

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/14/02556/OUT
FULL APPLICATION DESCRIPTION:	Outline application for up to 300 dwellings, including site access, public open space, landscaping and associated infrastructure works
NAME OF APPLICANT:	Gladman Developments Ltd
ADDRESS:	Land to the North of Durham Road, Middlestone Moor, Spennymoor,
ELECTORAL DIVISION:	Spennymoor
CASE OFFICER:	Colin Harding, Senior Planning Officer 03000 263945 colin.harding@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The site lies to the west of Spennymoor, on the edge of Middlestone Moor and comprises a single arable field extending to 13.73 hectares.
2. The site is bounded to the east by a Public Right of Way (Footpath No. 13 (Spennymoor)), beyond which lies the recent Taylor Wimpey development at Lavender Crescent. Immediately to the south runs Grayson Road/Durham Road, this leads to the A688 in westerly direction, and to Spennymoor Town Centre in an easterly direction. Beyond the A688 lie residential properties, mainly terraced in form and with a strong road frontage. To the north lies further agricultural land and Bishops's Close Farm.
3. The site itself is largely flat, although there is an unpronounced gentle downwards slope towards north, as the topography falls away towards the River Wear at Page Bank. There are no designations within close proximity to the site, the closest being Whitworth Park Local Wildlife Site, situated 750m to the north east.

The Proposals

4. The proposal comprises the development of up to 300 dwellings, with access, open space and associated infrastructure and including the provision of 10% affordable housing, for which outline planning permission is sought. All matters other than access are reserved for later consideration. Access to the site is proposed from Durham Road. An indicative layout indicates that landscaping would be incorporated on the northern, southern and western boundaries of the site, with the north eastern corner potentially providing a location for play facilities and a Sustainable Urban

Drainage Scheme (SUDS). As the application is only in outline form, details of any proposed development proposal are only limited at this time.

5. The application is being presented to the County Planning Committee as it represents major development with a site area of more than 4 hectares.

PLANNING HISTORY

6. There is no related planning history at this location.

PLANNING POLICY

NATIONAL POLICY:

7. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF). The overriding message is that new development that is sustainable should proceed without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve ‘core planning principles’.
8. In accordance with paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policy will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight. The relevance of this issue is discussed, where appropriate, in the assessment section of the report. The following elements of the NPPF are considered relevant to this proposal.
9. *NPPF Part 1 – Building a strong, competitive economy.* The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country’s inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.
10. *NPPF Part 2 – Ensuring the vitality of town centres.* Town centres are recognised as being at the heart of communities, with the pursuit of their viability and vitality as being paramount. Planning applications for main town centre uses should be located in town centres firstly, then in edge of centre locations. Only when these are not available should out of centre locations be considered.
11. *NPPF Part 4 – Promoting sustainable transport.* Transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. Smarter use of technologies can reduce the need to travel. The transport system should be balanced in favour of sustainable transport modes. Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion.
12. *NPPF Part 6 – Delivering a wide choice of high quality homes.* To boost significantly the supply of housing, applications should be considered in the context of the presumption in favour of sustainable development. Local Planning Authorities should seek to deliver a wide choice of high quality homes, widen opportunities for home ownership and create inclusive and mixed communities.

13. *NPPF Part 7 – Requiring Good Design.* 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. Planning policies and decisions must aim to ensure developments; function well and add to the overall quality of an area over the lifetime of the development, establish a strong sense of place, create and sustain an appropriate mix of uses, respond to local character and history, create safe and accessible environments and be visually attractive.
 14. *NPPF Part 8 – Promoting Healthy 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, local services and community facilities to enhance the sustainability of community and residential environments. An integrated approach to consider the location of housing, economic uses and services should be adopted.
 15. *NPPF Part 10 – Meeting the challenge of climate change, flooding and coastal change.* Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure.
 16. *NPPF Part 11 – Conserving and enhancing the natural environment.* The planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, minimising impacts on biodiversity and providing net gains where possible. Preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and remediating and mitigating despoiled, degraded, derelict, contaminated/unstable land.
 17. *NPPF Part 12 – Conserving and enhancing the historic environment.* Local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.
- <http://www.communities.gov.uk/documents/planningandbuilding/pdf/2116950.pdf>
18. 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.

<http://planningguidance.planningportal.gov.uk/> (National Planning Practice Guidance)

LOCAL PLAN POLICY:

Sedgefield Borough Local Plan (1996) (SBLP)

19. *Policy E1 (Maintenance of Landscape Character)* – sets out that the Council will seek to encourage the maintenance of distinctive landscape areas, resisting proposals that would damage the character or appearance of the River Wear Valley and area of landscape value, requiring the retention of landscape features, hedgerows, woods etc.

20. *Policy E15 (Safeguarding Woodlands, Trees and Hedgerows)*. This policy states that development proposals to retain other areas of woodland, important groups of trees, copses and hedgerows wherever possible and replace trees which are lost.
21. *Policy L1 (Provision of Open Space Including Standards)*. The policy advocates that the Council will work towards provision of 2.4ha of outdoor sports and play space and 2.0ha of parks and amenity space per 1,000 population.
22. *Policy L2 (Open Space in New Housing Development)*. This policy duplicates the open space requirement of policy L1 on major developments. This policy requires 1.8ha for up to 300 new dwellings of informal play space and amenity space.
23. *Policy L9 (Footpaths, Cycleways and Bridleways in the Countryside)*. States that the Council will seek to promote the provision of safe, attractive and convenient network of footpath, cycleway and bridleway routes by maintaining and enhancing the existing rights of way network and taking opportunities to extend it and creating a series of local networks throughout the Borough.
24. *Policy D1 (General Principles for the Layout and Design of New Developments)*. This policy seeks a number of design principles to be applied to new developments these include: a comprehensive approach which takes account of the sites setting, attention to the design detail of buildings and their spatial relationship to open spaces, landscaping and boundary treatments; conservation of energy, safe provision for pedestrian and cyclists.
25. *Policy D2 (Design for People)*. This policy seeks particular attention for the personal safety and security of property, the access of users. It seeks to deliver the infrastructure, services and facilities required to meet the needs of the population of Durham CC, including those that arise from growth and to make all services accessible to all.
26. *Policy D3 (Design for Access)*. This policy requires new development to make satisfactory and safe provision for pedestrians, cyclists, public transport, car and other users.
27. *Policy D5 (Layout of New Housing Development)*. This policy seeks to ensure new housing developments are, safe, attractive, have a clearly defined road hierarchy, make provision for open space, provide for adequate privacy and amenity and have well designed walls and fences.
28. *Policy D6 (Layout and Design of Pedestrian Areas and Public Spaces)*. This policy seeks to ensure a co-ordinated approach to the layout and design of public spaces is achieved.
29. *Policy D8 (Servicing and Community Requirements of New Developments)*. This policy states that proposals will be required to meet the servicing requirements of the development and contribute towards offsetting the costs of the development upon the local community.
30. *Policy D9 (Art in the Environment)*. This policy states that the Council will encourage the incorporation of artistic elements in development schemes.

EMERGING POLICY:

31. The emerging County Durham Plan was submitted in April 2014 and is currently the subject of an ongoing Examination in Public. In accordance with paragraph 216 of the NPPF, decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. Further, the Planning Practice Guidance explains that in limited circumstances permission can be justifiably refused on prematurity grounds: when considering substantial developments that may prejudice the plan-making process and when the plan is at an advanced stage of preparation (i.e. it has been Submitted). To this end, the following policies contained in the Submission Draft are considered relevant to the determination of the application:
32. *Policy 3 – Quantity of new Development.* In order to meet the needs and aspirations of present and future residents at least 31,400 new homes of mixed type, size and tenure are required in the County.
33. *Policy 4 – Distribution of Development.* To reflect the spatial approach the Plan allocates sufficient sites to provide for housing. In Central Durham the Plan allocates 8010 dwellings with 5220 in Durham City and 520 required in the smaller towns and larger villages.
34. *Policy 15 – Development on Unallocated Sites in Built Up Areas.* Supports development on unallocated sites within built up areas, providing that it would not involve the loss of the last community building, does not prejudice the intended use of any adjacent sites and is appropriate in scale, design and location to the character and function of the settlement.
35. *Policy 30 – Housing Land allocations.* In order to meet the housing requirement and distribution set out in Policy 3 and 4 a number of sites are allocated for housing development.
36. *Policy 31 – Addressing Housing Need.* Requires all qualifying new housing 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.
37. *Policy 35 – Development in the Countryside.* Planning permission for development in the countryside will only be permitted where it meets certain exceptions such as housing for countryside workers.
38. *Policy 39 – Landscape Character.* Proposals for new development will only be permitted where they would not cause significant harm to the character, quality or distinctiveness of the landscape, or to important features or views, unless the benefits of the development clearly outweigh the impacts.
39. *Policy 49 – Delivering Sustainable Transport –* New developments should accommodate sustainable modes of transport and provide appropriate, well design, permeable and direct routes for all modes of transport and that traffic generated by the development can be safely accommodated on the strategic highway network without causing additional congestion.

The above represents a summary of those policies considered relevant. The full text, criteria, and justifications can be accessed at: <http://www.durham.gov.uk/media/3400/Sedgefield-local-plan-saved-policies/pdf/SedgefieldLocalPlanSavedPolicies.pdf> (Sedgefield Borough Local Plan) <http://www.durham.gov.uk/pages/Service.aspx?ServiceId=856> (County Durham Plan)

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

40. *Spennymoor Town Council* – Have raised no objections to the proposed development.
41. *Highway Authority* – Raises some concerns, whilst being satisfied that local junctions in Spennymoor and access to the site will operate within design capacity, a number of junctions would operate above capacity. Of these, it is accepted that no mitigation would be required at A688 Green Lane, A688/Bonemill Lane, A688/A689/B6282 and Thinford Roundabout. However, it is likely that mitigation will be required at A688/A689 Durham Road, although this mitigation is already proposed for the Auckland Park and Fieldon Bridge developments. However, it should nevertheless be modelled.
42. Matters relating to access specification are considered to be acceptable. It is noted that the moving of the bus stop will be need to be agreed with Spennymoor Town Council and that the final layout will need to provide car parking provision in accordance with the Council's adopted Car Parking Standards.
43. *Environment Agency* – Raises no objection to the proposal noting that the biodiversity enhancement options proposed with the application are welcomed. The Agency advise that the sewerage undertaker is consulted and be requested to demonstrate that the sewerage and sewage disposal systems serving the development have sufficient capacity to accommodate the additional flows, generated as a result of the development, without causing pollution
44. *Durham Constabulary* – raises no objection, and note that the crime risk assessment for this development is low; however, it is recommended that the Principles of Crime Prevention through Environmental Design (CPTED) and the Police crime prevention initiative of Secured by Design (SBD) are incorporated in the final scheme.
45. *Northumbrian Water* – raises no objections, although notes that the Sewage Treatment Works into which the development would discharge is operating at capacity but is scheduled for upgrade in 2016. As the upgrade is within the 5 year implementation period of approval, it is considered that the development can be supported subject to a condition agreeing means for the disposal of sewage in interim period.
46. *The Coal Authority* – confirms that the application site falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application. The Coal Authority raises no objections, concurring with the recommendations of the submitted Coal Mining Risk Assessment that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation.
47. *English Heritage* – Consider that it is not necessary for the application be notified to English Heritage, and consequently do not comment on the application.

INTERNAL CONSULTEE RESPONSES:

48. *Spatial Policy* - objects to the proposal. The NPPF seeks 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. The NPPF also seeks to providing the supply of housing required to meet the needs of present and future generations, whilst protecting and enhancing our natural, built and historic environments (para 6). A core planning principle is to encourage the effective use of land by reusing land that has been previously developed, provided that it is not of high environmental value (para 17). The NPPF requires LPAs to maintain a five-year supply of deliverable sites to ensure choice and competition in the market. Applying these principles, the Council has released sufficient land for housing within Spennymoor to support growth and boost housing supply to meet the needs of present and future generations. The Council's has also recently updated its 5-year housing land supply position and considers that it is able to maintain an adequate supply without any contribution from this particular site.
49. Saved Policy H1 of the SBLP was not saved, and the housing allocations listed in Policy H2 are now largely built out or under construction. Therefore, in principle terms the SBLP leaves somewhat of a void in terms of assessing large scale applications for housing developments within the main towns in the former Sedgfield Borough area. Notwithstanding this, matters of detail relating to the site itself would need to adhere to the design policies (notably D1, D2, D3 D5 & D7), provision of affordable housing (H19), open space (L2 – although superseded by OSNA standards), and provision of footpath and cycleway links (T1).
50. Spennymoor is recognised as a main town within the CDP, although it was not necessary to allocate any land within the settlement to meet the housing needs of the area. Had that not being the case, better candidates than this one are available, and are categorised as green (suitable) within the Council's Strategic Housing Land Availability Assessment (SHLAA). This site is categorised as amber (unsuitable).
51. There are more than enough extant planning permissions in Spennymoor to boost significantly the supply of housing in the local market area. These are sites at Whitworth (circa 500 units), Electrolux (425 units) & Thorns (361 units) at Merrington Lane, DurhamGate (circa 300), Watson Court (circa 100), Hartwell (120) and South View, Middlestone Moor (46 units). These total circa 1,850 units, and then there is also the extant permission at Greyhound stadium (100 units) and the remaining units to be built by Taylor Wimpey at Grayson Road. These sites will deliver the housing strategy over the plan period, and ensure choice and competition in the market. There is simple no requirement for further land to be released for housing at the current time. The consequences of releasing a large greenfield site on the edge of the settlement will have an adverse impact on the delivery of some of these sites, particularly those which involve the effective re-use of brownfield land. As advised in my previous email, the consumer demand for housing in Spennymoor is circa 100 – 120 per annum (as advised by the Home Builders Federation). An additional greenfield release will only lead to slower sales rates at the sites already under construction, or discourage others from coming forward for development. It will not significantly boost the annual output of housing within Spennymoor as the market demand is simply not there.
52. It also important to recognise that the employment land portfolio for Spennymoor has contracted within the town (Merrington Lane permitted for housing under the principles of para 22 of the NPPF), and is consolidated solely at DurhamGate now. The balance between employment and housing needs to be proportionate, and it is

considered that the level of housing which will be built is commensurate with the level of retail and employment provision available.

53. The principle of developing the site as a residential extension to the existing settlement of Spennymoor would not be supported by the existing or emerging development plan. This site has not been identified as a housing allocation within the 'Submission Draft' of the CDP and the proposal therefore conflicts with the and emerging Local Plan (policies 15, 30 & 35) and the provisions of the NPPF.
54. Whilst the NPPF seeks to boost significantly the supply of housing, this land is not a key site which is critical to the delivery of the housing strategy over the plan period, and there is more than enough land within Spennymoor to meet housing needs over the next 5-years and beyond. The NPPF advocates a plan-led system and should additional sites be required for allocation within the CDP, there are suitable/green SHLAA sites which are more sustainable than this application site and which would be prioritised for development.
55. *Landscape* – does not object to the proposed development. They note that the site is located outside the settlement boundary and within the open countryside. The site is relatively level, however its size and the lack of existing boundary treatment make it highly prominent especially from the existing edge of settlement to Durham Road, and to the countryside along the public footpath beside the site.
56. Officers noted that a landscape assessment (LVIA) has been undertaken by the applicant and concludes that the proposed residential development could successfully be assimilated into the local landscape. Whilst officers do not disagree, it is clear that there would initially be significant adverse residual visual impact, but with adequate structural landscape, the visual impact would in time, as trees and planting establish, mitigate the impact on the open countryside. Landscape treatment would need to be high quality, extensive, and adequately defined, and include advanced treatment that could begin to act as a buffer before housing development began.
57. *Aboriculturalist* – raises concerns over the location of one of the proposed accesses and its potential impact upon a proposed woodland buffer strip.
58. *Sustainability* – Raise no objections to the proposed development. From a sustainability perspective the site is determined to have average performance with regards to the economic, social and environmental determinates of Sustainable Development. A condition is suggested in order to secure embedded sustainability.
59. The site is not considered to be within a short walking or driving distance of some services/ facilities, however this is not considered to be an overwhelming issue due to bus transport accessibility meeting minimum requirements for frequency, network and walking distance.
60. *Economic Development (Employability Team)* – note that the Council has an aspirational target of 10% of any labour requirement to be offered as new employment opportunities or training, however, these should be proportionate and reasonable. During the construction phase officers estimate that 12 full time employment job opportunities/apprenticeships could be attributed to the proposal. It is requested that request that TRT is considered and a clause included within the S106 agreement to secure employment and skills training that will assist the local community by improving job prospects and should planning permission be granted.

61. *Access and Public Rights of Way* – Raise no objections, but suggest that a multi user access to the Auckland Way would be advantageous. Officers also considered that any link to Footpath No. 13 on the eastern boundary would be on foot only.
62. *Archaeology* – Raises no objections. It is noted that the submitted desk based assessment is well researched and that it identifies the possibility for a mass grave to be location within or near to the southern boundary of the site. No outstanding significant archaeological anomalies were noted in the geophysical survey and those small anomalies that were identified do not suggest the presence of a mass grave. It is considered appropriate to secure evaluation works prior to the determination of any reserved matters application.
63. *Ecology* – Raise no objections to the proposed development. It is noted from the Ecological Appraisal that there are a number of moderate risk trees (for bat use) present within the northern boundary of the site, however the Design and Access Statement states that these trees, along with a suitable buffer will be retained. Advice is provided with regards to the proposed buffer and the need for details of proposed semi-natural grassland and trees to be provided in any reserved matters application.
64. *Design & Conservation* – Note a number of issues which would have to be addressed at reserved matters stage, including layout, street frontage, townscape and permeability.
65. *Drainage and Coastal Protection* – raise no objections, although the need for a Surface Water Management Plan to be agreed at reserved matters stage is noted, as a maximum surface water run off rate.
66. *School Places Manager* – No objections. The proposed development would be likely to yield in an additional 75 primary school aged pupils. Middlestone Moor Primary School has capacity for an additional 20 pupils therefore two new classrooms would be required. A contribution of £502,150 is requested in order to provide additional classroom accommodation. Sufficient capacity exists for secondary school pupils.
67. Further comments have been received in response to further work carried out by the applicants. These comments highlight the impracticality of pupils from the development site attending schools in Coundon and Byers Green and raising other issues with the methodology.
68. *Environment, Health & Consumer Protection (Air Quality)* - The location of the proposed development is not within or is in close proximity to the declared Air Quality Management Areas in either Durham City or Chester le Street. Further there are not any industrial or other similar sites or sources of air pollution that potentially will give rise to elevated levels of air quality pollutants. It is not considered, therefore, that there would be an adverse impact from any of the air quality pollutants on the residential dwellings located in close proximity to the proposed site. Officers note that the scale of the development may potentially have an indirect impact on local air quality by creating an increase in traffic volume levels on local routes surrounding the site. An air quality assessment has therefore been undertaken to assess the impact on levels of air quality pollutants (nitrogen dioxide and PM10) at existing and the proposed residential dwellings that may arise from vehicle exhaust emissions. A further assessment of the impact of the proposed development on emissions of air quality pollutants should be carried out where it is determined that the traffic composition either in a reduction of speed or in the number of movements of HGVs is likely to occur on the roads in vicinity to the proposed development site. It is noted that there is also potential for dust emissions to arise from the construction phase of the development. Should planning permission be granted then details of a dust

control management plan for the site would be required which should target the identified sources and therefore mitigation measures included to minimise emissions would be required through condition.

69. *Environment, Health & Consumer Protection* – Raises no objections to the proposed development, but recommends that at a noise survey be secured by condition and that construction noise be controlled. Conditions relating to lighting, smoke, and dust are also suggested.

PUBLIC RESPONSES:

70. The application was advertised in the press, on site and in the locality. In addition letters were sent to neighbouring residents. In response, 8 letters of objection and 1 letter of representation have been received, and the grounds of objection and concern raised are summarised below.

Principle of Development

- There is a lack of capacity in local facilities in Spennymoor, including school and medical places;
- Existing agricultural land would be lost and the development would be an incursion into the countryside;
- There is no market for the proposed properties;
- There are numerous vacant properties within Spennymoor.
- Existing permitted developments have not been built out.
- There are only limited local employment opportunities in the immediate local area
- Local facilities are not within reasonable walking distance.
- Site is greenfield.

Landscape and Visual Impact

- Spennymoor and Middlestone Moor would become merged.
- Peaceful setting of the existing Aged Miners Homes and rural setting of wider settlement would be lost.
- Middlestone Moor would have its identity eroded.
- Loss of agricultural land.

Highway Impact

- A development of this scale would lead to a significant increase traffic and exacerbate existing congestion issues.
- Employment opportunities are not locally accessible, increasing traffic
- Impact of bus stop location upon elderly population
- HGVs and farm traffic currently use footpath 13 to the east of the site and location play area could lead to children crossing this track from elsewhere, increasing the chances of accidents.

Other Issues

- Impact upon potential archaeological remains
- Durham County Council are simply seeking to increase Council Tax revenues
- Questioning of location of play area in close proximity to a pond
- Proposed open space has the potential to attract youths
- Impact of development upon residential amenity in terms of loss of light, privacy.
- Levels of noise and disturbance during construction

APPLICANTS STATEMENT:

71. This is a highly sustainable site for residential development and is a natural continuation of Spennymoor which, as explained through the submission would provide significant benefits to the local community, including employment, affordable housing, significant areas of open space and children's play.
72. The Site is located in an accessible location close to the key services and facilities in the town and will provide significant economic support for the vitality and viability of the town of Spennymoor. Gladman have worked proactively with the case officer and consultees and as such there are no technical reasons for refusal of the application.
73. During the determination of our application Gladman have commissioned a detailed critique of the Authority's five year deliverable housing land supply. Our consultants have reviewed the Sites which form the basis of the Council's deliverable supply and have found that under closer scrutiny the Council cannot demonstrate a five year housing land supply (at only 4.3 years).
74. Officers 'claim' that permission on this Site would undermine the delivery of other schemes in Spennymoor. However, these assertions are not in line with national policy to boost significantly the supply of housing nor are these assertions supported by any evidence.
75. It is acknowledged that Spennymoor has recently benefited from development proposals at Durhamgate through public and private sector investment located to the eastern edge of the town and Durhamgate is delivering but Spennymoor is also developing a status as a commuter town and serves a catchment of smaller surrounding settlements, therefore the western area should not be deprived. The Framework identifies positive improvements which the planning system should seek to achieve which includes widening the choice of high quality homes, improving the conditions in which people live, work travel and take leisure and making it easier for jobs to be created in cities, towns and villages. The proposals will complement the housing permitted and under construction at Durhamgate.
76. Consequently, as per paragraph 49 of the Framework Gladman principally consider relevant policies relating to the supply of housing development should not be considered up to date as the Local Planning Authority cannot demonstrate a five year supply of deliverable housing sites.
77. Notwithstanding the absence of common ground on the 5 year supply position, the presumption in favour of sustainable development still applies in situations such as this where the Development Plan is out-of-date. Gladman consider that the determination of this application should be in line with national policy, namely paragraph 14 of the NPPF. The Planning Balance exercise provided as part of the submission demonstrates the limited harm from the Site will not 'significantly and demonstrably' outweigh the benefits of the scheme as outlined in the Framework .
78. Sustainable development is about positive growth – making economic, environmental and social progress for this and future generations. The submission demonstrates that the proposal strongly accords with the three dimensions of sustainable development; economic, social and environmental. It is clear in light of the evidence submitted that this scheme provides a significant amount of benefits meeting all three dimensions of sustainable development.

79. Without the right type of new housing further pressures will be placed on house prices, people will be forced to move further away from the area and new investment and growth could ultimately be stifled!
80. New residential development has a critical role to play in all aspects of social, economic and environmental needs of the area, and as demonstrated this development will contribute to all. The economic benefits of this development are more important than ever in the current economy and should not under any circumstances be overlooked!
81. The Framework identifies positive improvements which the planning system should seek to achieve which includes widening the choice of high quality homes, improving the conditions in which people live, work, travel and take leisure and making it easier for jobs to be created in cities, towns and villages.
82. Spennymoor should not be deprived of deliverable investment in the short term, there is currently no plan in place to allocate any housing to the area. Additional housing is vitally important in safeguarding local services and improving the local economy, it is in reality only large scale developments that can aid this, rather than piecemeal small scale developments and it is on this basis that Gladman seeks to promote a sustainable major development that will support local needs, housing needs and services allowing deliverable growth of Spennymoor in the short term allowing it to continue to thrive and provide for the daily needs of the existing residents.
83. Having identified that the Council's Plan is time expired and relevant housing policies are not up-to-date, and having identified the strong accordance with the presumption in favour of sustainable development Framework and the matters of housing need and land supply, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, it is appropriate that planning permission should be granted now based on the significant weight of material considerations

PLANNING CONSIDERATIONS AND ASSESSMENT

84. 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 considerations, including representations received, it is considered that the main planning issues in this instance relate to: the principle of the development, access, traffic and highway safety, landscape and visual impact, affordable housing, impact upon residential amenity, nature conservation, heritage assets and archaeology, public rights of way, flooding and drainage,, coal mining legacy issues other matters
85. It should be noted that this application is in outline form, with only matters of principle and access being considered at this time. Other matters, for example relating to form, design, layout and landscaping are reserved for later consideration and any layout is at this stage, only indicative.

Principle of Development

86. The main issues in relation to the principle of the proposed development are: the extent to which the proposed development accords with the existing development plan; the extent to which the proposed development accords with the emerging development plan; and, the extent to which the proposed development is consistent with Government guidance in relation to planning for housing and other policy

objectives set out in the NPPF, with particular regard towards delivering a wide choice of high quality homes that widens opportunities for home ownership and helps create sustainable, inclusive and mixed communities.

87. The Sedgefield Borough Local Plan is largely silent with regards to the principle of residential development in this location, with Policies E9 (Protection of the Countryside), Policy E16 (Protection of Agricultural Land), and H1 (Housing Development on Sites in Newton Aycliffe, Spennymoor, Ferryhill and Shildon) having expired in 2007. Policy H2 (Major Housing Sites in Newton Aycliffe, Spennymoor, Ferryhill and Shildon) was saved, but does not identify the application site as an allocation. Policies H8 (Residential Frameworks for Larger Villages), H9 (Housing sites in Large Villages) and H10 (Housing Development in Smaller Villages) also provide locational advice for housing developments, but do not identify Middlestone Moor as a distinct settlement which would be subject to their provisions.
88. Consequently, there is little policy context within the existing Local Plan against which to assess this proposal with regards to the principle of development. In such cases, paragraph 14 of the NPPF states that where the development plan is absent, silent or relevant policies are out-of-date that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the NPPF policies, or the NPPF specifically indicates that development should be restricted.
89. Paragraph 7 of the NPPF sets out the dimensions of sustainable development, namely economic, social and environmental roles, whilst Paragraph 17 identifies twelve core land use principles, including that planning should be plan led, take account of the character of different area, recognise the intrinsic character and beauty of the countryside and encourage the re-use of brownfield land. Paragraphs 47 – 55 of the NPPF seek to boost significantly the supply of housing to create sustainable, inclusive and mixed communities. To accord with the NPPF new housing development should be located to provide improved access for all to jobs, health, education, shops, leisure and community facilities, open space and recreation, by ensuring that new development is located where everyone can access services or facilities on foot, bicycle or public transport rather than having to rely on access by car. The key matter in applying the NPPF relates to directing development to sustainable locations. Furthermore, the NPPF states that where a Local Planning Authority cannot demonstrate a 5 year housing land supply, that housing policies should not be considered to be up to date.
90. With regards to the 5 year housing land supply issue, the Council's Spatial Policy Team considers that it can demonstrate an adequate supply, as required by the NPPF. The applicant has disputed this by means of a submitted report, however there are a number of points within this report that Officers disagree with or consider to be factually incorrect. Accordingly, it is considered that little weight can be attached to the assertion that a 5 year supply does not exist, and the Spatial Policy Team maintains that there is adequate supply across the County. However, given the silence of the SBLP with regards to the delivery of housing in any event, the engagement or otherwise of paragraph 49 of the NPPF is not considered to be a significant factor in the consideration of this proposal.
91. On a local level, there are no housing allocations in the Spennymoor area proposed in the emerging County Durham Plan (CDP) with commitments being identified at Electrolux (425 units), and the former Greyhound Stadium (100 units). There is a current application for 46 units on a site at South View, Middlestone Moor, which has received a resolution to approve subject to the completion of a Section 106 agreement. Furthermore, there are a significant number of extant planning

permissions for residential development including sites at Whitworth (circa 500 units), Thorns (361 units) at Merrington Lane, DurhamGate (circa 300 units), Watson Court (circa 100 units), and Hartwell (120 units). These total approximately 1,800 dwellings, which, if all delivered would significantly boost the supply of housing in accordance with paragraph 47 of the NPPF and would deliver the housing strategy over the period of the CDP as well as ensuring choice and competition in the market.

92. During the formulation of the Strategic Housing Land Availability Assessment (SHLAA), the development industry itself, in the form of the Home Builders Federation has identified that there is market demand for circa 100 – 120 units per annum in the Spennymoor market area. On the basis of the commitments identified above, this equates, at a local level, to approximately 16 – 20 years supply of housing land.
93. It is considered that the provision of additional sites does not necessarily mean greater output, as market demand within the Spennymoor area remains constant. Instead, the delivery of this proposed site would only serve to further dilute the market, leading to slower build-out rates across various sites already under construction. Some sites with extant permissions are not yet in the control of a housebuilder, and on others the delivery rate is already slow, which is a reflection of the market. Several of these sites are on brownfield sites and represent regeneration initiatives – most notably DurhamGate, Electrolux and Thorns.
94. This is a matter that is considered to be at the heart of assessing the proposed development in light of the planning balance test contained within paragraph 14 of the NPPF, which states that where the development plan is silent, that permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits of the proposed development, when assessed against advice contained within the NPPF. Paragraph 17 of the NPPF sets out a number of core planning principles, amongst them the effective use of previously developed land and that planning should be genuinely plan-led.
95. The interpretation of paragraph 14 has proved to be challenging for decision makers since the publication of the NPPF in 2012, with the main issue being whether an assessment of the sustainability credentials of a proposed development should be carried out before the planning balance is assessed. Recent case law from *Dartford Borough Council v Secretary of State for Communities and Local Government [2014]* states that such an approach is incorrect and that the assessment of the planning balance of benefits and impacts should form part of the intrinsic assessment of the sustainability of a proposed development, and not be carried out as a precursor exercise.
96. To this end, the applicants have submitted a document outlining in their view, the planning balance and concluding that the proposed development is sustainable and would deliver a significant amount of benefits. Officers have considered this document in detail, and whilst agreeing with some of the benefits identified, find others to be of lesser weight, others to be of debatable benefit and that some issues that Officers identify as negative factors have not been identified at all.
97. In terms of the sustainability credentials of the proposed development, it considered to perform to an average degree with regards to the three constituent aspects, namely economic, social and environmentally determinants.
98. In economic terms, the proposal would deliver 123 construction jobs per annum over the construction period, as well as training opportunities. Occupiers of the development are estimated by the applicant to generate annual household

expenditure of £1.5 million within Spennymoor, and £2.8 million in County Durham as a whole, and an additional 300 households would help in supporting local business and services.

99. With regards to social factors, the development would deliver homes to meet the general aspiration of housing delivery within the NPPF, as well as providing a 10% affordable lifetime housing provision, equating to 30 dwellings. The proposal would also include the provision of public open space.
100. Locationally, the site is considered to perform adequately, with access to bus services and within walking distance of a variety of local services, meaning journeys can be made by a variety of means. Environmentally, the development would constitute development of a greenfield site, and the loss of agricultural land, although mitigating landscaping would be provided, which could potentially provide biodiversity habitat also.
101. However, many of the positives which have been identified by the applicant are considered by officers to only be mitigation measures, and do not in themselves, represent an improvement over the current situation. For example, the provision of open space would be to meet a demand created by the occupiers of the development. Similarly, the provision of landscaping would be in order to mitigate the impact of the development upon the wider landscape. Contributions secured for educational purposes would be required only to provide facilities for pupils generated by the development in order to allow the local primary school to continue to operate acceptably following an increase in demand.
102. The development would provide housing, and it is accepted that the applicants do have a good track record for delivering sites once permission has been secured, however, as discussed elsewhere in this report this in itself would not necessarily be considered to be a significant benefit. The provision of affordable housing is welcomed and is without doubt a benefit to the scheme, as are the economic benefits that the scheme would bring.
103. These benefits should however be weighed against any “significant adverse impacts” of the development. Of these, the impact of this development upon the delivery of brownfield sites within Spennymoor with extant permissions is of primary concern, particularly with the development of brownfield sites forming one of the twelve core planning principles identified within paragraph 17 of the NPPF. It is accepted that an excess of permissions in a particular area might not amount to harm in itself, however where it leads to market suppression to the likely detriment of the delivery of existing commitments on brownfield land elsewhere in Spennymoor, then it is considered that significant harm can be demonstrated in this case.
104. Consequently, although the development may be considered to be sustainable in many aspects, these sustainability credentials do not necessarily, in themselves constitute benefits and are not considered to outweigh the identified adverse impacts. Therefore it is considered that there is no presumption in favour of the development in this case, having regards to the provisions of paragraph 14 of the NPPF.
105. It is also considered important to address how much weight can be attributed to the emerging CDP at this stage. Paragraph 216 of the NPPF sets out in detail the weight which can be afforded to relevant policies in emerging plans. Essentially, the more advanced the plan is in its preparation, the greater the weight that may be given. Allied to this, the fewer and less significant the objections to the plan, the greater the

weight that may be given. The CDP is considered to be at an advanced stage as it is currently being publicly examined.

106. Of relevance to this proposal are Policies 15 and 35. However, both policies have unresolved objections which have been debated at the Examination in Public, and consequently only limited weight can be applied to them at this time. This is consistent with recent appeal decisions which have attributed limited weight to emerging Plans in recognition that they could be subject to further amendments. Therefore, whilst some weight can be attached to these Policies, they should not alone be a decisive factor in assessing this application.
107. Policy 15 of the CDP makes provision for development on unallocated sites within built up areas. The CDP provides a definition of a built up area as being land contained within the main body of existing built development of a settlement identified in the Settlement Study. Land on the edge of a settlement can be considered to be part of the built up area where it is physically very well contained by existing built development and its development would not result in coalescence with neighbouring settlements or encroachment into the countryside such that it would cause significant adverse landscape or townscape impact.
108. Given the location of the development site at the edge of the settlement, on land that is only partially contained by existing built development, and where it would not consolidate the existing built form, the site is considered to not form part of the built up area, and the development would instead form an extension of the settlement into the countryside. Consequently, the proposal cannot draw support from Policy 15.
109. As it is considered that the site falls outside of a built up area and therefore is situated within open countryside, it is appropriate to assess the proposal against the provisions of Policy 35.
110. Policy 35 makes provision for development in the countryside where it is in accordance with a proposed allocation, is necessary for rural business purposes, would support local services, enhances environmental or tourism assets or involves the reuse of heritage assets or existing redundant buildings. It is considered that the proposal fails to meet any of these criteria, and consequently is considered to be contrary to this policy.
111. Whilst it is accepted that the CDP should not alone be a factor of decisive weight, it is noted that the SBLP is largely silent on the matter of the principle of this proposed development and therefore carries no weight. With the proposal conflicting with the emerging CDP, there is reliance upon the NPPF to provide justification for this development.
112. As discussed earlier in this report, the presumption in favour of sustainable development contained within Paragraph 49 of the NPPF has not been triggered and an assessment of the site and the proposal in accordance with Paragraph 14 of the NPPF leads to the conclusion that there would be significant and demonstrable adverse impacts in approving the proposal, which outweigh any identified benefits, resulting in no support from the NPPF. Therefore, it is considered that the proposal is unacceptable in principle and contrary to the NPPF and Policies 15 and 35 of the CDP.

Access, Traffic and Highway Safety

113. A Transport Assessment (TA) and Travel Plan have been submitted in support of the proposals due to the potential amount of traffic generated by the proposed

development. In assessing such impacts, paragraph 32 of the NPPF states that development should only be refused on transport grounds where the residual cumulative impacts of development are severe. The comprehensive TA submitted with the application has been considered in detail by the Highway Authority. The assessment sets out that the existing local and strategic highway network should be able to accommodate traffic from the development satisfactorily.

114. The Highway Authority largely agrees with the findings of the TA. It is noted that local junctions in Spennymoor and access to the site will operate within design capacity; however a number of junctions would operate above capacity. Of these, it is accepted that no mitigation would be required at A688 Green Lane, A688/Bonemill Lane, A688/A689/B6282 and Thinford Roundabout. However, it is likely that mitigation will be required at A688/A689 Durham Road, although this mitigation is already proposed for the previously approved Auckland Park and Fieldon Bridge developments. However, it should nevertheless be modelled.
115. Whilst it is unfortunate that the required modelling has not been carried out at this time, the Highways Authority accept that it is likely that with adequate mitigation that any residual impacts upon the highway network would not be severe, and that planning permission could not be withheld on this basis. If the application were considered to be otherwise acceptable, a suitable condition could be attached securing additional modelling and junction mitigation.
116. The proposal would require the moving of a bus stop on Durham Road to outside of The Binchester Public House. The Highways Authority note that the bus shelter itself is owned and maintained by Spennymoor Town Council, and any movement of it would have to be agreed with them, however in terms of the provision of a new bus layby, the proposed location of this is considered to be acceptable and would not represent an unreasonable inconvenience to existing or future local residents.
117. Other matters relating to layout and parking provision are reserved for future consideration. The position and specification of the proposed accesses are considered to be acceptable.
118. With regards to these matters therefore, the application is considered to be in accordance with Policies D5 and D8 of the SBLP.

Landscape and Visual Impact

119. Part 11 of the NPPF seeks to protect and enhance valued landscapes, whilst SBLP Policy E1 requires that landscape features, such as hedgerows, woods, streams, and buildings fit into the landscape scheme for any development, whilst Policy D1 seeks satisfactory landscaping to be incorporated in the design and layout of the site. This Policy is considered to be consistent with the NPPF and that significant weight can be attached to it. Although only limited weight can only be afforded to Policy 35 of the emerging CDP at the present time, it seeks to protect the countryside from inappropriate development and Policy 39 states that development will only be permitted where it does not cause significant harm to the character, quality or distinctiveness of the landscape.
120. Whilst the site does not benefit from any specific landscape designation or specific protection, it is a large, open site with few vertical elements, which is considered to currently contribute to the setting of Middlestone Moor and the wider Spennymoor area. The application is accompanied by a comprehensive Landscape and Visual Impact Assessment.

121. The Council's Landscape Officer has commented that the site is prominent from Durham Road and Footpath No. 13 (Spennymoor), which border the site to the south and east, and that this visibility is largely due to a lack of hedgerows. It is noted that the site is not visible from north of Bishop's Close Farm, nor the Auckland Way Public Right of Way, nor from Bishop's Close Wood due to the fall in contours. It is further considered that the proposed development will have a significant adverse residual impact.
122. It is possible, in certain circumstances that landscape and visual impact can be adequately mitigated by the use of structural landscaping and in this case it is considered that with appropriate phasing, that a structural landscaping scheme could mitigate any impact to an acceptable degree. However, with the application only being in outline form, such details are reserved for future consideration.
123. Given that it would appear that a suitable landscaping mitigation scheme could be implemented to acceptably offset any wider landscape impact of the development of this site that the proposed development is in accordance with part 11 of the NPPF, Policies E1 and E15 of the SBLP and Policies 35 and 39 of the CDP.

Affordable Housing

124. In order to widen the choice of high quality homes and widen opportunities for home ownership, paragraph 50 of the NPPF encourages the provision of affordable housing based on evidenced need. The County Durham Strategic Housing Market Assessment (SHMA) update report was completed in July 2013 and supplies the evidence base for 10% affordable housing across the Southern Delivery Area in which the site falls. The requirement reflects an up to date needs assessment and identifies a significant requirement of approximately 154 net affordable units per annum throughout the Southern Delivery Area up to 2016/17. This shortfall is greatest for one/two bedroom properties (65 net per annum), three bedroom properties (61 per annum) and older person accommodation (28 net per annum). On the basis of the SHMA evidence base, Policy 31 of the emerging plan identifies housing schemes of 15 dwellings or 0.5 ha or more, where such an affordable housing provision should apply and that 10% of housing should be appropriate for older people.
125. In this particular case, the application proposes that on the basis of 300 dwellings being constructed, 10% would be affordable or 30 units overall. The proposal would assist in the delivery of a wide choice of homes based on current and future demographics as set out at paragraph 50 of the NPPF. It would also form a benefit of the proposal as outlined elsewhere in the report.
126. As the application is made in outline at this stage, only limited details as to the form that the affordable housing would take are available, and it is noted that the submission indicates that any provision would be subject to viability. At the present time, no evidence has been provided to suggest that the development would become unviable if a 10% affordable housing provision was provided. Accordingly, it is expected that the full 10% provision would be delivered and this could be secured by means of a Section 106 Legal Agreement. Such an agreement would be in accordance with Policy D8 of the SBLP.

Residential Amenity

127. At present only limited, indicative details are available with regards to layout and design, with the application being in outline form only. However, it is considered that in principle, residential development could be accommodated on the site without

unreasonably impacting upon the level of residential amenity currently enjoyed by residents of properties in close proximity to the site. Certainly, the houses would be visible, particularly to occupiers of Grayson Road, Durham Road and the Taylor Wimpey site currently under development to the east, however adequate separation distances could be achieved, by means of a considerate layout.

128. Some residents have raised concerns over the potential for the proposed public open space to attract groups of youths. There is always a possibility that this might occur, indeed areas of public open space within residential development are designed for public recreation. As no layout is currently available for detailed consideration it is difficult to consider this matter in detail, however at a future stage officers would seek a layout which fully utilised good design principles and designs out crime in accordance with Durham Constabulary advice and SBLP Policies D1, D2, D5, D6, L1 and L2.
129. The potential for increased usage of Footpath No.13, which currently runs along the route of the track serving Bishop's Close Farm is noted, and it is understood that the particular concerns raised relate to the number of children that would be using the path to access the proposed play area at the north eastern corner of the site, and potential conflict with farm vehicles and HGVs using the track. Whilst it is noted that the track is a Public Right of Way and will therefore always be liable to be used by pedestrians, the final position of the play area is not to be agreed as part of this application. It may be the case that a more suitable location could be found elsewhere within the site during the formulation of the final layout. Equally, the concern raised about the play area's proximity to the proposed SUDS pond is also noted, and whilst any SUDS pond would incorporate safety measures, a future examination of the location of play area may be an appropriate course of action.
130. With regards to light pollution, this is a matter which could only be considered in detail at reserved matters stage, once street lighting details are known, however it is considered unlikely that this would be a fundamental issue.
131. Were the application to be approved, conditions relating to working hours during construction could be attached in order to minimise potential disruption.

Ecology and Nature Conservation

132. A full ecological appraisal of the development site and surroundings has been submitted and the report concludes that the proposed development will be unlikely to have a negative impact upon the protected species.
133. Ecology officers accept the submitted survey results and identify that there are a number of trees within the site that present a moderate possibility of being utilised by bats. Although no layout has yet been formulated, it would appear that the development could be accommodated without the need to lose these trees and their retention could be conditioned, if considered to be appropriate.
134. The submitted Design and Access Statement also identifies that landscaping buffers would be provided, along with areas of semi-natural greenspace, wetlands, grassland and trees and scrub. These are welcomed, subject to details being provided at reserved matters stage in order to ensure suitability.
135. With regards to the above, it is considered that the development could be satisfactorily accommodated on the site without unreasonable impact upon biodiversity or protected species, subject to appropriate mitigation and timing of works, and is therefore in accordance with paragraphs 109 and 118 of the NPPF.

Heritage Assets and Archaeology

136. No designated or known non-designated heritage assets are in close proximity to the site and therefore it is considered unlikely that there would be any significant impact upon such assets, in accordance with paragraph 135 of the NPPF.
137. However, paragraph 128 of the NPPF states that where a site includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.
138. In this instance, an archaeological desk based assessment has been submitted, along with the results of a geophysical survey of the site. The desk based assessment identified that the site had at one time been known as “dead man’s field” and could possibly contain a mass grave. Consequently, a geophysical survey of the site was undertaken which returned no significant anomalies that might indicate that a mass grave exists on the site. It did however highlight a number of smaller anomalies that would warrant further investigation.
139. In light of this, the County Archaeologist is satisfied with the work submitted with the application and raises no objection to the proposed development. It is however recommended that further investigative works are secured prior to permission for reserved matters being granted. This could be secured by a suitable condition, if the development was considered to be otherwise acceptable.
140. It is therefore considered that the proposal is in accordance with paragraph 128 of the NPPF, in this regard.

Public Rights of Way

141. Footpath No. 13 (Spennymoor) bounds the site to the east and runs north towards Bishop’s Close Farm to the north and then on towards the Auckland Way. The Footpath does not form part of the application site, nor would be affected by the development proposal in terms of its usability. The indicative layout does indicate some connectivity with this Public Right of Way from within the site, however this layout is only indicative and this matter can be considered further at a future stage.
142. Aspirationally, the Public Rights of Way Section has raised the desirability of connecting the development to the Auckland Way by means of access over land to the north of the development site. Although this matter has been raised with the applicant, no amended plans have been forthcoming on this matter, however it is accepted that this should not be a matter on which the acceptability of the development should principally turn and would be considered not to put the proposed development into conflict with Policies D1, D2, D3 or L9 of the SBLP, which seek to provide satisfactory and safe provision for pedestrians.

Flooding and Drainage

143. The application site lies within Flood Zone 1 where residential development is considered appropriate. The main consideration is therefore the prevention of flooding by ensuring the satisfactory storage of/disposal of surface water from the site. The submitted Flood Risk Assessment’s findings and recommendations, as well as surface and foul water drainage proposals, are accepted by Northumbrian Water and the Environment Agency. This is subject to appropriate planning conditions

which restrict the amount and location of foul and surface water discharge, and securing of a detailed drainage scheme.

144. At present the site has no active drainage and instead relies upon natural geology. The proposed development would incorporate positive drainage measures, potentially in the form of a Sustainable Urban Drainage System (SUDS). As a result, water falling on the site would be controlled and directed, as opposed to simply running off the fields, as is the existing case. Consequently, there are considered to not be outstanding concerns with regards to this matter.
145. Northumbrian Water has raised no objection to the proposal in relation to foul drainage, but has noted that the existing sewage treatment works are currently operating at capacity. However, with plans to upgrade the treatment works being in place for 2016, it is considered that subject to a condition restricting occupancy until these works have been carried out, that the development would be acceptable in this regards.
146. The objectives of Part 10 of the NPPF are therefore considered to have been met.

Coal Mining Legacy

147. A coal mining risk assessment has been submitted with the application and identifies that the site may be at risk from coal mining legacy issues. The Coal Authority has assessed the submitted report and agree with its findings. It is considered that the recommended mitigation works by means of ground investigation and subsequent remediation works if found to be necessary, can be secured by means of a condition, if the application is considered to be otherwise acceptable.

Other Issues

148. The Council's School Organisation Manager has indicated that the development would be likely to generate 75 additional primary school pupils. At present, Middlestone Moor Primary School has a capacity for . Therefore, additional capacity would be required to accommodate all of the pupils generated by this development. On the basis that 55 of 75 pupils could not be provided with a place at the school at present and on the basis of a contribution of £9130 per pupil, a contribution of £502,150 would be required and could be secured by means of a Section 106 Legal Agreement. It is considered that the basis for requiring such a contribution is established in Policy D8 of the SBLP, that seeks to ensure that developers meet the servicing requirements of housing developments and contribute towards the offsetting of the costs imposed by the development upon the local community.
149. The applicants have sought to counter this calculation and provided a report which analyses school capacity in the local area. The report identifies surplus places at a variety of schools. The School Organisation Manager has considered the content of the report and highlights the practicality of pupils from the development attending some of the identified schools, which are in some cases almost 2 miles from the site and located in a separate village. The local authority seeks to provide a place for pupils at their local school wherever possible. Furthermore, the report takes no account for variations in numbers within years groups.
150. Accordingly, the School Organisation Manager maintains the requirement for £502,150 in this instance, if the application is found to be otherwise acceptable.
151. Policy D9 of the SBLP makes provision for the inclusion of public art within development schemes. Although the applicant has not made reference to such

provision within the submission, it is considered that this can be secured by condition and given further consideration in the formulation of the overall layout of the development, in accordance with Policy D9.

CONCLUSION

152. Although some benefits to the scheme have been identified; notably increased economic activity and provision of affordable housing, it is considered that these do not extend so far as to outweigh the adverse impacts that the development would have with regards to the delivery of other brownfield sites with planning permissions for residential development, within the Spennymoor. Paragraph 17 of the NPPF identifies the use of brownfield sites as one of the twelve key core planning principles. In light of this significant and demonstrable adverse impact, it is considered that the proposed development draws no support from Paragraph 14 of the NPPF, and whilst in many respects the site could be considered sustainable, there is no presumption in favour of this proposal, where such identifiable adverse impacts exists.
153. Furthermore, and carrying lesser weight, there is also considered to be conflict with the proposed development and Policies 15 and 35 of the emerging County Durham Plan, whereby the site would be considered to be outside of the existing built up area and constitute development in the countryside which would not meet any of the justification criteria identified within these policies.
154. The development is however, considered to be acceptable in a number of other aspects, although it should be noted that many matters have been reserved for later consideration. Nevertheless, issues of drainage, flood risk and ecology have been considered, and, in principle are found to be acceptable.
155. Careful and thorough consideration was given to the objections and concerns raised by local residents and these have been taken into account and addressed within the body of the report, with some matters of concern being addressed through the process of consideration. Many, although not all of the concerns raised have been substantiated and this is reflected in the conclusions reached on the proposal.
156. Notwithstanding the above, fundamental concerns relating to the principle of development, mean that the proposal is considered to be contrary to the provisions of the emerging County Durham Plan and the NPPF and therefore cannot be supported.

RECOMMENDATION

That the application be **REFUSED** for the following reasons:

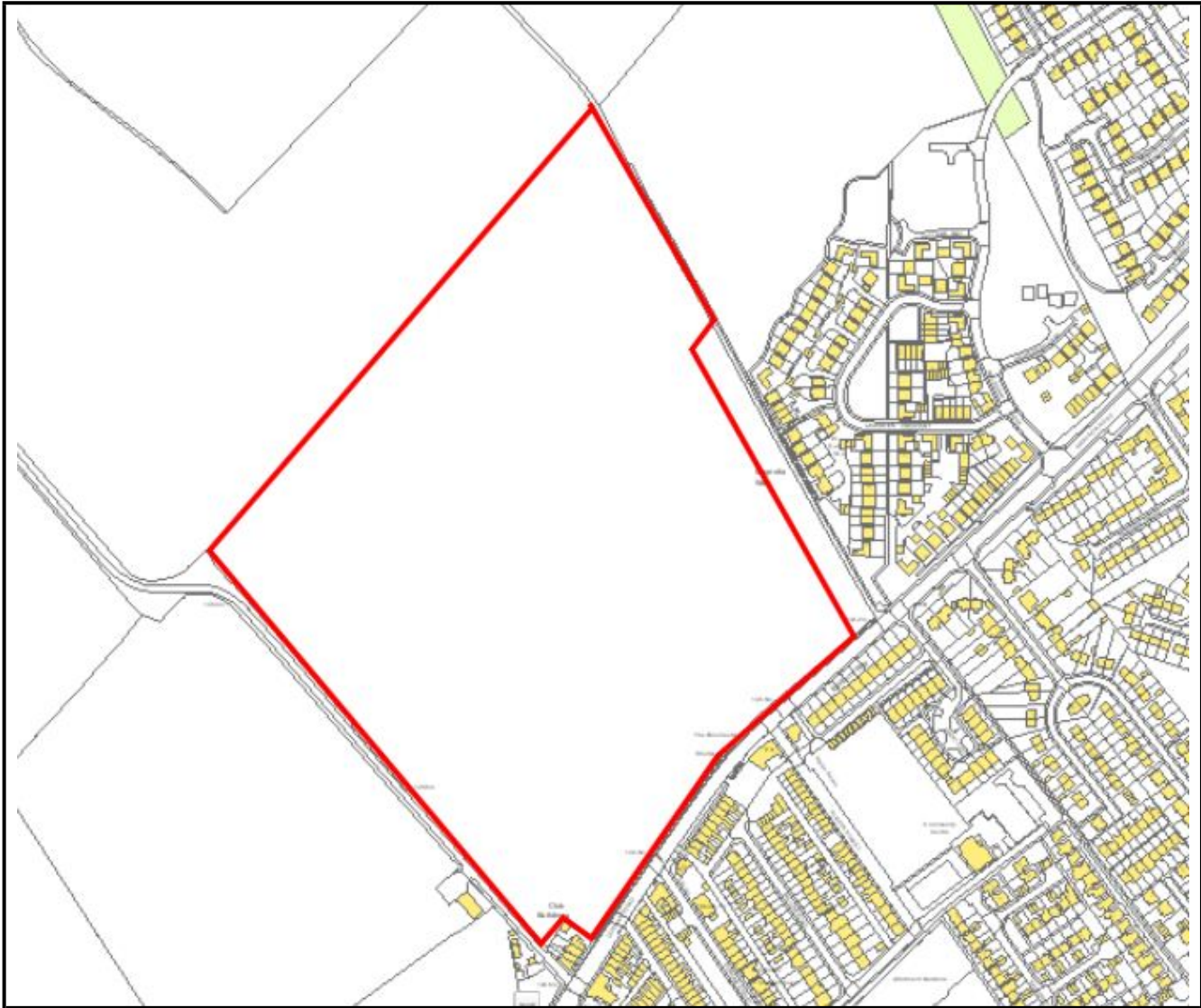
1. The Local Planning Authority considers that the delivery of the proposed development would, by means of market dilution, have an unacceptable adverse impact upon the delivery of other housing commitments on preferable brownfield sites elsewhere in the Spennymoor area, contrary to paragraphs 14 and 17 of the National Planning Policy Framework.
2. The Local Planning Authority considers that the proposed development would be located outside of the existing built up area and would represent development in the countryside with no justification, contrary to Policies 15 and 35 of the Submission Draft County Durham Local Plan.

STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at the decision to refuse the application has sought to work with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. However, in this instance, fundamental matters of principle were unable to be addressed satisfactorily. *(Statement in accordance with Article 31(1)(CC) of the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.)*

BACKGROUND PAPERS

- Submitted application form, plans supporting documents and subsequent information provided by the applicant
- The National Planning Policy Framework (2012)
- National Planning Practice Guidance Notes
- Sedgefield Borough Local Plan 2007
- The County Durham Plan (Submission Draft)
- The County Durham Strategic Housing Land Assessment
- The County Durham Strategic Housing Market Assessment
- Statutory, internal and public consultation responses



Planning Services

Outline application for up to 300 dwellings, including site access, public open space, landscaping and associated infrastructure works at Land to the North of Durham Road, Middlestone Moor, Spennymoor
DM/14/02556/OUT

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Comments

Date 19th November 2014

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