



County Planning Committee

Date Tuesday 6 November 2018
Time 1.00 pm
Venue Council Chamber - County Hall, Durham

Business

Part A

1. Apologies for absence
2. Substitute Members
3. Declarations of Interest
4. Minutes of the meeting held on 2 October 2018 (Pages 3 - 10)
5. Applications to be determined

- a) DM/18/00829/OUT - Land South Of A182, Seaham (Pages 11 - 54)

Garden village of up to 1500 dwellings, integrated community health and wellbeing village, commercial and leisure uses, business innovation hub, primary school, public open space, community allotments and associated infrastructure, including new pedestrian and vehicular access from A182.

- b) DM/18/02732/WAS - Joint Stocks Landfill Site, Quarrington Hill Road, Coxhoe (Pages 55 - 70)

Change of use to green waste composting.

6. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration
7. Any resolution relating to the exclusion of the public during the discussion of items containing exempt information

Part B

Items during which it is considered the meeting will not be open to the public (consideration of exempt or confidential information)

8. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration

Helen Lynch
Head of Legal and Democratic Services

County Hall
Durham
29 October 2018

To: **The Members of the County Planning Committee**

Councillor J Robinson (Chairman)
Councillor F Tinsley (Vice-Chairman)

Councillors A Bell, J Clare, K Hawley, I Jewell, C Kay, A Laing,
L Maddison, H Nicholson, G Richardson, A Shield, A Simpson,
P Taylor, M Wilkes and S Wilson

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DURHAM COUNTY COUNCIL

At a Meeting of **County Planning Committee** held in Council Chamber - County Hall, Durham on **Tuesday 2 October 2018 at 1.00 pm**

Present:

Councillor J Robinson (Chairman)

Members of the Committee:

Councillors J Clare, I Jewell, C Kay, A Laing, H Nicholson, G Richardson, A Shield, A Simpson, P Taylor, F Tinsley (Vice-Chairman) and M Wilkes

1 Apologies for Absence

An apology for absence was received from Councillor A Bell.

2 Substitute Members

There were no substitute Members in attendance.

3 Declarations of Interest

There were no declarations of interest.

4 Minutes

The minutes of the meeting held on 4 September 2018 were confirmed as a correct record and signed by the Chairman.

5 Applications to be determined

a DM/18/00101/OUT - Land South of Dale Road Industrial Estate, Dale Road, Shildon

The Committee considered a report of the Senior Planning Officer regarding an outline planning application for residential development (Use Class 3) together with access, open space and landscaping with all matters reserves except for access on land south of Dale Road Industrial Estate, Dale Road, Shildon (for copy see file of Minutes).

S Pilkington, Senior Planning Officer provided a detailed presentation of the application which included a site location map, aerial photograph, indicative site layout, and views from the site looking south across the site, backwards towards Dale Road and east towards the fisheries.

Mr Hackett of Eden Grange Fishery addressed the Committee to object to the application. Mr Hackett informed the Committee that water seeped through naturally from this site and expressed concern that the size of development would result in an increased water drain-off of dirty water, which would be detrimental to the fishery. Mr Hackett's solicitor had sent Theakston Estates Ltd a Section 62 on two occasions and had, to date, received no reply.

Access to the fishery resulted in cars waiting around the entrance from 5.30 a.m. to 6.00 a.m. and Mr Hackett was concerned that this could lead to complaints from future residents on the development.

The applicant had held no dialogue with Mr Hackett on potential issues around water drainage and Mr Hackett considered that dialogue was needed.

Mr N Westwick of Lichfields, agent for the applicant, addressed the Committee. The principle of development at the site had long been established and the site had an extant permission for 310 dwellings. The site was also acknowledged as a housing commitment in the emerging County Durham Plan.

The outline application was for up to 340 dwellings which represented an increase of 30 dwellings from the total already approved. The proposals would help meet the identified housing needs within the local area and County by delivering a high quality and sustainable residential community well integrated with Shildon.

All technical issues, including flood risk, had been fully addressed and Mr Westwick asked that the Committee approve the application.

The Senior Planning Officer informed the Committee that the drainage strategy which had been submitted with the application restricted run-off rates to that of field rates. Any level changes on the site would not increase the flood risk from the site.

N Carter, Planning and Development Solicitor informed the Committee that while Mr Hackett had referred to Section 62, this was a private law matter.

Councillor Jewell considered that the issue of concern to the objector was drainage from the development. There was already a problem with drainage from the site and Councillor Jewell felt that this could be alleviated by the development. The Senior Planning Officer referred the Committee to paragraph 108 of the report which outlined that the proposed drainage plans for the site would result in a betterment.

Councillor Wilkes informed the Committee that previous applications had recommended reed beds to be planted to filter drainage water yet these were not included for this development. If all water flowed straight in to the main drainage system, this would be contaminated water. Councillor Wilkes had concerns about how drainage would be dealt with. Additionally, paragraph 127 of the report stated that no affordable housing was to be provided and paragraph 128 that there was to be no onsite provision or offsite mitigation for the increased pressure on allotment, parks and gardens and play space typologies and Councillor Wilkes questioned

why such a large development was being recommended for approval without affordable housing or mitigation.

Councillor Robinson referred Councillor Wilkes to the section of paragraph 127 which stated that a large proportion of the houses would be offered at the lower end of the market whilst there was a large supply of houses within Shildon which would fall below the Council's defined affordable level.

The Senior Planning Officer informed the Committee that the drainage strategy outlined in principle how drainage for the site would be managed and the proposed Condition 11 of the permission required for a detailed scheme for the disposal of foul and surface water.

The Senior Planning Officer referred the Committee to paragraphs 119 and 120 of the report which explained that the viability of the site was considered marginal and could not bear the costs of affordable housing provision or offsite contributions towards recreation provision.

Councillor Laing asked why the developers wanted to increase the number of proposed dwellings on the site from 310 to 340. The Senior Planning Officer replied that this would increase the viability of the site.

Councillor Tinsley informed the Committee that he had listened to the concern of the objector but there was already permission on the site for up to 310 dwellings and Councillor Tinsley asked whether any change would arise to the drainage situation as a result of the proposed additional 30 dwellings. While no affordable homes or offsite mitigation was proposed, the development would provide £1.5m in new homes bonus as well as increased precept contributions to the Town Council, which was a community benefit.

Councillor Shield referred to the outline permission granted for the site which was for up to 310 dwellings with a community wildlife area and asked what had happened to the community wildlife area and whether the extant permission contained any play areas.

The Senior Planning Officer replied that the extant permission did not contain any offsite contribution for play areas. The proposed scheme used areas of land which could have been used for community use. Councillor Shield added that this would have been an area of land for community benefit.

Councillor Taylor informed the meeting that he had concerns about water and drainage issues, but he now felt more confident about this. However, the proposed development would extend the community without extending community benefit. It proposed nothing for recreation and the Committee had been advised that this was on the grounds of viability. The development was for 340 dwellings and proposed no community facilities with the extra disadvantage of proposing no affordable housing. However, there were no valid planning reasons to refuse the application.

H Jones, Principal Planning Officer informed the Committee that paragraph 118 of the report provided details of what was being provided on site. The development was not providing anything, it just was not providing a full raft of contributions.

Councillor Clare informed the Committee that Rights of Way Officers had suggested a contribution towards local pathways but none had been proposed, which was disappointing. Although it was disappointing that this contribution as well as no affordable housing or offsite contribution towards recreation provision was being proposed, this did not mean that the application should not be approved. The proposed Condition 11 of the outline permission would mean that the application would not pass the reserved matter stage until these provisions, relating to drainage, had been agreed. The Committee had been informed that people gathered early in the morning to gain access to the fishery business and no facility had been proposed for this situation. Councillor Clare expressed concern that this could lead to conflict with residents of the development and asked that proper provision be made at the reserved matters stage to ensure conflict did not occur.

The Senior Planning Officer informed the Committee that the submitted drainage scheme would be based on sustainable drainage principles set out in 'Surface Water Principles' contained within the County Durham Surface Water Management Plan 2011 which restricted run-off rates and worked towards water betterment. With reference to noise, there was a buffer proposed to the eastern boundary of the site and Environmental Health Officers had not identified the fishery as being a significant noise source. The proposed Condition 12 of the permission required a scheme of noise mitigation measures.

Councillor Nicholson reminded the Committee that the principle of the development had already been approved for 310 dwellings and that this application proposed an additional 30 dwellings. However, he expressed concern that the development was on the periphery of Shildon and developments on the periphery did not get people into town centres. The area needed new houses and better quality houses.

Councillor Wilkes informed the Committee that he had been reassured that drainage issues had been dealt with in a sufficient manner. The extant permission for the site would have resulted in a larger area of open space on site which this application would remove. Policies L1 and L2 of the Sedgefield Borough Local Plan required the provision of open space and Policy D5 required the provision of appropriate areas of public open space. Policy D8 of the Plan required developments to contribute towards offsetting the costs imposed by them upon the local community in terms of infrastructure and community requirements. Paragraph 118 of the report highlighted that the proposed development did not meet the open space needs requirement and that a contribution of £535,000 would be needed to do so. The new homes bonus referred to by Councillor Tinsley would not necessarily be spent within the Shildon area, as this was a decision which was made by Cabinet. The application did not meet saved Policies L1, L2, D5 and D8 of the Local Plan and Councillor Wilkes informed the Committee that he would be voting against the application and **moved** refusal.

Councillor Shield expressed his disappointment that the area of land proposed for the additional 30 dwellings could have been used for leisure and that the extant permission had open space facility which this application did not now have.

Councillor Tinsley considered that the drainage and water quality issues had been satisfactorily addressed and that this scheme would have no material impact over that of the already approved scheme. Referring to open space issues he understood the viability argument and an assessment of the viability of the site had been carried out. The proposed development would have open space on site because the proposed density was in the region of 27 dwellings per hectare. Councillor Tinsley **moved** approval of the application.

The Planning and Development Solicitor understood Councillor Wilkes concerns about the lack of compliancy with the saved Local Plan. However, paragraphs 119 and 120 of the report addressed in detail the viability issues surrounding the site which concluded that it would not be viable to provide a contribution. He advised that Members were not in a position to challenge the viability evidence and it would therefore be difficult to sustain such a refusal reason.

Councillor Taylor considered that there were no grounds on which to refuse the application but expressed concern that houses were being built without extending the community and without providing facilities. Councillor Taylor **seconded** approval of the application.

Councillor Shield **seconded** Councillor Wilkes motion that the application be refused.

Upon a vote being taken Councillor Wilkes motion was **defeated**.

Upon a further vote being taken it was

Resolved:

That the application be approved subject to the completion of a Section 106 Legal Agreement to secure

- the provision of: £30,000 towards offsite biodiversity enhancement
- voluntary obligations in respect of the transfer of land to the Council, and
- voluntary obligations in respect to targeted recruitment and training clauses

and the Conditions contained in the report.

b DM/18/01431/OUT - Land at Rodridge Farm, Rodridge Lane, Station Town, Wingate

The Committee considered a report of the Senior Planning Officer regarding an outline application for residential development of 88 dwellings, including access, on land at Rodridge Farm, Station Town, Wingate (for copy see file of Minutes).

G Blakey, Senior Planning Officer provided a detailed presentation of the application which included a site location plan, aerial photograph, indicative site layout and views across the site.

The Senior Planning Officer informed the Committee that a dust action plan for the construction phase had been approved and air quality assessment resolved and therefore the Conditions would need to be amended accordingly.

Councillor Richardson asked whether Rodridge Farm was a working farm because the proposed dwellings were located very close to the existing farmhouse and farm buildings. The Senior Planning Officer replied that it had not been a working farm for some period of time, although a number of the farm buildings were used for warehouse purposes.

Councillor Tinsley referred to the indicative site layout and asked why a separate access was being proposed to the bungalows on the development. The Senior Planning Officer replied that the layout displayed was not fixed and the layout was the choice of the applicant to promote a different offer for the bungalows on the development. Councillor Tinsley expressed a concern that the separate access could lead to a two-tier development and asked there was a mechanism in place when reserved matters are received to ensure a connection between the bungalows and the rest of the development.

Councillor Wilkes considered that having an area with bungalows next to an estate could be beneficial as this created quieter areas and he therefore could not agree fully with Councillor Tinsley. Councillor Wilkes applauded the applicant who was providing £104,000 towards the provision or improvements to open space and recreation within the Blackhalls Electoral Division and 10% affordable housing. While the development would bring benefits to the community the development of open land contravened the District of Easington Local Plan and therefore Councillor Wilkes was unsure about supporting approval of the application.

The Senior Planning Officer, in responding to Councillor Tinsley, informed the Committee that if the development was to proceed then the developer would be encouraged to split the affordable housing throughout the site.

H Jones, Principal Planning Officer reminded the Committee that while weight could be given to saved Local Plan policies the amount of weight given needed to be balanced against their consistency with the NPPF and how old they were.

Councillor Jewell informed the Committee he understood the logic of the layout of the proposed entrance to the development. There had been a low level of local objections to the application which Councillor Jewell considered to be a sensible scheme of development. Councillor Jewell **moved** approval of the application.

Councillor Taylor, in **seconding** approval of the application, cautioned that this would be a tight narrow development with no open space.

Councillor Shield referred to Policy 3 of the Easington District Local Plan under which this development would not be allowed. Policy 66 of the Local Plan required adequate provision for children's play space and while this application was proposing £104,000 towards the provision or improvements to open space and recreation, this was not to this location. Consistency between applications was

needed. Although there were no planning grounds for refusing the application, a comprehensive view needed to be taken of what was in store for the future, where children lived and were sustained within communities.

Councillor Wilkes highlighted that while the development was within the Blackhalls Electoral Division, it was on the border of Station Town and asked whether the Committee could recommend that the £104,000 was spent within that settlement. The Planning and Development Solicitor advised that the Committee could specify a more discrete area if it wished but cautioned that if that area was too small then there may be no opportunities to spend the money.

Upon a vote being taken it was

Resolved:

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

- Provision of a minimum of 10% affordable housing units on site;
- £396,981 towards the provision of additional capacity at primary schools in the Wingate area;
- £104,157 towards the provision or improvements to open space and recreation within Blackhalls Electoral Division;

and the Conditions contained in the report, subject to amendment as explained by the Senior Planning Officer.

c DM/18/01812/FPA - Land to the North of Middridge Road, Newton Aycliffe

The Committee considered a report of the Senior Planning Officer regarding an application for 16 additional dwellings linked to DM/16/00985/OUT on land to the north of Middridge Road, Newton Aycliffe (for copy see file of Minutes).

C Harding, Senior Planning Officer provided a detailed presentation of the application which included a site location plan, aerial photograph, site layout, overall site masterplan and views across the site.

Councillor Jewell informed the meeting that he was becoming increasingly frustrated with applicants obtaining planning permission for a development and then coming back later to seek additional properties on the site. The number of objections was very low and the application was appropriate and Councillor Jewell **moved** approval of the application.

Councillor Wilkes agreed with Councillor Jewell's frustration and expressed concern about potential future parking problems in the proposed culs-de-sac.

Councillor Tinsley considered that there was no option other than to support the application. Issues about layout, roads and parking were best dealt with through the County Plan. Councillor Tinsley **seconded** approval of the application.

Councillor Clare considered he had little to add to the debate. The applicant's statement did not address why an additional 16 dwellings were required and he was worried developers were cramming in more houses with smaller roads and smaller driveways. Councillor Clare sought clarity on whether the initial and this application were outline or full applications.

The Senior Planning Officer replied that the development site had been disposed of by Homes England and the application for an additional 16 dwellings was as a result of discussions between Homes England and Keepmoat Homes. The permission for the 240 dwellings on the site was outline, this application for an additional 16 dwellings was a full application. The reserved matters application for the 240 dwellings had been received and was currently being considered, but both applications were compatible.

Councillor Kay informed the Committee he had sat on Planning Committees for many years. One constant was that developers obtain consent then discharge conditions and apply for additional dwellings to be built and the end result did not reflect the original application. There were narrow access roads through the development with hammerheads which were used for parking and consent was being given in the knowledge of what these problems were.

The Senior Planning Officer sought delegated authority for minor changes to the Conditions proposed in the report. There were typographical errors to amend in Condition 2, an amendment to Condition 3 to enable the developer to get on site and a change to a plan number, and Condition 17 could be shortened.

Councillor Shield referred to paragraph 42 of the report regarding highways concerns with Plots 11 and 13 and asked what had been done to alleviate these concerns. The Senior Planning Officer replied that Plots 11 and 13 had been amended to take access off a straight road and highways now had no concerns.

Upon a vote being taken it was

Resolved:

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

- provision of 15% affordable housing units on site.
- £8,712 towards the provision of improvements of outdoor sport space within Aycliffe North and Middridge Electoral Division,
- £1,800 towards biodiversity improvement projects within Aycliffe North and Middridge Electoral Division

and the Conditions contained in the report, subject to amendment as explained by the Senior Planning Officer.

Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	DM/18/00829/OUT
FULL APPLICATION DESCRIPTION:	Garden village of up to 1500 dwellings, integrated community health and wellbeing village, commercial and leisure uses, business innovation hub, primary school, public open space, community allotments and associated infrastructure, including new pedestrian and vehicular access from A182.
NAME OF APPLICANT:	Tolent Ltd
ADDRESS:	Land South Of A182, Seaham
ELECTORAL DIVISION:	Easington
CASE OFFICER:	Colin Harding, Senior Planning Officer, 03000 263945, colin.harding@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site is broadly rectangular in shape, and comprises 77.75ha of agricultural land which is located to the east of the A19 and south of the A182 Dawdon Link Road. The site is approximately 2km south west of Seaham and 3km north of Easington, whilst Hawthorn lies 600m to the south west, and Cold Hesledon 800m to the north west. There are also a number of properties located within 500m of the site, including East Farm, West Farm and South Farm to the west, Denehurst House and Keeper's Cottage to the south, and Helseldon East House and Kinley Hill to the east.
2. In terms of the local landform, the proposed development site occupies a position between two ridgelines that run in a north to south direction in the vicinity of Kinley Hill to the east and Cold Hesledon to the west.
3. In physical terms, the site forms a large open expanse of land with relatively few physical landscape features. It is typical of this part of East Durham and the Durham Magnesian Limestone Plateau where the land cover forms arable land and grazing pasture. It is gently undulating with a high point towards Cold Hesledon beyond the proposed development site boundary. Moving west to east the proposed development site falls away to a low point roughly in the middle of the proposed development site creating a bowl before rising again towards Kinley Hill beyond the eastern boundary. The natural low point to the proposed development site is within this bowl adjacent to the A182. Towards the south of the proposed development site the land falls away until it reaches North Dene a tributary to Hawthorn Dene where there are steep

wooded slopes all the way towards the coast. The site is currently in agricultural arable use and comprises a number of fields separated by fences and hedgelines.

4. With the exception of a small group of Elm trees located along a field boundary in the central area of the proposed development site, there are no mature trees, nor are there any other notable landscape features. A small stream runs through the centre of the proposed development site in a north to south direction, whilst a small power line crosses the proposed development site from north east to south west. To the south of the proposed development site is Hawthorn Dene, an example of an Ancient Woodland in a dene running down to the coast. To the north there are further woodlands in the vicinity of Seaham Golf Course and at Hesledon Plantation.
5. There are a number of footpaths and bridleways in the area, one of which (Bridleway No. 15, Hawthorn) follows a farm track which runs eastwards from East Farm across the northern part of the site, parallel with the A182 road, and onwards to Hesledon East House. To the east of the proposed development site, this bridleway links to two further footpaths (Nos. 6 and 7 Easington) which run southwards past Kinley Hill. Footpaths 9 and 10 (Easington) can be found immediately beyond the western boundary of the site, running north from Hawthorn towards Cold Hesledon.
6. Former WWII military buildings and former radar station, as well as the remnants of a Medieval Village are located close to the North West corner of the proposed development site, adjacent to the A182 road. Access to these structures, which would not be affected by the proposed development, is achieved via East Farm.
7. Immediately to the south east of the site is Hawthorn Quarry, which is not currently in operation. The quarry is operated by Tarmac and has not been operation for a number of years, although a planning application has recently been submitted (DM/17/04033/MIN) for a periodic review and determination of new planning conditions for working and restoration of the quarry. The application site lies wholly within the Minerals Safeguarding Area for Hawthorn Quarry, and is also allocated for employment purposes within the Easington District Local Plan (EDLP).
8. With regards to constraints, there are several designations within the immediate vicinity. Approximately 1km to the east lies Durham Coast Special Area of Conservation, whilst Sites of Special Scientific Interest also be found within 1km at Durham Coast, Hawthorn Quarry, and Hawthorn Dene. Additionally, Local Wildlife Sites can also be found within 1km of the site at Hawthorn Quarry, Cold Hesledon Pond, and Cold Hesledon Meadow. The site also lies immediately to the west of an Area of High Landscape Value.
9. The closest listed buildings are Kinley Tower (Grade II) on the eastern boundary of the site, The Rectory (Grade II) on the northern edge of Hawthorn, West Farmhouse and Garden House (both Grade II) within Hawthorn, and Dalton Water Pumping Station (Grade II*) located beyond the A182 to the east of Cold Hesledon Industrial Estate.

The Proposal

Description of the development

10. This outline planning application seeks permission for the erection of up to 1500, integrated community health and wellbeing village, commercial and leisure uses, business innovation hub, primary school, public open space, community allotments and associated infrastructure, including new pedestrian and vehicular access from A182. including the means of access, with all other matters reserved.

11. The masterplan is underpinned by a modern interpretation of the Garden Village principles. At the heart of the Garden Village ideal is the development of holistically planned new settlement which would enhance the natural environment and provide high-quality affordable housing and locally accessible jobs in beautiful, healthy and sociable communities.
12. When broken down into its constituent parts, the development comprises:
 - 41 ha (53% of the site) of managed landscaped green space, including public open space of 16ha with sports and recreation facilities;
 - 1,500 new homes of various types and sizes for all ages, 50% of which will be affordable;
 - Specific provision for older people in the form of both independent living, assisted living and dependent care facilities, amounting to 300 residential units;
 - A new spine road through the proposed development site with regular bus services (at least 4 per hour in each direction) providing direct links to Seaham, Dalton Park and the wider area, and;
 - A village centre that will provide:
 - 900 sq. m of local retail provision;
 - A new primary school;
 - An innovation hub of 1,900 sq. m for research and local office space;
 - A health and well-being hub of 1,900 sq. m for healthcare provision
13. The proposed masterplan defines broad character areas and landscape spaces. Each neighbourhood would have its own character and identity influenced by the arrangement and configuration of streets, its residential density and mix of house types and sizes. The character of each area will also vary depending on the detailed design of homes, their materials and finishes. These will be determined at more detailed design stages, subject to taking into account the palette of materials and architectural detailing of the local area.
14. The focal point of the masterplan is the village hub and village square, which is located close to the centre of the proposed development site. The village hub is conceived as a village centre with several small scale shops and apartments above and a community hub to facilitate community activities. Adjacent to this will be a two form primary school. To the north of the village hub will be an area of community gardens and allotments beyond which the integrated health and wellbeing village will be located.
15. Maximum ridge heights have been provided to allow for any variations between storey heights (e.g. between residential and the continuing retirement community buildings). Each of the parameter levels has been set to allow for flexibility to be introduced in roof lines and the steepness of roof pitches in order to create variety and interest. This enables the provision of one, two and three storey residential buildings. Several locations within different development cells have been identified as potential locations to allow taller 4 storey landmark buildings. Taller building would act as landmark features and aid way finding through the proposed development site and between different neighbourhoods.

16. With regards to density, to the south lower densities are envisaged wrapping around the Suitable Alternative Areas of Natural Green Space (SANGs). Along the avenue and within the village hub area higher densities are proposed. The SANGs themselves amount to 13.5ha of open space, designed to offset recreational pressure on the Durham Heritage Coast and Special Protection Areas.
17. There is currently no direct vehicular access to the proposed development site other than via a field gate access in the north east corner with the A182. Vehicular access is proposed via the existing roundabout at Admiralty Way and the A182. At the western end of the A812 a second access is proposed.

Construction and Operational Phase

18. It is envisaged that the construction of the development would take place over a 10 to 12 year period, delivered in four phases, with three of those phases expected to commence before 2020. Phases 1 and 2 would see housing delivered at the western and eastern gateways to the site, along with the access points, spine road, drainage infrastructure, SANGs and some strategic landscaping, and would be expected to commence in 2019, taking approximately 5 years to complete. Phase 3 would commence in 2020 and would see the village hub, community/health facilities developed, along with further housing, delivered over a 7 year period. Finally, Phase 4 would be expected to commence by 2030 and would deliver the final areas of housing, located at the south eastern extent of the site.
19. Soft landscaping would form an integral part of the development, and the proposed planting palette for public open spaces would consist predominantly of native trees, shrubs, hedgerows and grassland mixes, with small pockets of ornamental, non-native planting focused within the northern park at key entrances, footpath intersections, and around seating areas. This approach to planting is intended to provide a balance between maintenance requirements, wildlife benefits and visual appearance.
20. A levy will be set up in order to fund long term management, maintenance and improvements to the proposed green infrastructure and amenities which will be undertaken by an appointed Management Company.
21. The application is accompanied by an Environmental Statement (ES). This report has taken into account the information contained in the ES and subsequently submitted details and that arising from statutory consultations and other responses.
22. This planning application is being reported to County Planning Committee because it is a residential development with a site area in excess of 4 hectares.

PLANNING HISTORY

23. Outline planning permission (PLAN/2007/0836) was granted in September 2008 for a 'Creative Centre of Excellence' comprising film studios, education, student accommodation, hotel and leisure uses. The period of implementation for this permission was extended in May 2012 (CMA/5/28), and required an application for reserved matters to be submitted prior to 16 May 2018. As this did not occur, the permission has now expired.

PLANNING POLICY

NATIONAL POLICY

24. A revised National Planning Policy Framework (NPPF) was published in July 2018. The overriding message continues to be that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways.
25. In accordance with Paragraph 213 of the National Planning Policy Framework, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). The relevance of this issue is discussed, where appropriate, in the assessment section of the report. The following elements of the NPPF are considered relevant to this proposal.
26. *NPPF Part 2 Achieving Sustainable Development* - The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three overarching objectives - economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.
27. *NPPF Part 4 Decision-Making* - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
28. *NPPF Part 5 Delivering a Sufficient Supply of Homes* - To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
29. *NPPF Part 6 Building a Strong, Competitive Economy* - The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.
30. *NPPF Part 8 Promoting Healthy and Safe Communities* - The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
31. *NPPF Part 9 Promoting Sustainable Transport* - Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
32. *NPPF Part 11 Making Effective Use of Land* - Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while

safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.

33. *NPPF Part 12 Achieving Well-Designed Places* – The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
34. *NPPF Part 14 Meeting the Challenge of Climate Change, Flooding and Coastal Change* - The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.
35. *NPPF Part 15 Conserving and Enhancing the Natural Environment* - Conserving and enhancing the natural environment. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.
36. *NPPF Part 16 Conserving and Enhancing the Historic Environment* - Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

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

37. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to; air quality; conserving and enhancing the historic environment; design; flood risk; land stability; light pollution; natural environment; noise; open space, sports and recreation facilities, public rights of way and local green space; planning obligations; travel plans, transport assessments and statements; use of planning conditions and; water supply, wastewater and water quality.

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

LOCAL PLAN POLICY:

The Easington District Local Plan (SBLP) 2001

38. *Policy 1 – General Principles of Development* Due regard will be had to the development plan when determining planning applications. Account will be taken as to whether the proposed development accords with sustainable development principles while benefiting the community and local economy.

39. *Policy 3 – Protection of the Countryside* Development outside the “settlement limits” will be regarded as development within the countryside. Other than specifically allowed for by other policies, development in the countryside will not be approved.
40. *Policy 7 - Area of High Landscape Value.* The special character, quality and appearance of the landscape within those areas designated as areas of high landscape value will be maintained and enhanced.
41. *Policy 14 - Protection of Special Areas of Conservation* Development that is likely to adversely affect a Special Area of Conservation will not be permitted unless certain exceptional criteria are met.
42. *Policy 15 - Protection of Sites of Special Scientific Interest and National Nature Reserves.* Seeks to protect such areas by only permitting development which adversely affects such areas where this no alternative solution and the development is in the national interest.
43. *Policy 16 - Protection of Sites of Nature Conservation Importance, Local Nature Reserves and Ancient Woodlands.* Advises that development which is likely to adversely affect such a site will only be approved where is no alternative solution and the development is of national interest.
44. *Policy 18 - Species and Habitat Protection* Development which adversely affects a protected species or its habitat will only be approved where the reasons for development outweigh the value of the species or its habitat.
45. *Policy 19 - Management of Areas of Nature Conservation* Seeks to protect all areas of nature conservation interest including through the application of other relevant conservation interest related policies within the Local Plan so as to control inappropriate development.
46. *Policy 24 - Protection of Listed Buildings* This policy states that any developments which adversely affect the character, appearance, special architectural features or setting of a listed building will not be approved.
47. *Policy 35 - Design and Layout of Development* The design and layout of development should consider energy conservation and efficient use of energy, reflect the scale and character of adjacent buildings, provide adequate open space and have no serious adverse effect on the amenity of neighbouring residents or occupiers.
48. *Policy 36 - Design for Access and the Means of Travel* The design and layout of development should ensure good access and encourage alternative means of travel to the private car.
49. *Policy 37 - Design for Parking* The design and layout of parking should seek to minimise the level of parking provision.
50. *Policy 38 - Designing out Crime* The design and layout of development will be required to have due regard to personal safety and the security of property, particularly in the hours of darkness.
51. *Policy 39 - Design for Art* Encourages the provision of artistic elements within new development.
52. *Policy 49 – Strategic Reserve Industrial Site* Identifies a 68ha site as being reserved for a single major employer. Large scale proposals for B1 and/or B2 use will supported subject to a number of criteria being met.

53. *Policy 66 - Provision of Outdoor Play Space* This policy requires developers to provide adequate provision for children's play space and outdoor recreation space in new major housing developments.
54. *Policy 74 - Footpaths and Other Public Rights of Way* Public Rights of Way will be improved, maintained and protected from development.
55. *Policy 75 - Provision for Cyclists and Pedestrians* Provision for cyclists and pedestrians will be reviewed to establish a safe and convenient network within, and between settlements.
56. *Policy 77 - Public Transport Services* Seeks to encourage the improvement of public transport services and rail transport of freight.
57. *Policy 90 – Protection and Provision of Outdoor Sports Facilities* Specifies that development which would result in the loss of an area of outdoor sports facilities will not be approved unless: alternative provision is provided; or the development of a small part leads to overall enhancement; or there is an excess of outdoor sports facilities in the area.
58. *Policy 95 – Provision of Health Facilities* Permission for health centres, doctors', dentists' and other surgeries will be approved providing that they are located within or on the edge of defined town and local shopping centres, where possible, there would be no serious impact upon residential amenity, and there is adequate parking and access provision.

County Durham Minerals Local Plan

59. *Policy M14 – Preventing Sterilisation* – States that development will only be permitted within or adjoin a Mineral Consultation Area where it would sterilise significant quantities of potential mineral resources; or represents infill development within an established built-up area; or it is otherwise acceptable and no other suitable locations are available, and the development would not lead to the sterilisation of reserves of high quality or scarce minerals.

RELEVANT EMERGING POLICY:

The County Durham Plan

60. Paragraph 48 of the NPPF says that 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. An 'Issues & Options' consultation was completed in 2016 on the emerging the County Durham Plan (CDP) and the 'Preferred Options' was approved for consultation at Cabinet in June 2018. However, the CDP is not sufficiently advanced to be afforded any weight in the decision making process at the present time.

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/article/3266/Whats-in-place-to-support-planning-and-development-decision-making-at-the-moment> (Easington District Local Plan)

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

61. *Hawthorn Parish Council* – Object to the application on the grounds that the site is prime agricultural land, that such a large scale development is not in keeping with Hawthorn Village and will dwarf the local community as well significantly reducing the green belt separating Hawthorn Village from Seaham, that the development will have an adverse impact upon the Heritage Coast and Hawthorn Dene SSSI, and that such a large scale development will place additional strain on existing local services.
62. *Highways England* – Offer no objections, advising that the development should not have an impact on the Strategic Road Network, subject to suggested planning conditions being attached to any approval.
63. *Highways Authority* – Offer no objection advising that although the proposed development would lead to queues at the A19/B1285 junction, that this impact would not be severe. It is also acknowledged that following the planning improvements associated with Hawthorn Development Zone, there should be no adverse impact upon the A19/A182 roundabouts, and that impacts upon all other junctions would be remain within capacity.
64. *Northumbrian Water* – Offer no objection and advise that any final details for the disposal of foul and surface water should be developed and agreed by condition.
65. *Drainage and Costal Protection* – No objections are raised subject to a planning condition securing further development of the drainage strategy for each development cell.
66. *Historic England* – Offer no comments.

INTERNAL CONSULTEE RESPONSES:

67. *Spatial Policy* – In this instance policies for the supply of housing and protection of the countryside (notably Policy 3 and Policy 67) within the ELP are considered out-of-date. In addition, the employment land allocation (Policy 49) is also considered out of date. These policies are considered to be of most importance in the determination of the application and therefore part D of paragraph 11 applies.
68. The acceptability of the development therefore rests on whether there is a clear reason for refusing the development following the application of policies that protect areas or assets of particular importance or any adverse impacts of approving the development would significantly and demonstrably outweigh the benefits.
69. Should the assessment of the impacts on the nearby SAC be considered acceptable, adverse impacts of the proposals should be considered, and whether these outweigh the benefits. There is potential that the proposed garden village development will sterilise significant quantities of potential mineral resources and therefore there is a conflict with Policy M14. The benefits of the scheme will need to be considered in order to understand whether they outweigh this policy conflict.
70. The application proposes 1500 new homes that will provide a significant boost to the housing supply within the County. Section 5 of the NPPF highlights the need to support the Government's objective of significantly boosting the supply of homes. As previously discussed it is the Council's view that it able to demonstrate in excess of 6 years supply of deliverable housing land. Accordingly, the weight to be afforded to the boost to housing supply as a benefit of the development is clearly less than in instances where such a healthy land supply position could not be demonstrated. Nevertheless, the increase in housing supply is a clear benefit of the scheme. In addition, the NPPF identifies the need to meet the needs of groups with specific housing requirements, the

applicant has promoted the site as providing 50% of housing at a discounted rate. The response sets out the requirements of the Council in relation to affordable housing. The weight attributed to the delivery of affordable housing will be dependent on the applicants providing this.

71. The development of the site would contribute to the economy and the applicant has attempted to quantify this. The scheme will clearly contribute through the delivery of houses, both during their construction but also via new residents supporting local services. In addition, there is also the potential for job creation through new jobs on site within the village centre and the potential new jobs within the proposed offices. The development of a site of this size has allowed the applicant to plan positively in terms of providing community facilities such retail, education, open space and health facilities to support the housing. This has the potential to provide a highly sustainable development. The weight attached to this sustainability is dependent on the facilities coming forward alongside the housing to support the growth of the garden village.
72. *Design and Conservation* – No objections are raised. It is advised that development offers an opportunity to create a sustainable and high quality development subject to the delivery mechanisms being in place. It appears positive in its aspirations and presentation: with the varied residential and supporting elements providing the potential for a well-considered development.
73. The outline proposal offers a blank canvas to deliver a characterful development with a strong sense of place and community. The development cells could create definable character areas with positive space and place making indicated by mixture of densities, interlinked green spaces and landscaping all being positive design criteria.
74. In summary the principles in the submitted overview/imagery indicate a well-considered approach to design with a clear opportunity to deliver high quality, however this needs to be controlled through the reserved matters and avoiding a watering down of the overall vision.
75. *Landscape* – No objections are raised. It is identified that the proposed development would have a moderate/major adverse impact at a local level, and a moderate adverse impact at a wider, but still local level. The landscape is considered to not constitute a “valued landscape” and that there would not be a significant adverse impact upon the AHLV or Heritage Coast.
76. *Landscape (Trees)* – No objections are raised. There are no major arboricultural concerns regarding this development but while it is unlikely there will be any major arboricultural conflict, it is recommended that a survey of the site is conditioned to ensure that any retained hedges and trees are realistically protected during construction.
77. *School Places and Admissions Manager* – Advise that the development could produce an additional 450 primary pupils, and 180 secondary pupils. It is noted that the development will provide a primary school, and that this should have capacity for 480 pupils. It is also recommended that a feasibility be undertaken to establish whether Seaham Academy could be sufficiently extended to accommodate secondary aged pupils.
78. *Housing Delivery* – Advise that there is continuous discussions with the applicant to secure an appropriate, number, mix and tenure of affordable housing on the site. The affordable housing will be delivered on a phased basis and assessed in line with need and demand at that point in time.

79. *Ecology* – No objections are raised. An appropriate assessment of the proposed development has been undertaken in accordance with the Habitats Directive and it is concluded that there will be no effect on the relevant Natura 2000 sites within respect to recreational impacts resulting from the development. A number of mitigation measures are identified.
80. *Environmental Health and Consumer Protection (Air Quality)* – No objections are raised. From the outcome of the assessment of the impacts on air quality during both the construction and the operational phases, the proposed development will not have a significant effect on the air quality in the locality. The mitigation measures, where applicable, should be implemented.
81. *Environmental Health and Consumer Protection (Contaminated Land)* – No objections are raised. Officers advise a conditional approach in relation to land contamination to secure appropriate evaluation and mitigation where required.
82. *Environmental Health and Consumer Protection (Pollution Control)* – No objections are raised. Although it is acknowledged that the development has the potential to result in statutory nuisance being created, it is considered that conditions relating to construction management, odour control, and noise attenuation would provide sufficient mitigation.
83. *Archaeology* – No objections are raised. A significant proportion of the overall proposed development area has been evaluated for the presence of archaeological remains by means of geophysical survey and trial-trenching. It is suggested that a condition relating to a Written Scheme of Investigation is attached to any permission.
84. *Access and Rights of Way* – No objections are raised. It is noted that Hawthorn Bridleway 15 is to be retained and integrated within a green buffer, and that this will require careful designing, particularly where it crosses internal roads.
85. *Sustainable Transport* – Advise that there is currently a 4 buses per hour service operating along the A182 in both directions, however the site is outside of 400m walk to the closest stops. There may be appetite from operators to re-route services to operate through the development on a commercial basis. A condition is proposed with regards to ensuring sufficient public transport infrastructure within the site. It is also noted that the NCN1 cycle route between Cold Hesledon and Seaham requires improvement, and that potential severance of the shared use path alongside the A182 should be carefully considered.
86. *Business Durham* – Support the application, noting that the development will be close to Spectrum Business Park which has recently attracted several sizeable companies, who further plans to expand. It is also advised that careful consideration is given to the enhance of public transport, and that any office provision or business support services within the development build upon the offer of East Durham Business Service and Andrew James Worldwide Business Centre, and do not simply duplicate this provision.

NON-STATUTORY RESPONSES:

87. *Durham Heritage Coast Partnership* – Object to the proposal. Concerns are raised with regards the effect that the development would have upon the setting of the Heritage Coast, the use of the western Spectrum Business Park for access and the resultant increased levels of traffic and noise at Nose's Point, and the robustness of infrastructure at Nose's Point to adequately meet the additional demand that will be placed upon by new residents accessing the Heritage Coast.

88. *Police Architectural Liaison Officer* – No objections are raised, however it is noted that the development would have a relatively high crime risk assessment during the construction phase due to its proximity to the A19, and resultant attractiveness to travelling criminals. With regards to the operational phase of the development, design advice is provided with regards to parking, layout, open space and licenced premises.
89. *Sport England* – Object to the proposal as it does not make sufficient provision to the meet the sporting needs of its residents.

PUBLIC RESPONSES:

90. The application has been publicised by way of press notice, site notice, and individual notification letters to neighbouring residents.
91. 37 letters of objection, 1 letter of support, and 2 neutral representations from local residents have been received in relation to the development, as summarised below.

Objection

- The development is out of scale for what Seaham needs, and that the local area is being swamped by new housing plans.
- The proposed housing will be largely out of reach for most people.
- Impact upon existing local services, and lack of infrastructure.
- Increase in traffic congestion.
- Views from Hawthorn would be adversely affected, and that the development will lead to coalescence between Hawthorn and Seaham
- Loss of an area of natural, agricultural green space and impacts upon the beauty and tranquillity of the area.
- Adverse impacts upon wildlife and designated sites.
- Loss of prime agricultural land
- Availability of alternative brownfield sites.
- No benefit to the local community as a result of this development.
- Questions over why the original film studio proposal is now longer proposed, and that any development should comprise commercial use, as per the Easington District Local Plan allocation
- Concerns over the length of time it will take to build the development and disruption that will result.
- Potential land stability issues.
- Concern over cumulative highways impacts were Hawthorn Quarry to reopen.
- Worries that there are insufficient employment opportunities in the local area for 1500 new families
- Concerns that the development will not deliver the infrastructure and services it promises, and that there is sufficient detail with regards to what they might comprise.

Support

- The development will help regenerate Seaham, raise its profile and give people working at Spectrum Business Park the opportunity to move close to work

Neutral

- The developments seems to be thought through, but there are some concerns over the ability of schools and medical facilities to cope, along with local roads.

- Impacts upon the operation of Seaham High School during any expansion should be considered
92. *Grahame Morris MP (Easington)* – Supports the application. It is highlighted that the proposed development prioritises housing for all, mixed tenure, and a community focus which is not always found in volume build, high density schemes in East Durham.
 93. *The National Trust* – Objects to the proposal. It is identified that the Trust manages an area of 260 hectares in this location, including SSSI, SPA and SACs. Concerns are raised with regards to the potential impact of the development upon these areas. The locational sustainability of the development is questioned, as is the viability of services proposed within it. It is also considered that the allocation of the site for employment purposes should not lead to a fallback use for housing, and that no case has been made that the allocation cannot be fulfilled. Impacts an Area of High Landscape Value, an SPA, SAC and 2 SSSIs are also raised as matters of concerns, as is the potential for re-opening Hawthorn Quarry.
 94. *Campaign to Protect Rural England* – Objects to the proposal raising concerns over the proximity of the development to the Heritage Coast, that extra disturbance to wildlife will occur, that the recreational impacts upon protected sites should be fully considered, that the enjoyment of the existing bridleway across the site will be adversely affected, and that the visual gap between Hawthorn and Seaham will be eroded.
 95. *Seaham High School* – Raise no objection, but note that the development would lead to 180 secondary places being required, and the school will be at capacity within 3 years. Therefore significant expansion will be required.
 96. *Taylor Wimpey* – Raise no objections, but state that garden villages should be used to deliver housing numbers over and above the objectively assessed housing need, and that the approval of this development should lead to an upwards adjustment of housing figures in order to not compromise delivery of other developments sites across the county.
 97. *Coolmore Estates* – Raise no explicit objections, but consider that the strategic employment use previously proposed remains a viable option, and that the site should not be lost to housing.
 98. *Spectrum Business Park* – Support the proposal, noting that there is existing office space at Spectrum for an additional 2000 jobs, and that delivering 1,500 new homes would be step towards creating those jobs.
 99. *Construction Industry Training Board* – Support the proposal, noting that if the development were awarded National Skills Academy for Construction status, then it would afford the potential for substantial employment, skills and training outcomes
 100. *North East England Chamber of Commerce* – Support the proposal, noting the development will represent a sustainable settlement for all ages, will deliver housing, jobs and innovation within the North East and will be one of the most important regeneration opportunities in the region.
 101. *Crown Care* – Support the proposal noting that the village hub would create a unique opportunity to deliver the widest range of discrete support for the elderly, whilst integrating residents within the heart of the community.
 102. *Home Group* – Support the proposal, highlighting their belief that the initiative will play a significant role in creating a living environment that will create a great place for people to live and work.

103. *Northumbria University* – Support the proposal, highlighting that the development would bring to the region innovation in the built environment, enhanced options for life-style housing, to accommodate 21st century living, inclusive community and employability. It is further highlighted that vision outlined represents an inclusive and broad ranging offer which will accommodate a community from renters and house sharers, through to first-home owners, new families and on to empty nesters and retirees. It is also highlighted that the creation within the village of two 20,000 sq.ft buildings will provide an integrated health and wellbeing hub and an adjoining Business Incubator space, which would have immense potential for future public-private partnerships and academic collaborations. The proposal is also considered to represent a remarkable opportunity for supporting technology enhanced living, and would afford an opportunity to foster a deep and enduring collaboration between academia, community, industrial partners and local government.
104. *National Innovation Centre for Ageing (Newcastle University)* – Support the proposal, recognising that the development would be inclusive and welcoming to all parts of the community; first time buyers and renters, families, empty nesters, and retirees, and will offer high quality affordable housing in a healthy and socialable community setting. It is also noted that the initiative will put the North East, and County Durham at the forefront of the UK development of age inclusive and multi-generational living communities. The wellbeing hub and business incubator space is considered to be a valuable resource and environment for the development and testing of technology and service models that will benefit the ageing population.
105. *Robertson's Timber Engineering* – Support the proposal, noting that as a company located immediately adjacent to the application site, that the development represents an opportunity to utilise sustainable local expertise in its construction. Through the engagement of the local supply chain, the proposal could lead to further local jobs over a prolonged period.
106. *Tarmac* – Raise no explicit objections, but raise concerns over the potential for the proximity of dwellings to the Hawthorn Quarry, and the potential impacts that this may have upon its operation. Concerns are also raised with regards to the potential sterilisation of high grade limestone as a result of the development.
107. *Rolling Stock and Engineering Co Ltd* – Object to the application. Concerns are raised that the development is speculative with no support from existing or emerging Development Plans, and that it is contrary to Policies 3 and 49 of the Easington District Local Plan and Policies M14 and M18 of the Durham Minerals Local Plan. It is also considered that the application has failed to provide the necessary evidence to demonstrate that the proposed development would not sterilize significant high grade mineral resources. Concerns are also raised that it has not been demonstrated that the proposed development is in the optimum location for a garden village, and that this would not outweigh the mineral sterilisation. It is also stated that the application has failed to demonstrate the potential impact of the development upon the operation of Hawthorn Quarry, incorrectly identifying that the quarry would need to address its operating methods to take in account new homes, contrary to the NPPF. Additionally, attention is drawn to the fact that the local planning authority can demonstrate a 6-year housing land supply, and that the application incorrectly states that there is extant planning permission on the site. It is highlighted that proposal is contrary to the Development Plan, and that there are no material considerations that would outweigh this conflict.

APPLICANTS STATEMENT:

108. South Seaham Garden Village redefines the art of building a sustainable and inclusive community for the 21st Century and will put County Durham on the map for how to positively plan for new housing and jobs in an ageing society.
109. We have drawn heavily on the traditional roots of the Garden Village movement, fusing the best of the past with the opportunities of new technology, and progressive social values to generate a truly “barrier-less” social and physical environment for a high quality of life.
110. The garden village will be delivered by Gateshead based Tolent Construction and Newcastle based Home Group.
111. In number terms, the garden village will provide 1,500 new homes over 10-12 years and will create 960 new jobs, including 500 new construction jobs delivered through the Construction Industry Training Board and the National Skills Academy for Construction, 300 in the centre of the village and another 160 off-site.
112. The garden village will be truly inclusive and welcoming to all parts of the community; first time buyers and renters, families, empty nesters, retirees and those with special needs. 50% of the houses will be affordable, that is 750 affordable properties developed and managed by based Home Group. The other 750 will be built by private developers. All new homes will be built to an overall design code for the village that will secure a high standard of design that will foster a strong ‘sense of place’.
113. More than half of the garden village will be managed green space, including extensive parkland, a football pitch, a bowling green, play areas and allotments, linked by a network of more than 4.75km of landscaped paths and cycleways.
114. At the heart of the garden village will be its centre with shops and café, a primary school with sports facilities, a park and village square, a care home and a community hub with space for health and wellbeing, to include a gym. The village centre will also include a new innovation hub for business space.
115. The innovation hub will be used by new and existing businesses, along with the region’s universities to bring the latest research and innovation insight into the development. The new National Innovation Centre for Ageing based in Newcastle University will bring its national expertise and insight. The University of Northumbria’s School of Nursing is also heavily involved in bringing health innovations to the project, such as the design of inclusive home environments and the use of digital technology to reduce isolation.
116. The village also includes significant financial contributions to the Council to meet increased demand for local secondary school places, sport and recreation and to better manage the nearby Heritage Coast. Existing bus services will be diverted through the village to provide 4 buses per hour to Seaham, Dalton Park and beyond to reduce car dependence and encourage links to the existing towns in the area.
117. We look forward to continuing to work with the Council, the local community and other partners to deliver this project to create a true exemplar community.

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <https://publicaccess.durham.gov.uk/online-applications/search.do?action=simple&searchType=Application>

118. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that if regard is to be had to the development plan, decisions should be made in accordance with the development plan unless material considerations indicate otherwise. In accordance with advice within the National Planning Policy Framework (NPPF), the policies contained therein are material considerations that should be taken into account in decision-making. Other material considerations include representations received. In this context, it is considered that the main planning issues in this instance relate to: five year housing land supply, locational sustainability of the site, heritage impact, landscape and visual impact, highway safety and access, residential amenity, ecology, flooding and drainage, ground conditions, other issues, and planning obligations.

The Principle of Development

119. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The Easington District Local Plan (EDLP) and County Durham Minerals Local Plan (MLP) form the statutory development plan and remain the starting point for determining applications as set out in the Planning Act and reinforced at Paragraph 12 of the NPPF. The EDLP was adopted in 2001, and the MLP in 2000. NPPF Paragraph 213 advises that Local Plan policies should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF. However due weight should be given to them, according to their degree of consistency with the NPPF.

Allocation of site with the development plan

Employment Allocation

120. The application site previously benefited from planning permission for a 'Creative Centre of Excellence' comprising film studios, education, student accommodation, hotel and leisure uses, however this permission has now expired and should not be afforded any weight in the decision making process.
121. The majority of the application site is designated as an employment site under saved Policy 49 of the EDLP. The development of the site for housing and, therefore, the loss of employment land, would conflict with this policy.
122. However, in accordance with advice in paragraph 120 of the NPPF, the appropriateness of retaining sites for employment uses within the County has been tested through an Employment Land Reviews (ELRs) recent years, with the most recent version published in 2018. The document concluded that there was a significant oversupply of employment land across the County. It identified that the application site falls within the defined A19 Corridor market area. An oversupply of employment land was identified within the A19 Corridor market area and subsequently the ELR recommended that the site be removed from the employment land portfolio. This has informed the emerging Local Plan, the County Durham Plan Preferred Options (CDP), which does not propose to allocate the site for employment purposes.
123. Whilst no weight can currently be given to the CDP, given that the site remains undeveloped since its allocation 17 years ago and the existing levels of employment land supply within the County and within the A19 Corridor evidenced in the 2018 ELR, it is considered that there are grounds for considering alternative uses on the site on their individual merits. In addition, given the recommendation of the ELR, and the more flexible approach promoted in the NPPF, it is considered that Policy 49 of the ELP is out date, and the weight to be attributed to it in the decision making process reduced.

124. The comments of local residents and interested parties with regards to the prospect of the employment use coming forward are noted, however firstly, the site has been allocated for employment purposes for 17 years without delivery, and that for 10 of these years for which an outline planning permission was extant, no application for reserved matters approval was submitted. Combined with the findings of the 2018 ELR, where an oversupply of employment land in the A19 corridor is identified, this context is considered to suggest that there appears to be no reasonable prospect of such a development coming in the short term.

Mineral Consultation Area

125. The application site also falls within the defined Hawthorn Beacon/Hill Mineral Consultation Area (MCA), which was first designated in 1981 and is now protected through saved County Durham Minerals Local Plan Policy (MLP) M14. Policy M14 states that development will only be permitted within or adjoining a Mineral Consultation Area including where it would not sterilise significant quantities of potential mineral resources. Paragraph 204 of the NPPF recognises that planning policies should safeguard mineral resources by defining Mineral Safeguarding Areas; and adopt appropriate policies so that known locations of specific minerals resources of local and national importance and are not sterilised by non-mineral development where this should be avoided. In this context Policy M14 is considered consistent with national policy and considered an up to date policy to which full weight can be afforded.
126. The application includes a Mineral Safeguarding Assessment, and whilst the findings of this are noted, it is considered that the proposed development would sterilise significant quantities of mineral resources including potentially high grade (Ford Formation) magnesian limestone, which is highly likely to extend outside of the permitted quarry boundary for an unknown distance. This is judged to be significant because it is understood that the Ford Formation magnesian limestone in and around Hawthorn Quarry can be considered to be of a very high grade, with low levels of impurities, and is one of a handful of known high purity magnesian limestone resource areas within the United Kingdom. While demand for this material is currently low in the United Kingdom, it should be noted that the designation of the MCA in 1981 was to protect the resource to meet long term needs.
127. Government policy as set out in the National Planning Policy Framework requires the safeguarding of known locations of specific mineral resources of national and local importance from unnecessary sterilisation by non-mineral development where this can be avoided.
128. Rolling Stock and Engineering Ltd, who own significant minerals rights both adjacent to, and within the application site, as well as the existing Hawthorn Quarry have objected to the application, highlighting the issue of mineral sterilisation, and the conflict with the Minerals Local Plan and NPPF with regards to this. A minerals assessment has been undertaken on behalf of the objector, which differs in some of its conclusion to the report submitted by the applicant. When all of the available information is considered in the round, and considering all of the above, it is concluded by officers that the proposed development would result in the significant sterilisation of a high grade minerals resource, and would therefore be in conflict with MLP Policy M14, and that significant weight should be afforded to this conflict.

Other policies relevant to the determination of the application

129. EDLP Policy 3 defines development limits for the settlements of the former district. Development outside the 'settlement limits' will be regarded as development within the countryside. The policy states that other than specifically allowed for by other policies, development in the countryside will not be approved. The proposals map for Seaham

confirms that the site of the proposed development is located outside of the defined development limits.

130. EDLP Policy 67 states that housing development will be approved on previously developed sites within settlement boundaries of established towns and villages provided the proposal is appropriate in scale and character and does not conflict with specific policies relating to the settlement or the general policies of the plan. The supporting text to this policy states that housing development should normally only be approved on sites within the towns and villages of the District as defined in the settlement chapters and sufficient land has been identified within the settlements to meet demand over the Plan period. It should be noted that the plan period covers the years 2001 – 2006.
131. Both EDLP Policies 3 and 67 are considered to be policies associated with the supply of housing. Given the age of the EDLP and housing supply figures that informed it, the housing supply policies therein do not reflect an up to-date objective assessment of need, and must now be considered out-of-date. As a result they can only be afforded limited weight in the decision making process.
132. Paragraph 10 of the NPPF states that so sustainable development is pursued in a positive way, at the heart of the NPPF is a presumption in favour of sustainable development, which is set out at Paragraph 11. However, Paragraph 177 of the NPPF states that where a development requires appropriate assessment because of its potential impact on a habitats site, then the presumption in favour of sustainable development does not apply. In this instance, the development requires appropriate assessment under the Habitats Directive (92/43/EEC), and as a result the presumption in favour of sustainable development is not engaged.
133. As a result, the application should be determined in accordance with the Development Plan unless material considerations indicate otherwise.

Five Year Housing Land Supply

134. Paragraph 73 of the NPPF requires Local Planning Authorities (LPAs) to maintain a five-year supply of deliverable sites (against housing requirements) to ensure choice and competition in the market for land. Paragraph 60 of the NPPF advises that, to determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance. In applying that methodology for County Durham, the Objectively Assessed Need (OAN) figure would be 1,368 dwellings per annum (dpa).
135. The Government also issued draft planning guidance on 9 March 2018, which sets out that where a local plan is more than five years old and the housing figure needs revising, as is the case in County Durham, the starting point for calculating land supply will be local housing need using the standard methodology. The CDP is aligned with the standardised methodology and formally endorses the use of 1,368dpa as the OAN figure. Against the 1,368dpa figure, the Council is able to demonstrate in excess of 6 years supply of deliverable housing land.
136. Accordingly, the weight to be afforded to the boost to housing supply as a benefit of the development is clearly less than in instances where such a healthy land supply position could not be demonstrated. This will need to be factored into the planning balance accordingly.

Locational Sustainability of the Site

137. The site is clearly located outside of the established extent of Seaham. In relation to distances to services and amenities the application is accompanied by a Transport Assessment which assesses the accessibility of the site to local services and facilities, by foot and bicycle, as well as impacts upon the highway network in terms of vehicular traffic. At its closest point, the site is 2.5km from Seaham Town Centre, which provides retail options and community facilities, 3.2km to the nearest Primary School, and 5.8km to Seaham Academy. The site is also approximately 2.4km from shopping and leisure opportunities at Dalton Park.
138. When considering these figures, it is noted that the majority of distances are either within 'Preferred Maximum' or 'beyond Preferred Maximum', of the Institution of Highways and Transportation (CIHT) "Providing for Journeys" document, and are therefore towards the higher end of distances or beyond, that residents may reasonably be expected to walk. However, it is recognised that there are several bus services serving the A182, and the Council's Public Transport recognise the development would be likely to generate a commercial demand to divert these services to within the development, providing appropriate infrastructure is provided. The site is also relatively well served by pedestrian and cycle facilities, with a shared use path in place along the length of the A182, and convenient access to National Cycle Route 1 which provides a direct link to Seaham Town Centre, utilising a disused railway line passing to the north west of Seaham Golf Club.
139. Whilst the site is reasonably served in terms of alternative travel options, it is accepted that it is nevertheless less locationally sustainable than perhaps would ordinarily be expected for a residential development. However, the whole of ethos of a garden village development is that it is a largely self-sustaining community, and the proposal has strong credentials in this regard, with a two-form primary school, a wellbeing hub (including gym and multi-functional space), small scale retail and business uses all being proposed within the development itself, greatly reducing the need to travel. The provision of these elements can be secured through means of planning conditions.
140. Overall, it is considered that the proposed on-site delivery of shops and services, connections, and the frequency of the established bus service would give future residents alternative options to the private motor car to access services and amenities, in accordance with EDLP Policies 36 and 75, both of which are considered consistent the NPPF in this respect.

Housing Mix and Affordable Housing

141. The proposed development seeks to provide a wide range of housing for all ages. This includes 1-2 bed starter homes, 2-3 bed and 3-4 bed family homes, 2-3 bed housing for 'empty nesters', 2 bed bungalows solely for the occupation of 'Over 55s', 2 bed apartments for the 'Active Elderly', and 2 bed assisted living accommodation. It is expected that 300 of the 1,500 homes proposed would be solely available for the occupation of residents over the age of 55. Although no specific breakdown of product numbers is available at present, as the applicant would seek to respond to local demand as the development would progress, overall, this is considered to be a good mix of products.
142. There is no policy within the EDLP with regards to the provision of affordable housing, however paragraph 64 of the NPPF states that major development involving the provision of housing should include a provision of at least 10% dwellings available for affordable ownership. Furthermore, NPPF defines affordable housing as "housing for sale or rent, for those whose needs are not met by the market. It further sets out that affordable housing includes a variety of products comprising affordable housing for rent, starter homes, discounted market sales housing, and other affordable routes to home ownership including shared ownership, equity loans, and rent-to-buy. It also

states that exemptions to the 10% may be appropriate where a proposed development provides specialist accommodation for the elderly.

143. The evidence base which has informed the County Durham Plan Preferred Options, identifies that the site lies within an area where 15% affordable housing should be achievable without adversely affecting the viability of developments.
144. With regards to this, the proposal offers 50% affordable housing, amounting to 750 dwellings, all secured by means of a Section 106 legal agreement. This includes the 10% provision required by NPPF Paragraph 64, and a further additional 40% tenure accessible housing, and the overall provision would include at least 150 Affordable Rented Units, which would satisfy the 10% policy requirement. The exact tenure of the remaining 40%, or 600 dwellings, is at present unknown, although it would include a variety of products, all of which would meet the definition of affordable housing as contained within the NPPF.
145. With an implementation period of the development expected to be around 12 years, it is considered that it would be both inappropriate and unreasonable to seek to define the exact tenure of this portion of the affordable housing provision at this time. To do so would restrict the ability of the applicant to respond to any changes to demand for specific affordable housing products as the development progresses. Instead, it is considered that current market demand be considered on a phase-by-phase basis, and adherence to this can be secured within a Section 106 legal agreement. The Council's Housing Delivery Team have raised no objections to the proposed development, and have advised that they are in continuous dialogue with the applicant with regards to the proposal, and would expect this to continue should planning permission be granted.
146. Overall, the proposed development is considered to not only meet the NPPF policy requirement for affordable housing provision, but also to significantly exceed this target, and that this is a benefit of the proposed development that should be afforded significant weight in the decision making process.

Landscape and Visual Impacts

147. EDLP Policy 7 states that the special character, quality and appearance of the landscape within those areas designated as areas of high landscape value will be maintained and enhanced. This policy is considered consistent with Parts 12 and 15 of the NPPF which seeks to promote good design, whilst protecting and enhancing local environments. Paragraph 127 of the NPPF also states that planning decisions should aim to ensure developments function well and add to the overall quality of the area and establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit, whilst Paragraph 114 of the NPPF states that local planning authorities should aim to maintain the character of the undeveloped coast, protecting and enhancing its distinctive landscapes, particularly in areas defined as heritage coast. Due to its compliance with the NPPF significant weight can be afforded to EDLP Policy 7 in this respect.
148. The application has been submitted in outline form; however, it is accompanied by a masterplan, which sets out the development parameters. As a garden village, the proposal seeks to ensure that it includes a significant proportion of open space and landscaping within the site boundary, amounting to a total of almost 38ha, which amounts to around 50% of the total site area. This includes a variety typologies, but most significant, in terms of landscape impact are the areas to the south, east and north-west of the site, which not only provide amenity and ecological functions, but also aim to soften the edges of the development, so as to reduce its overall landscape impact.

149. Clearly, a development of this scale would inevitably have a transformational impact upon landscape character. As such, there is a chapter of the ES relating to this, which includes a Landscape and Visual Impact Assessment, which has been considered by Landscape Officers.
150. The site lies in the East Durham Limestone Plateau County Character Area, which forms part of the larger East Durham Magnesian Limestone Plateau National Character Area (NCA 15). It lies in the Coastal East Durham Plateau Broad Character Area, which belongs to the Coastal Limestone Plateau Broad Landscape Type.
151. The site lies on a shelving plateau of gently undulating land which falls generally towards the sea from high ground running through East Farm(120m), rises to Kinley Hill (100m) in the east, and then falls more steeply beyond that to the coast. The site occupies the shallow saddle between the two areas of higher ground. It is made up of open arable farmland divided by a fragmented network of low species-poor hedges with very few hedgerow trees. It is bounded to the north by the A182 and elsewhere by farmland of a similar character. It is crossed by a bridleway (Hawthorn No 15) in the north. The local landscape is visually open and essentially rural in character with views of the sea from higher ground.
152. The site itself is not subject to a landscape designation; however, land to the south around Hawthorn Dene and Kinley Hill to the east is identified as an Area of High Landscape Value (AHLV) in the EDLP.
153. The site benefits from a degree of visual containment afforded in the east by the high ground of Kinley Hill, in the west by high ground running south through West Farm and East Farm, and in the north by undulating terrain with high ground at Fox Cover and South Hill. From lower ground to the south the woodlands of Hawthorn Dene often screens it from view. It is more open to view from higher ground to the south rising from the dene to the edge of Easington Colliery. In the area north of the dene the landscape is very open, with notable views of the sea from higher ground. Within that zone of visual influence the site is visible from a range of receptors including:
- the bridleway though the site;
 - footpaths on higher ground to the immediate east and west;
 - footpaths on lower ground to the south;
 - the A182 where it is at grade or on embankment;
 - some properties and public vantage points on the northern edge of Easington Colliery (Dene Avenue);
 - lanes and footpaths in the countryside north of Easington Colliery;
 - some properties on the southern edge of Dalton Heights;
 - some properties and public vantage points in the west of Hawthorn Village (West Lane, Glencot Grove);
 - isolated properties at East Farm, Kinley Hill Farm and Kinley Tower.

Effect on landscape features

154. It is considered that the proposed development would not have a substantial effect on landscape features. One low value tree would be removed along with sections of species poor hedgerow. A small number of additional trees could be lost or retained depending on detailed design. These are generally of low or moderate value, which might have some asset value to the new development if they were retained, but the loss of which, if removed, would not be significant.

Effect on landscape character

155. The effects of the proposal on the character of the developed part of the site would be transformative and adverse, involving a comprehensive change in land-use from open farmland to urban built form.
156. The effects on the local landscape – broadly speaking that area south of Fox Cover and north of Hawthorn Dene, west of Kinley Hill and east of the B1432 – are considered to be substantial and adverse, involving a large incursion of urban form into what is currently open countryside. The scale and character of this would be evident in a range of views of the locality including views from the footpath network east, west and south of the site, and from sections of the adjacent A182. The structure planting proposed would soften and assimilate settlement edges over time. It would screen the development in some of the more shallow views towards the site, but not in all, or in deeper views from higher ground where the change in character would remain evident. The local landscape is considered to be of moderate to high sensitivity to urban development given its currently undeveloped character, and as such, it is considered that this substantial effect, in both the short-medium term and longer term, as being of moderate/major significance at this local level.
157. The effects on the slightly wider landscape of the area – broadly speaking north of Easington and south of Seaham - would be of a lower order. As noted above the site benefits from a degree of containment afforded by high ground to the north, east and west. From the south the development would be visible as a large and prominent new area of built form on the currently undeveloped skyline looking north from open vantage points north of Easington Colliery including properties on the northern edge of the village, Petwell Lane and footpaths in that areas. The local landscape of this wider area is considered of moderate sensitivity to urban development being of a settled or semi-rural character with other urban form evident in the view. The effect of the development would be of a moderate adverse order – with a noticeable increase in urban development visible in the landscape in some localised views, which is therefore of moderate significance at this level.
158. The effects on the wider Coastal Plateau character area would be of a lower order, with the landscape of the Coastal Plateau being of low-moderate sensitivity to urban development being of a semi-rural character. The effects of the proposals would be localised, but affecting one of the few larger tracts of open undeveloped countryside falling to the coast. The effect in the round would be of low-medium magnitude and therefore of a low-moderate significance.

Effect on designated landscapes

159. The proposed development would be visible from parts of the Area of High Landscape Value but generally in outward views. It is considered that it would not have a substantial effect on its special character which relies largely on inward views within and towards Hawthorn Dene, or outward views to and along the coast.
160. Equally, the proposed development would not be widely visible from the Heritage Coast and would not be likely to have a significant effect on its visual environment, the more sensitive parts of which are in seaward views and views along the coast rather than inland.

Overall landscape impacts

161. The issue of landscape and visual impacts has been a subject of significant objection, and the value of the site to objectors as open, arable countryside is clear. Having regards to the submitted information, and the comments of Landscape Officers, it is

considered that the site is not located within a valued landscape for the purposes of NPPF Paragraph 170, and there would not be a conflict with EDLP Policy 7, as the integrity of the AHLV would not be eroded by this proposal. However, there would remain a more general residual adverse landscape impact of moderate/major significance at a local level, and moderate adverse impact on the wider the landscape. Having regards to Paragraph 170 which states that planning decisions should recognize the intrinsic character and beauty of the countryside, these adverse impacts require consideration in the overall planning balance exercise carried out under NPPF Paragraph 11.

Design

162. NPPF Part 12 sets out that the government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development. EDLP Policy 35 states that the design and layout of development should consider energy conservation and efficient use of energy, reflect the scale and character of adjacent buildings, provide adequate open space and have no serious adverse effect on the amenity of neighbouring residents or occupiers. This policy is considered to be consistent with the NPPF and continue to be afforded full weight.
163. As the application is only in outline form, only indicative details are available with regards to design issues at this stage. However, the development is considered to offer an opportunity to create a sustainable and high quality environment, with strong adherence to established Garden Village principles, including large areas of usable public open space, and village centre, within an attractive landscape setting. The indicative details are considered to be positive in their aspiration, which is evident in the proposed masterplan, which although not providing detail of the individual cells of residential development, nevertheless demonstrates an attractive and well-considered overall approach to development. Design and Conservation Officers raise no objections to the proposals.

Ecology

164. Part 15 of the NPPF seeks to ensure that developments protect and mitigate harm to biodiversity interests. Specifically, Paragraph 175 states that if significant harm to biodiversity resulting from a development cannot be avoided, that planning permission should be refused. EDLP Policy 14 states that development which is likely to adversely affect a designated Special Area of Conservation will only be approved where there is no alternative solution, or there are imperative reasons of over-riding national interest for the development. Similarly, EDLP Policy 15 applies the same criteria to develop adversely affecting SSSIs, and EDLP Policy 16 to notified sites of nature conservation importance, local nature reserves and areas of ancient woodland.
165. EDLP Policy 18 states that development that would significantly adversely affect any protected species, or its habitat, will only be approved where the reasons for the development outweigh the value of the species or habitat. EDLP Policy 19 seeks to promote the interests of nature conservation.
166. Additionally, regard should be had to The EU Habitats Directive 92/43/EEC, The Conservation of Habitats and Species Regulations 2017, The Wildlife and Countryside Act 1981, The Protection of Badgers Act 1992, the Hedgerow Regulations 1998 and The Natural Environment and Rural Communities Act 2006.
167. The site is located approximately 650m from Durham Coast Special Area of Conservation (SAC), 2.3km from Northumbria Coast Special Protection Area (SPA), 240m from Stony Cut, Cold Hesledon SSSI, 250m from Hawthorn Quarry SSSI, 440m from Hawthorn Dene SSSI, 650m from Durham Coast SSSI, 1.6km from Hesledon

Moor East SSSI, and 440m from Noses Point Nature Reserve. There are also non-statutory Local Wildlife Sites at Hazel Dene, Dawdon Dene, Dalton Dene, Murton Meadows, Hesledon Moor East, Cold Hesledon Meadows, Cold Hesledon Pond and Walkway, Hawthorn Quarry and Hawthorn Bridge Pumping Station.

168. The submitted Environmental Statement includes an ecology chapter, which assesses the impacts of the development both upon the biodiversity value of the site itself, but also on surrounding protected sites. It identifies that the Northumbria Coast SPA and Durham Coast SAC are of international importance, Hawthorn Dene and Durham SSSIs are of national importance, and that Noses Point and Cold Hesledon Pond LWSs are of county importance. In terms of habitat, the site itself is considered to largely be of low importance due to its arable and improved pasture nature. However there are some Species Rich Hedgerow, Field Trees and Dense Scrub of parish value, and some Elm trees of district importance. In terms of species, the site is considered to be of local importance with regards to bats, badger, amphibians, hedgehog and brown hare, parish value for wintering birds and district importance for wintering birds.
169. The ES goes on to identify the level of effect that the development will have upon the biodiversity value of the site, protected species, and statutorily designated sites, and finds that in some cases there would adverse impacts, of up to potentially moderate significance. As a result, mitigation measures are proposed.
170. The mitigation measures proposed include the creation of habitat within the development, the provision of the SANG, protection of retained habitats during construction, avoidance of vegetation clearance during the bird breeding season, pre-construction checking for active badger setts, a construction precautionary method statement, the provision of bat boxes within retained trees and the provision of bat roost features within 15% of the new dwellings, and a lighting plan would be agreed to ensure appropriate unlit areas.
171. The ecological value of the SAC and SPAs is derived mainly from their coastal bird populations, with recreational impacts, particularly in the form of dog-walking, considered to be of primary concern. The submitted ecological information estimates that the development could generate a population of around 558 dogs.
172. As mitigation, 13.5ha of SANG would be provided within the development which is designed to allow off-lead dog walking, and would contain approximately 2km of footpaths to allow extensive exercising. It is intended that this would provide a convenient dog-walking facility that is a realistic and attractive alternative to dog exercising within the SPA and SAC.
173. However, it is recognised that the SANG alone is unlikely to fully mitigate the impacts of dog exercising upon the SAC and SPA, and with regards to this, the applicant has agreed to provide a financial contribution of £988,470 towards coastal action mitigation management, specifically in the form of a warden and associated capital budget in perpetuity. This would be secured by way of a Section 106 Legal Agreement.
174. With regards to potential impacts upon Hawthorn SSSI, the applicant has agreed to provide a financial contribution of £104,000 in order to deliver mitigation of recreational pressures in the form of increased site wardening and access maintenance.
175. With regards to the ecological impacts and their mitigation, both on and off-site, the County Ecologist has raised no objections, now that concerns regarding the specification of the SANG and mitigation of the impacts on the SAC and SPA have been fully addressed.

176. Other representations have been received raising concerns with regards to ecological impacts from Durham Heritage Coast Partnership, The National Trust, CPRE, as well as members of the public. Whilst the content of these is noted, and it is considered that whilst there would be some adverse impacts upon biodiversity, these impacts would be adequately mitigated by the measures proposed, resulting in no overall adverse impacts.
177. The issue raised by Natural England with regards to water quality and supply impacts on Durham Coast SSSI and Hawthorn Dene SSSI are noted, and the applicants have clarified that it is expected that natural rainfall catchment runs north towards Hazel Dene. As a result, there should be minimal negative impact upon Hawthorn Dene, and furthermore the drainage for the site will include the use of permeable paving and lined SuDS basins, before discharge into Hazel Dene, which would ultimately discharge into the sea at a point north of the Durham Coast SSSI. Any hydrocarbons, metals, and suspended solids would receive treatment as part of the SuDS system prior to discharge into Hazel Dene, and further details of this can be secured by means of a planning condition relating to the detailed scheme of drainage for the entire site. Natural England have subsequently indicated their satisfaction with this mitigation.
178. Overall therefore, it is considered that there would be no residual adverse impacts upon biodiversity, and that consequently the proposal would be in accordance with EDLP Policies 15, 16, 18 and 19, as well as Part 14 of the NPPF.

Highways Impacts

179. Key documentation submitted within the application in respects to highways issues includes an ES Transport Chapter and associated technical appendices in the form of a Transport Assessment (TA) and Travel Plan (TP). Collectively the submitted documentation considers the potential impacts of the development and the adequacy of the site for the development with respect to a range of highways and transport related issues.
180. These issues include the potential effects on local roads and the users of these roads, including public transport users, pedestrians and cyclists and potential effects on land uses, relevant occupiers and users. Within such evaluation consideration and assessment is given to matters such as existing and future predicted traffic flows and trip distribution, assessment of accident data, accessibility of the site, and potential impacts of traffic associated with the construction phases of the development.
181. Highways related matters are amongst the most significant issues of concern amongst public respondents to the application, with the key concerns relating to the impact of traffic congestion.
182. Key national advice in respects to transport and highways related matters is included within Part 9 of the NPPF. Key relevant extracts include paragraph 103 which advises that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.
183. Paragraph 108 advises that development should ensure that; appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location; safe and suitable access to the site can be achieved for all users; and any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

184. NPPF Paragraph 109 then advises that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
185. There is no specific policy within the EDLP that relates to the impacts of development upon the highway network. Policies 36 and 37 address access in design terms, whilst Policies 74, 75 and 77 relate to the provision of pedestrian, cycle and public transport infrastructure. These policies are considered to be generally consistent with the NPPF and thereby can be attributed its full weight.
186. The submitted TA advises that regardless of whether the proposed development proceeds, that by the year 2029, three junctions; A19/B1285, A19/A182 Eastern Dumbbell Roundabout and A19/A182 Western Dumbbell Roundabout, would be operating close to, or in excess of, practical capacity. When the impact of the proposed development is factored into the modelling, the TA concludes that although the junctions would still be operating at, or above, capacity, that the proposed development itself, in isolation, would not have a significant additional impact.
187. The TA also identifies that there is a planning condition associated with the previously approved Hawthorn Development Zone (HDZ), or Jade Business Park as it is now known, which requires an improvement scheme at the A182/A19 junctions.
188. The Highway Authority has considered the findings of the TA, and found it's methodology to be sound, and has advised that the design of the A19/A182 junctions improvement scheme is progressing, would be delivered and has been designed in order to take account of traffic flow generated by the proposed development, in addition to that generated by the HDZ. As a result, it is accepted that there would not be a severe impact on these junctions. It is noted that there would be a potential residual impact upon the A19/B1285 junction with queues of up to 1 minute delay, which would not be mitigated; however, this impact could not be considered to be severe.
189. Having considered the submitted information, Highways England are satisfied that there would be no adverse impact upon the operation of the A19, subject to the imposition of planning conditions relating to the installation of ramp metering on the Northbound A19/B1285 Sliproad at Dalton Park.
190. The concerns of objectors with regards to highways impacts have been considered, however, the concerns raised with regards to congestion, particularly in Seaham itself are not borne out in the TA, and the Highway Authority has not disagreed with the findings therein. Consequently, it is considered that there would be no grounds to resist the application on this basis.
191. With regards to pedestrian and cyclists, the development is well connected to existing infrastructure, and the existing bridleway that crosses the site will be maintained within the development.
192. Overall, it is considered that the proposal would be served by an appropriate means of access and would have an appropriate impact on the wider highway network, subject to the mitigation measures proposed. The design, layout and parking provision would be controlled through any reserved matters application. The scheme is considered acceptable with regards to EDLP Policies 36, 37, 74, 75, and 77, Part 9 of the NPPF in this respect.

Heritage

193. Chapter 9 of the submitted ES addresses heritage issues, and furthermore, additional archaeological work has been carried out during the application process in order to fully understand the potential impacts of the proposed development.
194. EDLP Policy 22 seeks to preserve or enhance the character and appearance of Conservation Areas, whereas Policy 24 seeks to protect Listed Buildings. Both policies are considered largely consistent with Part 15 of NPPF which states LPAs should recognise that heritage assets (including conservation areas and listed buildings) are an irreplaceable resource and should be conserved in a manner appropriate to their significance whilst recognising that some harm may be appropriate when weighed against the public benefits of a scheme. This approach reflects the requirements of Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. S.66 requires that special regard must be paid to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses. S.72 requires that special attention must be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.
195. The site itself is not subject to any designations, however there are several in the surrounding area. Within 2km of the site there are no fewer than 9 Grade II listed buildings including Kinley Town at the site's eastern boundary, and within 5km, 9 Grade II* listed buildings, the closest being Dalton Water Pumping Station. There are also 2 Scheduled Monuments at Yoden Medieval Settlement and Dalden Tower. With regards to non-designated assets, there are known remnants of the radar station associated with RAF Cold Hesledon located close to the site's eastern and western boundaries. In terms of archaeology, there are four known sites/findspots within the application site, including ridge and furrow, and the location of a Bronze Age axe. The northern edge of Hawthorn Village Conservation Area lies approximately 560m to the south west of the application site.
196. The impacts of the development upon heritage assets is considered within ES and it is concluded that there would be permanent changes to the settings of Kinley Hill Tower (Grade II Listed) and the remains of RAF Cold Hesledon (non-designated). It is identified that the development would result in the urbanisation of the landscape to the west of the Kinley Hill Tower, although the extensive planting included as part of the development would lessen the visual impact. The tower would still be prominent on the skyline, although the development would reduce its dominance to a certain extent.
197. Balanced against this, is the fact that the Tower is best appreciated in views from the west, particularly from the public bridleway, which crosses the application site from west-east. The ES identifies that the proposed development would increase the amount of accessible landscape to the west of the asset, such as the SANGs and proposed open space, and that in doing so, the size of the audience able to appreciate the asset would increase, and better reveal its significance. On this basis, it is concluded that there would not be substantial harm to the asset, and that the proposed development would be in accordance with EDLP Policy 24.
198. With regards to the upstanding remains of RAF Cold Hesledon and Chain Home Low radar station at Kinley Hill, the proposed development would have a suburbanising effect upon their settings which would detract from the rural and relatively remote locations that they currently occupy. However, similarly to Kinley Hill Tower, the proposed development also presents the opportunity for a greater public access and appreciation of these assets, and the preservation in situ of the structural remains of the radar gantries at RAF Cold Hesledon within the proposed development site and their enhancement through increased public awareness and appreciation through the provision of interpretive materials is to be encouraged, and with such mitigation in place these effects would not be considered to be significant.

199. It is considered that it is possible that the proposed development would be visible from within Hawthorn Conservation Area, and as a result that would be some impact upon its setting. However, given the distances involved, and the level of landscaping proposed at the south western extent of the proposed development, that any impacts are likely to be minor, and certainly less than substantial, and that the character of the conservation area would be preserved, in accordance with EDLP Policy 22.
200. Turning to archaeology, the applicant has undertaken and geophysical survey of the site, and carried out trial trenching. The resultant findings suggest that much of the potential archaeological value in the form of ridge and furrow, and possible remains of a mediaeval settlement have been lost through ploughing activity. Nevertheless, the County Archaeologist has recommended that a Written Scheme of Investigation be agreed by means of a planning condition to ensure that any subsequent remains are properly investigated and recorded.
201. The NPPF advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
202. In this instance some less than substantial harm to designated heritage assets has been identified and therefore paragraph 196 of the NPPF advises that this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
203. In respect to the affected non-designated heritage assets the NPPF advises at paragraph 197 that a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
204. Therefore, it is necessary to establish whether the public benefits of the proposal outweigh the less than substantial harm to the designated heritage assets. This planning balance exercise is undertaken later in the report.

Drainage

205. National advice within the NPPF and PPG with regard to flood risk advises that a sequential approach to the location of development should be taken with the objective of steering new development to flood zone 1 (areas with the lowest probability of river or sea flooding). When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment.
206. The ES submitted with the application contains a full Flood Risk Assessment and a Drainage Strategy. The site lies wholly within Environment Agency Flood Zone 1 which is the zone of lowest risk of flooding. There is however, some risk of limited surface water flooding in the area of low ground at the central northern part of the site.
207. With regards to flood risk management, it is proposed that there would not be built development within the area of low ground identified, and that this would contain SuDS features. The SuDS system itself would include sufficient storage capacity to restrict the surface water run-off rate from the site to 3.5l/s in order to reflect greenfield run-off rates in this location, with surface water from the site ultimately discharging into Hazel Dene. As greenfield run-off rates would be maintained, it is considered that there should not be any material impact upon this watercourse.

208. The site also lies within a Groundwater Source Protection Zone (Zones 2 and 3). As a result, consideration must be given to the potential for contamination as a result of surface water run-off. With regards to this the, SuDS system provides a form of active drainage, and the applicant has advised that SuDS features would be lined in order to prevent infiltration. Additionally, the SuDS system would incorporate permeable paving, filter strips and swales in order to ensure that water quality is maintained. The Environment Agency has not objected to the proposal.
209. As the application is in outline form, full details of the proposed drainage strategy are not yet available, however, this is a matter that could be addressed in detail as part of a reserved matters submission. Neither Northumbrian Water nor Drainage and Coastal Protection officers offer any objection to the proposed development on the grounds of flood risk or drainage.
210. In relation to foul water, it is proposed to connect to the existing sewerage network, to which Northumbrian Water raise no objections to, subject to detailing the design of the layout of foul and surface water drainage system. No objections are raised regarding the capacity of existing sewerage infrastructure.
211. Subject to conditions to detail the final surface and foul water disposal and a management strategy, no objections to the development on the grounds of flood risk or drainage are raised having regards to Part 14 of the NPPF.

Open Space and Sports Provision

212. EDLP Policy 66 requires developers to provide adequate provision for children's play space and outdoor recreation space in new major new housing developments. These targets have been revised under the Council's Open Space Needs Assessment (OSNA) 2018, which is considered the most up to date assessment of need for the purposes of Paragraph 96 of the NPPF. Paragraph 96 states that access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities, and that policies should be based upon robust and up-to-date assessments of provision.
213. The OSNA sets out the requirements for public open space on a population pro rata basis, and this development would be expected to provide provision for six typologies, either within the site, or through a financial contribution towards offsite provision, in lieu.
214. In this instance the site layout indicates that around almost 38ha of open space would be provided on site. This would include 5.2ha of Parks and Gardens, 1ha of Outdoor Sport space, 0.7ha of Play Space, 9.5ha of Amenity Open Space, 3.3ha of Semi Natural Greenspace, and 0.75ha of Allotments, amounting to approx. 20ha of open space that would count towards OSNA calculations. Additionally, there would be 4ha of Native Grassland, and 13ha of SANG, which are not considered in the OSNA process, but nevertheless have an amenity function.
215. The proposed provision would meet, or exceed the requirements of the OSNA in all respects other than allotment provision, where there would be a slight under provision. However, it should be noted that there is significant over-provision of other typologies such as Amenity/Natural Green Space, Parks and Recreation, and Play Space, and that the total of 25ha of OSNA compliant open space provided would far exceed, and be almost double the OSNA requirement of 13ha. In this context, it is considered that it would not be appropriate to require a financial contribution in lieu of the slight allotment under provision, as the development's impacts would be fully mitigated on site.

216. Additionally, Sport England have highlighted the need to provide formal off-site sports provision, and have requested a contribution of approximately £1.1million in order to mitigate the impacts of the development on local sports facilities. In response to this, the applicants have requested that greater weight should be afforded to the provision of on-site sports facilities, which include a gym, bowling green, 1-2-3 running routes and a football pitch, as well as committing to a community use agreement with respect to the sports pitch associated with the proposed primary school. Notwithstanding this, they have also committed to providing a contribution of £550,000 towards the improvement of formal sports facilities within the Seaham area.
217. Although the level of financial contribution proposed does not fully meet the figure requested by Sport England, when considered in the context of the proposed on-site formal sport provision, and the overall high level of open space and outdoor recreation infrastructure within the development, it is concluded that the application is nevertheless acceptable in this respect, and in accordance with EDLP Policy 66 and NPPF Paragraph 96.

Residential Amenity

218. EDLP Policy 35 requires that the design and layout of development should have no serious adverse effect on the amenity of those living or working in the vicinity of the development site. This policy is considered compliant with Part 12 of the NPPF, which seeks to secure a high standard of amenity for existing and future users.
219. As the application is in outline form, full details with regards to separation distances between dwellings is not available. However, given the size of the site, and numbers of dwellings proposed, it would be likely that separation distances in excess of 21m between habitable room windows could be achieved as advocated in the EDLP. Given the location of the site, and the lack of immediately adjacent residential properties (the closest being over 150m from the closest cell of built development) it is considered that there would not be a significant reduction in the amenity of existing occupiers in terms of overlooking, privacy and outlook. Further scrutiny of this matter and the internal site layout would be given at the subsequent reserved matters stage.
220. In order to limit the potential disturbance for existing and future residents during construction, Environmental Health and Consumer Protection officers recommend that a construction management plan be secured to deal with construction related impacts. Subject to the imposition of such a condition, construction related impacts could be mitigated to an appropriate degree.
221. The application site lies approximately 450m to the north-west of Hawthorn Quarry, which is currently dormant, but is currently subject to a separate Review of Minerals Permission application, and has an extant planning permission to extract minerals from the site until 2042. It is therefore possible that the quarry could reopen, and as a result, the potential relationship between the quarry and the proposed development should be given due consideration.
222. Paragraph 182 of NPPF states that new development should integrate effectively with existing businesses, and that existing businesses should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business would have a significant adverse impact on new development, the application should be required to provide suitable mitigation.
223. MLP Policy M37 states that unless it can be demonstrated that the amenity of local communities can otherwise be protected from the adverse impacts of mineral working, mineral workings will not be permitted where extraction or associated activities are

within 250m of a group of 10 or more dwellings, or where blasting would take place with 500m of a group of 10 or more dwellings.

224. Clearly Policy M37 relates to proposals for mineral extraction, as opposed to built development, however, it provides a useful indication as to a suitable relationship between the quarry and residential dwellings.
225. Under the extant permission, Hawthorn Quarry could still expand, however this would be to the west of the quarry, and unlikely to lead to the quarry moving materially closer to proposed dwellings than it is at present. As it stands, and given the fact that the southern edge of the proposed development would consist of the SANG and public open space, distances between the quarry and residential properties would likely exceed the 250m and 500m stand-off distances advocated in MLP Policy M37. It is considered unlikely therefore that the proposed development would have a significant adverse impact of the quarry were it to re-open and be worked in accordance with the extant permission.
226. What is clear however, is that the presence of residential development would potentially have an impact upon any future proposals to expand the quarry. Although such expansion of Hawthorn Quarry would require permission in its own right, the presence of the Garden Village, and the application of relevant stand-off distances would effectively restrict the areas into which the quarry could extend. Whilst this is unlikely to lead to a residential amenity issue, it does effectively represent further sterilisation of the minerals resource beyond simply the extent of the application site.
227. With regards to other residential amenity matters, Environmental Health Officers identify that agricultural practices in surrounding fields could have an impact upon residential amenity, in terms of noise and odour, but that these are unlikely to amount to statutory nuisance, or have an unreasonable impact upon residential amenity.
228. Traffic noise is identified as an issue that may require further consideration for residential amenity purposes at the reserved matters stage once final layouts are proposed, but is not an issue of such significance that it would result in the principle of residential development being rendered unacceptable, and can be adequately addressed by means of planning condition.
229. Overall, the site is considered to be suitable for residential development in terms of the levels of amenity that would likely to be available to residents, in accordance with EDLP Policy 35, MLP Policy M37 and Part 12 of the NPPF.

Ground conditions

230. In relation to land contamination, the applicant has submitted a phase 1 desk top study and a site investigation and gas monitoring report which identifies that there is a low risk of contaminants being present on site, but site investigation work is recommended. After reviewing the submitted report, Environment, Health and Consumer Protection officers (Contaminated Land) advise that the submitted Phase 1 Assessment is acceptable and recommends a conditional approach to further land contamination investigations including site sampling in accordance with Part 15 of the NPPF.

Other Issues

231. The Environmental Health and Consumer Protection (Air Quality) officers advise the site is not in close proximity of any Air Quality Management Areas. The potential impacts upon residential amenity to nearby properties during the construction phase of the development in terms of dust are considered to be low, but it is recommended that Dust Action Management Plan be secured by means of a planning condition. In terms

of the operational phase, it is noted that the application identifies that the predicted concentrations of both Nitrogen Dioxide and Particulates in 2028 would be well below National Air Quality Objectives, and as a result, impacts would not be significant.

232. Dispersion modelling has been carried out in order to determine impacts upon air quality at existing residential dwellings from additional traffic associated with development. The predicted concentrations are less than half of the annual mean air quality objective, and are therefore considered to be acceptable. Overall there is considered to be no unacceptable adverse impact with regards to air quality.
233. The School Places and Admissions Manager advises that there would be insufficient capacity in terms of both primary and secondary education capacity. In order to address this, the applicant proposes to provide a two-form entry primary school within the proposed development, which would provide sufficient capacity for the numbers of pupils likely to be generated by the development. With regards to secondary school provision, at the request of the Council's School Places Manager, a feasibility study for extending Seaham Academy was undertaken, which established that the school could feasibly be extended sufficiently to accommodate the number of pupils expected to be generated. Having regards to this, the applicant has agreed to provide a financial contribution of £2,353,356 in order to provide the additional capacity, and this could be secured by means of a Section 106 legal agreement. Overall, and despite the concerns of some objectors, it is considered that there would not be any unacceptable residual adverse impacts upon the provision of education facilities as a result of the proposed development.
234. NPPF Paragraph 170 states that planning decisions should recognise the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land.
235. With regards to agricultural land, the application includes an agricultural land statement which identifies that the site currently comprises 11.8ha of Grade 2 agricultural land, 38.4ha of Grade 3a agricultural land, and 22.1ha of Grade 3b agricultural land. The NPPF advises that “best and most versatile” agricultural land (BMV) is classified as any agricultural land in Grades 1, 2 or 3a. Consequently, the proposed development would lead to a loss of around 50ha of best and most versatile agricultural land.
236. It is considered that it is difficult to fully assess the impact that the loss of this quantity of BMV would have in the overall context of agricultural land availability in the county, as no study has been undertaken to provide an overall picture of agricultural land quality. Accordingly, it is considered that the loss of this BMV is an adverse impact that should be afforded weight in the planning balance, however, the weight to be applied to this adverse impact should be small.
237. EDLP Policy 39 sets out that the Council will encourage the provision of works of art as part of development. However, the NPPF is silent on art, and as such, Policy D9 is considered to not be consistent with the NPPF and therefore limited weight should be afforded to the policy. In this case, it is considered that public art provision is not necessary to make the development acceptable.

Planning Balance

238. As NPPF Paragraph 177 advises that in this instance the presumption in favour of sustainable development does not apply, the application does not require consideration under the planning balance test contained within Paragraph 11 of the NPPF. However, in light of the detailed assessment of the material considerations above, the following is a summary of the identified benefits and impacts of the development.

Benefits

239. The delivery of 1500 dwellings would contribute towards the Council's identified housing land supply; however, given that the currently supply is in excess of 5 years when measured against the Governments Standard Methodology the benefit of this delivery is limited, particularly considering the outline nature of the scheme.
240. The proposed development would comprise 50% affordable housing, amounting to 750 dwellings, delivered through land value capture. This is considered to be a substantial benefit.
241. The scheme will provide 300 homes to be occupied solely by residents who are over 55 years in age.
242. The development would lead to the provision of approximately 500 FTE jobs during construction, over a 12 year period, and approximately 300 FTE jobs would be created on site by the end of the implementation period within the proposed primary school, community hub, innovation hub and retail units, as well as involved in landscape management.
243. To a degree the development would provide direct and indirect economic benefits within the locality and from further afield in the form of expenditure in the local economy.

Adverse Impacts

244. The development would result in the sterilisation of significant amounts of high-grade mineral resources, contrary to County Durham Minerals and Waste Plan.
245. The proposed development has the potential to have an adverse impact upon the potential for the future expansion of Hawthorn Quarry, given the proximity of proposed dwellings.
246. There would be a permanent transformational effect upon the landscape as a result of the development, and this would amount to a moderate/major adverse impact at a local level, and a moderate adverse impact at a wider level.
247. The development would result in the loss of approximately 50ha of agricultural land which is considered to be "best and most versatile". It is considered that only low weight should be afforded to this impact.
248. There would be harm to the setting of designated and non-designated heritage assets, however this harm would be less than substantial.
249. The development would lead to an impact on the operation of the A19/B1285 junction, however these impacts would not be severe.

CONCLUSION

250. Section 38(6) of the Town and Country Planning Act states that planning applications should be determined in accordance with the Development Plan unless material considerations indicate otherwise. It is clear, that in this instance there is conflict with the Development Plan.

251. The proposed development would conflict with Policy M14 of the MLP as it would lead to the sterilisation of a significant, high grade mineral resource. This policy is considered to be up-to-date and consistent with the NPPF. It should therefore be afforded full weight in the decision making process. It would also conflict with EDLP Policy 49 which allocates the site for strategic employment purposes, however this policy is considered to be out-of-date and should not be afforded significant weight in the decision making process.
252. Furthermore, as a result of the nature of the development, the presence and proximity of residential dwellings could also have adverse impacts upon any future plans to expand Hawthorn Quarry beyond its current boundaries, further sterilising the mineral resource beyond the area of the application site. This is considered to be a substantial conflict with the Development Plan which should be afforded significant weight.
253. The development would result in a landscape impact that has been assessed as being moderate/major adverse in local views, and as a moderate adverse in a wider context.
254. Other adverse impacts would include slight adverse impacts on the operation of a single road junction, and a loss of BMV agricultural land. Due to their significance and nature, it is considered that only a limited amount of weight should be attached to these adverse impacts.
255. Although the site will have potential impacts upon SSSIs, the Heritage Coast, and irreplaceable habitats, it has been established that these impacts would be adequately mitigated. With respect to impacts upon designated and non-designated heritage assets, NPPF Paragraph 196 advise that the less than substantial harm should be weighed against the public benefits of the proposal.
256. The public benefits of the proposed development are outlined above, and it is considered that significant weight should be afforded to the provision of 50% affordable housing amounting to 750 dwellings, and the provision of 300 homes for the over 55s. In the context of affordable housing delivery across the county, 750 dwellings is a significant number. In 2017/18 the affordable housing need was set at 370 units across the county, with 472 units being ultimately being delivered countywide. The 750 affordable dwellings proposed here would be equivalent to approximately 2 years of countywide supply. On a hypothetical assumption that the affordable element would be delivered evenly over the expected 12 year period of the development, this would be equivalent to 62 units per year, or 17% of the countywide annual affordable housing requirement being delivered by this site alone (based on current identified need).
257. Weight should be also be afforded to the creation of 500FTE jobs during the construction period, and 300FTE jobs once the development is completed. There would also be additional indirect economic benefits to the local community. As the Council can currently demonstrate a housing land supply in excess of 5 years, the boost to housing supply generally, although still a benefit, is considered to be a benefit to which only a limited amount of weight can be attached.
258. Whilst it is accepted that the proposed development would represent a conflict with the Development Plan, it is considered that the identified benefits of the proposed development are of such a magnitude that they would outweigh this conflict, and that they would represent material considerations, that together would justify making a decision other than in accordance with the Development Plan and are sufficient to outweigh the identified harm to designated and non-designated heritage assets having regards to Paragraph 196 of the NPPF.
259. Paragraph 204 of the NPPF and Paragraph 122 of The Community Infrastructure Levy Regulations 2010 set out three planning tests which must be met in order for weight to

be given to a planning obligation. These being that matters specified are necessary to make the development acceptable in planning terms, are directly related to the development, and are fairly and reasonably related in scale and kind to the development. In this respect the contribution towards offsite ecology mitigation, education and sports provision is considered necessary for the development to be considered acceptable and therefore meet the relevant tests.

RECOMMENDATION

260. That Members of the Committee indicate that they are minded to **APPROVE** the application subject to the completion of a Section 106 Legal Agreement to secure the provision of:

- 50% affordable housing;
- A financial contribution of £2,353,356 towards the provision of secondary education facilities;
- A financial contribution of £988,470 towards coastal management mitigation;
- A financial contribution of £104,000 towards mitigation at Hawthorn Dene SSSI;
- A financial contribution of £550,000 towards sports provision in Seaham

and subject to the following conditions:

1. Approval of details of appearance, landscaping, layout and scale (hereinafter called “the reserved matters”) for each Development Cell, or part thereof, (identified on Land Use Parameter Plan - Ref: PL05) shall be obtained from the local planning authority before development of that Development Cell is commenced.

Reason: Required to be imposed pursuant to Section 92 of the Town and County Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. Applications for the approval of reserved matters for a Development Cell, or part thereof, must be made no later than the expiration of three years beginning with the date of this permission, and the development must be begun not later than the expiration of five years from the date of this permission. The applications for the approval of the reserved matters for the other Development Cells, or part thereof, shall be made to the Local Planning Authority before the expiration of 12 years from the date of this permission, and each Development Cell must be begun not later than the expiration of two years from the approval of the last reserved matters for that Development Cell.

Reason: Required to be imposed pursuant to Section 92 of the Town and County Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

3. The development hereby approved shall be carried out in strict accordance with the following approved plans:

Site Location Plan

Building Storey Heights Parameters Plan Ref PL07

Land Use Parameters Plan Ref. PL05

Movement and Access Parameters Plan Ref. PL09

Access Plan 100-SK-002 Rev B

Access Plan 100-SK-006 Rev B

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies 1, 3, 7, 14, 15, 16, 18, 19, 24, 35, 36, 39, 49, 66, 74, 75, 77, 90 and 95 of the Easington District Local Plan and Parts 2, 4, 5, 6, 8, 9, 11, 12, 14, 15 and 16 of the National Planning Policy Framework.

4. Each cell of the development shall be carried out in substantial accordance with the Design and Access Statement hereby approved.

Reason: To ensure that the Reserved Matters for the appearance, layout and scale of the buildings, and landscaping to be submitted are in general accordance with the approved Design and Access Statement and to enable the Local Planning Authority to satisfactorily control the development, having regards to Policy 35 of the Easington District Local Plan and the NPPF.

5. In conjunction with the first Reserved Matters application a Design Code shall be submitted to and approved in writing by the Local Planning Authority. The Design Code shall be prepared in accordance with the principles and parameters established by this outline approval. The Design Code shall address all pertinent matters associated with the following subject areas:

- The approach to design quality and its consistent implementation;
- The creation of character areas and neighbourhoods;
- Maximum and minimum density parameters
- Materials Palette; and
- Landscaping Strategy.

All subsequent Reserved Matter applications shall accord with the details of the approved Design Code.

Reason: In the interests of high quality design and in accordance with Policy 35 of the Easington District Local Plan and the NPPF. Required to be in conjunction with the submission of Reserved Matters to ensure co-ordinated design approach across the development

6. There shall be no construction above damp-proof course level on any Development Cell until details of the external materials to be used in that cell have been submitted to and agreed in writing by the Local Planning Authority. Thereafter, the Development Cell shall be constructed only in accordance with the approved details.

Reason: In the interests of high quality design and in accordance with Policy 35 of the Easington District Local Plan and the NPPF. Required to be in conjunction with the submission of Reserved Matters to ensure co-ordinated design approach across the development.

7. Prior to the commencement of the approved development a Written Scheme of Investigation setting out a phased programme of archaeological investigation, recording, analysis and reporting for the entire development area, in accordance with 'Standards for All Archaeological Work in County Durham and Darlington', shall be submitted to and approved in writing by the Local Planning Authority. Development shall take place thereafter in accordance with the agreed details.

Reason: To comply with Paragraphs 197 and 199 of the NPPF which require the developer to record and advance understanding of the significance of heritage assets, and to ensure information gathered becomes publicly available.

8. The development hereby permitted shall not commence until a pre-commencement scheme to deal with contamination has been submitted to and agreed in writing with the Local Planning Authority. The full scheme, both pre-commencement and completion shall include the following, unless the Local Planning Authority confirms in writing that any part of sub-sections a, b, c or d are not required.

Throughout both the pre-commencement and completion phases of the development all documents submitted relating to Phases 2 to 4 as detailed below shall be carried out by competent person(s) and shall be submitted to and agreed in writing with the Local Planning Authority.

Pre-Commencement

(a) A Phase 2 Site Investigation and Risk Assessment is required to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications. Prior to the Phase 2 a Sampling and Analysis Plan is required.

(b) If the Phase 2 identifies any unacceptable risks, a Phase 3 Remediation Strategy detailing the proposed remediation and verification works is required. If gas protection measures are required a verification plan is required detailing the gas protection measures to be installed, the inspection regime and where necessary integrity testing programme. The installation of the gas membrane should be carried out by an appropriately qualified workforce and the verification of the installation should be carried out by an appropriately competent, experience and suitably trained person(s) (preferably independent to the installer) to ensure mitigation of the risk to the buildings and the people who occupy them. No alterations to the remediation proposals shall be carried out without the prior written agreement of the Local Planning Authority.

Completion

(c) During the implementation of the remedial works (if required) and/or development if any contamination is identified that has not been identified pre-commencement, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be carried out in accordance with part (a) of the condition and where necessary a Phase 3 Remediation Strategy shall be prepared in accordance with part b of the condition. The development shall be completed in accordance with any amended specification of works.

(d) Upon completion of the remedial works (if required), a Phase 4 Verification Report (Validation Report) confirming the objectives, methods, results and effectiveness of all remediation works detailed in the Phase 3 Remediation Strategy shall be submitted to and agreed in writing with the Local Planning Authority within 2 months of completion of the development and prior to occupancy. If integrity testing of the membrane(s) was required a verification pro forma should be included.

Reason: The site may be contaminated as a result of past or current uses and/or is within 250m of a site which has been landfilled and the Local Planning Authority wishes to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems in accordance with NPPF Part 15.

9. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. A Risk Assessment must be submitted to and approved by the Local Planning Authority in accordance with the requirements of condition 8, and where remediation is necessary the approved Remediation Scheme must be implemented in accordance with the approval details.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Part 15 of the NPPF.

10. No development shall commence until a detailed scheme for the disposal of foul and surface water from the development hereby approved, including details of the delivery of drainage infrastructure has been submitted to the Local Planning Authority. Thereafter the approved flood risk and foul drainage strategy shall be completed in accordance with the approved timetable.

Reason: To prevent the increased risk of flooding from any sources and to comply with the objectives of Part 10 of the NPPF. Required to be pre-commencement to ensure appropriate water management.

11. No development shall commence within each Development Cell, or part thereof, (identified on Land Use Parameter Plan - Ref: PL05) until a Construction Environment Management Plan for the Development Cell has been submitted to and approved in writing by the Local Planning Authority. The management plan shall include but not necessarily be restricted to the following:

- i A Dust Action Plan containing; the methods of suppressing dust; the methods to record wind direction and speed and the meteorological conditions at the site; methods of monitoring dust emanating at and blowing from the site
- ii Details of methods and means of noise reduction
- iii Confirmation that the burning of combustible material on site shall be prohibited unless it has been first demonstrated that the material cannot be disposed of in any other suitable manner
- iv Details of means of reducing the potential for mud on the roads in the vicinity of the site
- v. Details of a mechanism by which the Construction Management Plan shall be reviewed on an annual basis.

The management plan shall have regard to BS5228 "Noise and Vibration Control on Construction and Open Sites" during the planning and implementation of site activities and operations.

The development shall be undertaken in accordance with the agreed Construction Environment Management Plan.

Reason: In the interests of residential amenity having regards to Part 11 of the NPPF. Required to be pre-commencement as construction activity mitigation must be agreed before works commence.

12. No construction/demolition activities, including the use of plant, equipment and deliveries relating to the construction of the development, will take place before 0730 hours or continue

after 1800 hours Mondays to Fridays, or commence before 0800 hours and continue after 1300 hours on Saturdays. No works will be carried out on a Sunday or Bank Holiday.

Reason: In the interests of residential amenity, in accordance with the objectives of Part 12 of the NPPF.

13. Before any fixed plant, associated with the hub area, is operated, a detailed noise impact assessment and scheme of sound attenuation measures shall be submitted to and approved in writing by the local planning authority. The scheme of attenuation measures shall ensure that the rating level of noise emitted from fixed plant on the site shall not exceed the background (LA90) by more than 5dB LAeq (1 hour) between 07.00-23.00 and 0dB LAeq (15 mins) between 23.00-07.00. The measurement and assessment shall be made according to BS 4142: 2014.

Reason: In the interests of residential amenity, in accordance with the objectives of Part 12 of the NPPF.

14. Within each Development Cell, or part thereof, (identified on Land Use Parameter Plan - Ref: PL05) no residential development shall take place until a scheme of noise mitigation measures has been submitted to and approved in writing by the Local Planning Authority. The aim of the scheme shall be to protect future occupiers from road traffic/commercial noise and should ensure the following noise levels are achieved.

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

The approved scheme shall be implemented prior to the beneficial occupation of the development and shall be permanently retained thereafter.

Reason: In the interests of residential amenity, in accordance with the objectives of Part 12 of the NPPF.

15. No development shall commence until an overarching scheme for the delivery of landscaping and public open space, including the proposed SANG on a cell-by-cell basis has been submitted to, and approved in writing by the Local Planning Authority. Prior to the first occupation of any phase, full hard and soft landscape details for that phase shall be submitted to and approved in writing the Local Planning Authority. Thereafter, no more than 50% of dwellings proposed in any single phase shall be occupied until the approved landscape and public open space scheme for that phase has been completed and is available for use.

Reason: In the interests of the appearance of the area and to comply with Part 7 of the National Planning Policy Framework and Policy 35 of the Easington District Local Plan. Required to be pre-commencement so that the landscaping works are agreed before development commences.

16. All approved planting, seeding or turfing and habitat creation shall be carried out in the first available planting season following the practical completion of each Development Cell. 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 each Phase 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 having regard to Part 11 of the NPPF.

17. No tree should be felled or hedge removed unless in accordance with the approved landscape details. No construction work shall take place within each Development Cell, nor any site cabins, materials or machinery be brought on site until all trees and hedges scheduled for retention as agreed under the landscape reserved matter, are protected.

Reason: In the interest of visual amenity and having regard to Part 11 of the NPPF

No dwellings with each Development Cell, or part thereof, (identified on Land Use Parameter Plan - Ref: PL05) shall be occupied until a scheme for the ongoing maintenance of the areas of public open space within the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. In the event of proposals to maintain the public open space by means other than through transfer to the Local Authority then the scheme shall provide for details of an agreed maintenance and cutting schedule in perpetuity.

Reason: In the interests of appearance of the area in accordance with Policy 35 of the Easington District Local Plan and Part 12 of the NPPF.

18. Prior to any A3 or A4 unit being occupied, full details of the proposed fume extraction system for that unit must be submitted and approved in writing by the local planning authority, this document should include a risk assessment, design schematic, details of any odour abatement measures, details of noise levels and any other documents considered necessary to demonstrate accordance with the current DEFRA guidance on the control of odour and noise from commercial kitchen exhaust systems. Development shall take place thereafter in accordance with the agreed details.

Reason: In the interests of residential amenity and to meet the objectives of Part 11 of the NPPF.

19. Prior to the occupation of the 750th dwelling hereby approved the proposed Village Centre, Business Innovation Hub, Health and Wellbeing Hub, Village Square, Village Green and Two Form Primary School shall be available for use/occupation.

Reason: In order to secure the delivery of essential community facilities in order to mitigate the adverse impacts of the development, and secure the sustainability of the development.

20. Prior to the occupation of the 750th dwelling hereby approved there shall be a Community Use agreement in place for the use of sports facilities at the Two Form Primary School hereby approved.

Reason: In order to secure the delivery of essential community facilities in order to mitigate the adverse impacts of the development, and secure the sustainability of the development.

21. No more than 100 dwellings shall be occupied until full design and costing information for the scheme to implement ramp metering at the northbound entry slip road to the A19 from the B1285 have been submitted to, and agreed in writing by the Local Planning Authority.

Reason: In the interest of maintaining Strategic Road Network operation and safety in accordance with Part 9 of the NPPF.

22. Prior to occupation of the 975th dwelling, the agreed ramp metering scheme at the northbound entry slip road to the A19 from the B1285 identified in Condition 19 shall be completed and open to traffic.

Reason: In the interest of maintaining Strategic Road Network operation and safety in accordance with Part 9 of the NPPF.

23. Prior to any works commencing on site a Construction Traffic Management Plan shall be prepared, submitted to and agreed in writing by the Local Planning Authority. Thereafter, the development shall only be undertaken in accordance with the approved Plan.

Reason: In the interest of maintaining Strategic Road Network operation and safety in accordance with Part 9 of the NPPF.

24. Prior to the occupation of any dwelling, a Travel Plan founded on the Framework Travel Plan submitted with the planning application, and conforming to BSI National Specification for Workplace Travel Plans (PAS500) guidance shall be prepared and submitted to, and agreed in writing by the Local Planning Authority. Once approved the Travel Plan must be adhered to for the lifetime of the development.

Reason: In the interest of maintaining Strategic Road Network operation and safety in accordance with Part 9 of the NPPF

25. Prior to the occupation of any dwelling, details of the proposed public transport infrastructure improvement, including a timeframe for delivery must be submitted to and approved in writing by the local planning authority. The approved scheme of improvements will thereafter be carried out in accordance with the approved timetable.

Reason: in the interest of encouraging sustainable methods of travel in accordance with Part 9 of the NPPF.

26. Prior to the occupation of any dwelling, details of the proposed public transport network improvement, including a timeframe for delivery must be submitted to and approved in writing by the local planning authority. The approved scheme of improvements will thereafter be completed in accordance with the approved timetable.

Reason: in the interest of encouraging sustainable methods of travel in accordance with Part 9 of the NPPF.

27. Prior to the occupation of any dwelling the site accesses as detailed on drawings "Access Plan 100-SK-002 Rev B", and "Access Plan 100-SK-006 Rev B" shall be completed and be available for use.

Reason: Reason: In the interest of highway safety in accordance with Part 9 of the NPPF.

28. No fewer than 300 of the 750 affordable housing units hereby approved shall be occupied solely by persons where at least one member of the household is aged 55 or over, save that such restriction shall not apply to the continued occupation of any of the units by a surviving spouse, partner or member of the household under the qualifying age after the death of the member of the household who was of the qualifying age.

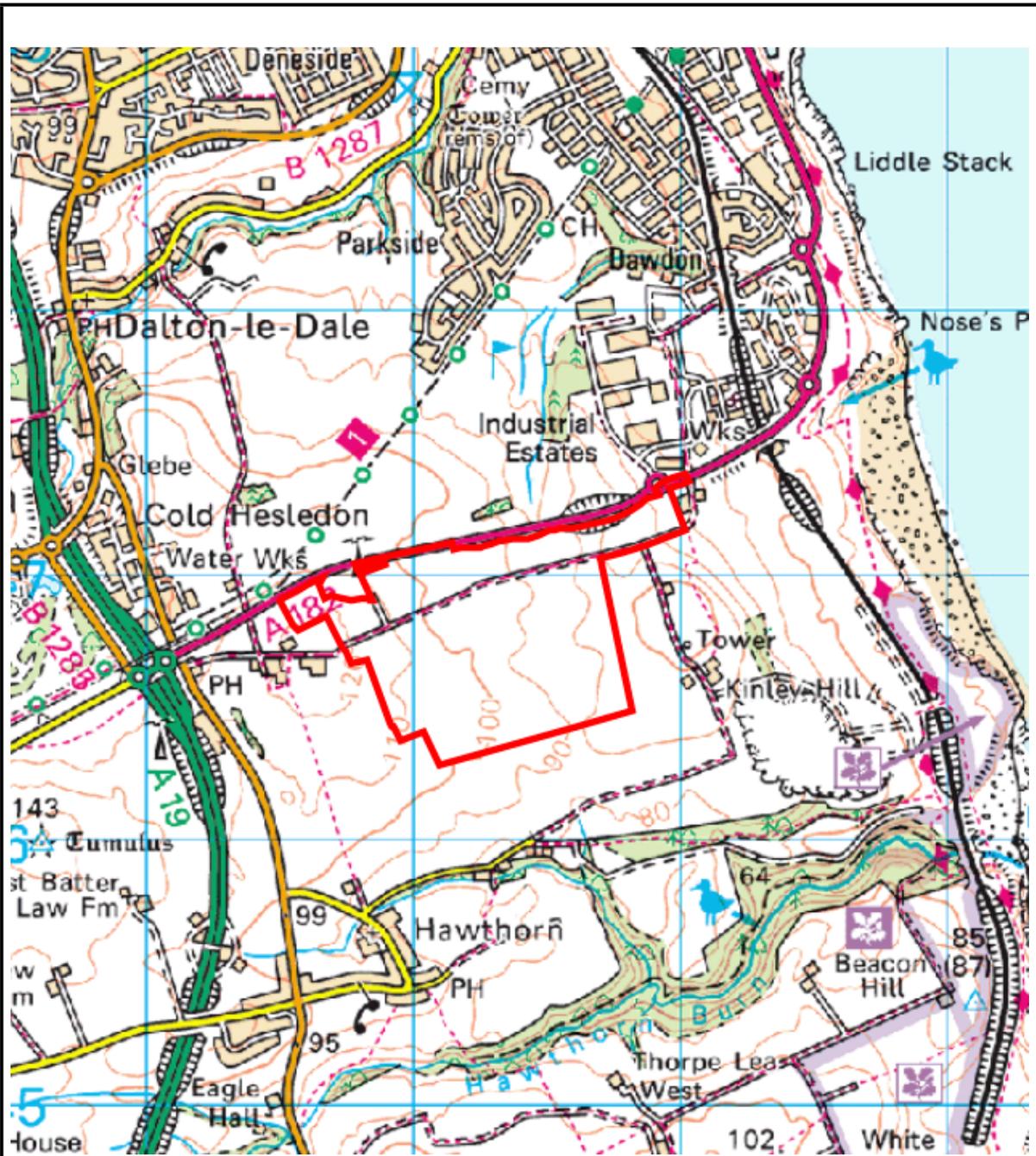
Reason: In order to ensure the delivery of the proposed accommodation for persons aged 55 or over.

STATEMENT OF PROACTIVE ENGAGEMENT

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

BACKGROUND PAPERS

Submitted application form, plans supporting documents and subsequent information
The National Planning Policy Framework
National Planning Practice Guidance Notes
Easington District Local Plan
County Durham Minerals Local Plan
The County Durham Plan (Preferred Options)
The County Durham Strategic Housing Market Assessment
County Durham Employment Land Review 2018
Statutory, internal and public consultation responses



Planning Services

Garden village of up to 1500 dwellings, integrated community health and wellbeing village, commercial and leisure uses, business innovation hub, primary school, public open space, community allotments and associated infrastructure, including new pedestrian and vehicular access from A182 DM/18/00829/OUT

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Comments

Date October 2018

Scale Not to scale

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COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/18/02732/WAS
FULL APPLICATION DESCRIPTION:	Change of use to green waste composting
NAME OF APPLICANT:	Durham County Council
ADDRESS:	Joint Stocks Landfill Site, Quarrington Hill Road, Coxhoe
ELECTORAL DIVISION:	Coxhoe
CASE OFFICER:	Chris Shields, Senior Planning Officer, 03000 261394, chris.shields@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site is located within Joint Stocks landfill site, a former quarry that has been used as a landfill since 1974. The site has planning permission for operation as a landfill until 2042, although it is not currently in active use with only interim restoration works being carried out at present. Within the remaining quarry void, at the southern end of the site, is the site access road, weighbridge, wheelwash, site offices and plant parking area. In the south east corner of the site is a concrete pad that was constructed for the composting of green waste on a temporary basis. The composting area is bounded by the landfill site to the north east, the site offices, plant area and weighbridge to the north west and the former quarry faces to the south east and west. The site is bordered by woodland on all sides.
2. The application site is not within any landscape or ecological designations. Quarrington Hill and Coxhoe Bank Local Wildlife Sites (LWS) are located approximately 100m to the north and west of the site, Coxhoe Ponds LWS is located 550m to the north and Raisby Pond LWS is located 1km to the south east. Raisby Hill Quarry Site of Special Scientific Interest (SSSI) and Raisby Hill Grassland SSSI are located approximately 1km to the south east and Quarrington Hill Grasslands SSSI is located approximately 1.2km to the north.
3. There are no listed buildings or heritage assets within the site. The nearest listed buildings are the Grade II War Memorial at Coxhoe Front Street approximately 750m to the south west of the site, the Grade II Commemorative Monument at Church Kelloe approximately 1.6km to the east of the site and the Grade I Parish Church and Cross, also at Church Kelloe approximately 1.7km to the east of the site.

4. The nearest residential properties to the proposed development are located 320m to the south west in Coxhoe and 580m to the east in Kelloe. The nearest public right of way (PRoW) is Footpath No. 20 (Coxhoe Parish) which runs north to south at the western end of the site, approximately 35m from the proposed composting area.

The Proposal

5. The most recent planning permission for composting at Joint Stocks was granted in 2002 for a temporary period of 12 years, although composting at the site ceased in 2011 following the winding up of the operator, Premier Waste Management. The composting area has been dormant for the past 7 years and the original planning permission lapsed within this time.
6. Planning permission is now sought to bring the existing composting area back into use. The composting area is situated in the south west corner of the site and is comprised of a large impermeable concrete pad that is slightly inclined to the west so that any water flows to the drainage ditches on the western perimeter. The composting area shares a site access, weighbridge, offices and welfare facilities with the wider Joint Stocks landfill and therefore no construction works would be required. The proposal is therefore only to allow composting to recommence and continue until the end of 2041, or when then landfill site is restored.
7. The development would involve the importation of up to 25,000 tonnes per annum of green waste collected from residential properties within County Durham. This would be brought to the site in waste collection vehicles or would be bulked up offsite and brought in larger lorries to reduce vehicle movements. Green waste within County Durham is collected by a fleet of ten 26 tonne waste collection vehicles, each of which are capable of collecting up to 10.5 tonnes each. It is estimated that 70% of the deliveries would be from the waste collection vehicles.
8. The green waste collection service in County Durham operates for 34 weeks per annum from the end of March until mid-November. Green waste would be brought to the site and stockpiled on the composting pad before being shredded and placed in windrows. The compost windrows would be approximately 4 metres high and 5 metres wide by 50-60 metres in length, each containing approximately 600 tonnes of compost. Each windrow would be turned approximately 6 times over an 8 week period with a loading shovel before the material is screened and ready for use. Any oversize material leftover after screening would be placed back in the windrows.
9. The working hours for the site would be 0700 to 1800 Monday to Friday and 0700 to 1600 Saturdays with no working on Sundays or Bank Holidays, which are the same hours as the wider site including the landfill. Composting operations would begin in mid-March with the first collections and would continue until January to account for the 8 week composting period following the last collection in mid-November.
10. The site would produce 12000 to 14000 tonnes per annum of compost at public standard quality (PAS100), at which point it would cease to be waste. The product would be used by the Council for grounds maintenance and construction and also made available to community groups, farmers and ground work companies.
11. The proposed development would allow the Local Authority to process all green waste in house rather than contracting to other providers, which would generate a predicted cost saving in excess of £100,000 per annum.

12. This application is being determined by the County Planning Committee as it is a major waste development with a site area of more than 1ha.

PLANNING HISTORY

13. The application site was a former quarry and is now an established integrated waste management facility combining a landfill with recycling areas, welfare cabins and offices, weighbridge and wheelwash. The site has been in use as a landfill since 1974 and has permission until 2042. Planning permission was granted at the site for waste recycling in 1997 with permission for the composting facility following in 2001 for a temporary period of 10 years under Planning Permission CMA/4/4.

PLANNING POLICY

NATIONAL POLICY

14. A revised National Planning Policy Framework (NPPF) was published in July 2018. The overriding message continues to be that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways.
15. In accordance with Paragraph 213 of the National Planning Policy Framework, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). The relevance of this issue is discussed, where appropriate, in the assessment section of the report. The following elements of the NPPF are considered relevant to this proposal.
16. *NPPF Part 2 - Achieving sustainable development.* The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.
17. *NPPF Part 4 - Decision-making.* Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
18. *NPPF Part 6 – Building a strong, competitive economy.* The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.

19. *NPPF Part 9 – Promoting sustainable transport* Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
20. *NPPF Part 14 – Meeting the challenge of climate change, flooding and coastal change* - The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.
21. *NPPF Part 15 Conserving and Enhancing the Natural Environment* - Conserving and enhancing the natural environment. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.
22. *NPPF Part 16 Conserving and Enhancing the Historic Environment* - Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

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

23. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to; air quality, noise, transport, flood risk, waste and use of planning conditions.

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

24. National Planning Policy for Waste sets out the Government's ambition to work towards a more sustainable and efficient approach to resource use and management. Waste Planning Authorities should only expect a demonstration of need where proposals are not consistent with an up to date Local Plan and should not consider matters that are within the control of pollution control authorities. Waste proposals should not undermine the objectives of the Local Plan and should be environmentally sensitive and well designed. Of further relevance is the Waste Management Plan for England, which also advocates the movement of waste up the waste hierarchy in line with the requirements of the European Waste Framework Directive (WFD). One such requirement is the 'proximity principle' (Article 16) which stipulates self-sufficiency; an 'integrated and adequate network of waste disposal installations' and that waste management should be at the nearest appropriate installations.

<https://www.gov.uk/government/publications/national-planning-policy-for-waste>

LOCAL PLAN POLICY:

County Durham Waste Local Plan (2005)

25. *Policy W2 – Need* – requires the demonstration of need for a particular development which cannot be met by an alternative solution higher up the waste hierarchy.
26. *Policy W3 – Environmental Protection* – states that proposals for new development will be required to demonstrate that the natural and built environment and the living conditions of local communities will be protected and where possible enhanced.
27. *Policy W4 – Location of waste management facilities* – states that proposals for new waste management facilities will be determined having regard to protection of the environment and local amenity, traffic impacts, opportunities to integrate with other facilities or developments which will benefit from the recovery of materials and to extend or develop existing waste management facilities.
28. *Policy W7 – Landscape* – states that proposals for waste developments which would result in the loss of important landscape features or which would have a significant adverse effect on the character of the landscape will not be permitted
29. *Policy W17 – Nature Conservation (Minimisation of Adverse Impact)* – states that proposals should incorporate measures to ensure that any adverse impact on the nature conservation interest of the site is minimised.

Policy W18 – Listed Buildings – states that proposals for waste developments which would result in the demolition, alteration with adverse impact, damage or other adverse change to the special character or setting of a listed building will not be permitted unless it can be demonstrated that there are no alternative sites available and there are imperative reasons of over-riding public interest sufficient to outweigh the loss of or damage
30. *Policy W24 – Public Rights of Way* – States that waste development will be permitted where there will be no significant adverse impact upon the recreational value of the countryside, including the local path network, country parks and picnic areas
31. *Policy W26 – Water resources* – Proposals for waste development which does not involve landfill or landraise will not be permitted unless it can be demonstrated that there will be no significant adverse impact or significant deterioration to: the quality of surface or groundwater resources; and the flow of surface or groundwater at or in the vicinity of the site.
32. *Policy W29 – Modes of transport* – requires that waste development incorporate measures to minimise transportation of waste.
33. *Policy W31 – Environmental impact of road traffic* – states that waste development will only be permitted if traffic estimated to be generated by the development can be accommodated safely on the highway network, the amenity of roadside communities is protected, the strategic highway network can be safely and conveniently accessed and the impact of traffic generated by the development on local and recreational amenity is otherwise acceptable.
34. *Policy W32 – Planning obligations for controlling environmental impact* – states that in granting planning permission for waste development, planning conditions be imposed to cover, in addition to other issues, the prevention of the transfer of mud, dust, or litter onto the public highway by measures including the provision of wheel cleaning facilities, suitably metalled access roads and the sheeting of laden vehicles.

35. *Policy W33 – Protecting local amenity* – requires that suitable mitigation measures are incorporated into proposals to ensure that any harmful impacts from noise, odour, litter, vermin, birds, dust, mud, visual intrusion and traffic and transport are kept to an acceptable level.
36. *Policy W36 – Locations for Waste Recovery Facilities* - states that unless it can be clearly demonstrated that any environmental impacts can be effectively mitigated proposals for new or the expansion of existing waste management facilities should be fully contained within well designed buildings or enclosed structures appropriate to the technology or process and appropriate in scale and character to their surroundings.
37. *Policy W42 – Outdoor Composting* – supports outdoor composting proposals where they can be satisfactorily located on previously developed in sustainable locations, on existing areas of hardstanding, where they form part of an integrated waste management facility or where they form part of a reclamation proposal which makes beneficial use of composted material.

EMERGING PLAN:

The County Durham Plan

38. Paragraph 48 of the NPPF says that 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. An 'Issues & Options' consultation was completed in 2016 on the emerging the County Durham Plan (CDP) and the 'Preferred Options' was approved for consultation at Cabinet in June 2018. However, the CDP is not sufficiently advanced to be afforded any weight in the decision making process at the present time.

The above represents a summary of those policies considered most relevant. The full text, criteria, and justifications of each may be accessed at: <http://www.durham.gov.uk/article/3266/How-we-currently-make-planning-and-development-decisions> (County Durham Waste Local Plan)

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

39. *Highway Authority* – Raise no objections. Officers have requested that the road markings at the site entrance be repainted. This could be secured through condition.
40. *Environment Agency* – Raise no objections and provide permitting advice to the applicant, noting that the site already has a permit in place for composting but that this has been inactive for some time and there may now be requirements for bio-aerosol monitoring.
41. *Drainage and Coastal Protection* – Raise no objections in relation to surface water management.

INTERNAL CONSULTEE RESPONSES:

42. *Ecology* – Offer no objections. Officers consider that the disturbance risk to ecological receptors in and around the site is negligible.

43. *Environment, Health and Consumer Protection (Air Quality)* – Raise no objections following clarification by the applicant on the expected vehicle movements, which would not result in an increase of more than 100 on the Annual Average Daily Traffic flow (AADT).
44. *Environment, Health and Consumer Protection (Pollution Control)* – Raise no objections. Officers have assessed the submitted noise impact assessment against thresholds set out in the Councils Technical Advice Notes (TANs) and found it acceptable. Odour is considered to be unlikely to cause significant impact on nearby residential properties due to separation distances.

PUBLIC RESPONSES:

45. The application has been publicised by way of press notice, site notice, and individual notification letters to neighbouring residents. No responses have been received.

The above is not intended to repeat every point made and represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at:

<https://publicaccess.durham.gov.uk/online-applications/search.do?action=simple&searchType=Application>

APPLICANTS STATEMENT:

46. Durham County Council are proposing to re commence composting operations on the previously used compost pad at Joint Socks Landfill Site. The site was formerly used for composting green waste from approximately 2000 to 2011 and operated by Premier Waste Management. Since 2011, the compost area has been inactive as a result of the winding up of Premier Waste Management; however, the infrastructure and Environmental Permit remain in place. There has been no other putrescible waste accepted at the site since May 2013, since then and to date the site has been accepting inert soils only and undergoing restoration to comply with the Environmental Permit.
47. Joint Stocks Landfill Site has been in operation since the 1970's, it is located on the B6291 between Coxhoe and Quarrington Hill, with its own dedicated entrance from the highway and an access road that allows vehicles to access the site without traveling through the village of Coxhoe. The Household Waste Recycling Centre is on the opposite side of the road.
48. The proposed operations will be carried out Monday to Saturday between the hours of 07:00 – 18:00 (Monday to Friday) and 07:00 – 16:00 (Saturday) and predominantly between April and November each year. It will involve shredding the garden waste and placing the shredded material into open windrows to allow the natural composting process to occur. Once the windrows are composted and fully matured the material will be screened to an appropriate size, this will produce compost that will be able to be used by Durham County Council and by third party customers.
49. Durham County Council collect garden waste from residents who sign up to the collection scheme across County Durham, currently this is composted at three separate third party facilities. The proposed use of the composting area at Joint Stocks would process all the garden waste collected from across the county and process it to achieve British Standard PAS 100. This proposal will allow the Council to reduce its operating costs in this area, operate a more efficient system and produce consistent, high quality compost.

PLANNING CONSIDERATIONS AND ASSESSMENT

50. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that if regard is to be had to the development plan, decisions should be made in accordance with the development plan unless material considerations indicate otherwise. In accordance with advice within the National Planning Policy Framework (NPPF), the policies contained therein are material considerations that should be taken into account in decision-making. Other material considerations include representations received. In this context, it is considered that the main planning issues in this instance relate to: the principle of the development, residential amenity, ecology, access and traffic, access and rights of way, flooding and drainage, landscape and cultural heritage.

Principle of Development

51. National and local planning policies are generally supportive towards sustainable waste management initiatives and seek to promote the movement of materials up the waste hierarchy. The Government's 'Waste Strategy for England 2007' sets out the Government's objectives to reduce waste and increase recycling of waste and energy recovery. The Waste Review of 2011 sets out the Government's aims for a 'zero waste' economy. The direction of travel set by the Review is a new focus in national policy on the use of materials throughout the economy; the integration of business and household waste; a smaller and different role for central government; and more focus upon the householder or business and the importance of this agenda – from waste prevention to waste management – for the "green economy". Waste is considered a valuable resource.
52. The NPPW sets out in the waste hierarchy that prevention of waste and re-use of materials should be considered before recycling, recovery and final disposal of waste. This is reflected in WLP Policy W2 requiring developments to demonstrate an established need for the facility and to show that they would make a contribution to the County's sustainable waste strategy and achieve overall environmental benefits, and move waste up the Waste Hierarchy. Furthermore, the Policy seeks to prevent unnecessary importation of waste into the County. Policy W2 is considered to be consistent with the NPPF and can therefore be afforded weight in the decision making process. Relevant policies contained within the County Durham Waste Local Plan are not considered to be time limited and are not at risk of being out of date with respect to the test set out in Paragraph 11 of the NPPF.
53. The proposed development would seek to import up to up to 25,000 tonnes per annum of green waste sourced from domestic kerbside collections from properties within County Durham. As all of the waste would originate from within the County the proposal would not amount to an unnecessary importation of waste. The proposal would therefore accord with WLP Policy W2.
54. WLP Policy W4 refers to the location of new waste management facilities and criteria to be considered including protection of local amenity, minimising the transportation of waste, integration with other facilities, environmental benefits and the safe and free flow of traffic on the highway network. These criteria are reflected in Appendix B of the NPPW which also includes protection of water quality and resources, land instability, landscape and visual impact, nature conservation, traffic and access, air emissions, odours, noise and light. Those applicable to this development and location are considered in this report. WLP Policy W29 reinforces the need to minimise the transportation of waste. WLP Policies W4 and W29 are considered to be consistent with the NPPF and can be afforded weight in the decision making process.

55. Policy W42, relating to outdoor composting, is the key policy against which this application should be determined. W42 provides support for proposals where they can be satisfactorily located on previously developed land in sustainable locations, on existing areas of hardstanding, where they form part of an integrated waste management facility or where they form part of a reclamation proposal which makes beneficial use of composted material. In the case of this proposal the site has been previously developed as a hardstanding for the specific purpose of composting and is located within an existing landfill where the material could be used for reclamation if it was required. The proposal therefore full accords with this Policy. In addition, the proposal also meets with the locational criteria set out in Appendix B of the NPPW. WLP Policy W42 is considered to be consistent with the NPPF and can be afforded weight in the decision making process.

Residential Amenity

56. WLP Policy W3 requires proposals for waste development to demonstrate that the living conditions of local communities will be protected and where possible enhanced. WLP Policy W33 seeks to ensure that mitigation is provided to ensure that harmful impacts from development are kept to an acceptable level and Policy W36 sets out the need to fully contain waste management facilities within buildings or enclosed structures appropriate to the technology or process. Paragraph 7 of the NPPW provides advice in respect of determining planning application, including specific reference to amenity. WLP Policies W3, W33 and W36 are all considered to be consistent with the NPPF.
57. The proposed development would be located within an existing, active landfill site. The site has extensive screening around its perimeter and due to former use as a quarry the proposed development would be entirely within the remaining quarry void. The nearest residential properties to the proposed development are located 320m to the south west in Coxhoe and 580m to the east in Kelloe.
58. The proposed development would store and process garden waste to produce a useable product through passive outdoor composting. Materials would be brought to and from the site by HGV's, as per the current operations.
59. The key issues in terms of residential amenity are noise and odour and are addressed below.

Noise

60. The noisy activities associated with composting are the delivery of the green waste by HGV's, shredding of the material, turning the material once in windrows and finally screening it before being exported off site.
61. A noise assessment report has been submitted in support of the application. The assessment includes a baseline assessment of background noise conditions for the nearest sensitive receptors and concludes that noise produced by the proposed development would, at all times, be lower than the recorded background level without any mitigation. The impact is therefore advised to be low. Environmental Health and Consumer Protection officers have considered the proposal and have raised no objections. It is therefore considered that the proposal would not conflict with WLP Policies W3 and W33, Paragraph 170 of the NPPF and Appendix B (criterion J) of the NPPW in respect of noise impact.

Odour

62. The proposed development would import green waste from residential properties to create compost. Material is visually inspected by refuse collectors to check for contamination and the collection vehicles are dedicated to green waste so there is no risk of contamination from other waste types. The windrowed compost would be turned frequently to avoid anaerobic decomposition, which is where the potential for odour would occur. With continued aeration from turning the odour risk would be minimal. Also, as described above, the nearest residential properties are located approximately 320m to the south west of the site and given the intervening topography and prevailing wind it is unlikely that odour from composting operations would be perceptible.
63. Environmental Health and Consumer Protection officers have considered the submitted details and consider that odour is unlikely to be an issue given the distances between the site and sensitive receptors. In addition, the site has an existing environmental permit for composting. The Environment Agency has raised no objections to the proposal but has advised that additional monitoring may be required for bioaerosol emissions (airborne biological particles). This would be covered by the Environmental Permit.
64. In conclusion, it is considered that the development would not cause statutory nuisance or a significant adverse impact on amenity and the Environment Agency and Environmental Health and Consumer Protection officers raise no objections. In addition, the site would be subject to an Environmental Permit issued and monitored by the Environment Agency. The proposal would therefore not conflict with WLP Policies W3 and W33, Paragraph 170 of the NPPF and Appendix B (criterion H) of the NPPW in respect of odour impact.

Ecology

65. Paragraph 175 of the NPPF sets out the Government's commitment to halt the overall decline in biodiversity by minimising impacts and providing net gains where possible and stating that development should be refused if significant harm to biodiversity cannot be avoided, mitigated or, as a last resort, compensated for. WLP Policy W17 requires all waste development to incorporate appropriate measures to ensure that any adverse impact on nature conservation is minimised. WLP Policy W17 is considered to be consistent with the NPPF and can be afforded weight in the decision making process.
66. The proposed development would make use of an existing hardstanding area that was purpose built for composting and no additional land or resources would be required to facilitate the development.
67. The Council's Ecologist has raised no objections to the proposal stating that that the disturbance risk to ecological receptors, including Quarrington Hill, Coxhoe Bank, Coxhoe Ponds and Raisby Pond LWS and Raisby Hill Quarry, Raisby Hill Grassland and Quarrington Hill Grassland SSSI in and around the site would be negligible.
68. In conclusion, it is considered that the proposal would not result in the loss of valuable habitat or harm to protected species. The proposal would therefore not conflict with WLP Policy W17 and Part 15 of the NPPF.

69. Paragraph 110 of the NPPF states plans and decisions should take account of whether: opportunities for sustainable transport modes have been taken up; safe and suitable access can be achieved; improvements can be undertaken to limit significant impacts of development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. The Locational Criteria in NPPW Appendix B include traffic and access considerations: 'Considerations will include the suitability of the road network and the extent to which access would require reliance on local roads, the rail network and transport links to ports'. WLP Policy W29 seeks to ensure that measures are incorporated into developments to minimise the transportation of waste and Policy W31 requires proposals to demonstrate that traffic generated by the development can be safely and conveniently accommodated on the highway network without causing detrimental impact to local amenity. WLP Policy W32 sets out means of mitigation that should be secured to ensure that development does not result in harm to the highway network.
70. The proposed development would be accessed via the existing entrance for Joint Stocks landfill site from the B6291 road. The site has an existing weighbridge and wheelwash facilities.
71. During the 34 week green waste collection period it is expected that the proposal would generate 16 deliveries per day (16 and 16 out). Exports of material from the site would occur on a less uniform schedule but would equate to approximately 100 per month. All deliveries and exports would occur during the operating hours of 0700 to 1800 Monday to Friday and 0700 to 1600 Saturdays. No deliveries would occur on Sundays or Bank Holidays.
72. Highways officers have assessed the proposal and commented that the proposal would generate an average of approximately 9 vehicles per hour if arrivals are on a flat profile spread across the day. If arrivals were to peak during mid-morning and afternoon it is envisaged that there could be up to 18 vehicle movements within the peak hour. This level of traffic movement would be discernible but would not give rise to concern when compared to previous operations. Officers note that the access to the site is engineered to accommodate large vehicle movements and would be acceptable for future use. No personal injury records have been recorded along the section of the B6291 from which access is taken. Records indicate that traffic volumes are low at approximately 2400 annual average daily traffic (AADT) with average speeds of 43mph. Officers recommend that a scheme of road marking replacement should be implemented as the current markings are severely worn due to volumes and size of vehicles turning into and out of the site. This could be delivered by condition.
73. Subject to conditions setting a limit on vehicle movements and requiring new road markings at the site entrance it is considered that the proposal would accord with WLP Policies W29, W31 and W32 and Part 9 of the NPPF. WLP Policies W29 and W31 are considered to be consistent with the NPPF and although W32 is only partially consistent, as it does not fully reflect Regulation 122 of The Community Infrastructure Levy (CIL) Regulations 2010. However, the CIL Regulations only apply in relation to legal agreements and as it is proposed to control this development with planning conditions the policy can be afforded weight in this circumstance.

Access and Rights of Way

74. Part 8 of the NPPF seeks to promote healthy communities with a key reference being towards the protection and enhancement of public rights of way and access. WLP Policy W24 requires proposals to demonstrate that there would not be a significant impact upon the recreational value of the countryside, including the local path network. WLP Policy W24 is considered to be consistent with the NPPF and can be given weight in the decision making process.
75. The nearest public right of way (PRoW) is Footpath No. 20 (Coxhoe Parish) which runs north to south at the western end of the site, approximately 35m from the proposed composting area. Whilst the footpath is physically close to the site it is separated by dense woodland and perimeter fencing. In addition, the composting area is at the foot of the quarry face and even without the woodland it would not be visible from the PRoW. It is therefore considered that the proposal would not conflict with WLP Policy W24 and Part 8 of the NPPF.

Flooding and drainage

76. National advice within the NPPF and PPG with regard to flood risk advises that a sequential approach to the location of development should be taken with the objective of steering new development to flood zone 1 (areas with the lowest probability of river or sea flooding). When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment.
77. Due to the nature of the proposal all surface water arising from the composting material, rainfall or runoff from the wider site would be collected in drains adjoining the composting pad. Water collected in these drains would be tankered off site for disposal as required and as per the current management regime for the site. Drainage and Coastal Protection officers and the Environment Agency have raised no objections in relation to flooding and drainage and the proposal is therefore considered to accord with WLP Policy W26 and Part 15 of the NPPF.

Landscape

78. WLP Policy W7 states that proposals for waste developments which would result in the loss of important landscape features or which would have a significant adverse effect on the character of the landscape will not be permitted. Paragraph 170 of the NPPF seeks to protect valued landscapes and Appendix B (criterion C) sets out the requirement to consider landscape character. The proposed development would be carried out on an existing concrete pad that has been used for the same purpose in the past at a more intense scale. The compost windrows would have a typical maximum height of 4m but as the site is located within a former quarry that is entirely screened by tree planting such that there would be no local or ranged views of the development. The processing of green waste to compost is considered to be visually recessive development and in the context of an established landfill site the visual impact would be negligible. It is therefore considered that the proposal would not conflict with WLP Policy W7, Part 15 of the NPPF or Appendix B of the NPPW. WLP Policy W7 is considered to be consistent with the NPPF.

Cultural Heritage

79. WLP Policy W18 seeks to protect listed buildings from waste developments which would result in the demolition, alteration with adverse impact, damage or other

adverse change to the special character or setting of a listed building. Paragraph 194 of the NPPF requires any harm to, or the loss of, the significance of a designated heritage asset to be supported by clear and convincing justification. This is supported by Appendix B (criterion E) of the NPPW.

80. The nearest heritage assets to the site are the Grade II War Memorial at Coxhoe Front Street approximately 750m to the south west of the site, the Grade II Commemorative Monument at Church Kelloe approximately 1.6km to the east of the site and the Grade I Parish Church and Cross, also at Church Kelloe approximately 1.7km to the east of the site. Due to the intervening topography, screening and other buildings it is considered that the proposed development would have no harm on any heritage assets. The proposal would therefore not conflict with WLP Policy W18, Part 16 of the NPPF or Appendix B of the NPPW. WLP Policy W18 is considered to be consistent with the NPPF.

CONCLUSION

81. Planning policy is generally supportive towards sustainable waste management initiatives and seeks to locate composting and treatment operations on previously developed land in sustainable locations. The proposal would be located on an existing hard standing platform that was purpose built for composting. The proposal would therefore be making use of any otherwise redundant site. The site is well located close to a major road and on a waste site that has existing welfare and vehicle cleaning facilities. In addition the site would contribute towards diverting waste materials up the waste hierarchy, away from landfill.
82. The environmental effects of the proposal have been considered and found acceptable with appropriate conditions. It is considered that the proposed development would not have any adverse impacts on residents or neighbouring uses subject to appropriate conditions. The impact of the proposed development on the local highway network has been considered and deemed acceptable by Highway Authority Officers.
83. The proposal is considered to broadly accord with the relevant policies of the County Durham Waste Local Plan and meet the aims of national planning guidance contained within the NPPW and relevant sections of the NPPF.

RECOMMENDATION

That the application is **APPROVED** subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall cease with the concrete pad and any other associated infrastructure removed prior to the restoration of Joint Stocks Landfill site and no later than 30 December 2041.

Reason: to ensure that the operation of the site does not delay the restoration of the landfill in accordance with County Durham Waste Local Plan Policy W36 and Part 15 of the National Planning Policy Framework.

3. The development hereby approved shall be carried out in accordance with the following approved plans and documents:

Drawing No. DCC/JTS/001 'Site Plan and Traffic Routing'
Plan 4 Composting Process Operational Plans for the Composting Season
Design and Access Statement
Noise Assessment Report DCC/CF/NA/08/18

Reason: To ensure the development is carried out in accordance with the approved documents in accordance with County Durham Waste Local Plan Policies W3, W7, W1 and W33, Part 15 of the National Planning Policy Framework and Paragraph 7 of the National Planning Policy for Waste.

4. Within 6 months of the commencement of development the road markings at the junction of the site with the B6291 shall be repainted.

Reason: In the interests of highway safety in accordance with County Durham Waste Local Plan Policy W32 and Part 9 of the National Planning Policy Framework.

5. No movement of vehicles, deliveries or processing of waste associated with the development shall be carried out other than between the hours of 0700 to 1800 Monday to Friday, 0700 to 1600 Saturdays. There shall be no operations other than emergency works on Sundays or Bank Holidays.

Reason: In the interests of residential amenity and highway safety in accordance with County Durham Waste Local Plan Policy W31 and W33, Parts 9 and 15 of the National Planning Policy Framework and Paragraph 7 of the National Planning Policy for Waste.

6. Vehicle movements to the site in connection with the receipt and processing of green waste material and export of processed compost shall be restricted to no more than 50 HGV movements per day. The operator shall maintain a record of all vehicles using the site in connection with these activities and a certified copy of this record shall be afforded to the Local Planning Authority on request within 2 working days of such a request.

Reason: In the interests of highway safety in accordance with County Durham Waste Local Plan Policy W32, Part 9 of the National Planning Policy Framework and Paragraph 7 of the National Planning Policy for Waste.

7. All vehicles leaving the site shall be sufficiently cleaned in order to ensure that mud, dirt, and waste is not transferred onto the public highway.

Reason: In the interests of residential amenity and highway safety in accordance with the County Durham Waste Local Plan Policy W31 and W33, Part 15 of the National Planning Policy Framework and Paragraph 7 of the National Planning Policy for Waste.

STATEMENT OF PROACTIVE ENGAGEMENT

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

BACKGROUND PAPERS

- Submitted application form, plans supporting documents and subsequent information provided by the applicant.
- County Durham Waste Local Plan (2005)
- The National Planning Policy Framework (2018)
- National Planning Practice Guidance notes.
- National Planning Policy for Waste
- DCC Sustainable Urban Drainage Systems Adoption Guide 2016
- Statutory, internal and public consultation responses

