the site, it does not contribute to coalescence, is not inappropriate backland, does not result in the loss of valued open space. In plan form the proposed site is a logical extension to the existing settlement, with the recent development of the Gleeson Homes site to the west of the access to Bishop's Close Farm from Durham Road significant in leading to this conclusion. The development is therefore potentially acceptable in terms of scale, design, layout, and location to the character, function, form and setting of the settlement.
167. For the remaining criteria from Policy 6, new housing adjacent existing residential development is a compatible land use. The ecological value of the land has been formally assessed and can be formally mitigated through s.106 and s.39 legal agreements. The land has no heritage value in its own right and is physically and visually separated from the designated parkland associated with the Whitworth Hall, north of the Auckland Way. Whilst there does appear to be some informal use of the agricultural land for recreational purposes, the nature of it is such that it cannot be afforded positive weight.
168. In terms of the effects on Highways safety and the wider Highways network, these issues are discussed in detail below, and concluded compliant with Policy 21 which brings compliance with Policy 6. The revised access point has significantly improved access by sustainable modes of transport to relevant services and facilities.
169. The scheme includes permeable drives, roadside swales and SuDs features that will minimise vulnerability and provides resilience to impacts arising from climate change, including but not limited to, flooding.
170. The site does not make use of previously developed land, which is encourage but not a requirement of the Policy.
171. This summary of the assessment against the criteria of Policy 6 is further detailed in some of the sections covering specific topic areas below, but overall is considered compliant with the criteria of the Policy.

## Highways Safety and Access

172. Policy 21 of the CDP outlines that development should not be prejudicial to highway safety or have a severe cumulative impact on network capacity. It also expects developments to deliver well designed pedestrian routes and sufficient cycle and car parking provision. Similarly, Policy 29 advocates that convenient access is made for all users of the development together with connections to existing cycle and pedestrian routes. Specifically, the NPPF sets out at Paragraph 110 that safe and suitable access should be achieved for all people. In addition, Paragraph 115 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
173. The vehicular highway aspect of the revised proposals is particularly contentious to residents, to which end the full opinion of County Highways Engineers is set out earlier in this report. Where Officers – Highways and Planning, consider that a development would have an unacceptable impact on highway safety this is made clear to developers. The access originally proposed from Whitworth Road was considered unsafe on a number of grounds, as a rural road approaching an urban settlement where road speeds are high and there is a complex highway environment of accesses to a large and a small school, residential culs-de-sacs, sweeping bends, a lack of lighting and a range of traffic calming measures. Whether this highways environment was capable of amendments to accommodate a safe access/egress to the proposed development was investigated in full and discounted.
174. The application proposes to significantly extend the existing residential road network past residential dwellings. The safety of those accesses and the passage of new traffic through the estate is of paramount concern. Principle roads in the estate leading up to the site on the proposed access route have been built to a standard and width suitable for bus use, giving an operational capacity that allows for the additional number of dwellings proposed. With the existing development to the south being a modern development, with a modern highways layout, with highways widths, traffic calming, road and footway dimensions and junction radii being in technical highways terms safe and satisfactory and have the capacity to accommodate the additional development proposed.
175. Within the development itself parking standards are met or, in terms of in curtilage parking, exceeded by six spaces.
176. The Highway Authority assessment has extended beyond the site into the strategic road network, with the effects on Durham Road, the roads through Spennymoor, and the effect on the A688 all considered, and concluded to operate within design capacity and be acceptable. This assessment will have taken into account other developments being undertaken and committed within the settlement – the vehicular implications of the quantum of development being undertaken across Spennymoor being a concern of many objectors.
177. It is concluded that the proposal in its own right, in terms of its effects on the adjacent estate, and in its effects on the wider highways network, meets the requirements of the Policies at the head of this section, reflecting the advice of the Highways Authority.
178. In addition to the essential Highway Safety assessment, the application is also required to show that the development is sustainably located in terms of highways and all forms of travel as part of the requirements of Policy 21 of the County Durham Plan and Part 9 of the NPPF.

179. To this end a Travel Plan has been submitted. Travel plans are designed to minimise the adverse operational and environmental impacts of transport associated with developments and cover a wide range of measures including walking, cycling, bus, taxi, car sharing and car parking, and encourage sustainable modes of travel.
180. The Travel Plan sets out an assessment of the footpath network and its access to surrounding destinations, along with similar assessments for bicycle use, concluding that there are a range of destinations that are accessible from the site by walking, cycling and public transport. It recommends a Travel Plan Coordinator is appointed who will act as a point of contact for all residents on travel issues, ensuring that the Travel Plan is kept up to date, obtain and maintain commitment and support from all residents, design and implement effective marketing and awareness raising campaigns to promote the Plan, set up and coordinate car share schemes, steering groups, working groups etc; and coordinate the monitoring programme for the Plan.
181. The submitted Travel Plan appears an appropriate response to the requirements of the condition, is suggested by an experienced and competent body. There are suitable routes identified to a range of sustainable transport methods to facilities, services and sustainable travel nodes that brings compliance with the requirements of Policy 6.f. of the County Plan. Officers consider that if conditioned will meet the intent of Policy 21 and Part 9 of the NPPF to ensure that transport options offering sustainability are embedded in any approval.

## Layout and Design

182. Policy 29 of the CDP outlines that development proposals should contribute positively to an area's character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities. Parts 12 and 15 of the NPPF also seek to promote good design, while protecting and enhancing local environments. Paragraph 130 of the NPPF also states that planning decisions should aim to ensure developments function well and add to the overall quality of the area and establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit.
183. The scheme as originally presented to the Design Review panel performed poorly, being attributed 11 out of 12 'reds', and has been significantly redesigned since then, with the applicant reflecting the concerns raised. A significant issue was the scheme when first submitted was a lack of connection to the existing settlement, with the main entrance from Whitworth Road and a single connection to the footpath to the west the totality of the connection to the settlement. There are criteria in Policy 6 that lead to the requirement that any residential extension of a settlement must effectively be part of that settlement, functionally and spatially. The first iteration of the scheme did not achieve this, with the adjacent housing estate forming an impediment to the proposed development connecting appropriately to bus stops and accessing facilities and services. This would have likely resulted in greater reliance on less sustainable methods of personal transport, or the casual trespass that sometimes represents desire for greater connectivity that is already apparent in the area.
184. Whilst unpopular with local residents objecting to the scheme, the relocation of the site access has a logic in terms of the Policy 6 criteria requirements, providing it does not compromise highway safety. The revised scheme provides vehicular and pedestrian access to and from the existing estates to the south and provides footpath links to Whitworth Road and the PRoW to the west. Distances to bus stops, services and facilities are significantly reduced and the development's permeable boundaries now allow for integration with the existing settlement.

185. The developer has amended house-types and, at the suggestion of officers, divided the development into two 'character' areas to give the development its own character and to aid legibility and way finding within it. Elevational treatments have been revised and improved. These positive responses to the criticisms of the Design Review Panel are welcomed, approval from which is a specific requirement of Policy 29n of the County Plan.
186. The redesign has rearranged the internal highways layout to further reduce vehicular speeds, brought parking standards up to SPD requirements, and reduced to dominance of parking that was a feature of the original, more linear layout – the improvements acknowledged in the response of County Highways Officers.
187. The development includes for tree-lined streets, and planted swales – addressing Design Review 'reds' for surface water drainage. The SuDs ponds are sited towards the east side of the site adjacent the 'wet woodland' that separates the site from Whitworth Road, where records indicate evidence of historical flooding. This replication of natural surface water flows together with the potential to compliment the existing ecology asset and opportunity for enhanced landscaping all raise the quality of the scheme in respect of its Design Review performance and adherence to the design requirements of Policy 29 and Part 12 of the Framework.

#### Landscape and Visual Impacts

188. Policy 39 of the County Durham Plan 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. Policy 26 outlines developments are expected to provide new green infrastructure and ensure provision for its long-term management and maintenance. Similar requirements are outlined in Policy 29. Policy 40 seeks to avoid the loss of existing trees and hedgerows unless suitable replacement planting is provided. Parts 12 and 15 of the NPPF promotes good design and sets out that the planning system should contribute to and enhance the natural and local environment by (amongst other things) recognising the intrinsic character and beauty of the countryside.
189. Landscape Officers have requested more significant structural planting on the north boundary of the site which is at present part defined by an agricultural hedge. Planting in this area has been enhanced by a woodland strip of varying depth, and the hedge has been reintroduced for the length of the boundary – excepting the area within an easement. It is however still far short of the structural planting belt that would be Landscape Officers preference.
190. The proposed edge of built development is separated from this new edge of settlement boundary by roads and drives and then by the landscape strip. This separation and varied planting strip is considered to better the edge of settlement approach accepted by the Planning Inspector on the adjacent site allowed at appeal for Gleeson Homes that forms part of the context of this site. It is the Case Officer's view that the topography of the site and the adjacent agricultural land to the north is such that the landform will help reduce the impact of development on the open countryside to the North, and in views from the Auckland Way.
191. Landscape Officers have latterly asked for additional planting in and around the SuDS basins, having confirmed that this does not affect their functionality, and to a degree



that does not undermine the biodiversity approach in this area. Amended plans showing such have been submitted.

192. It must remain the basic standpoint of Landscape Officers that the proposals both in principle and in the absence of an edge of settlement structural planting belt represent harm to the countryside. However, on the basis of the indicative landscaping scheme submitted with the principal landscape features of the trees near or on the boundary of the west part of the site are retained, and hedgerows are reinstated along the north boundary except where in an easement and additional tree planting in the areas of the SuDS basins, Officers consider that the degree of harm is less than substantial for the purposes of the planning balance when considering if the scheme is compliant with Policies 29 and 40 of the County Durham Plan.

## Residential Amenity

193. Policies 29 and 31 of the CDP outline that developments should provide high standards of amenity and privacy, minimise the impact of development upon the occupants of existing adjacent and nearby properties and not lead to unacceptable levels of pollution. Policy 32 seeks to ensure that historic mining legacy and general ground conditions are suitably addressed by new development. A Residential Amenity Standards Supplementary Planning Document (SPD) has also been adopted by the Council. The aforementioned policies and SPD can be afforded significant weight. Parts 12 and 15 of the NPPF, which 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.
194. Guidance within the SPD advocates separation distances of 21m between facing principal elevations and 18m between bungalows, 13m between principal and two storey gable elevations and 10m to a single storey. It is advised that additional separation may be required where there are changes in levels across a site. The site is broadly flat, with no implications for levels changes. Within the layout, there are two dwellings that fail the required separation distance to a gable end (by 2.5m) and one property with a garden that is more than 1m below the garden length requirements set out in the SPD. In a development of 187 units this shortfall is not sufficient to recommend refusal – noting that the relationships to surrounding properties and extent of gardens will be a considered choice for the householders. It is also noted that these issues are separate, and do not affect the same properties.
195. Residential amenity for proposed residents is also secured through ensuring the quality of accommodation to be provided. All proposed dwellings have been designed to meet both Nationally Described Space Standards, a set of national standards for the design of dwellings that minimum dimensions and design criteria to make homes comfortable, safe and adaptable, to allow people to carry on everyday activities at ease, and are M4(2) compliant, which is a Building Regulation requirement to ensure accessible and adaptable homes. These are requirements of Policies 29 and 15.
196. Spatial Policy Officers have acknowledged that the ‘Juneberry’ house-type meets the Policy 15 requirement for ensuring the development meet the need of older people and people with disabilities. The standard approach is for this provision, like that for affordable housing, to be dispersed through the layout to reflect Part 8 of the NPPFs advice to promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other. In this instance the layout includes a grouped area of bungalows, which alternately could bring a mini community feel to this part of the development to residents with similar aspirations of

residential amenity, reflecting the nature and character of the four short culs-de-sac immediately south of the site facing which access onto Whitworth Road opposite the Academy.

197. In terms of the relationships to existing dwellings, the west end of the development is separated from the existing estate by a treed earth bund and facing separation distances exceeding 50m including oblique relationships. East of the new proposed access similar distances are met, with the existing woodland strip further separating from Aspen Close and Almond Close, and at Page Grove existing bungalows facing proposed two storey gable ends across +23m separations. The two-storey dwelling on the site boundary at the head of Page Grove has a 19m separation at an angle of around 45 degrees. All of these relationships meet the required standards designed to achieve reasonable expectations of residential amenity.
198. For the operational phase of the development the proposed scheme meets the required guideline and standards except where identified above, and considered as a whole is concluded to meet the requirements of Policies 29 and 31 and the relevant elements of Part 12 of the NPPF.
199. The construction phase of the development is also an important consideration for residential amenity and a concern of local residents. A standard suite of conditions and restraints to control site activities – including specified working hours, agreement of siting of site compounds, on-site wheel washing facilities to control site debris being transferred to the public highway. An updated plan has been submitted within the Construction Management Plan as the wheel-washing facilities were erroneously shown at the revised site entrance. The 'left in, left out' construction access arrangements will by degree reduce the impact on the residents near the construction site access, and likewise the reduced build time associated with affordable house construction as opposed to full market housing schemes, whose build times are directly related to house sales. The projected overall build time in this instance is 148 weeks which equates to just under 3 years. There are further detailed requirements identified by both Environmental Health and Monitoring Officers that will require changes to the submitted Construction Management Plan, and a condition is suggested accordingly, however there are no issues to suggest that measures to protect reasonable expectations of residential amenity cannot be met to ensure compliance for this aspect with Policy 31 of the County Durham Plan.
200. The construction process will have an effect on the residential amenity of adjacent residents, particularly at the site entrance. Construction traffic has been segregated from the proposed operational site access to reduce its impact on the wider estates to the south.
201. The proposals are concluded compliant with the requirements of Policies 29 and 31 of the County Durham Plan.

## Ecology

202. Policies 26, 35, 41 and 43 of the County Durham Plan seek to secure net gains for biodiversity and coherent ecological networks. Policy 43 relates to protected species and nationally and locally protected sites. Part 15 of the NPPF seeks to ensure that developments protect and mitigate harm to biodiversity interests, and where possible, improve them.
203. The applicant has just achieved the required Biodiversity Net Gain on site. In terms of the assessment of species on site or that may be affected by the development, the

developer's Ecologist has provided additional information, in particular with regards to newts, using a use of Reasonable Avoidance Measures / Method Statement approach as opposed to licensing that the development can be undertaken without detriment to protected species, to the satisfaction of the County Ecologist.

204. The application can meet the requirements of Policies 26, 35, 41 and 43 of the County Durham Plan.

### Flooding and Drainage

205. Policies 35 and 36 of the emerging CDP relate to flood water management and infrastructure. Policy 35 requires development proposals to consider the effects of the scheme on flood risk and ensure that it incorporates a Sustainable Drainage System (SuDs) to manage surface water drainage. Development should not have an adverse impact on water quality. Policy 36 seeks to ensure that suitable arrangements are made for the disposal of foul water. National advice within the NPPF and PPG with regard to flood risk advises that a sequential approach to the location of development should be taken with the objective of steering new development to flood zone 1 (areas with the lowest probability of river or sea flooding). When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where a sequential test and some instances exception test are passed, informed by a site-specific flood risk assessment.
206. Council Drainage Engineers acknowledge that the scheme that includes components of each element of the SuDs hierarchy is acceptable – permeable drives, swales and basins all seek to mimic natural drainage systems. Particular regard is given to the area behind Page Close which has historically been part of the natural overland flow route – this leading to the 'wet woodland' beyond. This attention should help address particular concerns that have been raised in regards to this issue in this area whilst helping to maintain the habitat.
207. Northumbrian Water have noted that they do not have information sufficient to agree a drainage scheme, but offer no objection to the proposals, suggesting a condition to ensure that the foul flows generated by the development will meet their standards.
208. It is concluded that, subject to imposition of appropriate conditions the scheme is compliant with the requirements of Policies 35 and 36 of the County Durham Plan.

### Infrastructure and Open Space

209. Policy 26 of the CDP outlines that new residential developments will be required to make provision for open space to meet the needs of future residents having regard to the standards of open space provision set out in the Open Space Needs Assessment (OSNA). Where it is determined that on-site provision is not appropriate, the Council will require financial contributions to be secured through planning obligations towards the provision of new open space, or the improvement of existing open space elsewhere in the locality.
210. 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.

211. No formal play provision is proposed on site, with the development connecting directly to that on the adjacent site to the south. The site is surrounded by informal open space that forms part of the landscape and ecology offers. A direct link is provided to the existing public footpath to the west, on the farm track to Bishop's Close Farm. There is a footpath connection to the existing footway adjacent Whitworth Road, that would allow access to Whitworth Academy and The Auckland Way to the east. A new footpath link to reflect that in the existing layout that potentially reflects a strong visual and functional desire line, extending that on the estate to the south follows the line of the services easement, is proposed. Sited partially on adjacent land, this feature strongly helps associate the proposal with the layout and function of the existing settlement, attracting positive weight in the assessment against the requirements of Policy 6. It will need a condition to secure delivery.
212. It is noted that there is no attempt to encourage access to the woodland area outside the site on the current settlement edge behind Almond Close and Aspen Close. Correspondents have variously described this area as an asset and as a problem, and the report above describes how at present access to it has been achieved through damage to fencing. This land is outwith the ownership of the site and remains the responsibility of its existing landowner.
213. The developer proposes a s.106 agreement to provide monies for offsite provision of the range of public open space typologies set out as required by the OSNA. With a lack of provision of formal spaces on-site, the provision of these funds for off-site provision is considered to meet the required tests of being necessary to make the development acceptable in planning terms, are directly related to the development, and are fairly and reasonably related in scale and kind to the development.
214. It must be noted that some residents have objected to the potential for residents in the new estate to use the open spaces and play equipment in the existing developments on the basis that all residents in the existing estates have a significant maintenance charge to pay to maintain such. There is no reason in principle why the maintenance company of the adjacent estate could not apply to upgrade their play facilities with the secured monies. Said monies could not however be used for maintenance.
215. The site layout containing open space, including ecology areas, and the proposed mitigations identified to address demands for play-space and open space typologies are considered an acceptable response to the requirements of Policy 26 of the County Durham Plan.

## Other Considerations

### The Capacity of the Settlement

216. There has been some contention on the 'need' for additional dwellings, both in terms of the number of development schemes approved around Spennymoor, and in terms of the affordable nature of a significant element of this scheme. These concerns are cross-referenced to issues with school, medical and dentist capacities that are discussed elsewhere in this report. No concern has been received from internal consultees for this issue – notably the Spatial Policy Team.

217. The Council have targets for delivery of market housing and affordable housing as part of the Government's objective to address a national housing shortage. No reasons or evidence have been given as to why in principle this issue should lead to a refusal – the effects on the capacities of local education and medical provision being capable of mitigation through approved mechanisms. Policies 6 and 10 have a long list of criteria to ensure that any development is appropriate for a range of aspects that the current scheme is considered to be compliant with. There is no cap on new housing in the County were development is found to be policy compliant.
218. It is relevant that whilst the County Plan provides a framework of allocated sites to achieve the necessary housing figures, not all of these are always built out as intended. For example, allocation H24 in the County Plan identified the site Of Former Tudhoe Grange Comprehensive School, Durham Road, Spennymoor as a housing site with a yield of around 85 dwellings. This has subsequently been approved and developed as a new 630 place Primary School.

#### Affordable Housing

219. Policy 15 of the County Plan sets out a requirement for affordable housing provision on the site which requires all qualifying new housing proposals to provide a percentage of Affordable Housing which is accessible, affordable and meets the needs of those residents unable to access the open housing market. Spennymoor is in an area that requires a provision of 15%. In addition to this the NPPF sets out a requirement for 25% of the affordable homes to be provided as 'first homes', in line with the definition in the glossary of that document. It is further important that 'affordable homes' should be dispersed across the site, and 'tenure blind', so that they integrate into the overall scheme.
220. Spatial Policy and Housing Officers have confirmed that the offer meets expectations to reflect local demand. Noting that it is the developer's intention to significantly overprovide affordable homes on the site, only those required by the Policy requirement and the NPPF, and that are to be secured by the s.106 legal agreement form part of the Policy assessment. That the requirements of the Policy are met brings Policy compliance, however this aspect is neutral in the planning balance assessment.

#### Energy Efficiency

221. Policy 29 of the emerging CDP sets out that major new build residential development should achieve CO2 reductions. Part 14 of the NPPF advises that the planning system should support the transition to a low carbon future. The submission advises that at the detailed design stage of the scheme, a 'fabric first' approach will be adopted in order to reduce capital and operational costs, improve energy efficiency and reduce carbon emissions in addition to potentially reduce the need for maintenance during the building's life. The application submits that the proposed dwellings will be designed to have high standards of energy efficiency, by limiting the heat loss across the building envelope and optimising natural ventilation, in order to minimise the overall energy demand. A condition can be imposed to secure this in the event of an approval. The requirements of the Policy have now largely been matched by the requirements of the Building Regulations process.

#### Loss of Agricultural Land

222. Policy 14 of the CDP states that the development of the best and most versatile agricultural land, will be permitted where it can be demonstrated that the benefits of the development outweigh the harm and significant weight can be attributed to this policy. NPPF Paragraph 170 states that LPAs should recognise the economic and other benefits of the best and most versatile agricultural land and where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality. Best and most versatile agricultural land is classified by the NPPF as grades 1, 2 or 3a. An Agricultural Land Classification Statement has been submitted in support of the application which identifies that the development would result in the loss of approximately 14.56ha of Grade 3b (moderate quality) agricultural land, limited by its wetness. The land is therefore not deemed to be best and most versatile.

#### Access to Medical Facilities

223. Part of the 'social' objective of the NPPF, advice in Part 8 of the NPPF, 'Promoting healthy and safe communities', advises that Planning policies and decisions should aim to achieve healthy, inclusive and safe places enable and support healthy lifestyles, especially where this would address identified local health and well-being needs.

224. For effects on Healthcare both the NHS and the Council's Public Health Team have been consulted. The latter acknowledge the Health Impact Assessment documents submitted by the applicants that are a requirement of major housing applications and the considered approach within it, noting the requirement for mitigation where a deficit is identified. The NHS had provided a figure for the application as originally submitted, and use of their calculator for the reduced number of units proposed gives a requirement for £90,321. This requirement is considered to meet the tests for such, being necessary to make the development acceptable in planning terms, being directly related to the development, and being specifically related in scale and kind to the development.

225. A feature of the consultation exercise response and the comments of Cllr. Molloy is the lack of access to dental provision. The NHS advice is very specific in the detail of the medical practices that are proposed mitigated, as required by the tests required to secure s.106 monies. It does not provide for dental surgeries. 'Primary dental services are one of the four pillars of the primary care system in England, along with general practice, primary ophthalmic services (eye health) and community pharmacy. These services use a 'contractor' model of care, which means that almost all NHS primary care services are delivered by independent providers contracted to the NHS' (\*Kingsfund.org. 11 Oct. 2023). The nature of the organisation of dental provision is such that at present there is no mechanism to secure a form of mitigation that could allow for new demands for additional capacity. It is concluded that the proposal reflects the requirements of the NPPF and is acceptable in this respect.

#### Education Provision

226. Part 8 of the NPPF, 'Promoting healthy and safe communities' highlights that, 'It is important that a sufficient choice of school places is available to meet the needs of existing and new communities' and that decision makers should, 'give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications'.

227. The County Education Department has confirmed that in terms of standard primary and secondary information, there is sufficient space to accommodate the pupils

generated by the development in primary and secondary schools and no mitigation is requested.

228. They have however suggested a contribution of £167,960 to mitigate the potential of the development to create a likely demand from 2 SEND pupils. This requirement was not identified in the pre-application discussions with the developer, and the national governmental direction that from August 2023 contributions for SEND pupil provision is sought from new development has yet to be formalised into supplementary planning policy that would formally allow this to be secured has not yet been adopted. Regardless, the governmental direction contains transitional arrangements for development in process to not require this mitigation, within which this development falls. On this basis to pursue the request at this time is considered unreasonable, failing the tests set out to secure Planning obligations as outlined above.
229. Officers note the disconnect between the advice from the County Education Department and the representation from Cllr. Molloy in discussion with a local Headteacher, however must follow the advice on strategic education provision provided by the formal consultee. Compliance with the advice in Part 8 of the Framework is concluded.

## Broadband

230. CDP Policy 27 relates to utilities, telecommunications and other broadband infrastructure and requires any residential and commercial development to be served by a high-speed broadband connection and where this is not appropriate, practical or economically viable, developers should provide appropriate infrastructure to enable future installation.
231. Paragraph 118 of the NPPF states that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections. Policies should set out how high quality digital infrastructure, providing access to services from a range of providers, is expected to be delivered and upgraded over time; and should prioritise full fibre connections to existing and new developments (as these connections will, in almost all cases, provide the optimum solution).
232. In considering this policy requirement, due the location of the development adjacent to the settlement of Spennymoor, there would be existing high-speed broadband availability in the area to comply with CDP Policy 27. Details of broadband provision can be secured by condition in accordance with CDP Policy 27 and Paragraph 118 of the NPPF.

## Economic Activity

233. Of positive material weight in the planning balance is the economic activity that will accrue from the construction process. The applicant estimates that the construction of 187 dwellings will support the employment of 579 individuals and provide seven apprentice or graduate roles.

## Heritage

234. Policy 44 of the CDP sets out development will be expected to sustain the significance of designated and non-designated heritage assets, including any contribution made by their setting. Development proposals should contribute positively to the built and historic environment and should seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets whilst improving access where appropriate.
235. As described above, the nearest designated heritage asset is the parkland associated with Whitworth Hall. This is some distance away to the north and not physically or visually connected. There is no element of harm to this asset from the proposals.
236. There are no heritage assets that will be directly or indirectly affected by the proposals and the archaeological investigation discovered no features of note.

## Minerals

237. The site lies within a Mineral Safeguarding Area. Policy 56 of the CDP states that planning permission will not be granted for non-mineral development that would lead to the sterilisation of mineral resources within such areas unless specific criteria apply. The application site is underlain by deposits of coal, and in small part has records of historic mining activity. Whilst some sterilisation could occur, it is considered the proposed development would have minimal impact on the future working of the more extensive deposit. In addition, given the site's proximity to the built edge of Spennymoor and sensitive receptors, the prior extraction of minerals may not be feasible as it could lead to an adverse impact on the environment and/or local communities. This outweighs the need to safeguard the mineral thereby satisfying Policy 56 criteria d and Paragraph 204 c) of the NPPF.
238. The Response of the Coal Authority is outstanding as this report is written and will be reported to Members verbally at the Committee meeting: Investigative, mitigation and validation conditions being the standard expectation of this response.

## Objections

239. The proposal has generated some public interest, with 70 representations, 69 of objection having been received from local residents. The objections, queries and concerns raised have been taken account and addressed within the report, where appropriate.
240. Concerns have been raised from members of the public in respect of devaluing neighbouring properties and loss of views from those properties, however these are not material considerations when assessing and determining a planning application.
241. It is important to note that this scheme must be determined 'on its own merits', and potential discussions on alternative arrangements are not material. In this case, with objectors suggesting the scheme be directed to brownfield sites, to other settlements, or reverting to previously proposed access arrangements, this is particularly relevant.

## Planning Obligations

242. Paragraph 57 of the NPPF, and Paragraph 122 of The Community Infrastructure Levy Regulations 2010 set out three planning tests which must be met in order for weight to be given to a planning obligation. These being that matters specified are necessary to



make the development acceptable in planning terms, are directly related to the development, and are fairly and reasonably related in scale and kind to the development. The s.106 Agreement which would secure the following all of which are considered to meet the required tests, each of which are discussed in the relevant sections of this report;

- Contribution to Green Infrastructure requirements: £277,077.90
- Contribution to Offsite Playspace £294,356.70
- Healthcare provision - £90,321
- 28no. affordable dwellings in partnership with Believe Housing, including: First Homes (seven), Affordable Rent (nine) and Route to Home Ownership (four Shared Ownership, eight Rent to Buy).

## The Planning Balance

243. The planning balance exercise required under s.38 must take into account and 'weight' the benefits and harms of the application, because consultees have identified some Policy conflicts – most notably for landscape harm. The structured assessment undertaken through the requirements of Policy 6 in particular seeks to identify whether the development proposed in this location is appropriate, and whether there are harms that can be addressed. It concludes that the Policy 6 criteria are met.
244. In principle, the application accrues positive weight from the contribution it potentially makes to the 5-year housing land supply. This is a benefit of the proposal, but in the context of a healthy five-year housing land supply, is of limited, but positive weight.
245. The secured affordable element of the proposals is assessed as of neutral weight as it is necessary to achieve Policy compliance. Likewise, the proposed contributions for Green Infrastructure, off-site play space provision and healthcare are all directly proportionate to the impacts of the development and cannot be assessed as benefits, only as addressing potential harms.
246. In terms of the harms, the loss of countryside and Landscape and visual impacts on the edge of the settlement must be acknowledged. This is qualified by degree by the quality of the agricultural land involved, and the lack of formal designations protecting it and ultimately the development 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. Whilst the landscape approach for the new edge of settlement does not satisfy Landscape Officers, in bettering adjacent schemes, the proposals are considered acceptable in Planning terms.
247. Overall, the benefits are considered to outweigh the identified harms in terms of weight.

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## **CONCLUSION**

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248. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise.
249. The principal issues for consideration on this site as reflected in the response to the public consultation exercise are the principle of development as reflected through the requirements of Policies 10 and 6, and the Highway Safety implications of the proposals as assessed through the requirements of Policy 21.

250. Policy 6 overarches a number of other topic areas that are specifically further Policy assessed, such as Landscape, Policy 39 and Ecology, Policies 41 and 43. The criteria of Policy 6 effectively set out a systemised methodology for assessing whether a proposal represents an acceptable form of development that is appropriate, justified, can integrate and can mitigate any harms – in short, whether it represents ‘sustainable development’, both in location and operation.
251. The responses of individual consultees and the Design Review Panel indicate that the revised scheme is now one that Officers consider satisfies the Policy requirements and can be supported as a logical extension to the settlement, and constitutes sustainable development, appropriately adding to the County’s housing land supply. It 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. It is not prejudicial to highway safety or have a severe residual cumulative impact on network capacity and 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 the settlement. It can provide a drainage scheme that minimises vulnerability and provides resilience to impacts arising from climate change, including but not limited to, flooding.
252. The benefits of the scheme are considered to clearly outweigh the identified harms. The proposals are considered compliant with the Policies of the Durham County Plan. No objections have been raised that would outweigh these conclusions, and on this basis the application is recommended for approval, subject to the applicant entering into a s.106 legal agreement to provide identified mitigations, and a list of appropriate conditions.

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## **RECOMMENDATION**

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That the application be **APPROVED** subject to the completion of a Section 106 Legal Agreement to secure the following:

- Contribution to Green Infrastructure requirements: £277,077.90
- Contribution to Offsite Playspace £294,356.70
- Healthcare provision - £90,321
- 28no. affordable dwellings in partnership with Believe Housing, including: First Homes (seven), Affordable Rent (nine) and Route to Home Ownership (four Shared Ownership, eight Rent to Buy).

And subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
*Reason:* Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
2. The development hereby approved shall be carried out in strict accordance with the approved plans listed in Part 3 - Approved Plans.  
*Reason:* To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policy(ies) 4, 15, 19, 21, 25, 26, 29, 31, 32, 35, 36, 40, 41, 43, 44 56 of the County Durham Plan and Parts 2, 4, 5, 6, 8, 9, 11, 12, 14, 15, 16 of the National Planning Policy Framework.

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

*Reason: In the interests of the appearance of the area and to comply with Policies 6 and 29 of the County Durham Plan and Part 12 of the National Planning Policy Framework.*

4. No dwelling shall be occupied until full engineering, drainage, street lighting and constructional details of the streets proposed for adoption by the Local Highway Authority, including traffic calming measures 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 highway safety in accordance with Policies 6, 21 and 29 of the County Durham Plan and Part 9 of the National Planning Policy Framework.*

5. Development shall be implemented in line with the surface water drainage scheme contained within the submitted document entitled "Flood Risk Assessment and Drainage Strategy" RWO/FRADS/22106. The filter drain next to Page Grove must be extended to prevent known overland drainage flow routes entering the plots in accordance with a timetable to be agreed. Hydraulic calculations must be submitted for audit together with an engineering layout drawing indicating all cover, invert and floor levels and approved by the Local Planning Authority in writing before any approved dwelling is occupied. The final surface water discharge rate must be agreed in writing by the Local Planning Authority in advance of the occupation of the scheme, and thereafter be implemented and operated in accordance with said written agreement.

*Reason: To ensure requirements for sustainably managed foul water management are incorporated into the scheme in accordance with Policy 35 of the County Durham Plan, and parts 14 and 15 of the National Planning Policy Framework are addressed, to prevent the increased risk of flooding the development could generate.*

6. Development shall not commence until a detailed scheme for the disposal of foul water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall take place in accordance with the approved details.

*Reason: To prevent the increased risk of flooding from any sources in accordance with Policy 36 of the County Durham Plan, and parts 14 and 15 of the National Planning Policy Framework.*

7. No development, including ground clearance or remediation works, shall commence until a build programme and timetable for the construction of the critical surface water infrastructure has been submitted to and approved in writing by the Local Planning Authority. The programme must include, amongst other matters, details of the outfall structure, control devices, attenuation/storage, temporary control measures during the construction phase and measures to control silt levels entering the watercourse. The order of works to be undertaken must be identified and timescale for delivery. The development thereafter shall be completed in accordance with the details and timetable agreed.

*Reason: To ensure that critical surface water infrastructure is in place to adequately deal with and dispose of surface water prior to the construction of the development, in accordance with Policy 35 of the County Durham Plan and Parts 14 and 15 of the National Planning Policy Framework. Required to be a pre-commencement condition to ensure that water infrastructure is in place at an early stage of the development to adequately manage surface water.*

8. Prior to the first occupation of any dwelling hereby approved, a Final Travel Plan to promote and encourage alternatives to car use in accordance with Framework Travel Plan (70110062.V3.0 January 2024) must be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include mechanisms for monitoring and review over a 5-year period and timescales for implementation. The Approved Travel Plan shall thereafter be implemented, monitored and reviewed in accordance with the approved details.  
*Reason: To reduce reliance on the private motor car and to promote sustainable transport methods in accordance with Policy 21 of the County Durham Plan and Part 9 of the National Planning Policy Framework.*
9. No development shall commence until a land contamination scheme has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall be compliant with the YALPAG guidance and include a Phase 2 site investigation, which shall include a sampling and analysis plan. If the Phase 2 identifies any unacceptable risks, a Phase 3 remediation strategy shall be produced and where necessary include gas protection measures and method of verification.  
*Reason: To ensure that the presence of contamination is identified, risk assessed and proposed remediation works are agreed in order to ensure the site is suitable for use, in accordance with Part 15 of the National Planning Policy Framework. Required to be pre-commencement to ensure that the development can be carried out safely.*
10. Remediation works shall be carried out in accordance with the approved remediation strategy. Prior to the occupation of the first dwelling, a Phase 4 verification report related to that part of the development must be submitted to and approved in writing by the Local Planning Authority.  
*Reason: To ensure that the remediation works are fully implemented as agreed and the site is suitable for use, in accordance with Part 15 of the National Planning Policy Framework.*
11. Prior to the development being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site has in relation to Coal Mining interests been made safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and the completion of the remedial works and any mitigation necessary to address the risks posed by past coal mining activity.  
*Reason: To ensure ground stability issues are addressed in accordance with the requirements of Policy 32 of the Durham County Plan and Part 15 of the National Planning Policy Framework.*
12. Prior to the commencement of development, a Landscape and Ecological Management and Monitoring Plan (LEMMP) with a schedule for implementation to cover a period of 30 years should be submitted to and approved in writing by the Local Planning Authority and thereafter implemented.  
*Reason: In order for the development to meet biodiversity net gains as outlined in Policy 41 of the County Durham Plan and Part 15 of the National Planning Policy Framework.*
13. Prior to the first occupation, mitigation measures set out within the submitted Ecological Impact Assessment (EclA) dated Sept. 23 must be implemented in full.  
*Reason: In order for the development to meet biodiversity net gains as outlined in Policy 41 of the County Durham Plan and Part 15 of the National Planning Policy Framework.*
14. Prior to the occupation of the first dwelling, a lighting design strategy for the site shall be submitted to and approved in writing by the local planning authority. Once agreed, all new lighting shall be implemented in accordance with the approved details.

*Reason: To avoid indirect disturbance to foraging and commuting bats, birds and mammals that may be using the periphery of the site as outlined in Policy 41 of the County Durham Plan and Part 15 of the National Planning Policy Framework.*

15. Prior to the construction of any dwelling above ground level, details of bat and bird boxes and their siting shall be submitted to and approved in writing by the Local Planning Authority. Once agreed, all bat and bird boxes shall be installed on the site and remain so in perpetuity prior to the first occupation of any of the dwellings hereby approved.

*Reason: In order for the development to meet biodiversity net gains as outlined in Policy 41 of the County Durham Plan and Part 15 of the National Planning Policy Framework.*

16. No part of the development shall be occupied until the detailed landscaping scheme shown on plans DR-L-0201-P08, DR-L-0202-P08, DR-L-0203-P08, DR-L-0204-P08, DR-L-0205-P08 including a schedule for implementation 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. The scheme shall identify those trees/hedges/shrubs scheduled for retention and removal; shall provide details of new and replacement trees/hedges/shrubs; detail works to existing trees; and provide details of protective measures during construction period. The development shall be carried out in accordance with the approved details.

*Reason: To ensure an acceptable form of development and meet the requirements of Policies 39 and 40 of the County Durham Plan, Policies S1 and G1 of the Durham City Neighbourhood Plan, and parts 12 and 15 of the National Planning Policy Framework.*

17. No construction work shall take place until all trees and hedges, indicated within the approved constraints survey (Whitworth Road Arboricultural Constraints Survey R6) to be retained, are protected by the erection of fencing, placed as indicated on the plan 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. Once installed: -

- 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 Constraints Plan.
- Approved tree protection must remain in places wherever development activities are being undertaken on the site.

*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.*

18. The construction of the proposed pedestrian footpath links off-site, other than site investigations and remediation works, shall not commence details of the pedestrian footpath links as shown on Proposed Site Layout (1638-VIS-100B - Proposed Site Layout) have been submitted to and approved in writing. The details shall include site sections and full engineering details. The pedestrian links must be undertaken within an agreed timescale to be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

*Reason: In the interests of highway safety and to comply with Policy 21 of the County Durham Plan.*

19. Prior to the first occupation of any of the dwellings hereby approved, the access as shown on 1638-VIS-100B - Proposed Site Layout shall be constructed and capable of use in accordance with these details.

*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.*

20. Prior to the occupation of the first dwelling, a strategy for electric vehicle charging points for 'on-street' visitor bays and communal parking courts shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include, but not be limited to:

- A plan showing the position of all proposed charging points;
- Detail specification of each type of charging point to be installed including minimum charging rating;
- A timetable for their installation; and
- A scheme for the on-going maintenance of the charging points.

In the event of proposals to maintain the charging points by means other than through transfer to the Local Authority then the scheme shall provide for details of an agreed maintenance schedule in perpetuity.

The electric vehicle charging points shall thereafter be maintained in accordance with the approved details.

*Reason: To ensure that sustainable transport modes are encouraged in accordance with Policies 21, 22, 29 and 31 of the County Durham Plan and Parts 8, 9 and 15 of the National Planning Policy Framework.*

21. Prior to the construction of the first dwelling, details of the means of broadband connection to the site shall be 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 ensure a high quality of development is achieved and to comply with the requirements of Policy 27 of the County Durham Plan and the National Planning Policy Framework.*

22. Prior to first occupation of any dwelling with a garage(s) and/or hardstanding(s) / drive(s), said garage(s), hardstanding(s) and/or drive(s) shall be constructed and made available for use. Thereafter they shall be used and maintained in such a manner as to ensure their availability at all times for the parking of private motor vehicles.

*Reason: 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.*

23. All planting, seeding or turfing and habitat creation shown on the the approved 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.*

24. Construction Works and Dust Mitigation Control shall be carried out in accordance with an updated Construction Environmental Management Plan (CEMP) must be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in full accordance with said Plan.

*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.*

25. In carrying out 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 0800 to 1300 on Saturday. No internal works audible outside the site boundary shall take place on the site other than between the hours of 0730 to 1800 on Monday to Friday and 0800 to 1700 on Saturday. No construction works or works of demolition whatsoever, including deliveries, external running of plant and equipment, internal works whether audible or not outside the site boundary, shall take place on Sundays, Public or Bank Holidays. For the purposes of this condition, construction works are defined as: The carrying out of any building, civil engineering or engineering construction work involving the use of plant and machinery including hand tools.

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

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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

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## **BACKGROUND PAPERS**

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Submitted application form, plans, supporting documents and subsequent information provided by the applicant:

Statutory, internal and public consultation responses

The National Planning Policy Framework

National Planning Practice Guidance Notes

County Durham Plan

County Durham Strategic Housing Land Assessment Report (2019)

County Durham Strategic Housing Market Assessment (2019)

Open Space Needs Assessment (2018)

Residential Amenity Standards SPD (2023)

County Durham Building for Life SPD (2019)

County Durham Landscape Strategy (2008)

Parking and Accessibility SPD (2023)

\*The King's Fund is an independent think tank and charity, which is involved with work relating to the health system in England

<https://www.kingsfund.org.uk/insight-and-analysis/long-reads/dentistry-england-explained>





**Planning Services**

DM/23/02170/FPA

Construction of 187no. dwellings and associated open space - Land North and West of Almond Close, Spennymoor, DL16 7YG

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**Date** May 2024

**Scale** NTS