

COMMITTEE REPORT

APPLICATION DETAILS

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| APPLICATION NO: | DM/17/01963/FPA |
| FULL APPLICATION DESCRIPTION: | Erection of 98no. two-storey 2, 3 and 4 bedroom semi and detached dwellings with associated works (Revised Plans 18th May 2018). |
| NAME OF APPLICANT: | Gleeson Regeneration Ltd |
| ADDRESS: | Land To The South Of Nursery Gardens, Thorpe Road, Easington |
| ELECTORAL DIVISION: | Easington |
| CASE OFFICER: | Graham Blakey, Senior Planning Officer 03000 264865, graham.blakey@durham.gov.uk |

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site lies to the south of Nursery Gardens, a development of 30 houses, which sits adjacent to Easington Academy on the southern side of Easington Village, and Thorpe Road, the main route into the village from the south. The site is currently agricultural fields, bordered to the north by Nursery Gardens, the east by Thorpe Road, the south by the Thorpe Burn (and A1086 roundabout beyond), and to the west by playing fields associated with the Easington Academy school.
2. The land form in the area rises from the south and the Thorpe Burn, north up to a hill crest at the entrance to Nursery Gardens before rising again to the centre of the village to the north west. The A19 trunk route sits in an elevated position beyond the site to 4-500 metres to the west, with slip roads and access routes including Stockton Road lying between. Thorpe Road bounds the site to the east, with an open thinly planted hedgerow boundary treatment along its length. Conversely, a dense, maturing tree screen and associated mounds run along the southern boundary of the modern housing of Nursery Gardens. The site is made up of two agricultural fields, with separation first shown on the 1860 Ordinance Survey map and being fully formed to the current configuration by the 1898 version of the map. A sporadic, but clearly defined traditional agricultural hedgerow runs on the same line through the centre of the field currently, clearly defining two separate parcels of land for agricultural purposes.
3. The application site lies to the south of the village centre of Easington, whereby there are several designated and non-designated heritage assets. Notably, the Easington Village Conservation Area and several listed buildings around the village green and Seaton Holme. The conservation area is located approximately 200-250 metres from the application site at the nearest point.

4. The site contains no statutory or locally designated landscapes or ecological sites. There are no designated public rights of way within the application site.

The Proposals

5. Full planning permission is sought for the erection of 98 dwellings (revised down from 129 dwellings following amendments). Dwellings would be of two storeys, having two, three and four bedrooms and would be distributed across the development site.
6. The proposed layout shows a number of cul-de-sacs from several straight run lengths of internal roads, with most of the open space focused to the Thorpe Burn boundary of the site and the Thorpe Road / A1086 roundabout to the south east corner. Level differences between the application site and Thorpe Road as it heads up from the roundabout have resulted in proposed housing being set at a lower level than the road along most of the proposed development boundary, resulting properties facing side-on to the road for the most part.
7. Vehicular access is proposed via a new site entrance from Thorpe Road mid-way between the entrance to the village at the crest of the hill adjacent to the Nursery Gardens access point to the north, and the roundabout to the south of Thorpe Road. A standard T-junction arrangement is proposed.
8. This planning application is being reported to the Central and East Planning Committee because it is a major residential development with a site area in excess of 1 hectare and over 10 dwellings.

PLANNING HISTORY

9. No previous planning history for this site.

PLANNING POLICY

NATIONAL POLICY

10. 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.
11. 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.

12. *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.
13. *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.
14. *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.
15. *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.
16. *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.
17. *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.
18. *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.
19. *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.
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; 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 (2001) (EDLP)

24. *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.
25. *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.
26. *Policy 6 – Strategic Gap between Easington Village and Peterlee.* The open area separating Easington Village and Peterlee is allocated as a ‘green wedge’. In this area development is limited to agriculture, horticulture, forestry, wildlife reserves and informal recreation uses. All proposals should maintain the open nature of this area.
27. *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.
28. *Policy 15 – Protection of Sites of Special Scientific Interest and National Nature Reserves.* Development that is likely to affect Sites of Special Scientific Interest (SSSI) or National Nature Reserves (NNRs) will only be permissible if no alternative solution can be found and is in the national interest. Minimisation of the impacts and appropriate compensation is required where works affect SSSIs or NNRs.

29. *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 there is no alternative solution and the development is of national interest.
30. *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.
31. *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.
32. *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.
33. *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.
34. *Policy 37 – Design for Parking.* The design and layout of parking should seek to minimise the level of parking provision.
35. *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.
36. *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.

EMERGING PLAN:

The County Durham Plan

37. Paragraph 48 of the NPPF states 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' stage CDP was subject to consultation in summer 2018. On the 16th January 2019, Cabinet approved the 'Pre Submission Draft' CDP for consultation. 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:

38. *Highways England* – Raise no objection subject to a condition to agree a construction management plan, ensuring traffic flows on to the A19 is suitably managed.
39. *Highway Authority* – Objects to the proposals. Revised Transport Assessment demonstrates that there are no material impacts from traffic generation on the local highway network. Visibility splays from the proposed access and levels of visitor parking are acceptable, however drive lengths to several plots would lead to overhanging of the highway by parked cars.
40. *Drainage and Coastal Protection* – Objects to the proposals. A greenfield run-off rate from the site is agreed, however the proposed development does not outline adherence to the Surface Water Management Plan with the incorporation of sustainable urban drainage systems (SuDs), contrary to the requirements of the NPPF and Planning Practice Guidance (PPG).
41. *Northumbrian Water* – Raises no objection subject to a condition to agree the drainage strategy prior to the commencement of the development.

INTERNAL CONSULTEE RESPONSES:

42. *Spatial Policy* – Objects to the proposals. Within the EDLP the land subject to this application is designated as a strategic gap ('Green Wedge') between Easington Village and Peterlee. The key determining factor relates to whether the proposal is in accordance with the Statutory Development Plan and if not whether there are other material considerations that indicate planning permission ought to be granted. The Statutory Development Plan that applies to the determination of the application site continues to comprise the EDLP. EDLP Policy 6 states that "development will be limited to agricultural, horticulture, forestry, wildlife reserves and informal recreation uses involving the quiet enjoyment of the countryside. All proposals should maintain the open nature". There are three essential functions for Green Wedges:
 - (i) to maintain a distinction between the countryside and built-up areas;
 - (ii) to maintain a distinction between adjacent places and prevent coalescence;
 - (ii) to provide a rural setting to development.
43. It is clear that the proposal is contrary to Policy 6 of the EDLP, so it is therefore necessary to consider whether there are "other material considerations" that would justify the grant of planning permission of a development contrary to its provisions. In this instance, consideration needs to be given to the adjacent implemented developments which will extend the settlement of Peterlee northwards, and, therefore gives added weight to the need to retain this application land open as it still performs its original intended function, and were it to be lost to development it would result in the merger of Easington Village and Peterlee.
44. *Environment, Health and Consumer Protection (Contaminated Land)* – Raise no objections. The submitted reports indicate the presence of no ground contamination and no conditions are therefore requested.
45. *Environment, Health and Consumer Protection (Noise, Light, Odour and Dust)* – Raise no objections, subject to conditions relating to the agreement of a construction management plan and final noise mitigation scheme.

46. *Environment, Health and Consumer Protection (Air Quality)* – Raise no objections. Advise the site is not in close proximity of any Air Quality Management Areas, that the scheme does not result in a cumulative impact upon air quality that is considered severe. A dust management plan would be required to address dust emissions from site during the construction phase of the development.
47. *Ecology* – Objects to this proposal. No shadow Habitats Regulations Appropriate Assessment has been provided outlining how the applicant intends to mitigate for increased recreation impacts on the nearby Durham Coast Special Area of Conservation (SAC) and Special Protection Area (SPA). Increased landscape buffer does not meet the requirements of the Council's Habitat Regulations Assessment: Developer Guidance and Requirements in County Durham as it is of insufficient size to provide a circular route suitable for off-lead dog walking or similar recreational activities of equal qualities to that of the SAC it would be designed to mitigate the impacts upon.
48. *Landscape* – Objects to the proposals. The site and its surrounds are of a high visual amenity value, with the undeveloped nature of the defined visual envelope within which the site lies has a pronounced and augmented landscape value in the context of the proximity of Easington Village and Peterlee. The site is seasonally visible from properties in Nursery Gardens to the north, and continuously from Thorpe Road and properties to the north east of the site.
49. The proposed layout does not fully respect the context of the site and the presence of landscape features within the site, despite introduction of landscaping strips and areas to Thorpe Road, Nursery Gardens and the western field boundary. Public open space provision is distributed peripherally rather than distributed more effectively through the development.
50. The proposals would therefore result in significant landscape and visual effects upon the landscape in this area, remaining in clear and substantive conflict with the NPPF and EDLP Policies.
51. *Design and Conservation* – Objects to the proposals. A lack of protection of existing landscape features and their integration in to the proposed development has not been achieved. Revisions to the scheme have addressed some concerns of the original layout such as structure planting, however not all necessary changes to the scheme have been taken on board.
52. *Access and Rights of Way* – Raise no objections. No public rights of way would be affected by the proposals.
53. *Archaeology* – Raise no objections. Condition requiring trial trenching to be undertaken prior to the commencement of the development.
54. *Sustainable Travel* – Raise no objections. Existing bus stop infrastructure is partially outside of the 400m standard walking distance from the housing on the site, across a busy roundabout and within a 60mph speed zone. New bus stop infrastructure should be provided adjacent to the site prior to the occupation of the development. A final travel plan will also be required by condition within 6 months of the completion of the development.

55. *Arboricultural Officer* – Objects to the proposals. While revisions have led to the greater protection of the trees to the Thorpe Burn, the internal hedgerows lines of the two current fields have not been appropriately assimilated into the development. The loss of parts of structure planting to the south of Nursery Gardens would also lead to negative impacts as well as placing pressure upon the remaining trees from future households.
56. *School Places and Admissions Manager* – Advise that the development would likely produce an additional 30 primary school pupils and 12 secondary school pupils. Capacity exists at secondary school level but there would be insufficient capacity available at primary school level. A contribution of £323,466 would be needed to mitigate the impacts of the proposed development upon primary school places.
57. *Affordable Housing* – 10 affordable units would need to be delivered as part of a scheme for 98 dwellings. The developer in their Affordable Housing Statement has indicated that they would not be providing any affordable dwellings on the scheme as this would be unviable, however no evidence has been provided to this effect. Therefore, raises an objection to the proposals.

EXTERNAL CONSULTEE RESPONSES:

58. *Durham Constabulary Architectural Liaison Officer* – Raise no overall objections though express concerns in regards to use of loose aggregate to driveways within the proposed development, with concerns that this would lead to potential issues with antisocial behaviour.

PUBLIC RESPONSES:

59. The application has been publicised by way of press notice, site notice and individual notification letters to neighbouring residents and occupiers. A total of 95 letters of representation have been received, of which all 95 letters object to the development. Comments are summarised below.

Principle of the development

- Proposal would change the boundaries of the village and extend it towards Peterlee, altering the landscaping and blurring it with Peterlee.
- EDLP Policy 6 seeks to protect 'strategic gap' between Easington and Peterlee, which this proposal would erode.
- Site not considered within the SHLAA undertaken by the Council.
- Development to Lowhills (900 houses) and the Thorpe Hospital Site will come forward and this site would leave no gap between settlements leading to coalescence of the settlements.
- Plenty of brownfield sites in the surrounding area which should be utilised for new development first before even considering such prime agricultural land.
- Sales on current development sites in the village, particularly for the smaller two bed properties, are slow and several are still for sale in the village (i.e. Persimmon site, former Council Offices site).
- With a Plan requiring 1,800 homes in the South East Durham area, 1,600 of those have permission or are already built adding in numbers from Peterlee this target is already exceed by 10%. This also increases demand upon local services.

Affordable Housing

- Developer should be required to provide affordable housing – not acceptable to consider such a large development that discriminates against those who cannot afford market value.
- High levels of low-cost housing still unoccupied in the village (i.e. permission estate, old kings head sites).

Highways

- Thorpe Road is busy and congested, additional traffic will cause problems and create a safety hazard, in particular the secondary school.
- Thorpe Road and Stockton Road have problems with speeding vehicles which will be made worse by increased volumes of traffic. Serious accidents have taken place on these roads.
- Three junctions on to Thorpe Road within 50 metres of each other, this would affect safety, particularly near the “blind summit”.
- Access to A19 southbound is a circa 2 mile journey via the centre of the village (Thorpe Road, South Side, Stockton Road) and past two entrances to the secondary school in the village.
- Vehicles entering the proposed site would be directly opposite the first floor windows of the Nursery Garden properties which would have a negative impact upon their amenity with overlooking and headlights shining into the properties.

Design, layout and scale

- Easington Village is a dispersed settlement; estate type development would overwhelm it and ruin the character of the village.
- Density, style and mix of development is at odds with the village of Easington and the surrounding area.
- Proposed development has ignored and removed the protective bund/embankment and tree screen to the Nursery Garden development. New properties to have gardens backing directly on to existing properties. EDLP Policy 35 seeks this requirement and so this development would be conflict with this policy.
- No communal area or usable green space that could feature a play area is included in the layout.
- Housing sizes are below the minimum standards set out by the DCLG Technical Housing Standards (March 2015) – Type 201 is 60sqm, standard is 70sqm; Type 301 is 73sqm; standard is 84sqm.
- Garden size sacrificed at the expense of adding as many houses as possible.

Amenity

- Overlooking and loss of privacy to Nursery Gardens – landscaping from original development would be lost.
- Overlooking and loss of privacy to Nursery Gardens – difference of levels would lead to overlooking and vehicle lights shining into properties.
- Noise and disturbance to the properties of Nursery Gardens from the future occupiers of the development.

Ecology

- Currently in agricultural use therefore significant ecological issues would occur, such as loss of habitats and wildlife 'commuting' route that includes a hedgerow.
- Adverse impacts upon the flora and fauna of the application site – tree screen has established itself as a home to wildlife, including squirrels, foxes, rabbits, pheasants and numerous other species of bird.
- Bats are present within the trees and can be regularly seen foraging the in area in summer.

Other Issues

- Easington secondary school at capacity and cannot accommodate pupils generated from this development.
- Devaluation of house prices in Nursery Gardens.
- There is not enough capacity at the local doctors surgeries and GP Practices.
- Site may lie within an area of archaeological interest at the foot of the Andrews Hill Saxon burial ground. Previous investigations near the Thorpe Hospital site produced important finds in the recent past.
- 1,800+ homes built / to be built in the Easington area, with no major plans for jobs, school places or medical services.
- Further strain on already stretched infrastructure, e.g. medical services and schools.

60. *Graham Morris MP* – there is great concern with the number housing developments earmarked for Easington Village. The level of development of this area is unsustainable, as there are no additional amenities, investment or infrastructure improvements attached this application. The gradual erosion of the green wedge between Easington and Peterlee is leading to coalescence that will undermine the community and the historic heritage of Easington. Volume and speed of traffic around Easington is becoming a major issue with concerns expressed by the Parish Council an residents. Opposition to the use of green land as development sites, when there are existing brownfield alternatives remains.
61. *Easington Parish Council* – Object to the proposals on the basis that the relevant saved policies in the former Easington District Local Plan (EDLP) and the National Planning Policy Framework (NPPF). The development would be contrary to Policies 1, 3 and 6 of the EDLP and advice contained within the paragraphs 8, 11, 170 and 117 of the NPPF.
62. *CPRE* – Objects to the proposals as the development is contrary to policies 3 and 6 in the Easington District Local Plan (EDLP) which are not housing supply policies and so cannot be considered out of date with regard to the NPPF. The Council can demonstrate a 5 year housing land supply and so the proposed development would be in breach of important policies in the EDLP. There is also no reason to apply the “tilted balance” mentioned in the Richborough judgment in this case.

APPLICANTS STATEMENT:

63. This planning application has considered all relevant planning policy matters in respect of the proposal for bringing forward residential development. At a national, regional and local planning policy level, there remains a priority for development in urban areas to which this site of 3.61 hectares of land would accord.

64. The site lies within a residential area in close proximity to services and facilities including access to sustainable travel options including bus services.
65. The proposal achieves a density level of around 33 dwellings per net developable hectare and is integrated well into the locality through the design proposals which accords with National Planning Policy. In addition, the development proposes to seek to achieve a reduction in CO2 emissions.
66. All criteria required to be complied with in Saved Policies requirements have been taken into account through the evolution of the scheme, resulting in a well-designed proposal that responds to the specifics of the site, both in terms of layout but also the design of the elevational treatment. It must also be noted that the proposals aim to deliver quality new homes to local people in addition to providing much needed new housing in this specific location.
67. On the basis of the above, it is considered that the proposal accords with national, regional and local planning policy. It is therefore considered that the proposal accords with all Planning guidance and relevant Policies, and as such planning permission should be granted as no other material considerations arise.

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://publicaccess.durham.gov.uk/>

PLANNING CONSIDERATIONS AND ASSESSMENT

68. 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; landscape and visual impact; design and layout; affordable housing; highway safety and access; ecology; residential amenity; flood risk and drainage; heritage impacts and archaeology and other issues.

Principle of the Development

69. 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. The EDLP was adopted in 2001 and was intended to cover the period to 2006. However, 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.

The NPPF

70. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means:-
 - c) approving development proposals that accord with an up to date development plan without delay; or

- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁶ ; 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.

71. The footnote 6 to Paragraph 11 d) i. specifies policies relating to habitats sites (and those listed in Paragraph 176). Paragraph 177 of the NPPF advises that the presumption in favour of sustainable development does not apply unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitat site. This is relevant in this case as discussed in more detail in the ecology section of this report. Accordingly, the presumption in favour of sustainable development set out at Paragraph 11 is not engaged.

Five Year Housing Land Supply

72. Paragraph 73 of the 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.
73. 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 'Pre Submission Draft' (Jan 2019) 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.
74. Although in a recent written representations appeal involving land to the south of Castlefields, Esh Winning, the Inspector took the view that a five year housing land supply (5YHLS) had not been demonstrated by the Council in the terms of paragraph 74 of the Framework, the Council considers that the Inspector applied paragraph 74 prematurely. Paragraph 74 does not allow for the submission of an Annual Position Statement on 5YHLS until April 2019 at the earliest. It was, therefore, impossible for the Council to have such a position statement in place at the time of the appeal.
75. To summarise, the Council's position remains that the NPPF has confirmed the use of the standard methodology 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.
76. Accordingly, the weight to be afforded to the additional housing supply as a material consideration is clearly less than in circumstances where such a healthy land supply position could not be demonstrated.

The Development Plan

77. Within the EDLP, Policy 1 outlines general principles for development which encourages sustainable development. EDLP Policy 3 defines countryside through the definition of settlement limits to urban areas, limiting development outside of those limits to that which is allowed by other policies in the plan. Finally, EDLP Policy 6 specifically relates to the area between Easington Village and Peterlee, allocating the area as a 'green wedge' between the two settlements. This includes the application site.
78. The proposals are located to the south of Nursery Gardens to an area out with the settlement limit of Easington Village, bringing the proposals into conflict with EDLP Policy 3. Given the age of the EDLP and housing supply figures that informed it, the restriction of housing by settlement limits is informed in part by housing requirements for a period which has since passed. Subsequently, the Policy must now be considered out-of-date and the weight to be afforded to the policy reduced as a result. However, as directed by Paragraph 213 of the NPPF, out-of-date policies should not be considered irrelevant, but appropriate weight should be given to the policies in accordance with their consistency with the NPPF. While the above restrictive nature of Policy 3 is not consistent with the NPPF, the protection of landscape and visual harm that the Policy also implies, does carry weight in the decision-making process.
79. EDLP Policy 6 specifies that the application site and land surrounding it to south towards Peterlee performs the function of a green wedge. Green wedges comprise open areas around towns and villages and between parts of settlements which assist in maintaining the distinction between the countryside and built up areas, prevent the coalescence of adjacent places and provide a rural setting to development. They can also provide a link between the countryside and built up areas and can be a valuable recreation and wildlife resource. To fulfil these functions, green wedges must be preserved and built development within them resisted. The type of land uses that would be encouraged in green wedges include: agriculture, horticulture, forestry, outdoor leisure uses, wildlife reserves and other appropriate open space uses. EDLP Policy 6 is considered consistent with the NPPF, the Framework at Paragraph 8 making it clear that development should 'contribute to protecting and enhancing our natural, built and historic environment' and at Paragraph 170 in respect of recognising the intrinsic character and beauty of the countryside.
80. Moreover, it is important to note that planning permission has previously been granted to the southern part of the green wedge area on a site known as 'Low Hills' for circa. 900 dwellings, with the former Thorpe Hospital Site having been granted permission for a further circa. 50 dwellings. The development at Low Hills has since the submission of this application commenced works resulting in an active planning permission in perpetuity. Those approvals were issued at a time when the understanding of green wedge policies was consistent with legal soundings at that time, and when it was considered that green wedges 'were policies for the supply of housing' in the context of the NPPF. More recently the Supreme Court has clarified matters and it is now clear that green wedge policies are not policies for the supply of housing.

81. Taking into account the above, it is considered that EDLP Policy 6 is up-to-date and should be attributed full weight. The presumption in favour of sustainable development set out at Paragraph 11 of the NPPF is therefore not engaged in this instance as EDLP Policy 6 is a most important policy for determining the application that clearly addresses the principle of development in this particular case. The policy is considered to not be out-of-date because its function in maintaining the separation of two distinct settlements is as valid today, as it was when the policy was adopted in 2001. EDLP Policy 6 is considered to not be a policy for the supply of housing. Consequently, as residential development would not comprise any of the forms of development that the policy is generally permissive of, the proposed development would be in clear conflict with Policy 6 of the EDLP and Paragraphs 8 and 170 of the NPPF.

Landscape and Visual Impact

82. The application site is formed of two parcels of land that form part of the landscape that is considered to perform an important role in maintaining a physical and visual separation between Easington Village and Peterlee. Both EDLP Policies 3 and 6 define the application site as countryside and green wedge, respectively. The NPPF sets out at Paragraph 8 the three overarching objectives of sustainable development, with new development needing to contribute to the protection of the natural environment. Paragraph 170 further requires planning decisions to recognise the intrinsic character and beauty of the countryside whilst paragraph 127 advises amongst other matters that development should be sympathetic to local character including the surrounding built environment and landscape setting.
83. The proposed development would result in an incursion in to the countryside in an area of landscape which performs the function of separating the two settlements of Easington Village and Peterlee. Attempts have been made by the applicant to reduce the visual impact of the development to some degree by introducing tree planting and soft landscaping to the southern part of the site and the Thorpe Burn, resulting a reduction in housing numbers to 98 dwellings.
84. Landscape officers advise the area of countryside between Easington Village and Peterlee is of high visual amenity value, that has continuous visibility from Thorpe Road to the eastern boundary and seasonal visibility from the north and south. As a result, the effect of the development on the character of the site and its immediate surroundings would be generally transformative and adverse, as with all developments of this nature.
85. New development to the south of the application site at Low Hills would see a significant volume of built development introduced into views from Easington Village south from Thorpe Road. The introduction of new housing to the south of Easington Village would further add to the prominence of built development in what is an area of high visual amenity between Easington Village and Peterlee.
86. Many of the above aspects have been highlighted by neighbouring residents as concerns and reasons for their objection to the development.
87. Landscape officers conclude that the proposals would result in significant landscape and visual effects upon the landscape in this area. Consequently, the proposals are considered to be in with conflict EDLP Policies 3 and 6 in this regard, both which have consistency with Paragraphs 8, 127 and 170 of the NPPF.

Design and Layout

88. EDLP Policy 35 requires the design and layout of new development to 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. Schemes should provide adequate open space and appropriate landscape features and screening where required. Policy 38 requires new development to reduce crime through consideration at the design stage of a scheme. Policy 39 seeks to improve developments through the provision of artistic elements. Parts 12 and 15 of the NPPF also seek to promote good design, while 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. As a result, EDLP Policies 35, 38 and 39 are considered consistent with the NPPF.
89. The application site is formed of two agricultural fields divided by a hedgerow, albeit somewhat sporadic in its density. Design, landscape and tree officers have all raised concerns insofar as the proposed development layout has had limited regard to the hedgerow and its retention in parts where applicable.
90. Improved pedestrian links to the south and the bottom of Thorpe Road are now included in a revised scheme of 98 dwellings, however, the introduction of open space within the layout has been placed to the southern most part of the site to aid with other ecological matters. Landscaping is improved to the Thorpe Road boundary to aid screening of the development, however, for topographic reasons the proposed housing cannot provide frontage development to Thorpe Road. The impacts to the southern part of Thorpe Road would be greatest with rear gardens facing outward to Thorpe Road. The resultant layout is one of limited visual amenity, making local distinctiveness unachievable and not aiding navigation through the development in the context of an edge of settlement development.
91. Residents of Nursery Gardens have raised concerns with respect to the interaction of the development with the boundaries of their estate to the north of the application site. Historic structure planting along the southern boundary of the existing housing would be partially removed to achieve the proposed layout, with an existing hedgerow to the north east part of the site forming the boundary to the 1,3 and 5 Nursery Gardens. These have associated visual impacts which, to the southern part of the existing housing, would result in negative landscape impacts from the proposed layout.
92. Overall, it is considered that the proposed development would not achieve a high quality design and layout, as required by EDLP Policies 35, 38 and 39, together with Paragraphs 127 and 170 of the NPPF.

Affordable Housing

93. In order to deliver a suitable amount and variety of homes, local need should identify, among other things, affordable housing requirements for their area, whereby Paragraph 64 of the NPPF encourages the provision of affordable housing based on evidenced need. The up-to-date evidence in the Strategic Housing Market Assessment establishing a requirement for 10% provision in perpetuity, equating to 10 affordable units across this development and the viability evidence for this area establishes that 10% affordable housing should be capable of being delivered without adversely affecting viability.

94. The Housing Delivery Team has requested that this be delivered in the form of 80% affordable rent and 20% affordable home ownership. The application, however, does not propose any affordable homes for retention in perpetuity on viability grounds. Paragraph 57 of the NPPF outlines the importance of viability as a material planning consideration, setting out that developments should not be subject to obligations which threaten their ability to be viably developed. In circumstances where the viability of the scheme is in question, the developer is required to demonstrate to the Council's satisfaction that this is the case. The applicant has failed to provide any justification to demonstrate that an obligation to deliver affordable housing on this site would make the scheme unviable. Therefore, the proposal would fail to address an identified need for affordable housing and would be in conflict with the NPPF.

Highway Safety and Access

95. EDLP Policy 36 requires that development proposals achieve a satisfactory means of access onto the wider highway network while seeking to protect highway safety in terms of vehicle movements and traffic generation. Policy 36 is considered compliant with the NPPF which also seeks to promote accessibility by a range of methods, while ensuring that a safe and suitable access can be achieved.
96. The application is accompanied by a Transport Assessment (TA) which seeks to inform on and assess the key highways related implications of the development. This includes the accessibility of the development; trip generation and traffic assignment; future year flows; operational assessment of junctions; highway safety; and present highways works necessary to facilitate the development. The Highway Authority consider the assessment establishes that the impact of the development upon the highway network would, for a large part be acceptable, and would not result in impacts that could be considered severe. Highways England are also of the opinion that the proposed development would not cause a severe impact upon the A19 and traffic flows would be acceptable, subject to a condition ensuring a construction management plan in agreed maintaining control over construction traffic.
97. Residents of Easington Village have raised significant concerns over the route's future residents would use to access the A19. Both routes would see traffic generated from the development likely head through the village to head both north and south on the A19. Particular concern is highlighted by residents with respect to South Side, seen as being narrow and often lined with parked cars restricting widths to a single lane. The submitted TA, reviewed by the Highway Authority, has highlighted that the proposed development would not result in material impacts upon the local highway network, and is subsequently considered to be acceptable by the Highway Authority.
98. Revisions made to the proposed access point from Thorpe Road have seen the proposed access relocated from the northern most part of Thorpe Road to and point midway along the eastern boundary. This was to improve junction visibility with respect to future drivers achieving the desired view north and south along Thorpe Road.
99. Internally, the revised layout of 98 units resolves some items with respect to the original scheme, but some outstanding concerns with respect to drive lengths and the footpath link from the development to the south east remain. These would not be to the set minimum lengths as outlined by the County Durham Parking and Accessibility Standards (2019), and subsequently would lead to vehicles overhanging the highway and a highways safety issue. Consequently, it is with respect to these areas the proposed development is considered to be in conflict with EDLP Policy 36. EDLP Policy 37 seeks to minimise the level of parking within developments, however, this is considered to not be consistent with the NPPF which seeks minimum requirements for new development and therefore limited weight only can be afforded to this.

Ecology

100. A number of European Protected Sites are within a 15km radius of the application site. These sites are the Durham Coast Special Area of Conservation (SAC), Castle Eden Dene SAC, Northumbria Coast Special Protection Area (SPA) and Teesmouth and Cleveland Coast SPA and Ramsar site. These sites vary in distance from the site from between 2.1km to 6.3km.
101. 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. NPPF Paragraph 176 outlines that SPAs, SACs and Ramsar sites should be afforded the same protection as habitat sites in the NPPF. 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 development adversely affecting SSSIs, and EDLP Policy 16 to notified sites of nature conservation importance, local nature reserves and areas of ancient woodland. EDLP Policies 14, 15 and 16 are considered to be consistent with the NPPF. 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.; and is consistent with the NPPF.
102. 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.
103. A Preliminary Ecological Appraisal (PEA) and subsequent Assessment of Likely Significant Effect (ALSE) have been submitted in support of the application. The Council's Ecology Officer has reviewed the information and has raise concerns with respect to these reports.
104. The PEA outlines that further survey work is required to assess the value of the site for bats and the potential for otter and water vole to the Thorpe Burn on the southern boundary. This information has not been provided by the applicant. The ALSE outlines that the proposed development, through the provision of open space and pathways on site, connections to the wider public footpath network in the vicinity (including mitigation previously secured within the Low Hills development to the south of the site) and the scale of the proposed housing would all not lead to an impact upon the nearby protected areas of the Durham Coast. Therefore, no mitigation is proposed by the application.
105. Durham County Council is the competent authority who must decide whether this application requires an appropriate assessment under The Conservation of Habitats and Species Regulations 2017 (The Habitats Regulations). This would be undertaken by the carrying out of a screening exercise on the planning application using survey data submitted with the application. Such an appropriate assessment would consist of a robust assessment of the implications of the proposed development upon a European site.
106. In considering whether the application requires an appropriate assessment under The Habitats Regulations an assessment for the potential for significant effects on the relevant sites is made. In this instance those relevant sites are the abovementioned SACs and SPAs. The Habitats Regulations assessment also applies to the special features of the Ramsar sites identified above.

107. Key potential effects of the development proposal upon these sites are: the degree of habitat and species disturbance through an increase in recreational pressure; potential for detrimental impacts on air quality; potential for detrimental impacts on water quality; and, potential hydrology impacts. The revised 98 dwelling scheme proposes a landscaped buffer at the south of the site between the residential development and the Thorpe Burn, operating in part with a pedestrian recreation route. This would provide some mitigation to the protected areas mentioned above by providing recreational space so as to divert potential users away from the European protected sites.
108. However, the Ecology officer has assessed the proposed landscaping and considers that it does not meet the Council's Adopted Habitat Regulations Assessment: Developer Guidance and Requirements in County Durham. The space is considered to not be of sufficient size to provide a circular walk suitable for off-lead dog walking and unlikely to offer recreational qualities of a similar nature to the SAC it is designated to mitigate impacts upon.
109. A development of this nature should be accompanied by a shadow Habitat Regulations Appropriate Assessment provided by the developer. This has been provided by the applicant with respect to the development. The Ecology Officer has undertaken a screening (appropriate assessment) of their own to review the proposed development, where they have concluded that the proposed scheme does not sufficiently mitigate the impacts of the development and so would have a likely significant effect on the interest features of the Durham Coast SAC and Northumbrian Coast SPA. The submitted assessment argues that the scale of the development (98 units) with the proposed landscaping and footpath to the southern part of the site and the access to nearby public footpath network would be sufficient to mitigate the impacts of the development, and that an Appropriate Assessment is, therefore, not required. However, this is contrary to the view of the Ecology officers who are not satisfied that the proposals and the assessment have suitably addressed the necessary mitigation required by the Council's HRA guidance and that there has not been any Appropriate Assessment undertaken. The Council had screened the development at the outset of the application and considered an Appropriate Assessment was required due to the scale of the development and the likely impacts.
110. As the necessary assessments of the development have concluded that the development has not mitigated its impacts upon European protected sites sufficiently, the proposals are considered to be contrary to Paragraph 175 of the NPPF. Paragraph 177 of the NPPF states that the presumption in favour of sustainable development does not apply where development requiring appropriate assessment because of its potential impact on a habitats site is being planned or determined unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitat site. Accordingly, the presumption in favour of sustainable development set out at Paragraph 11 is not engaged, and consequently conflicts with NPPF Paragraph 175 and EDLP Policy 14 should result in refusal of the application.

Residential Amenity

111. EDLP Policies 1 and 35 requires, amongst other things, that the design and layout of development should have no serious adverse effect on the amenity of neighbouring residents or occupiers. Policy 38 relates to designing out crime in development. Within the EDLP at Appendix 6, the plan outlines guidance upon separation distances that should be sought between new build dwellings. These Policies are considered consistent with Paragraph 127 of the NPPF stating that planning should always seek to secure a good standard of amenity for existing and future users.

112. With regards to the relationships within the proposed development itself, in many instances the siting of the dwellings meets or exceeds the separation distance requirements as required by EDLP Appendix 6. Public responses to the application have raised concerns over the impact of the proposed development upon the existing residents of Nursery Gardens. Generally, properties proposed along the northern boundary of the application site backing on to 11-23 (odds) Nursery Gardens are in excess of the required 21 metres, which is aided by what would remain of the original structure planting. Residents have raised concerns over the loss of the bund / structure planting as a result of the proposed development and this is a factor in achieving an appropriate level of amenity for the existing occupiers. Proposed plots 82-88 would back westward towards the frontage of 1-5 (odds) Nursery Gardens. These plots lie close to the limit of the 21 metres, dipping below with respect to plots 87 and 88 with respect to No. 5 Nursery Gardens to 20 metres. At this distance, with intervening and established hedgerow planting, the impact upon residential amenity would be considered to be insufficient to warrant refusal of the application, with a condition requiring retention of the hedgerow in perpetuity an appropriate option. Concerns over the level difference of properties in the area are also highlighted by residents; however, these could be controlled by way of condition should a positive recommendation be made.
113. Construction of the proposed dwellings in this location would lead to the potential impact upon the neighbouring residents during their construction. The Environment, Health and Consumer Protection Team have reviewed the proposals and have raised no objections subject to the submission of a Construction Management Plan with associated dust management provisions. Air quality impacts from the operational phase of the development, when the houses would be occupied, are considered by the Environment, Health and Consumer Protection Team as being of negligible difference and so offer no objections to the proposals in this regard.
114. The Police Architectural Liaison Officer has highlighted the use of loose aggregate to the driveways of the proposed new properties as an issue with respect to anti-social behaviour. Officers consider that this issue would not in itself warrant refusal of the application, in the event of an approval driveway materials could potentially be reviewed further under condition.
115. With regard to air quality, the application is accompanied by an air quality screening which outlines that the impact of the development would be negligible and that there would be no cumulative impact upon air quality that is considered severe.
116. The proposals would bring some conflict with EDLP Policies 1, 35 and 38 with respect to residential amenity of both existing and future occupiers with respect to partly infringing separation distances. Therefore, the proposed development would be in conflict with EDLP Policies 1, 35 and 38 as well as EDLP Appendix 6 and NPPF Paragraph 127.

Flood Risk and Drainage

117. 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. The application site is located within flood zone 1 and is, therefore, located on land least likely to suffer from tidal or fluvial flooding.

118. With regards to how the development would address drainage, the application proposes to meet the greenfield run-off rate for the application site (6.6 l/s) and would be an acceptable discharge from the development into the Thorpe Burn as proposed in the submitted Flood Risk Assessment. However, the proposals do not propose any sustainable drainage systems to control surface water run off close to where it falls and mimic natural drainage as closely as possible.
119. Paragraph 163 of the NPPF requires LPAs to ensure that flood risk is not increased elsewhere, and Paragraph 165 requires major developments to incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The applicant has failed to counter the view of the Drainage and Coastal Protection team that sustainable drainage systems are required in conjunction with the Council's Sustainable Urban Drainage System Adoption Guide (2016). Therefore, the proposed development would be in conflict with Paragraph 165 of the NPPF.

Heritage Impacts and Archaeology

120. The application site does not lie within or contain any designated heritage assets, with the closest being the Easington Village Conservation Area located 250 metres to the north. Within the conservation area there are several listed buildings, the nearest of which (The Manor House, Grade II listed) would be 320 metres from the application site. The topography of the immediate area around the application site would result in the proposed development not having a direct visual relationship to the conservation area or the designated heritage assets. As a result, it is considered that there would be no harm to the setting of the listed buildings from the proposed development. In terms of non-designated heritage assets, none have been identified within the immediate vicinity of the site.
121. Analysis, including field evaluation, is required to establish if the presence of archaeological assets are present beneath the site and the implications it would have for the development. The desk-based study highlights areas where trial trenching should be undertaken and the Archaeology Officer is in agreement with this methodology. Conditions requiring the results of trial trenching to be provided prior to the commencement of development are considered appropriate by the Archaeology Officer in this instance.
122. Paragraph 196 of the NPPF states that the impact of an application upon the significance of a designated heritage asset, with the scale of any harm or loss to significance to be taken into account in the determination of the application. In this instance, with there being no impact upon significance, the application is considered to be acceptable in this regard, and in accordance with Part 16 of the NPPF and EDLP Policy 24 (partially consistent with the NPPF).

Other Issues

123. The School Places Manager has advised that there is sufficient capacity at secondary schools in the area to accommodate pupils from the development; however, there is insufficient capacity for additional primary school age pupils in Easington. Therefore, additional school places at this level would be required. A financial contribution of £323,466 is required for the provision of additional primary school places, and this could be secured by means of a planning obligation.
124. As the proposed development involved a sensitive end use, the site has been subject to Phase 1 study to assess the risk of contamination. These reports identified the absence of contaminants at the site and, therefore, no further remediation work would be required. The proposed development, therefore, complies with Paragraphs 170 and 178 of the NPPF which seek to ensure that a site is suitable for the proposed use.

125. No recorded public rights of way cross the site or are noted by the Public Rights of Way Team.

CONCLUSION

126. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that if regard is to be had to the Development Plan (EDLP), decisions should be made in accordance with the Development Plan unless material considerations indicate otherwise. The NPPF does not change the statutory status of the Development Plan as the starting point for decision making but is a material planning consideration and weight to policies within the EDLP should be applied dependent upon the degree of consistency with the NPPF.
127. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development, however, Paragraph 177 disengages the presumption in favour where development is likely to have a significant effect on a habitats site and no appropriate assessment has been undertaken. Therefore, Paragraph 12 of the NPPF outlines where a planning application conflicts with an up-to-date development plan, planning permission should not usually be granted.
128. New housing is proposed within the designated green wedge between Easington Village and Peterlee, that is considered to be contrary to EDLP Policy 6 which seeks to protect the openness of this area and is up to date and consistent with the NPPF. The proposals would reduce this openness and lead to adverse landscape impacts associated with narrowing of the green wedge between the Easington Village and Peterlee and the coalescence of the two urban areas.
129. Being located close to the coast, the proposed development is required to mitigate the impacts it would have upon the Durham Coast SAC and Northumbrian Coastal SPA. The applicant has attempted to provide space within the development to provide a walking route to the southern part of the site together with evidence to conclude an Appropriate Assessment is not required. The Council, as competent authority, consider that an Appropriate Assessment is required, due to the scale of the proposed development and that the proposed mitigation is insufficient to mitigate the impacts of the proposed development.
130. Assessment against the key other relevant material planning considerations has been made with regard to issues of affordable housing, design and layout, highways, sustainable drainage and school places which remain unresolved. Areas covering, heritage asset impacts, ground contamination and air quality have been resolved with no concerns being raised.
131. Taking the above into consideration, the proposals are considered to be contrary to the relevant EDLP Policies with respect to the green wedge and protected habitat sites and there are no other material considerations which would outweigh this conflict with policy. As a result having regards to all material planning considerations including comments raised in the public consultation exercise, it is considered that the proposals are unacceptable and the application is recommended for refusal as a result.

RECOMMENDATION

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

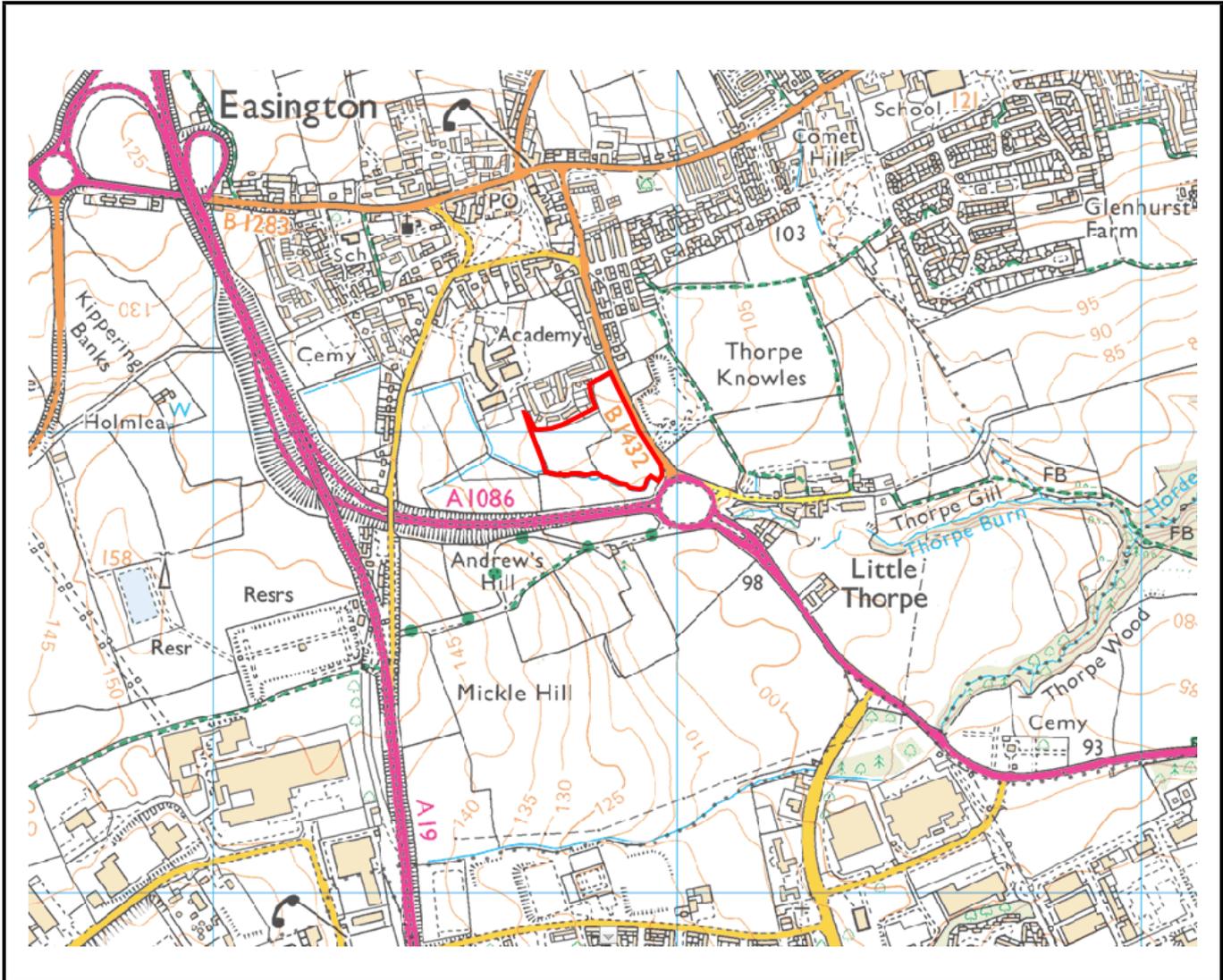
1. The Local Planning Authority considers that the proposed development would result in significant adverse landscape and visual impacts that would detract from the open nature of the green wedge between Easington Village and Peterlee, as well as failing to protect or enhance the natural environment and the intrinsic character and beauty of the countryside. Therefore, these proposals would be contrary to Policies 3 and 6 of the Easington District Local Plan and Paragraphs 8, 127 and 170 of the National Planning Policy Framework.
2. The Local Planning Authority considers that the proposed development would have an impact from recreational pressures placed upon the Durham Coast Special Area of Conservation and the Northumbrian Coast Special Protection Area without undertaking an appropriate assessment and without sufficient mitigation being provided. As a result, it is considered that the development would adversely affect these habitat sites, contrary to Policy 14 of the Easington District Local Plan and Paragraph 175 of the National Planning Policy Framework.
3. The Local Planning Authority considers that the proposed development would not provide sufficient affordable housing and no viability justification has been provided and is therefore in conflict with Paragraphs 64 and 57 of the National Planning Policy Framework.
4. The Local Planning Authority considers that the proposed development would not achieve a high quality of design and layout with inadequate public realm / landscaping provision and deficiencies in design quality and a lack of local distinctiveness to the proposed house types. As a result, the proposals are in conflict with Policies 35, 38 and 39 of the Easington District Local Plan, together with Paragraphs 127 and 170 of the National Planning Policy Framework.
5. The proposed development does not incorporate sustainable urban drainage systems (SuDS). The Local Planning Authority considers that the application includes no adequate justification or evidence as to why SuDS would be inappropriate to serve the development. As a result, the development is in conflict with Paragraph 165 of the National Planning Policy Framework.
6. The Local Planning Authority considers that the proposed development would be prejudicial to highway safety through incorrect driveway lengths to plots which would lead to unacceptable overhanging of the highway. As a result, there would be in conflict with Policy 36 of the Easington District Local Plan.

STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at its recommendation to refuse 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
- The National Planning Policy Framework (2018)
- National Planning Practice Guidance notes.
- Easington District Local Plan
- Evidence Base Documents e.g. SHLAA, SHMA, County Durham Settlement Study and OSNA
- County Durham Parking and Accessibility Standards 2019
- DCC Sustainable Urban Drainage Systems Adoption Guide 2016
- Habitat Regulations Assessment: Developer Guidance and Requirements in County Durham 2019
- Statutory, internal and public consultation responses



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|  <p>Durham County Council Planning Services</p> | <p>DM/17/01963/FPA</p> <p>Erection of 98no. two-storey 2, 3 and 4 bedroom semi and detached dwellings with associated works (Revised Plans 18th May 2018).</p> <p>Gleeson Regeneration Ltd</p> |
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| | <p>Date 12th March 2019</p> | <p>Scale Not to scale</p> |