

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	DM/18/03100/OUT
FULL APPLICATION DESCRIPTION:	Outline application for residential development comprising 4 dwellings with all matters reserved
NAME OF APPLICANT:	Mr Brinn Barber
ADDRESS:	Land To The West Of Eden Cottage, Station Town TS28 5EZ
ELECTORAL DIVISION:	Blackhalls
CASE OFFICER:	Paul Hopper (Senior Planning Officer) Tel: 03000 263 946 Email: paul.hopper@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site comprises a rectangular parcel of land approximately 0.28 hectares in area located to the south east of Station Town/Wingate and is situated between a pair of semi-detached properties at Carmel Cottage to the west and two detached dwellings to the east at Eden Cottage and Hutton Cottage. In the wider landscape the site is framed to the north and south by open space and agricultural land.
2. At present the site is used for some limited agricultural purposes with a handful of horses and goats grazed at the site which also hosts a small timber structure and several items of machinery and other paraphernalia. Access is taken via the C22 to the south and the site is framed by a mix of hedgerow to its southern boundary and post and rail fence throughout the remainder.

The Proposal

3. Whilst it is noted that the application initially included conflicting information as to the total number of dwellings proposed, the applicant has since confirmed that outline planning permission is sought for the erection of 4 dwellings at the site with all matters reserved for future consideration.
4. Whilst details of layout, landscape, appearance, scale and access are all reserved for future consideration, the application is nevertheless supported by an indicative site layout which was amended during the course of the application and shows a linear arrangement of 4 detached properties with associated double garages each set with its own curtilage and taking an access from the C22 to the south.

5. The application is being reported to planning committee at the request of Cllrs Croute and Pounder who are the Local Councillors for the ward and considered the planning balance as contained in paragraph 11 of the NPPF to be such that the matter should be considered by Planning Committee.

PLANNING HISTORY

6. This application represents the resubmission of a similar proposal in 2018 for 6 dwellings which was subsequently withdrawn.

PLANNING POLICY

NATIONAL POLICY

7. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependent.
8. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve 'core planning principles'. The following elements of the NPPF are considered relevant to this proposal;
9. *NPPF Part 5 Delivering a Wide Choice of High Quality Homes.* The Government advises Local Planning Authority's to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities
10. *NPPF Part 6 Building a Strong, Competitive Economy:* The Government is committed to ensuring the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.
11. *NPPF Part 8 Promoting Healthy Communities.* The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted
12. *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.
13. *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.

14. *NPPF Part 15 Conserving and Enhancing the Natural Environment*: Planning policies and decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development and mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions.
15. *NPPF Part 16 Conserving and Enhancing the Historic Environment*: Working from Local Plans that set out a positive strategy for the conservation and enjoyment of the historic environment, LPA's should require applicants to describe the significance of the heritage asset affected to allow an understanding of the impact of a proposal on its significance.

LOCAL PLAN POLICY:

16. The following policies of the Easington District Local Plan are considered relevant to the determination of this application.
17. Policy 1- 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. The location, design and layout will also need to accord with saved policies 3, 7, 14-18, 22 and 35-38.
18. Policy 3 - Development limits are defined on the proposal and the inset maps. Development outside 'settlement limits' will be regarded as development within the countryside. Such development will therefore not be approved unless allowed by other policies.
19. Policy 14 - Development which (either individually or cumulatively) is likely to adversely affect (either directly or indirectly) a designated or candidate special area of conservation, and is not directly connected with, or necessary for, managing the scientific interest of the site, will only be approved where:
 - i) There is no alternative solution; and
 - ii) There are imperative reasons of over-riding national interest for the development. In the case of sites which host a priority habitat or a priority species, such development will only be approved where:
 - iii) It is necessary for reasons of human health or public safety; or
 - iv) Beneficial consequences of primary nature conservation importance arise.

Before any project is allowed, developers will be required to demonstrate that adverse effects are minimised and that commensurate efforts to compensate for unavoidable damage are made.'

20. Policy 18 - Development which would significantly adversely affect, either directly or indirectly, any protected species or its habitat will only be approved where the reasons for the development clearly outweigh the value of the species or its habitat. Before any project is allowed, developers will be required to demonstrate that adverse effects are minimised and that commensurate efforts to compensate for unavoidable damage are made.
21. Policy 35 - 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.

22. Policy 36 - The design and layout of development should ensure good access and encourage alternative means of travel to the private car.
23. 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.

EMERGING COUNTY DURHAM PLAN:

The County Durham Plan

23. Paragraph 213 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 (CofDP) 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 in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www.cartoplus.co.uk/durham/text/00cont.htm>.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

24. The Highway Authority has no objection to the application after the applicant demonstrated that the proposed vehicular access crossings within the extended 1.8 metres wide footpath could be of a footway crossing, type and not the radius kerb type as suggested on the Indicative Proposed Site Plan. In addition the plan was also amended to demonstrate that the proposed 4 No. 4 bed bungalows could be supported by in curtilage turning in order to avoid the requirement for non-allocated visitor car parking spaces.

INTERNAL CONSULTEE RESPONSES:

25. Spatial Policy Section confirms that the planning application should be assessed in the context of para 11 of the NPPF as the policies which are most important for determining the application are out-of-date. Consequently, a scheme should be supported unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
26. Landscape Section raises objection to the application noting that the proposals would have substantial adverse landscape and visual impact in a DCC *Landscape Improvement Priority Area* where the spatial policy aim is to *restore and enhance*.
27. Environmental Health Section (Noise Action Team) has no objection to the application subject to the inclusion of planning conditions to control the environmental impact of the development during the construction phase (to include the submission and agreement of a construction management plan to demonstrate how noise, vibration and dust in particular would be controlled).

28. Contaminated Land Section has no objection to the application subject to the inclusion of the standard planning condition relating to the need for a contaminated land risk assessment, intrusive site investigations and remediation and verification where need is identified.
29. Ecology Section raises no fundamental objection to the application but notes the need for a HRA commuted sum payment to offset the impact of the development upon the Heritage Coast should no mitigation be provided on site, and that as the development would have a significant impact upon biodiversity that this should be mitigated either on site or through a commuted sum for offsite works.

PUBLIC RESPONSES:

30. The application has been publicised by way of site notice and notification letters sent to neighbouring properties. No representations have been received.

APPLICANTS STATEMENT:

31. The application site lies to the North of the C22 road as it leaves the main settlement area of Station Town heading towards Hutton Henry. The site is a plot of land approximately 105 metres long x 26 metres deep, between Carmel Cottage to the West and Eden Cottage to the East. The Northern boundary of the site lines through exactly with the Northern boundary of both of the above cottages. It is therefore a natural infill site.

Agricultural land lies to the North of all of these properties. Eden Cottage is not an isolated building outside the main settlement area. It has two neighbouring properties, Hutton Cottage and Newton Cottage on the first of a double bend in the road. On the second bend is the prominent and relatively new development of Hartbushes, comprising 12 detached two storey dwellings.

As the road continues towards Hutton Henry there is continuous long established development to the North of the C22, ending with a small terrace of 4 properties. Therefore on the north side of the C22 road there is continuous development from Station Town to the end of the terrace mentioned above, with the exception of the application site.

All of the above identified properties have Station Town addresses. The application site has limited use as anything other than a site to keep few livestock or horses on.

As tends to happen with these type of sites certain local people see these areas as a convenient site to dispose of their various types of rubbish, resulting in a very untidy area.

The full application site has three different owners, with the owner of the largest area making the application on behalf of the other two owners, who each wish to build their own single bungalow for their personal use.

In recent years there have been two separate planning enquiries in respect of this site. In May 2016 one of the co-owners enquired about building two bungalows on part of the site.

The planning officer's response was to advise that a formal application would be likely to be refused. In October 2016 a further enquiry was submitted in respect of 2 separate blocks of four & five terraced houses on the whole of the site. This enquiry was made by a potential developer.

A different planning officer's response to this further application was more detailed and concluded that the application could be approved if the applicants could demonstrate that the benefits of approving the application would outweigh the detrimental impact of the development upon the character and appearance surrounding area.

On the basis of the response to the second enquiry my client submitted an outline application for six detached dwellings on the site. Following discussions with the Planning Section this was later amended to 4 bungalows to reduce the visual impact of the proposal.

For the following reasons we believe that the case for approving the application outweighs any perceived impact on the character of the area.

1) The site, with its existing limited use, can never be anything other than a visual eyesore and a convenient fly-tipping area. A small high quality residential development would remove the potential for the site to become even more of an eyesore in the future.

2) Part 6 of the National Planning Policy Framework refers to the need to significantly boost the supply of housing, and applications should be considered in the context of the presumption in favour of sustainable development. Page 6 of the recently revised NPPF further advises that Planning Permission should be granted unless the benefits of refusing the application would SIGNIFICANTLY & DEMONSTRABLY outweigh the benefits of granting Planning Permission.

Not one letter of objection has been received from the public about this application.

The Parish Council have raised no objections.

As part of the Council's internal consultation process the following have responded. The Highways Officer has raised no objections to the proposal.

The Senior Environmental Health Officer has asked for 2 conditions to be attached to any approval. These are standard conditions attached to most Planning applications of this nature.

The Landscape Officer has responded with talk of rewarding distant rural views to the North from the C22 being lost by the development. At present it is hard to quantify just who exactly benefits from these rewarding views, especially as he confirms that there is intermittent hedging currently obscuring those views. The vast majority of people travelling along this road will be in motorised vehicles and one would presume they are concentrating on the road ahead, not gazing at the distant countryside.

In conclusion we ask that the Council Planning Committee members deciding this application weigh up the benefits of approving a small development of self-build homes on a currently untidy site that is a natural infill between existing groups of properties, against the perceived loss of rural character and the somewhat vague notion of the loss of distant rural views.

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 <http://82.113.161.89/WAM/showCaseFile.do?action=show&appType=planning&appNumber=10/00955/FPA>

PLANNING CONSIDERATIONS AND ASSESSMENT

32. 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 Paragraph 212 of 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, locational sustainability of the site, landscape and visual impact, impact upon residential amenity, highway safety, ecology and land contamination.

Principle of Development

33. 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) remains the statutory development plan and the starting point for determining applications as set out in the Planning Act and reinforced at Paragraph 12 of the NPPF. However, the NPPF advises at Paragraph 213 that the weight to be afforded to existing Local Plan policies will depend on their consistency with the NPPF.
34. The Easington District Local Plan (EDLP) was adopted in 2004 and was intended to cover the period to 2006. The 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. Notwithstanding this, it is considered that a policy can be out-of-date if it is based upon evidence which is not up-to-date/is time expired.
35. On this basis, 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, and the weight to be afforded to the policies reduced as a result. However, this does not make out of date policies irrelevant in the determination of a planning application. Nor do they prescribe how much weight should be given to such policies in the decision, this being a matter for the decision maker, having regard to advice at Paragraph 213 of the NPPF.
36. Policy 3 of the EDLP is relevant and seeks to restrict new development within the countryside and outside of existing settlements other than specifically permitted by other policies in the plan. In addition, Policy 67 of the EDLP is also relevant and 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.
37. However, the out of date evidence base which underpins these policies means that they must be regarded as out of date for the purposes of paragraph 11 of the NPPF and as a consequence, can be afforded only limited weight.

38. Consequently, as the development plan policies which are most important for the determination of the application are out of date, regard must therefore be had to Paragraph 11 of the NPPF which establishes a presumption in favour of sustainable development. For decision taking this means (unless material considerations indicate otherwise);
- approving development proposals that accord with the development plan without delay; and
 - where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - i) the application of policies in the framework that protect areas or assets of particular importance provides a clear reason for refusal or
 - ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
39. Having regard to the above, the Development Plan is considered to be out of date and there are no policies which protect areas or assets of particular importance which provide a clear reason for refusal with respect to this proposed development. As a result, the acceptability of the development largely rests on planning balance of whether any adverse impacts of approving the development would significantly and demonstrably outweigh the benefits.

Five year Housing Land Supply

40. Paragraph 73 of the updated NPPF maintains the requirement for Local Planning Authorities (LPAs) to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old.
41. Within County Durham all of the extant development plans are more than five years old and their housing figures need revising so the starting point for calculating land supply will be local housing need using the Government's standard methodology. The 'Preferred Options' (June 2018) stage of the emerging County Durham Plan (CDP) is aligned with the standardised methodology and identifies a housing need figure of 1,368 dwellings per annum (dpa). The Council is able to demonstrate in excess of 6 years supply of deliverable housing land against this figure.
42. Although in a recent written representations appeal involving land to the south of Castlefields, Esh Winning, the Inspector took the view that supply had not been demonstrated by the Council in the terms of paragraph 74 of the Framework, the Council's view is that the Inspector applied paragraph 74 prematurely in this appeal because paragraph 74 does not allow for submission of an Annual position statement on 5 YHLS until April 2019 at the earliest. It was therefore impossible for the Council to have such an annual position statement in place at the time of the appeal.

43. To summarise, the Council's position remains that the NPPF has confirmed the use of the standard method for calculating local housing need and as the emerging CDP is aligned with the figure derived from the standardised methodology (1,368dpa), a supply in excess of 6 years supply of deliverable housing can be demonstrated when measured against this.
44. Accordingly, the benefit of boosting housing land supply will need to be factored into the planning balance, whilst recognising that the benefits of delivering new housing would be less than if a shortfall in supply existed.

Locational Sustainability of the Site

45. Paragraph 103 of the NPPF states that the planning system should actively manage patterns of growth in support of focussing significant development on locations which are or can be made sustainable through limiting the need to travel and offering a genuine choice of transport modes. In this respect, whilst recognising that the development is located on the edge of Station Town/Wingate it is nevertheless noted that the Wingate and Station Town area is categorised as a small town/large village by the Council's most recent settlement study, noting that such areas generally contain a reasonable array of services due to their location, which tends to be far enough away from the main towns to ensure that these settlements are self-sustaining, but to a lesser degree. Given the links to existing shops, services and employment opportunities and noting the fact that the site is reasonably well served by public transport there being two bus stops within walking distance served by a lit footpath, the site is considered to represent a sustainable location.

Impact upon the character and appearance of the surrounding area

46. The site is located within the countryside to the north of the C22 between Station Town and Hutton Henry and although not subject to any specific landscape designation nevertheless occupies a prominent location within an area which is identified in the Council's Landscape Strategy as being an area of Landscape Improvement where the strategic aim is to 'restore and enhance'.
47. Previous sporadic ribbon development is present along this section of highway between Station Town/Wingate and Hutton Henry which has eroded the rural character of the surrounding landscape and resulted in a degree of coalescence between the two settlements.
48. Policy 35 of the EDLP relates to the general design and layout of new development and requires that development reflect the scale and character of adjacent buildings and the area generally, particularly in terms of site coverage, height, roof style, detailed design and materials and should provide appropriate landscape features and screening where required. This is considered to display a broad level of accordance with the aims of paragraph 127 of the NPPF which states that planning decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting. Accordingly, full weight should be afforded to this policy.
49. The application, whilst in outline with all matters reserved, proposes a total of 4 detached dwellings of bungalow style set in a linear form infilling an area between a pair of semi-detached properties to the west and a brace of detached dwellings to the east. The length of frontage proposed to be created onto the C22 would be notable at approximately 104 metres and the indicative drawing showing a possible arrangement whereby the dwellings would present principal elevations to the south, each taking its own access through the existing boundary hedge.

50. The application site is located on the Central East Durham Plateau which is a broad open and gently undulating landscape comprising predominantly large fields and offers distant views. The character of the area in this context is assessed as being one of medium sensitivity to the effects of built environment and it is noted that the site is at present only partially obscured from the adjacent lane by surviving sections of a hedge.
51. The Council's Landscape Section has been consulted and raises objection to the application noting that the development would have substantial adverse landscape and visual effects. In particular, it is considered that the development would have a significant and detrimental impact upon the defining rural characteristic of this short stretch of highway immediately beyond the eastern edge of the settlement through the introduction of the 4 bungalows proposed, which would be exposed to views from the C22 in an area which at present signals the transition between the residential framework of Station Town and the open countryside between it and Hutton Henry. In addition, it is considered that the development would result in an unacceptable level of encroachment into the open countryside further compounding the issue of coalescence of the two settlements, resulting in the loss of rewarding, distant rural views to the north from the C22 to the detriment of the rural landscape character of the area contrary to policy 35 of the EDLP and paragraph 127 of the NPPF.

Impact upon Residential Amenity

52. Policy 35 of the EDLP requires that the layout and design of new development will be required to have no serious adverse impact on the amenity of people living and working in the vicinity of the development site and the existing use of adjacent land or buildings in terms of privacy, visual intrusion, noise, other pollutants and traffic generation. This is considered to display a broad level of accord with the aims of the NPPF at paragraphs 127 and 180 which require new development to function well and add to the quality of the overall area and prevent both new and existing development from contributing to, or being put at unacceptable risk from, unacceptable levels of pollution respectively. Accordingly, full weight is to be afforded to this policy.
53. Whilst it is noted that detailed matters in relation to scale and layout are reserved for future consideration the application is nevertheless supported by an indicative site layout which shows a total of 4 No. properties set in a linear street arrangement each taking a point of access from the C22 to the south. The indicative plan shows that an acceptable arrangement can be achieved which secures adequate separation distances for existing and proposed occupiers and that adequate private amenity space could be achieved for each unit.
54. Consequently, the application provides sufficient information in order to demonstrate that the site is capable of accommodating residential development of the type described without adverse impact upon residential amenity. In this regard the agreement of precise detail in terms of layout, appearance and scale could be subject to detailed consideration at reserved matter stage
55. In order to limit the potential for disturbance during construction phase the Council's Environmental Health Section (Noise Action Team) recommends that conditions be included to limit the hours of construction and to ensure the use of best practicable means of suppression of noise, dust and vibration during this time.
56. Overall, the scheme would therefore comply with EDLP Policy 35 and Part 15 of the NPPF in that it would not lead to a significant reduction in residential amenity for existing or future residents.

Access and Highway Safety

57. As already noted the application relates to outline planning permission with all detailed matters reserved for future consideration including access. Nevertheless the applicant has provided an indicative plan in order to demonstrate that safe and satisfactory means of access to the site could be achieved, which in this case takes the forms of 4 separate points of access serving each unit directly from the C22 to the south of the site.
58. Policy 36 of the EDLP requires that new development provide safe and adequate access capable of serving the amount and nature of traffic to be generated. This is considered consistent with paragraph 108 of the NPPF in respect of achieving safe and suitable site access.
59. The Highway Authority raises no objection to the application as the applicant provided a revised indicative proposed layout plan which demonstrates that a turning head could be incorporated within each plot and that the proposed vehicular access crossings within the extended 1.8 metres wide footpath could be of a footway crossing type and not the radius kerb type as suggested on the Indicative Proposed Site Plan.
60. In summary, it is considered that sufficient information has been provided to demonstrate that the development could be served by a safe and sufficient means of access although it is noted that consideration of precise detail in this regard would be subject to a reserved matter application should members be minded to approve the application. The proposal is therefore considered acceptable in accordance with the aims of policy 36 of the EDLP and paragraph 108 of the NPPF.

Ecology

61. Policies 14 and 18 of the EDLP seek to protect Special Areas of Conservation and protected species and habitats respectively and this is considered to display a broad level of accordance with Part 15 of the NPPF which seeks to ensure that developments protect and mitigate harm to biodiversity interests.
62. There are no structures of note currently present on site and as noted in the site summary the predominant use appears to be that of agriculture with a number of horses and goats grazed across part of the site.
63. However, the impact of the development has been assessed using the biodiversity calculator as advised by the Council's Ecologist which concluded that there would be some adverse impact in this regard in terms of a net loss to the sites current biodiversity value. Paragraph 175 of the NPPF requires that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.
64. As there is no potential for mitigation to be undertaken on site, the applicant has agreed to make a commuted sum payment of £3951.28 for offsite works in the form of species rich grassland improvements and in this regard a scheme at Castle Eden Walkway has been identified as being suitable. Officers are satisfied that this is required to make the development acceptable and that this sum could be adequately secured through appropriate Legal Agreement and in this context the Council's Ecologist raises no objection to the application.

65. The Council's Ecologist has also notes that the proposed development is within the 6km Durham Coast HRA buffer therefore a financial contribution to the Coastal Management Plan is required to mitigate impacts as a result of new housing development. Durham County Council has carried out screening in compliance with the Habitats Regulations for all housing allocations in the county, this work was done in conjunction with Natural England, and after Appropriate Assessment, concluded that there is likely to be a significant effect on the Northumbria Coast SPA and Durham Coast SAC from new housing development within 6km of the coastal European sites due to increased recreational impacts including dog walking and coastal erosion. It was agreed that mitigation for those identified impacts upon the European protected sites will include the provision of alternative green space suitable for off-lead dog walking and or a financial contribution to the coastal management plan designed to limit the identified impacts.
66. The applicant has agreed to make a contribution of £323.92 per residential unit towards one of the strategic programmes within the Heritage Coast Management Plan.
67. Subject to the commuted sums being made available and secured through S106 Legal Agreement, it is considered that the proposed development would accord with saved policy 14 of the EDLP and part 11 of the NPPF, both of which seek to protect and enhance biodiversity and the natural environment.

Contaminated Land

68. Paragraph 178 of the NPPF requires that planning decisions should ensure that the site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposal for mitigation including land remediation or impacts on the natural environment arising from that remediation.
69. It is noted that the site is currently used for agriculture and as the proposal relates to a residential development which is a more sensitive use the Council's Contaminated Land Section raises no objection to the application subject to the inclusion of a planning condition requiring the submission and agreement of a Contaminated Land Risk Assessment (including intrusive site investigation and the implementation of remediation and verification where need is identified). Subject to a condition in this regard the development is therefore considered to accord with the requirements of paragraph 178 of the NPPF.

Drainage

70. The application proposes the disposal of surface water to SuDs and foul water to the existing system. Both arrangements are considered acceptable in principle and precise detail could be secured through planning condition. In this respect the development is considered to accord with the requirements of policy 1 of the EDLP.

Planning Balance

71. As the relevant policies of the EDLP are considered to be out of date, the presumption in favour of sustainable development as contained in paragraph 11 of the NPPF is engaged and in this regard a summary of the benefits and adverse impacts of the proposal are considered below;

Benefits

72. The development would provide some limited benefit in terms of a boost to housing supply, although it is noted that this could be considered severely limited at 4 dwellings in the context of the Council's ability to demonstrate a 5 year supply of housing land.
73. To a limited 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. This would include the creation of construction jobs, as well as further indirect jobs over the lifetime of the development. A temporary economic uplift would be expected to result from the development and expenditure benefits to the area. Such benefits can be afforded some limited weight.

Adverse Impacts

74. It is considered that the development would have a significant and detrimental impact upon the defining rural characteristic of this short stretch of highway immediately beyond the eastern edge of the settlement through the introduction of the 4 bungalows proposed, which would be exposed to views from the C22 in an area which at present signals the transition between the residential framework of Station Town and the open countryside between it and Hutton Henry. In addition, it is considered that the development would result in an unacceptable level of encroachment into the open countryside further compounding the issue of coalescence of the two settlements, resulting in the loss of rewarding, distant rural views to the north from the C22 to the detriment of the rural landscape character of the area contrary to policy 35 of the EDLP and paragraph 127 of the NPPF.

CONCLUSION

75. When applying the planning balance contained in paragraph 11 of the NPPF it is considered that the adverse landscape and visual impacts of the development would significantly and demonstrably outweigh the benefits, in particular that the proposal would have a significant detrimental impact upon the defining rural characteristic of the immediate locale at the eastern edge of Station Town/Wingate creating an unacceptable level of coalescence between the settlements of Hutton Henry and Station Town/Wingate to the detriment of the rural landscape character of the area and contrary to policy 35 of the EDLP and paragraph 127 of the NPPF. Accordingly, planning permission should be refused.

RECOMMENDATION

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

76. The proposed development would have a significant detrimental impact upon the defining rural characteristic of the immediate locale at the eastern edge of Station Town/Wingate through the introduction of the 4 bungalows proposed which would be exposed to views from the C22 creating an unacceptable level of coalescence between the settlements of Hutton Henry and Station Town/Wingate to the detriment of the rural landscape character of the area and contrary to policy 35 of the EDLP and paragraph 127 of the NPPF.

STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at its decision to refuse the 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. Regretfully, a positive recommendation has not been possible in this instance. (Statement in accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

BACKGROUND PAPERS

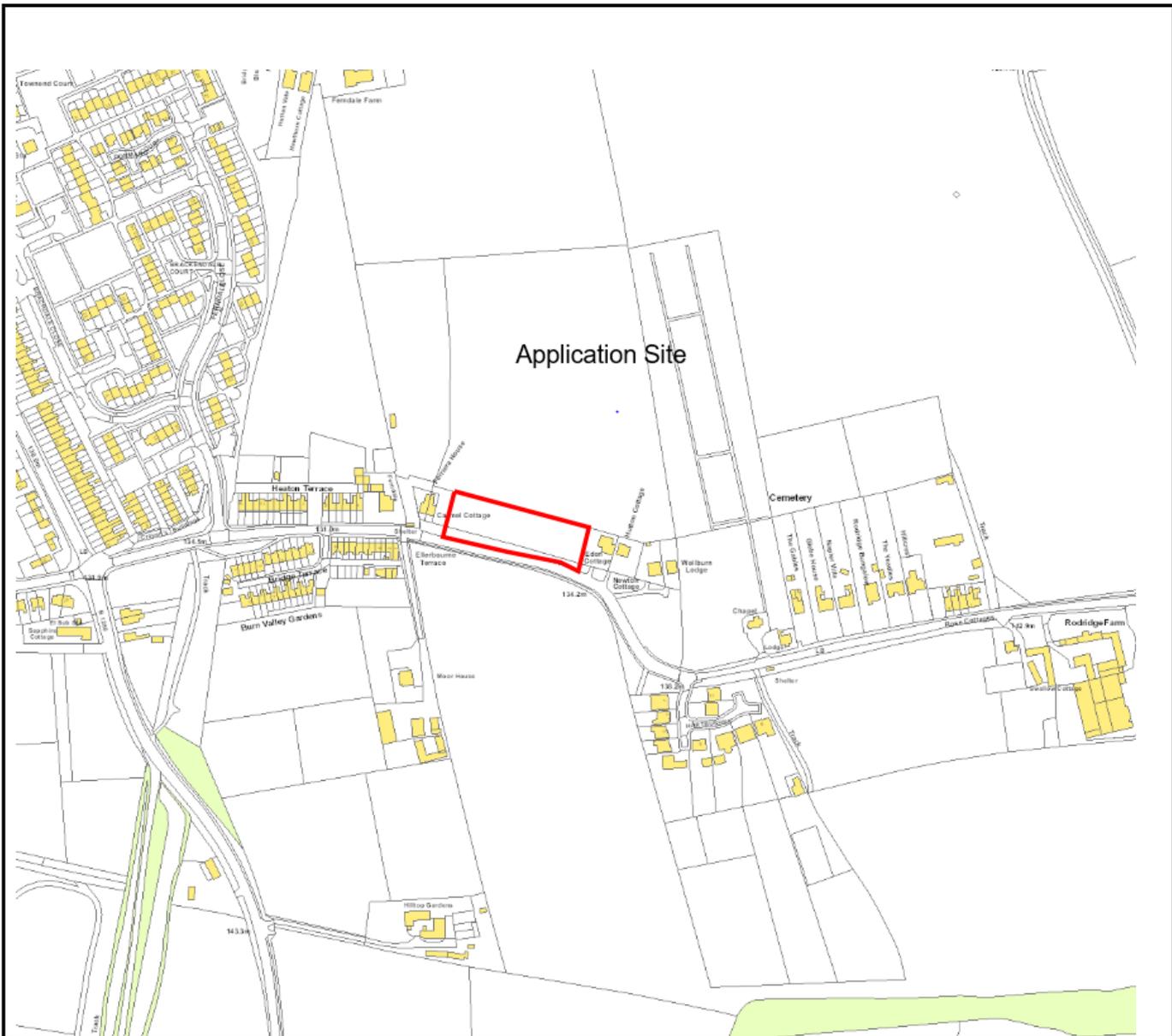
Submitted application form, plans supporting documents and subsequent information provided by the applicant.

The National Planning Policy Framework (2018)

National Planning Practice Guidance Notes

Easington District Local Plan 2007

Statutory, internal and public consultation responses



Planning Services

Outline application for residential development with all matters reserved

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Comments

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