

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	7/2013/0026/DM
FULL APPLICATION DESCRIPTION:	46 dwellings, new access and associated works
NAME OF APPLICANT:	Keepmoat Homes
ADDRESS:	Land north of South View, Middlestone Moor, Spennymoor, County Durham
ELECTORAL DIVISION:	Spennymoor
CASE OFFICER:	David Walker, Senior Planning Officer 03000 261054, David.Walker2@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site measures 1.43 ha and is located to the north of South View, Middlestone Moor. The site, which is irregularly shaped, is currently undeveloped and given over to grass. To the east, south and west, the site is bound by existing residential development whilst the northern boundary fronts onto an existing allotment garden area. The site forms part of the open space around the former Middlestone Moor County Junior Mixed School which was closed several years ago. The site is centrally located in the Middlestone Moor area of Spennymoor.

The Proposals

2. Planning permission is sought for 46 dwellings (reduced from 48 during the course of the application). The proposed housing would predominantly be 2 storey in height, with 8 of 2.5 storeys in height. The proposed layout contains 10 different house types providing 2, 3, and 4 bedroom properties in a mix of detached dwellings, semi-detached housing and a number of short terraces. Of the 46 dwellings proposed, 7 would be provided as affordable housing.
3. The proposed development would be served by a new vehicular access from South View and includes a pedestrian link to the site with the existing footpath that abuts the eastern boundary of the site. An area of open space would be provided centrally within the site and would extend to some 1100sqm, and a second area of open space would be provided along the sites eastern boundary and would extend to some 1485sqm.

4. The dwellings would be constructed of facing brickwork in red or buff and with a mix of grey and red roof tiles
5. The application has been referred to committee in accordance with the Council's scheme of delegation which requires that all major applications for ten or more dwellings be presented before the Planning Committee.

PLANNING HISTORY

6. The application site has not been the subject of any planning applications. However, part of the former school site adjacent to the application site has been the subject of a number of applications. The most relevant include an outline application (7/2003/0275) for eight dwellings, a detailed application (7/2004/0096) for eight dwellings, and a further detailed application (7/2006/0733) to erect five dwellings (increasing unit numbers from 8 to 10).

PLANNING POLICY

NATIONAL POLICY

7. The National Planning Policy Framework (NPPF) is based on the policy of sustainable development and establishes a presumption in favour of sustainable development. Three main dimensions to sustainable development are described; economic, social and environmental factors. The presumption is detailed as being a golden thread running through both the plan-making and decision-taking process.
8. The NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise.
9. Paragraph 7 of the NPPF sets out the three dimensions to sustainable development: economic, social and environmental. The economic role is to contribute to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure.
10. Paragraph 14 of the NPPF sets out the presumption in favour of sustainable development. Paragraph 17 contains the 12 core land-use principles that planning should underpin decision-taking. These include:
 - be genuinely plan-led, empowering local people to shape their surroundings;
 - proactively drive and support sustainable economic development to deliver homes, business and industrial units, infrastructure and thriving local places that the country needs;
 - always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
 - take account of the different roles and character of different areas, promoting the vitality of our main urban areas;
 - encouraging the effective use of land by reusing land that has been previously developed, provided it is not of high environmental value;

- promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as for wildlife, recreation, flood risk mitigation, carbon storage, or food production);
 - conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations;
 - actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable; and,
 - take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.
11. Paragraphs 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development. Paragraph 47 recognises the desire to boost the supply of housing and Paragraph 50 seeks to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities. This recognises the need to identify the size, type, tenure and range of housing required in a particular location, reflecting local demand and including provision for affordable housing where required.
12. Paragraphs 69 and 73 recognise that the planning system can play an important role in creating healthy inclusive communities and that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well being of communities. This states that planning policies should be based on robust and up to date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision. Information gained from the assessments should be used to determine what open space, sports and recreational provision are required.

The above represents a summary of the NPPF considered most relevant the full text may be accessed at: <http://www.communities.gov.uk/documents/planningandbuilding/pdf/2116950.pdf>

LOCAL PLAN POLICY:

13. The following policies of the Sedgefield Borough Local Plan are considered consistent with the NPPF and therefore relevant in the determination of this application:
14. *Policy E15 (Safeguarding of Woodlands, Trees and Hedgerows)* expects development proposals to retain important groups of trees and hedgerows wherever possible and replace any trees which are lost.
15. *Policy L1 (Provision of sufficient open space to meet the needs of for sports facilities, outdoor sports, play space and amenity space)* this Policy uses the National Playing Fields Association standard of 2.4 ha per 1,000 population of outdoor sports and play space in order to bench mark provision.
16. *Policy L2 (Open Space in New Housing Development)* sets out minimum standards for informal play space and amenity space within new housing developments of ten or more dwellings.

17. *Policy L5 (Protection for areas of Open space)* states that planning permission which would result in the loss of an area of open space will not normally be allowed other than in a small number of scenarios including where the development itself relates to the provision of new recreational facilities related to the open space, that this relates to the development of a small part of the site which would allow the remainder to be enhanced or when an alternative area of open space of similar or improved quality and accessibility will be provided.
18. *Policy H17 (Housing on backland and infill sites)* requires housing development to be served by a satisfactory means of access and adequate car parking provision, to provide satisfactory amenity and privacy for both new and existing dwellings and to be in keeping with the scale and form of adjacent dwellings and the local setting of the site.
19. *Policy H19 (Provision of a Range of House Types and Sizes including Affordable Housing)* seeks to ensure that affordable housing is provided within developments of 15 dwellings or more.
20. *Policy H20 (Provision of special needs housing)* seeks to encourage the provision of housing for the elderly or disabled.
21. *Policy D1 (General principles for the layout and design of new developments)* requires the layout and design of all new developments to take account of the site's relationship to the adjacent land uses and activities.
22. *Policy D3 (Design for access)* seeks to ensure new development makes satisfactory provision for all road users and pedestrians.
23. *Policy D5 (Layout of new housing development)* sets criteria for the layout of new housing developments.
24. *SPG Note 3 (The layout of new housing)* sets amenity/privacy standards for new residential development.

The above represents a summary of those policies considered most relevant. The full text, criteria, and justifications of each may be accessed at <http://www2.sedgefield.gov.uk/planning/SBCindex.htm>

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

25. *Spennymoor Town Council* objects because the scheme would result in the loss of amenity and informal play space.
26. *The Highway Authority* is satisfied that the proposed vehicular access from South View is satisfactory and the proposed level of onsite car parking provision is acceptable. As such, no objection is raised subject to the applicant making a number of small changes to the internal layout of the proposed development. These minor modifications have subsequently been implemented within the revised layout.
27. *Sport England* objects because there is an existing deficiency in the provision of playing fields in the area which would be exacerbated by the proposed development. Although proposals have been put forward to improve provision in the area in the future Sport England would not support the redevelopment of this site unless it can be demonstrated that there is a surplus of provision both now and in the future.

28. *The Environment Agency* has no objection but has provided advice in relation to surface water run-off and that the sewerage undertaker be consulted to ensure there is sufficient capacity to accommodate additional flows without causing pollution.
29. *Northumbrian Water Limited* has no objection provided the scheme is carried out in accordance with details and restrictions set out in the submitted flood risk assessment, including that foul water cannot be accepted due to the Tudhoe Mill Sewerage Treatment Works serving the site being at full capacity. It is expected that upgrades to the sewerage treatment works will be completed by June 2015.
30. *The Coal Authority* has raised no objection being satisfied with the findings of the site investigation report which stated that the shallow mine workings present in the area do not pose a risk.

INTERNAL CONSULTEE RESPONSES:

31. *Sport and Leisure Section* have highlighted the impending availability for public use of the Tudhoe Grange Upper School site for the provision of play pitches, secured through a Community Use Agreement. The pitches will be configured to assist us in mitigating a shortfall in junior pitch supply identified in the playing pitch strategy supply and demand calculations.
32. *Spatial Policy Section* advise that the site is wholly contained within the settlement of Spennymoor, which is recognised as a main town with a good range of employment, shopping and leisure opportunities, and is well served by public transport. On this basis, the development would have good access to facilities and would be a sustainable form of development. Alternative playing pitch provision which is forthcoming could provide the justification to permit development against the principles of Local Plan Policy L5.
33. *Landscape Section* has raised no objection to the proposal in principle; however, concern has been expressed that the proposed layout and access arrangements would result in the loss of several trees which are of high amenity value and that the proposed layout would result in a fragmented distribution of open space. Although the applicant has been unable to revise the layout in order to safeguard the existing hedge and trees fronting South View, the layout has subsequently been amended in order to consolidate the open space within the site.
34. *Design and Historic Environment Section* considers the proposed layout to provide adequate private and shared amenity space with good levels of permeability and surveillance across the site. It was acknowledged that the proposed dwellings are standard house types but the scale and treatment proposed is considered appropriate for the area.
35. *Arboriculture Officer* has no objection.
36. *Ecology Section* has no objection subject to the imposition of a planning condition relating to the mitigation details outlined in the ecology reports and the arboricultural impact assessment.
37. *Environment Health and Consumer Protection Section* has no objection subject to the imposition of planning conditions relating to lighting details, a dust control plan detailing how residential amenity will be safeguarded during construction and a restriction to limit noisy activities and the use of noisy plant on site.
38. *Contaminated Land Section* has no objection.

PUBLIC RESPONSES:

39. The application has been publicised by way of press and site notices, and individual neighbour notification letters. As a result, 19 letters and a 5 signature petition have been received objecting to the proposal. A summary of the key points raised are outlined below:

- The proposed development would result in a direct and unacceptable loss of this well used area of public open space which should be retained for sport and recreational use by future generations. The fact that this site was previously used for junior football has been cited and the objection from Sport England regarding the loss of the existing open space was noted.
- The retention of this site for recreational use is particularly important because this is one of the last remaining areas of open space available for informal recreation in Middlestone Moor. Rather than being sold for housing this should be retained and monies spent to further enhance the area. Although it was acknowledged that some small areas of open space are to be retained within the proposed housing development these do not compensate for the loss of open space within the current undeveloped site
- The additional housing proposed is not necessary given that 1600 houses were already planned around the Middlestone Moor and Spennymoor areas. It was also stated that many of those houses which have already been constructed remain unsold.
- The submitted Open Space Assessment uses incomplete information and does not take into account views of local football teams, the Football Association or Sport England.
- This parcel of land is one of the last remaining areas of undeveloped open space and it was felt that this proposal represented unacceptable town cramming.
- The proposal represents a high density low cost development that would be out of character with the existing housing in this area, particular concerns were raised in relation to the density of development.
- The existing road network at South View would be unable to cope with the additional traffic resulting from the proposed development and the proposed access was considered to be a potential hazard.
- That the proposal would lead to a loss of light and privacy for existing householders and because the ground level of the application site is higher than the surrounding land the proposed dwellings would 'tower' over adjacent housing.
- The proposed removal of some trees and hedgerows would result in reduced privacy and security for the existing housing.
- The affordable housing proposed was not required and one respondent raised concern that the affordable housing proposed was clustered in one small corner of the site.
- The proposed building works would inevitably lead to construction noise, dust and disturbance. Several respondents expressed concern that given the uncertainty in housing market this site could take several years to complete.

- Concern was also raised that this proposal could lead to off site flooding.
- The proposed sale and development of the site has been pre-planned covertly with the removal of the goal posts previously located on site, the erection of security fencing which at one point prevented public access, the commencement of exploratory ground works and limited public consultation once the planning application had been submitted. Concern was raised that Durham County Council, as landowner, has a vested interest in the development of the site for housing because Keepmoat and the County Council are partners in the Durham Villages Regeneration Company.
- Loss of view and devaluation of property was cited by a number of respondents and two respondents stated that they would seek financial compensation from the Council were this scheme to be approved.
- Concern was raised that at the time when the former school situated on this site was relocated a covenant was signed stating that this site would be protected as a recreational area for the benefit of the public.
- One respondent expressed concern that the proposal would contravene Articles 1 and 8 of the Human Rights Act.

40. Six further written representations were also received following a reconsultation on receipt of amended plans and a summary of those points raised are outlined below:

- Several respondents raised queries in relation to the site boundaries adjacent to Nos. 60 and 64 Durham Street. It was stated that the residents of the houses constructed on the site of the former school building had previously extended their gardens into the former playing field site. Although a new fence line was subsequently erected in the correct location this has resulted in a separate parcel of land being enclosed but outwith the boundary of the existing housing and the proposed application site. Several respondents sought clarification as to the future status of the land with one respondent seeking clarification as to how to purchase part of this area.
- The existing sewer serving Nos. 59-63 South View bisects the application site and appropriate measures would need to be taken to safeguard this sewer during on site construction.
- Two resident sought clarification as to which hedgerows along the site boundary were to be retained.
- Two residents requested that the application site be re-instated to its original state following the completion of site investigation works and it was requested that goal posts be re-installed on site so that the area can once again be utilised for informal recreation.
- The retention of the open space which forms part of the sewer easement along the eastern boundary of the site was welcomed.

APPLICANTS STATEMENT:

41. The applicant specialises in providing desirable homes predominantly for first and second time buyers.
42. The proposed layout has been specially designed to respect the character and appearance of the existing housing in the area with the scheme presents a strong frontage onto South View. The scheme has also been designed so that the housing on each side of the estate entrance forms a gateway feature. A number of dual fronted properties have also been proposed within the layout in order to present an active street scene and provide a good degree of natural surveillance.
43. The proposal involves a mix of 2, 3 and 4 bedroom properties and 7 of the dwellings would be utilised to provide affordable housing within this scheme.

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file.

PLANNING CONSIDERATIONS AND ASSESSMENT

44. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the key issues are the principle of the development, the loss of the existing open space, design and layout, residential amenity, highway safety, affordable housing, ecology, drainage and flood risk and arboricultural implications.

Principle of development

45. The National Planning Policy Framework (NPPF) sets out the Governments overarching objectives for the planning system, promoting sustainable development as a key objective. It is noted that the NPPF does not change the statutory status of the development plan as the starting point for decision making, constituting guidance for Local Planning Authorities and decision-makers both in drawing up plans and as a material consideration in determining applications. In this case, the development plan does not contain saved policies in relation to the location of new housing, and at that time, the policies contained in the emerging County Durham Plan are considered to carry very little weight as the plan has not been subject to examination in public. As such, the key principles for determining the acceptability, or otherwise, of the proposals in principle, are those policies set out in the NPPF. In particular, paragraph 49 which sets out that planning applications for housing should be considered in the context of the presumption in favour of sustainable development.
46. The application site is located within the built up area of Middlestone Moor as part of the Spennymoor settlement, and is largely surrounded by residential development. In sustainability terms, the site is well served by public transport, with bus stops located within 200m of the site on South View serviced by two bus routes. A further bus service is provided 300m to the north on Clyde Terrace. These bus services enable good access into Spennymoor and further afield, providing access to employment and services. In closer proximity to the site and within a short walking distance of around 250m are a number of services including public houses and convenience store. As such, the site is considered to be a sustainable location, and its redevelopment for housing would accord fully with the aims of the NPPF in terms of the presumption in favour of sustainable development, representing infill residential development in a residential area without causing an incursion into the countryside. The proposed development is therefore considered acceptable in principle.

Loss of open space

47. The application site is identified as a playing field in the Local Plan, and formed part of the open space associated with the former Middlestone Moor County Junior Mixed School which closed several years ago. Since then the site has been used at the Council's discretion for informal recreation and as a playing field, however, the latter use ceased in 2010, as the pitch was considered to be of a poor quality, suffering in particular, from poor drainage. Policy L5 states that planning permission which would result in the loss of an area of open space will not normally be allowed other than where the development itself relates to the provision of new recreational facilities on site or when an alternative area of open space of similar or improved quality and accessibility will be provided. Whilst the redevelopment of the site for housing would clearly result in the loss of the open space, and would depart from the aims of the development plan in this respect, a significant amount of work has been undertaken recently, in terms of a Playing Pitch Strategy (PPS) and a subsequent Playing Pitch Action Plan for Spennymoor (PPAP).
48. The PPS has identified the existing supply and demand of playing pitches across the County and the PPAP seeks to assess future development proposals and evaluate their actual or potential implications for the provision of playing pitches and where appropriate identify compensatory measures. This assessment takes into account both an assessment of existing supply and demand of playing pitch provision and also takes into account additional forecasted demand taking into account projected housing growth.
49. In the Spennymoor area there is an apparent oversupply of senior and mini football pitches but there is a deficiency in provision of junior pitches. The PPAP acknowledges that the former football pitch on the application site is not marked out and has not been used for a number of years because of issues relating to the site's poor drainage and lack of changing facilities. It has, therefore, been suggested that the site be considered for disposal subject to securing alternative provision.
50. It has been identified that significant potential exists to provide improved playing pitch quality and accessibility by developing Whitworth School as a hub site based around securing community use agreements to facilitate access for the public. Whilst this is likely to occur in the future, there is no certainty or timescales for this to happen at this time. However, the playing pitches associated with the recently closed Tudhoe Grange Upper School site have the capacity to address the need for multi pitch provision and in particular to address the current deficiency of junior pitches in the area as the site could accommodate the equivalent of five senior pitches. The playing pitches are the subject of a Community Use Agreement, which comes into affect at the end of July 2013, when the playing pitches at the site will become available for community use for the first time, having been only previously available for use in association with the school. The site lends itself to multi-pitch provision, and will, it is considered, address the loss of the playing field at Middlestone Moor.
51. In addition, the pitches at Tudhoe Grange Upper School are of a better quality than the pitch at Middlestone Moor. Therefore, there will be new and better quality publicly available pitches in Spennymoor. To this end, whilst not directly related to the redevelopment of the site subject of the application, there would be alternative provision provided in the area, and this would meet with aims of paragraph 74 of the NPPF which states that playing fields should not be built upon unless an assessment has been undertaken which has clearly shown it to be surplus to requirements or the loss would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location. Both circumstances are considered to apply in this case.

52. Sport England has however, formally objected to the proposed development of the former school playing pitches because this development would result in the loss of this former playing pitch and because it has been identified that this area already demonstrates an under supply of junior football pitches and this position would be further exacerbated by the loss of the former football pitch on this site. Whilst they recognising that Tudhoe Grange Upper School would address the demand issue, their objection remains as there would not be a surplus or oversupply of the required range of pitches. Accordingly, if the Local Planning Authority were minded to approve this application against contrary to the objection from Sport England this proposal would need to be referred to the National Planning Casework Unit for their consideration.
53. In addition to the site's value as a formal football pitch the application site has in recent years also been available to the public, at the Council's discretion as landowner, for informal recreational use. The area is utilised for both dog walking and informal play and several residents have expressed concern that this area is one of the last remaining areas of open space which remains available and accessible to local people. Whilst the objections to the loss of the site for informal use are understandable, it must be borne in mind that the use of the site for public access could be terminated at any time by the landowner. The proposed housing scheme does include for the provision of two areas of open space in line with Local Plan Policies L1 and L2 to serve the new residential properties, and given the permeability of the site, it would also be available for existing residents.
54. Whilst noting the objection from Sport England, it is considered that the loss of the poor quality pitch and the forthcoming availability of a larger quantity and better quality pitches in Spennymoor outweighs any conflict with Policy L5 of the Local Plan, whilst two areas of open space for wider public use would be retained within the proposed housing scheme, in accordance with Local Plan Policies L1 and L2.

Design and Impact on the character of the area

55. The NPPF and Local Plan Policies H17, D1 and D5 seek to promote good design in new developments, ensuring a comprehensive and coordinated approach to new development which takes into account adjacent land uses. The development of this undeveloped site will inevitably alter the character and appearance of the area. The construction of the new access to serve the development will, for instance, result in the removal of several trees and the existing hedgerow in this location. However, it should be noted within the constraints of the site the proposed scheme has been sensitively designed in order to respect the scale of the existing housing and in order to safeguard satisfactory levels of privacy and amenity for both new and existing residents.
56. The existing housing in this area is made up of a number of different ages and styles. The older housing can be characterised by the densely developed two storey terraced housing to the north of the site at Wood Street, Watson Street and Gibbon Street. The housing to the east of the site at High Croft is made up of two storey semi-detached housing. The older properties at South View consist of a mix of two storey semi-detached houses and bungalows whilst the more recently constructed houses primarily consist of two storey detached properties. The proposed housing would predominantly be 2 storey in height, however, 8 of the proposed houses would be 2.5 storeys in height. The height of these properties would not be dissimilar to that of those houses constructed on the site of the former school building.

57. Objectors have raised concerns that the scheme is high density, however, at 32 dwellings per hectare (dph), it is considered to not be unduly dense, noting density targets set out at Policy 35 of the emerging County Durham Plan which states that a density of around 30dph is appropriate in more peripheral locations within settlements.
58. Because of the infill nature of the site, the most prominent part of the scheme is that part which fronts onto South View. Although the formation of the new access will result in the removal of several of the existing trees and the hedgerow along this section of South View, the five houses in this area have been sensitively designed to provide a strong outward facing frontage onto South View. The housing on either side of the access road has also been designed to be dual fronted so as to provide a strong gateway feature leading into the site. The garaging in this area serving Plot Nos. 1 and 2 has also been located to provide a graduated increase in height between the existing bungalows to the west and the 2 storey housing proposed.
59. The layout of the site has also been heavily influenced by on site factors including the 9.5m wide easement which runs along the eastern boundary of the site. The existing hedgerow along the eastern boundary of the site is to be retained except where a pedestrian link from the proposed development will link through to the existing footpath network which runs along the eastern boundary of the site. The area of open space provides an important clearance area between the new development and the existing housing to the east at Highcroft.
60. As such, it is considered that the proposal complies with design principles set out in the NPPF and Local Plan Policies H17, D1 and D5.

Impact on residential amenity

61. The layout of the housing has been designed in such a manner that a separation distance of 21 m is retained between the habitable rooms of the proposed houses on the eastern edge of the site and the existing housing at Highcroft. The properties along the southern boundary of the site are approximately 30m from the existing housing to the south whilst the housing to the north fronts onto the existing allotment garden area. The existing properties at South View and those located on the footprint of the former school will inevitably experience some impact on their amenity from the development of the site in terms of outlook. However, plots 6-14 have been laid out so that the main aspect of these houses is an east-west orientation to avoid habitable room windows facing one another, and with appropriate separation distances, and as such, the amenity of existing residents will not be significantly adversely affected.
62. The housing on plots 15-18 at the north eastern corner of the site abuts two of the existing houses on the site of the former school building. Some reduction in privacy would result between the front of the existing buildings and the rear elevation of the proposed housing, however, the private garden areas of these properties would not be overlooked.
63. The inter relationship between 60 South View and the gable end of plot 6 is in part, because of the staggered arrangement of the rear elevation, approximately 1m below the 14m separation distance cited in SPG3. However, SPG3 acknowledges that it is appropriate to accept reduced separation distances in developments consisting of starter homes such as this, and in addition, the roof of plot 6 would be hipped in order to minimise the impact of the development, and bearing in mind the orientation between the properties concerned, with the new dwellings located to the north, the proposed separation distance is considered acceptable in this case.

64. Concern has been expressed that the proposed construction works associated with the development of the site would give rise to noise, dust and pollution. Whilst it is acknowledged that construction works would inevitably give rise to some increase in noise and disturbance, the working hours on site can be controlled via the imposition of suitably worded planning condition, together with informatives to the developer in relation to working practices in order to minimise disturbance to existing residents.

Highway safety

65. This proposal includes the formation of a new vehicular access from South View. Notwithstanding the concerns of local residents, the Highway Authority have reviewed the submitted details and have not raised any objections to the proposed access or the impact of the development on the wider highway network. In terms of car parking spaces, there would be 76 spaces including garages, driveways and visitor bays for the 46 dwellings (1.63 spaces per unit). The Highway Authority considers this level of provision to be more than adequate for the scale of the development.
66. Similarly, the internal road layout is also compatible with the Council's adoption standards. The proposed development would not compromise highway safety and would be in accordance with Local Plan Policies H17 and D3.

Affordable Housing

67. The provision of affordable housing where a need has been identified is encouraged through the NPPF, Local Plan Policy H19 and the County Durham Strategic Housing Market Assessment (SHMA). For developments of this size and in this area, 15% affordable housing would normally be required to be provided.
68. This proposal would incorporate the provision of 7 affordable houses consisting of two pairs of 2 bedroom semi-detached houses and a small row of three 3 bedroom properties. Although noting the comments from residents that the affordable housing is clustered in the north eastern corner of the site, they are interspersed with market housing.
69. Therefore, subject to the completion of a section 106 agreement to secure the affordable housing provision, the proposal would be in accordance with the aims of the NPPF and Local Plan Policy H19.

Ecology

70. An Ecology Report was submitted with the application, providing an ecological assessment of the site. The Ecology Report found that there were no protected species at the site and there were no sites of conservation interest in close proximity of the site that would be affected by the proposed development. The Ecology Section has considered the findings of the report and considers that there would be no adverse affect on protected species or biodiversity generally, however, they do recommend that a condition is imposed in relation to ensuring that the development is carried out in accordance with the mitigation methodology described in the Ecology Report, which primarily seeks to ensure that tree, scrub and hedgerow clearance works should be undertaken outside of the bird nesting season of mid-March to August inclusive. It is therefore considered that the proposed development would not impact on protected species or their habitats in accordance with aims of Paragraph 118 of the NPPF.

Arboricultural implications

71. An Arboricultural Impact Assessment has been carried out and identifies existing trees and hedges within the site, how the development affects these features and how to manage the development to safeguard those trees to be retained. The assessment has identified that the development of the site would require the removal of several trees located within the site, these are primarily located along the southern boundary of the site fronting onto South View. Whilst this is regrettable this is the only access point into this infill site. The built development at this part of the site has, however, been sensitively developed so that this is outward facing and provides an attractive street scene. Where possible trees and hedges have been retained within the proposed layout including the hedgerows along the eastern and northern boundaries of the site.

Drainage and Flood Risk

72. The development of the site for residential development will result in increased levels of sewerage being created. Northumbrian Water do not object to this proposal but have advised that the existing sewerage treatment works at Tudheo Mill which serves the site is currently at full capacity and it is estimated that the necessary upgrade of the system will not be complete until June 2015.
73. This matter has been raised with the developer who has expressed their intention to collect the sewerage on site and then remove this by tanker until the necessary infrastructure improvements have been completed. Such a mechanism has been used in similar circumstances at Bowburn for a larger scheme and where such a method operated without complaint. Given the timescale for the additional capacity to become available and likely first occupation of the site by future residents, it is considered that the extent of such an interim solution is likely to be very short-term. A condition requiring the submission of details of the position and capacity of the on-site tank, together with details of the arrangements for the collection of the waste from the site would be appropriate in the circumstances.
74. Concerns regarding flooding were expressed by one respondent, however, the submitted Flood Risk Assessment has been reviewed and found to be acceptable by the Environment Agency and Northumbrian Water, who consider that the site is neither at risk of flooding nor would it result in an increased likelihood of flooding elsewhere as a result of surface water run-off.

Other matters

75. Several residents have expressed concern that Durham County Council have a vested interest in the development of the site as landowner and because the application has been submitted by Durham Villages Regeneration (DVR) Company which is partnership between Durham County Council and Keepmoat Homes. Whilst, it is correct to acknowledge that Durham County Council is both the land owner and is in partnership with Keepmoat these matters are not material planning considerations, and it is not uncommon for the Local Planning Authority to determine applications that are either submitted by the County Council on its own land or applications made in partnership with the County Council.
76. The Local Planning Authority do not control legal covenants and any legal restrictions which may apply restricting the use of the site for recreational use for the benefit of the public would need discharged independently of this planning application

77. Several respondents stated that they was no need to develop this site for more housing because of the significant number of houses which have been approved, many of which are under construction. Whilst it must be acknowledged that the Spennymoor area has been the subject of a significant number of residential development schemes in recent times, Spennymoor has been identified as a main town because of its good range of employment, shopping and leisure opportunities and its good public transport links. Taking into consideration that the majority of these residential sites are located at Spennymoor itself it is considered that the release of this site is unlikely to detrimentally effect the deliverability of those sites previously approved. In addition, it is note that a number of the schemes with planning permission are only in outline form, unlike the proposed scheme, which has a greater likelihood therefore, of coming forward in the short-term.

78. Loss of view and devaluation of property and are not material planning considerations.

79. Whilst this Council acknowledges the importance of the Human Rights Act it is considered that these would not justify the refusal of this planning application.

CONCLUSION

80. The application site is considered to be in a wholly sustainable location, and when considered in the context of the presumption in favour of sustainable development, the site is considered acceptable in principle for residential development. Whilst the redevelopment of the site will result in the loss of a playing field, and to which Sport England have objected, it is of poor quality, and the forthcoming community use of the Tudhoe Grange Upper School will ensure that the deficit in junior football pitches is addressed both quantitatively and qualitatively. Similarly, whilst the site has some informal recreational value, such use currently takes place at the landowners discretion, whilst the proposed scheme includes two areas of public open space that would be made available for existing as well as prospective residents.

81. The scale and design of the development is considered to be comparable with the be characteristics of the existing housing within this area and the layout has been designed so that adequate separation distances would be achieved with neighbouring properties to avoid an unacceptable loss of amenity to those properties.

82. The proposed development is therefore considered to accord with relevant national and local plan policies, and subject to the imposition of appropriate planning conditions and the applicant entering into a Section 106 agreement to secure the provision of 7 units of affordable housing within this site, approval of the application is recommended subject to referral of the application to the National Planning Casework Unit in accordance with The Town and Country Planning (Consultation) (England) Direction 2009.

RECOMMENDATION

That Members be **MINDED TO APPROVE** the application subject to referral of the application to the Secretary of State through the National Planning Casework Unit: and, in the event that the application is not called in for determination by the Secretary of State, that the application be **APPROVED** subject to the completion of a Section 106 Obligation to secure the provision of 7 affordable houses 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. Development hereby approved shall be carried out in strict accordance with the following approved plans:

QD652-LP-01 - Location Plan
QD652-01-01 Rev. F - Planning Layout
QD652-65-02 Rev. A - Proposed Section
QD652-95-02 - Fence Type Details
QD652-665-01 - House type 665
QD652-763B-01 - House type 763
QD652-828-01 - House type 828
QD652-836-01 - House type 836
QD652-858FE-01 - House type 858
QD652-869-01 - House Type 869
QD652-961-01 - House type 961
QD652-999-01 - House type 999
QD652-1011-01 - House type 1011
QD652-1176-01 - House type 1176
QD652 GD01 - Garage Plan
QD652 GD02 Rev. A - Garage Plan
c-925-01 Rev. A - Landscape proposal
c-925-02 Rev. A - Landscape proposal

Reason: For the avoidance of doubt and in the interests of proper planning.

3. Notwithstanding any details of materials submitted with the application no development shall commence until details of the make, colour and texture of all walling and roofing materials have been submitted to and approved in writing by the Local planning authority. The development shall be constructed in accordance with the approved details.

Reason: In the interests of the appearance of the area and to comply with Policy D1 (General principles for the layout and design of new developments) of the Sedgfield Borough Local Plan.

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

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

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

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

Replacements will be subject to the same conditions.

Reason: In the interests of the visual amenity of the area and to comply with Policy H17 (Backland and infill housing development) of the Sedgefield Borough Local Plan.

5. No development shall take place unless in accordance with the mitigation and recommendations detailed within section 5 of the ecology report prepared by Dendra, dated December 2012 and Section 4 of the Aboricultural Implications prepared by Dendra dated December 2012.

Reason: To conserve protected species and their habitat in accordance with Part 11 of the NPPF.

6. Notwithstanding any information submitted, development shall not commence until a scheme demonstrating how CO2 reduction and energy efficiency measures will be incorporated into the approved development has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented and retained in accordance with the approved scheme thereafter.

Reason: In order to minimise energy consumption and to comply with Paragraphs 95 and 97 of the NPPF.

7. No development shall take place until details and plans of protective fencing for retained trees has been submitted, inspected and approved by the Local Planning Authority. The location and design of protective fencing details shall follow the guidelines set out in BS 5837:2012 Trees in relation to construction, design and demolition. Works shall be carried out in accordance with the approved details thereafter.

Reason: In the interests of the visual amenity of the area and to comply with Policy E15 (Safeguarding of woodland, trees and hedgerows) of the Sedgefield Borough Local Plan.

8. No development shall commence until a scheme which specifies the provisions to be made for the control of dust and particulate matter emanating from the site during the demolition and construction works has been submitted to and approved in writing by the Local planning authority. The scheme, as approved, shall be implemented before the development is brought into use. The contractor shall have regard to the relevant parts of BS 5228 2009 "Noise and Vibration Control on Construction and Open Sites" during the planning and implementation of site activities and operations.

Reason: In order to prevent an unacceptable risk of noise pollution for future residents and to comply with Paragraphs 109 and 120 of the NPPF.

9. No development shall commence until details of an interim means of disposing of foul sewage from the site has been submitted to and agreed in writing by the Local Planning Authority. The submitted scheme shall include detail of the location of on-site storage and its capacity, together with the frequency of waste removal and the route of associated vehicular movements to and from the site. The agreed scheme shall be operated until such time as the Tudhoe Mill Sewerage Treatment Works is able to accept foul drainage flows from the development, and the development has been connected to the Tudhoe Mill Sewerage Treatment Works.

Reason: In order to ensure a satisfactory means of foul drainage is provided for the site as an interim measure pending the upgrade of the sewage treatment works and in accordance with Policy D1 of the Sedgefield Borough Local Plan.

10. No construction work shall be undertaken before 0800 hours on weekdays and 0800 hours on Saturdays nor after 1800 hours on weekdays and 1300 hours on Saturdays, not at any time on Sundays, Bank Holidays and Public Holidays.

Reason: In order to prevent an unacceptable risk of noise pollution for existing residents and to comply with Paragraphs 109 and 120 of the NPPF.

REASONS FOR THE RECOMMENDATION

1. The proposed development would be located in a suitable and sustainable location and as such would accord with the NPPFs presumption in favour of sustainable development, and whilst the scheme would depart from the aims of Policy L5 of the Sedgefield Borough Local Plan 1996, by resulting in the loss of a playing field and an informal recreation area, these matters are considered to be addressed through the delivery elsewhere in Spennymoor of a greater quantity of better quality publicly accessible pitches than would be lost and through the provision of open space within the development at levels in accordance with Policies L1 and L2 of the Sedgefield Borough Local Plan 1996.
2. The amount, layout, scale and appearance of the development is considered to be acceptable in terms of its impact on the character of the area and in terms of ensuring that the amenity and privacy of both existing and prospective occupiers would be safeguarded. In addition, there would be no detriment to highway safety.
3. In arriving at this recommendation, the public consultation responses received have been considered, however, on balance, the issues raised are not considered sufficient to warrant refusal, and matters can be considered further through the submission of reserved matters and through the imposition of planning conditions.

STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority has worked with the applicant in a positive and proactive manner in, seeking improvements to the layout of the site.

BACKGROUND PAPERS

Submitted Application Forms and Plans

Planning Statement

Design and Access Statement

Ecology Report

Flood Risk Assessment

Archaeological Assessment

Geoenvironmental Appraisal

Noise Assessment

Statement of Community Involvement

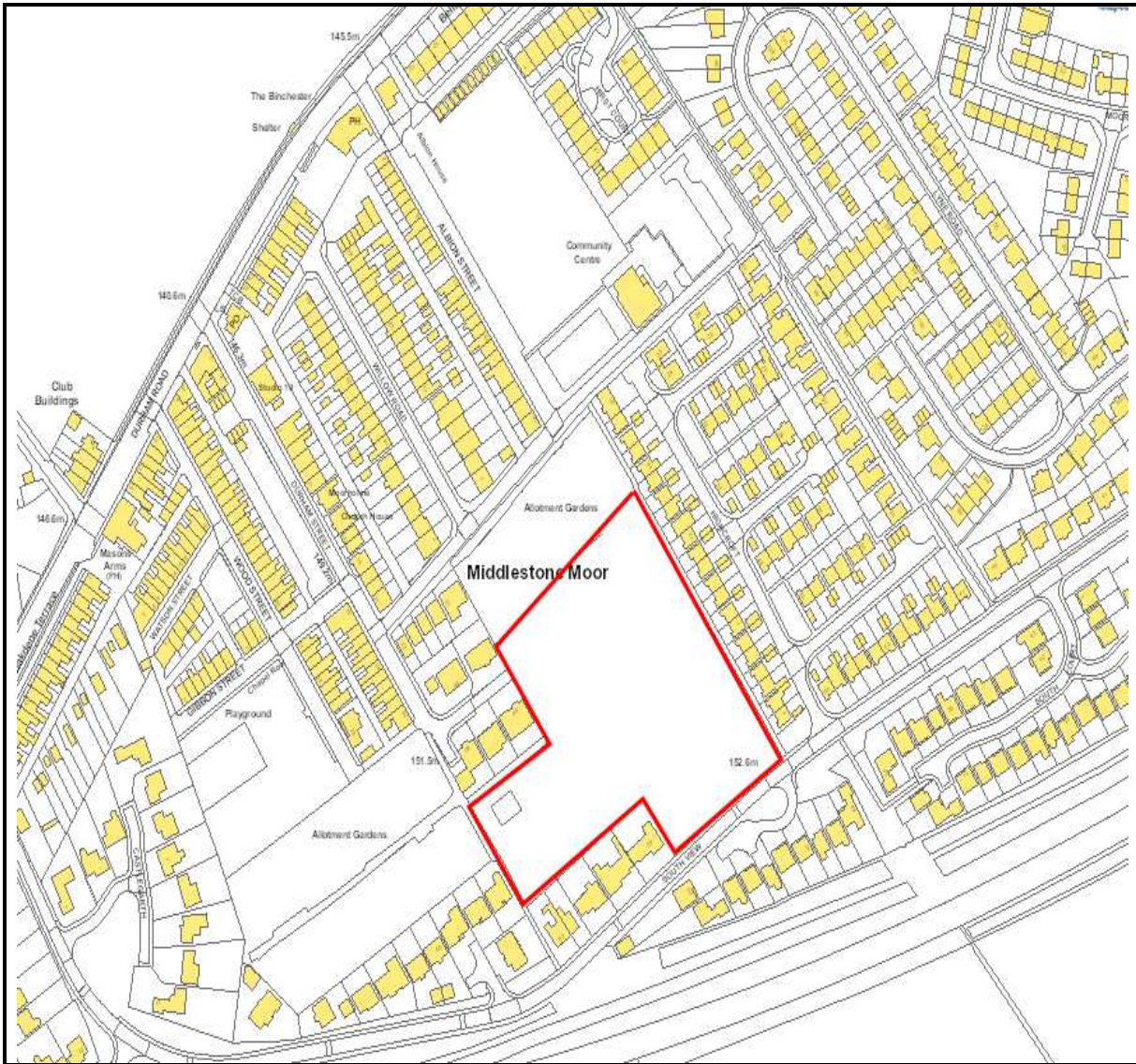
Tree Survey

National Planning Policy Framework (NPPF)

Sedgefield Borough Local Plan 1996

Consultation responses from Sport England, Highway Authority, Environment Agency, Northumbrian Water and Coal Authority, Spennymoor Town Council and local residents.

Internal responses from the Landscape, Design and Historic Environment, Arboricultural, Ecology, Land Contamination, Environmental Health and Consumer Protection Sections



Planning Services

46 dwellings, new access and associated works on Land north of South View, Middlestone Moor, Spennymoor (7/2013/0026/DM)

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19 July 2013