

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	CE/13/01085/OUT
FULL APPLICATION DESCRIPTION:	Outline Residential Development (80 houses)
NAME OF APPLICANT:	Ms K Pattison
ADDRESS:	Land North of Windsor Drive, South Hetton, Durham
ELECTORAL DIVISION:	Shotton and South Hetton
	Chris Baxter
CASE OFFICER:	Senior Planning Officer
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DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site measures 3 hectares and is located to the north of Windsor Drive in South Hetton. The residential estate of Windsor Drive is therefore located immediately to the south of the application site with residential properties of Conishead Terrace situated along the west boundary. There are agricultural fields to the north of the site with Murton Moor West Farm located to the north west. There are some allotments scattered along the south boundary of the site. There is a nearby public right of way (ref: No. 15) running to the east of the site along the route of the old North Eastern Railway. The Hesledon Moor West Site of Special Scientific Interest (SSSI) is located approximately 700 metres to the east of the application site. The site falls just beyond the development limits for South Hetton as defined in the District of Easington Local Plan.

The Proposal

2. Outline planning permission is sought for residential development for 80 houses with all matters reserved for future consideration with the exception of access, which is to be considered under this application. Access is proposed to be taken from the south of the site through the existing residential housing estate of Windsor Drive.
3. The application is supported by various documents and assessments including an indicative masterplan which shows how the general layout of the site can be mapped out to accommodate 80 properties. The masterplan shows the access taken from Windsor Drive between properties No. 32 and 33 with a primary road link running north and secondary roads running east and west. The masterplan shows structural landscaping treatment along the south, west, east and north east boundaries of the site.
4. The application is reported to the Planning Committee as it constitutes a major development.

PLANNING HISTORY

5. No planning history on this site.

PLANNING POLICY

NATIONAL POLICY:

6. 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 dependant.
7. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve ‘core planning principles’.
8. The following elements are considered relevant to this proposal;
9. *NPPF Part 1 – Building a Strong and Competitive Economy.* The Government attaches significant weight on the need to support economic growth through the planning system. Local Planning Authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century.
10. *NPPF Part 4 – 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.
11. *NPPF Part 6 – 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.
12. *NPPF Part 7 – Requiring Good Design.* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
13. *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.
14. *NPPF Part 11 – Conserving and Enhancing the Natural Environment.* The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, 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.

The above represents a summary of the NPPF considered most relevant the full text may be accessed at:

<http://www.communities.gov.uk/publications/planningandbuilding/nppf>

LOCAL PLAN POLICY:

District of Easington Local Plan

15. *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.
16. *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.
17. *Policy 14* - Development which adversely affects a designated or candidate Special Area of Conservation and is not connected with managing the scientific interest will only be approved where there is no alternative solution and there is an overriding national interest where it is necessary for reasons of human health or safety; or there are beneficial consequences of nature conservation importance.
18. *Policy 15* - Development which adversely affects a designated Site of Special Scientific Interest will only be approved where there is no alternative solution and it is in the national interest.
19. *Policy 16* - Development which adversely affects a designated Site of Nature Conservation Importance/Local Nature Reserve/ancient woodland will only be approved where there is no alternative solution and it is in the national interest.
20. *Policy 18* - 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.
21. *Policy 19* - Areas of nature conservation interest, particularly those of national importance will be protected and enhanced.
22. *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.
23. *Policy 36* - The design and layout of development should ensure good access and encourage alternative means of travel to the private car.
24. *Policy 37* - The design and layout of development should seek to minimise the level of parking provision (other than for cyclists and disabled people).

25. *Policy 66* - Developers will be required to make adequate provision for children's play space and outdoor recreation in relation to housing development of 10 or more dwellings. Provision may be secured elsewhere if it is inappropriate to make provision at the development site.
26. *Policy 67* – 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.
27. *Policy 74* - Public Rights of Way will be improved, maintained and protected from development. Where development is considered acceptable, an appropriate landscaped alternative shall be provided.
28. *Policy 75* - Provision for cyclists and pedestrians will be reviewed to provide safe and convenient networks.
29. *Policy 77* - The Council will seek to encourage the improvement of the public transport service and the rail transport of freight in the district.

EMERGING POLICY:

30. The emerging County Durham Plan is now in Pre-Submission Draft form, having been the subject of a recent 8 week public consultation, and is due for submission in Spring 2014, ahead of Examination in Public. In accordance with paragraph 216 of the NPPF, decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. To this end, the following policies contained in the Pre-Submission Draft are considered relevant to the determination of the application:
31. *Policy 1 (Sustainable Development)* – States that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.
32. *Policy 15 (Development on Unallocated Sites)* - states that all development on sites that are not allocated in the County Durham Plan will be permitted provided the development is appropriate in scale, design and location; does not result in the loss of a settlement last community building or facility; is compatible with and does not prejudice any intended use of adjacent sites; and would not involve development in the countryside that does not meet the criteria defined in Policy 35.
33. *Policy 35 (Development in the Countryside)* – Sets out that new development will be directed to sites within built up areas, or sites allocated for development, whilst the countryside will be protected from inappropriate development.
34. *Policy 39 (Landscape Character)* – States that proposals for new development will only be permitted where they would not cause significant harm to the character, quality or distinctiveness of the landscape, or to important features or views, unless the benefits of the development clearly outweigh its impacts.

35. *Policy 41 (Biodiversity and Geodiversity)* – States that proposals for new development will not be permitted if significant harm to biodiversity and geodiversity, resulting from the development, cannot be avoided, or adequately mitigated, or as a last resort, compensated for.
36. *Policy 47 (Contaminated and Unstable Land)* – Sets out that development will not be permitted unless the developer can demonstrate that any contaminated or unstable land issues will be addressed by appropriate mitigation measures to ensure that the site is suitable for the proposed use, and does not result in unacceptable risks which would adversely impact upon human health, and the built and natural environment.
37. *Policy 48 (Delivering Sustainable Transport)* – All development shall deliver sustainable travel by delivering, accommodating and facilitating investment in sustainable modes of transport; providing appropriate, well designed, permeable and direct routes for all modes of transport; and ensuring that any vehicular traffic generated by new development can be safely accommodated.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

38. *South Hetton Parish Council* has expressed concerns regarding the proposed development. The concerns relate to the proposed vehicular access and that the traffic generated by the development will result in highway safety issues at the junction with the A182. It has been requested if an alternative vehicular access could be proposed. Concerns have also been raised about the house types proposed, as it is felt that more bungalows and two bedroom houses should be provided.
39. *Environment Agency* has not raised any objections providing a condition is imposed which ensures that mitigation measures are installed limiting the surface water run-off generated by the site.
40. *Natural England* has noted that the application falls within close proximity to Hesledon Moor West SSSI, however given the nature and scale of the proposal they are satisfied that there is not likely to be an adverse effect on this site as a result of the proposed development.
41. *Northumbrian Water* has raised no objections providing a condition is imposed requiring a scheme for the disposal of foul water to be submitted.
42. *The Coal Authority* has not raised any objections.
43. *Durham County Highways Authority* has not raised any objections to the proposal indicating that the proposed means of access would support 80 additional properties. Creating 6no. compensatory car parking spaces would also be welcomed to accommodate existing residents.

INTERNAL CONSULTEE RESPONSES:

44. *County Spatial Policy Team* has indicated that the proposed development does not accord with local plan policies and is not strictly in line with the emerging County Durham Plan. However the proposal is in accordance with the sustainable principles of the National Planning Policy Framework.

45. *County Landscape Team* supports the application and considers the site to be suitable for residential development as the impact on the wider landscape is relatively limited by the topography, whilst it relates reasonably to the existing settlement boundary.
46. *County Tree Officer* has stated that there are no major tree species within the site and the only trees affected will be at the proposed entrance and are considered not to be significantly good specimens
47. *County Public Rights of Way Section* confirm that the Murton Bridleway 15 lies on the east boundary of the site. This is an important bridleway forming part of the North Sea Cycle Route as well as a Sustrans route. This bridleway should not be affected by the proposed development and it is suggested that links onto the bridleway from the site would encourage recreational use.
48. *County Environmental Health (Noise, dust and light)* has not raised any objections but does advise that conditions are applied in relation noise, dust and light mitigation.
49. *County Environmental Health (Contaminated land)* has not raised objections however conditions are recommended to ensure site investigations are undertaken of the site prior to development commencing.
50. *County Environmental Health (Air quality)* confirms the location for the proposed development is not within a declared Air Quality Management Area or in close vicinity to such an area. Therefore the application will not give rise to new receptors that will be exposed to a known or an existing area of poor air quality.
51. *County Archaeology Section* has not raised any objections to this outline application. A condition is however recommended for further investigation works to be undertaken prior to development commencing on site.
52. *County Ecology Section* has confirmed that the ecological report submitted is satisfactory and no objections are raised with regards to the proposed development. It is recommended that in order to reduce any likely risk of 'day to day' dog walkers impacting on the coast, sufficient and appropriate greenspace will need to be provided which can be provided through the enhancement of the nearby recreational park and providing additional pedestrian linkages from the site to the adjacent public right of way.
53. *Sustainability Team* has indicated that by ensuring measures are built into the development, this will improve the sustainability of the development.
54. *County Housing Development and Delivery Team* has confirmed that the 8 affordable housing units proposed meets the 10% affordable requirements for the South Hetton area.
55. *County Education Team* has stated that a proposal for 80 properties would provide a requirement for 20 primary school places in the local area.

PUBLIC RESPONSES:

56. The application has been advertised in the local press and a site notice was posted. Neighbouring residents have also been notified in writing. 4 letters of objection have been received along with a petition with 75 signatures.

57. Concerns have been raised with regards to highway issues, including traffic congestion and the increase in vehicles would compromise highway safety and be dangerous for young children in the area. Loss of parking spaces for the existing residents is also raised as a concern. The loss of view is raised as a concern and the adverse impact the proposal would create on residential amenity, including noise, disturbance, overlooking and loss of privacy. Residents have also objected with regards to visual impact and the loss of street character which would happen as well as impacting on local wildlife.
58. The Ward Councillor has also raised concerns with regards to access and the mix of house types which are proposed.

APPLICANTS STATEMENT:

59. The indicative design proposed for housing north of Windsor Court has evolved as a result of an understanding of context, landscape, and market needs. The design will continue to evolve as detailed proposals are formulated. If the indicative masterplan is approved it will provide a strong and current framework which will dictate the parameters for detailed designs and design quality which will be required to determine the built form and infrastructure.

PLANNING CONSIDERATIONS AND ASSESSMENT

60. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of residential development of the site, highway and access issues, affordable housing and section 106 contributions, ecology, layout, design and visual amenity and other issues.

Principle of residential development

61. This scheme proposes housing development on greenfield land that is located outside of the existing settlement boundary for South Hetton. Sites located outside of settlement boundaries are treated against countryside policies and objectives, and there is a general presumption against allowing development beyond a settlement boundary. Consequently, the development of the site for housing would be in conflict with policies 3 and 67 of the local plan on account the proposal does not comprise previously-developed land within the settlement. Therefore, there would need to be other material considerations to justify a departure from those policies.
62. A key material consideration in determining this application should be the NPPF. A strategic policy objective of the NPPF is to support strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs. Local planning authorities are expected to boost significantly the supply of housing, consider housing applications in the context of the presumption in favour of sustainable development, and create sustainable, inclusive mixed communities in all areas both urban and rural. Housing should be in locations which offer a range of community facilities with good access to jobs, key services and infrastructure. The provision of affordable housing where a need has been identified is encouraged through the NPPF, and a range of dwelling types and sizes, including affordable housing and

alternative forms of tenure to meet the needs of all sectors of the community should be provided.

63. In terms of the emerging County Durham Plan (CDP), the “Pre-Submission Draft” underwent consultation from October to December 2013. Within that draft are the raft of housing sites which are earmarked as allocations to meet housing need up to 2030. No housing sites have been allocated in the South Hetton area although it is acknowledged that the site subject of this application was included in the recent review of the SHLAA assessment and given a green colour code. This green colour code indicates that the site is considered to be suitable for residential development. South Hetton is recognised as a local service area (3rd tier) within the Council’s Settlement Study in recognition that it possesses good access to shops, services and key facilities such as primary schools; and therefore reduces the amount of trip generations out of the settlement to other towns or villages.
64. It is important to address how much weight can be attributed to the emerging CDP at this stage. Para 216 of the NPPF sets out in detail the weight which can be afforded to relevant policies in emerging plans. Essentially, the more advanced the plan is in its preparation, the greater the weight that may be given. Allied to this, the fewer and less significant the objections to the plan, the greater the weight that may be given. Although this proposal also contravenes Policies 15 & 35 of the emerging plan, as both policies received objections during the recent consultation, little weight can be applied. Recent Secretary of State call-in decisions have attributed “limited” and “little” weight to emerging Plans in recognition that they could be subject to further amendments in order to resolve issues likely to be discussed at the Examination in Public (EiP). The EiP for the CDP is scheduled to take place in summer 2014, so at the current stage whilst some weight can be attached to the emerging policies, it should not be a factor of decisive weight in appraising this application.
65. The application conflicts with the existing local plan however the strategy and approach of the local plan is no longer wholly consistent with the aims of the NPPF. The development does not accord with policies 15 and 35 of the emerging CDP, but given objections have been received on these policies through the most recent consultation it is considered that little weight can be afforded to these emerging policies. It is recognised that the application site has been included in the most recent review of the SHLAA assessment and given green status indicating that the site is suitable for residential development. South Hetton is considered to be a sustainable location given the number of shops, services and facilities available to its residents and its status in the Council’s Settlement Study as a Local Service Area. The developer has also agreed to make financial contributions towards the upgrade and enhancements of local sports and recreational areas as well as providing additional pupil places in local primary schools. The developer has also agreed to contribute towards the local housing need by providing the 10% affordable housing requirement through this development.
66. Whilst it is accepted that this proposal would not strictly accord with local plan policies or emerging CDP policies, it is recognised that the proposed development would be in line with the sustainable aims of the NPPF. On balance, given the current status of the emerging CDP and the local plan policies, it is considered that the key policy consideration for this application should be against the criteria detailed in the NPPF. Therefore in this instance it is considered that the proposed development would be acceptable in principle and in accordance with the sustainable principles of the NPPF.

Highway and access issues

67. This application has been made in outline with access to the site to be determined at this stage. The proposed access is to be taken from the south of the site onto Windsor Drive between existing properties No. 32 and 33 where an existing gap is situated. This gap between properties No. 32 and 33 is currently a grassed parcel of land with several trees situated thereon. The introduction of an access at this point would result in the loss of approximately six existing parking spaces which are currently available to the existing residents of Windsor Drive. The access plan which has been submitted with the application does show that six compensatory parking spaces would be formed which would ensure there would not be any loss of parking provision for the existing residents.
68. The County Highways Officer has been consulted on the application and no objections have been raised to the proposed access to the site. The road running through Windsor Drive linking to the A182 currently serves 121 dwellings and is deemed adequate to serve an additional 80 dwellings as proposed on this site. Speed bumps would be required on the new site as an extension of the existing traffic calming on Windsor Drive. Speed bumps have been shown on an amended drawing of the access arrangements. To ensure the speed bumps are incorporated into the final development a planning condition is recommended.
69. The Parish Council have raised concerns with regards to the proposed access and has requested whether an alternative option to the west of the site could be used as the access to the site. This option to the west is another gap between existing houses however the Highways Officer has confirmed that this gap is not wide enough to accommodate an adequate access.
70. It is considered that the proposed access would retain the existing parking provision for existing residents; and highway safety would not be compromised as a result of the introduction of 80 houses in this location. The proposed development would therefore be in accordance with policies 36 and 37 of the local plan.

Affordable housing and section 106 contributions

71. The NPPF states that, in order to ensure a wide choice of high-quality homes, Local Planning Authorities should “plan for a mix of housing”, “identify the size, type and tenure of housing that is required in particular locations”, and “where affordable housing is needed, set policies for meeting this need on site”.
72. The County Durham Strategic Housing Market Assessment (SHMA) report was completed in 2012 and supplies the evidence base for 10% affordable housing across the East Durham Delivery Area (on sites of 15 or more dwellings/0.5 hectares or greater), while the NPPF (Para 159) makes plain the importance of the SHMA in setting targets. The SHMA and the NPPF therefore provide the justification for seeking affordable housing provision on this site, which should be secured via S106 agreement. The applicant has agreed to provide 10% of affordable dwellings on site and this requirement will be secured through a section 106 legal agreement.
73. Financial contributions are also being offered towards other local functions and facilities within the vicinity of the site. Monies towards education would be provided which contribute towards providing additional classrooms for schools in the immediate locality. A contribution is also being offered towards the enhancement and upgrade of recreational facilities in the locality from which the recreational park immediately to the south of the site will benefit from some enhancements. The

amounts of these contributions would be determined pro-rata on the final number of dwellings approved.

74. The above contributions would help to support and improve facilities within the surrounding locality for the benefit of occupiers of the additional properties and also existing residents of the local community.

Ecology

75. The presence of a European Protected Species (EPS) is a material planning consideration. The Conservation of Habitats and Species Regulations 2010 have established a regime for dealing with derogations which involved the setting up of a licensing regime administered by Natural England. Under the requirements of the Regulations it is an offence to kill, injure or disturb the nesting or breeding places of protected species unless it is carried out with the benefit of a licence from Natural England.
76. Notwithstanding the licensing regime, the Local Planning Authority must discharge its duty under the regulations and also consider these tests when deciding whether to grant permission for a development which could harm an EPS. A Local Planning Authority failing to do so would be in breach of the regulations which requires all public bodies to have regard to the requirements of the Habitats Directive in the exercise of their functions.
77. As the green field nature of the site could mean that a protected species may be disturbed by the proposed development, the applicant has submitted a habitat survey which has been assessed by the Council's ecology officers. The survey has found that no protected species would be adversely affected by the proposed development, ecology officers concur with this conclusion. Given this, there is no requirement to obtain a licence from Natural England and therefore the granting of planning permission would not constitute a breach of the Conservation of Habitats and Species Regulations 2010.
78. Notwithstanding the above, a condition will be required which would ensure care is taken during construction in accordance with the recommendations in the submitted habitat survey. Subject to this mitigation, it is considered that the proposals would be in accordance with saved policy 18 of the Local Plan and part 11 of the NPPF.
79. In addition to the assessment of protected species, the Local Planning Authority must also consider impacts on designated wildlife sites in the vicinity of the proposed development.
80. This application site is in close proximity to the Hesledon Moor West Site of Special Scientific Interest (SSSI) and within 8 miles to the Durham Coast SSSI, and Special Area of Conservation (SAC) Natura 2000 site and the Northumbria Coast SSSI, Special Protection Area (SPA) and Ramsar site, all of which are designations of significant importance.
81. In order to take pressure from additional visitors away from the coastal designations of significant importance, sufficient and appropriate greenspace needs to be provided in association with the proposed development. The applicant is prepared to offer a financial contribution towards the enhancement and upgrade of the existing recreational area immediately south of the site, along with providing a pedestrian link to the existing public right of way which runs along the east boundary of the site. The financial contribution towards the enhancement of the recreational area and ensuring the pedestrian link to the public right of way will be secured through a section 106

agreement. It is noted that the financial contribution towards the pedestrian links and enhancement of the recreational area are specific to ensuring the coastal designations are protected. Contributions towards the general enhancement and upgrade of recreational facilities in the locality is a separate contribution.

82. The Council's Ecology Team are satisfied that the enhancements to the existing recreational area along with the additional pedestrian link would reduce any recreational pressure on the coastal European protected sites. Natural England has also not raised any objections to the scheme noting that due to the scale and size of the proposals the scheme is unlikely to have an adverse impact on the SSSI's.
83. As such, it is considered that the proposed development would be in accordance with saved policies 14, 15, 16, 18 and 19 of the District of Easington Local Plan and part 11 of the NPPF, both of which seek to protect and enhance biodiversity and the natural environment.

Layout, design and visual amenity

84. The application has been made in outline with all matters except access being reserved for future consideration. However an illustrative masterplan has been submitted showing certain site development parameters.
85. The masterplan shows a central spine road running north/south through the centre of the site, with secondary roads running west and east. The proposed houses are set back from the south and west boundaries to ensure adequate separation distances are achieved with the existing houses on Windsor Drive and Conishead Terrace. Structural landscaping is also shown along the boundaries of the site which will contain the site and help screen the development. Landscaping will also reduce the impact on existing properties providing added privacy.
86. Information provided in the submitted design and access statement as well as the indicative masterplan indicates that a mix of house types would be available on site including a range of 2, 3 and 4 bedroom properties of detached, semi-detached, linked and bungalow design. The mix is intended to cater for a range of household sizes and market sectors across the site. It is considered that a housing scheme can be provided on this site which would blend in with the existing built environment and would not be out of keeping. The Parish Council have raised concerns regarding the proposed house types on the site, indicating that bungalows and two bedroom properties are needed in the area. This is only an outline application therefore the specific house type would be reserved for future consideration. The details submitted with the application do indicate that bungalows and two bedroom properties can be incorporated into a housing scheme on this site.
87. Local residents have raised concerns that residential amenity would be adversely affected by the proposed development including noise issues, general disturbance, overlooking and loss of privacy. No objections are raised from the Council's Environmental Health Officers in terms of noise, dust, light and air quality; therefore it is not considered that the residential amenities of existing residents would be compromised in this regard. Conditions are recommended in terms of hours of operation during the construction phase of the development. Although the exact positioning of the proposed properties is reserved for future consideration, the masterplan does show that adequate separation distance can be achieved between the existing properties and proposed properties; ensuring adequate levels of privacy would be maintained with no overlooking issues. Overall, it is considered the residential amenities of existing and future occupiers of neighbouring properties and the proposed houses would not be adversely affected. Loss of view has also been

raised as a concern however it is noted that a right to a view is not a material planning consideration and not a justified reason to refuse planning permission.

88. The proposed site parameters shown on the illustrative masterplan and the details provided within the design and access statement indicate that a high quality residential scheme could be provided on this site and successfully integrated within the local area. The proposals are considered to be in accordance with policy 1, 35, 36 and 37 of the local plan.

Other issues

89. The Environment Agency and Northumbrian Water have both been consulted on the proposed application. No objections have been raised providing further details are submitted prior to development commencing in relation to surface water and foul drainage. Conditions are subsequently recommended for details to be submitted prior to works starting.
90. The County Landscape and Tree Officers have not raised any concerns with regards to the proposed development. Landscape Officers consider the site to be suitable for residential development as the impact on the wider landscape is relatively limited by the topography, whilst it relates reasonably to the existing settlement boundary. The Tree Officer has acknowledged that some trees would be lost as a result of introducing a new access however these are not of significant importance. It is also noted that the proposed scheme would provide substantial structural landscaping which would mitigate the loss of the existing trees, although this is only indicative at this stage.
91. A formal bridleway runs along the east boundary of the site. This is an important bridleway forming part of the North Sea Cycle Route as well as a Sustrans route. The Public Rights Of Way Officers have not raised any objections to the proposed development and have advised that footway linkages from the site to the bridleway would encourage recreational use. As previously discussed under the 'ecology' section of this report, a footway link is required to be implemented from the site to the adjacent bridleway. A condition is therefore recommended for a footway link to be incorporated into a reserved matters scheme.
92. The County Archaeologist has not raised any objections to the proposal following the submission of a geophysical survey of the site. Further site investigation works are recommended before development starts to ensure that no archaeological features would be compromised by the development. A condition is recommended accordingly for site investigation works to be undertaken prior to works commencing on site.
93. The Coal Authority and the Council's Sustainability Team have been consulted and they have not raised any objections to the proposed scheme.

CONCLUSION

94. The proposal would not strictly accord with local plan policies or emerging CDP policies, however the proposed development would be in line with the sustainable aims of the NPPF. It is considered in this instance the key policy consideration for this application should be against the criteria detailed in the NPPF, therefore the proposed development would be acceptable in principle and in accordance with the sustainable principles of the NPPF.

95. The Highways Authority has confirmed that the access into the site would be acceptable and the surrounding road network can accommodate the proposed development. The proposed access arrangement would provide compensatory car parking spaces for those spaces which would be lost therefore the existing residents of Windsor Drive would still have the same amount of parking available. An alternative access to the west of the site was investigated however the Highways Officer has confirmed that an adequate access could not be achieved at this point. Overall, it is considered that highway safety would not be compromised as a result of the proposed development. The proposal therefore accords with policies 36 and 37 of the Easington District Local Plan.
96. The proposed development would deliver the full amount of affordable housing (10%) on the site. Although no house types are to be agreed in this outline application, it has been demonstrated through illustrative plans that a mixed development could be provided including 2-4 bedroom properties of detached, semi-detached linked properties and bungalows. A number of improvements would also be facilitated within the surrounding area arising from developer contributions that would enhance the overall sustainability of the site and the surrounding area. These would be secured through a proposed Section 106 Agreement.
97. A detailed ecology survey has been submitted with the application and this survey has found that no protected species would be adversely affected by the proposed development, ecology officers concur with this conclusion. In order to take pressure from additional visitors away from the coastal designations of significant importance, the developer has agreed to contribute towards the upgrade and enhancement to the recreational area to the south of the site. Footway linkages from the site to the adjacent bridleway and the recreational area will also be provided. As such, it is considered that the proposed development would be in accordance with saved policies 14, 15, 16, 18 and 19 of the District of Easington Local Plan and part 11 of the NPPF, both of which seek to protect and enhance biodiversity and the natural environment.
98. Although this is an outline application, it is considered that the parameters set out on the submitted masterplan, which shows a housing density of 27 units per hectare, does provide sufficient confidence that a high quality layout, design and landscaping framework can be provided and appropriately accommodated in amenity terms.
99. It is acknowledged that the proposal has generated some local opposition. These concerns have been considered in the report and notwithstanding the points raised it is felt that sufficient benefits and mitigation measures are contained within the scheme to render it acceptable in planning terms and worthy of support as a justifiable departure from existing local policy. It is also noted that there have been no substantial objections made from any statutory consultee bodies.

RECOMMENDATION

That Members are minded to **APPROVE** the application subject to the completion of a Section 106 Legal Agreement to secure the provision of affordable housing; provision of footway linkages from the site to the bridleway and recreational area; and the payment of commuted sums towards education provision, enhancements to sports provision and recreational areas in the locality; and subject to the following conditions;

1. Approval of the details of appearance, landscaping, layout and scale (hereinafter called “the reserved matters”) for the development shall be obtained from the local planning authority before the development is commenced. Approval of the reserved matters for the development thereafter shall be obtained from the local planning authority before development is commenced.

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

2. Application for approval of reserved matters for the development must be made not later than the expiration of three years beginning with the date of this permission, and the development must be begun not later than the expiration of two years from the first approval of the reserved matters.

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

3. The development hereby approved shall be carried out only in accordance with the approved plans and specifications contained within:

Description	Date Received
Site Location Plan	01/10/2013
Vehicle & Pedestrian Access Plan	21/01/2014

Reason: To meet the objectives of saved Policies 1, 35 and 36 of the Easington District Local Plan and parts 1 and 4 of the NPPF.

4. Prior to the commencement of the development a scheme to minimise energy consumption arising from the occupation/operation of the development shall be submitted to and approved in writing by the local planning authority. The scheme shall consist of energy from renewable or low carbon sources provided on-site, to a minimum level of at least 10% of the total energy demand from the development, or an equivalent scheme that minimises carbon emissions to an equal level through energy efficiency measures. Thereafter the development shall be carried out in complete accordance with the approved scheme prior to first occupation.

Reason: In the interests of sustainable construction and energy generation in accordance with the aims of Policies 1 and 35 of the Easington District Local Plan and Part 10 of the NPPF.

5. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a mitigation strategy document that has been submitted to and approved in writing by the local planning authority. The strategy shall include details of the following:
 - i) the proper identification and evaluation of the extent, character and significance of archaeological remains within the application area;
 - ii) an assessment of the impact of the proposed development on any archaeological remains identified;
 - iii) proposals for the preservation in situ, or for the investigation, recording and recovery of archaeological remains and the publishing of the findings,

- it being understood that there shall be a presumption in favour of their preservation in situ wherever feasible;
- iv) sufficient notification and allowance of time to archaeological contractors nominated by the developer to ensure that archaeological fieldwork as proposed in pursuance of (i) and (iii) above is completed prior to the commencement of permitted development in the area of archaeological interest; and
 - v) notification in writing to the County Durham Principal Archaeologist of the commencement of archaeological works and the opportunity to monitor such works.

The development shall then be carried out in full accordance with the approved details.

Reason: To comply with paragraph 141 of the NPPF because the site is of Archaeological interest.

6. Prior to the occupation of the first dwelling a copy of any analysis, reporting, publication or archiving required as part of the mitigation strategy shall be deposited at the County Durham Historic Environment Record.

Reason: To comply with paragraph 141 of the NPPF, which requires the developer to record and advance understanding of the significance of a heritage asset to be lost, and to make this information as widely accessible to the public as possible.

7. No development shall take place until a detailed scheme for the disposal of foul water from the development hereby approved has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To prevent the increased risk of flooding from any sources and in accordance with saved Policy 1 of the Easington District Local Plan and part 10 of the NPPF.

8. The development hereby approved shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) URS of November 2013 and the following mitigation measures detailed within the FRA:
 - Limiting the surface water run-off generated by the site to the greenfield run off rate of the impermeable areas only.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and in accordance with saved Policy 1 of the Easington District Local Plan and part 10 of the NPPF.

9. No development shall take place until a site investigation and Desk top Study has been carried out in accordance with Part IIA of The Environmental Protection Act 1990. The results of the site investigation shall be submitted and approved in writing by the local planning authority.

As a minimum requirement, the Desk Top Study should include the following information in relation to the study site:

- Historic Land Use
- Former contaminative site uses
- Typical contaminants from former industrial uses
- Watercourses, major underground aquifers, water source protection zones, at or close to the site
- Ground water, perched ground water
- Adjacent land uses and their historical land use, and potential to affect the study site
- All former holes in the ground on or close to the study site

If the desk top study determines there is no historical land use which may cause contamination of the site, no further action is required in relation to the contaminated land risk assessment.

If any historical land use which may cause contamination of the site is found from the desk top study site investigation, a 'Phase 2 Report' will be required as detailed below.

Phase 2 Report

A further report shall be submitted to and approved in writing by the local planning authority. This report shall take into consideration the relevant aspects of the desk top study and discuss remediation measures in accordance with appropriate legislative guidance notes.

If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority

Phase 3 – Validation Report

After remediation measures are implemented at the site, a final validation statement shall be submitted in accordance with the remediation recommendations of the above 'Phase 2' report.

Reason: To ensure that the application site is safe for the approved development, as required by paragraph 121 of the National Planning Policy Framework and in accordance with saved Policy 1 of the Easington District Local Plan and part 11 of the NPPF.

10. No development works (including demolition) shall be undertaken outside the hours of 08:00am to 06:00pm Monday to Friday and 08:00am to 01:00pm on a Saturday with no works to take place on a Sunday or Bank Holiday.

Reason: To safeguard the residential amenity of neighbouring residents and to comply with policy 1 of the Easington District Local Plan.

11. The development hereby approved shall be carried out in full accordance with all ecological mitigation measures, advice and recommendations within the Ecological Assessment Survey Report prepared by Barrett Environmental Ltd dated September 2013.

Reason: To conserve protected species and their habitat in accordance with the objectives of saved Policy 18 of the Easington District Local Plan and part 11 of the NPPF.

12. Prior to the commencement of the development details of proposed traffic calming measures shall be submitted to and approved in writing by the Local planning authority. The development shall be constructed in accordance with the approved details on completion of the surface course to the carriageways of the development.

Reason: In the interests of highway safety and to comply with policies 36 and 37 of the Easington District Local Plan.

13. Prior to the commencement of the development details of footway pedestrian links to the Murton Bridleway 15 and the recreational land to the south of the site shall be submitted to and approved in writing by the Local planning authority. The development shall be constructed in accordance with the approved details prior to the occupation of the first dwelling.

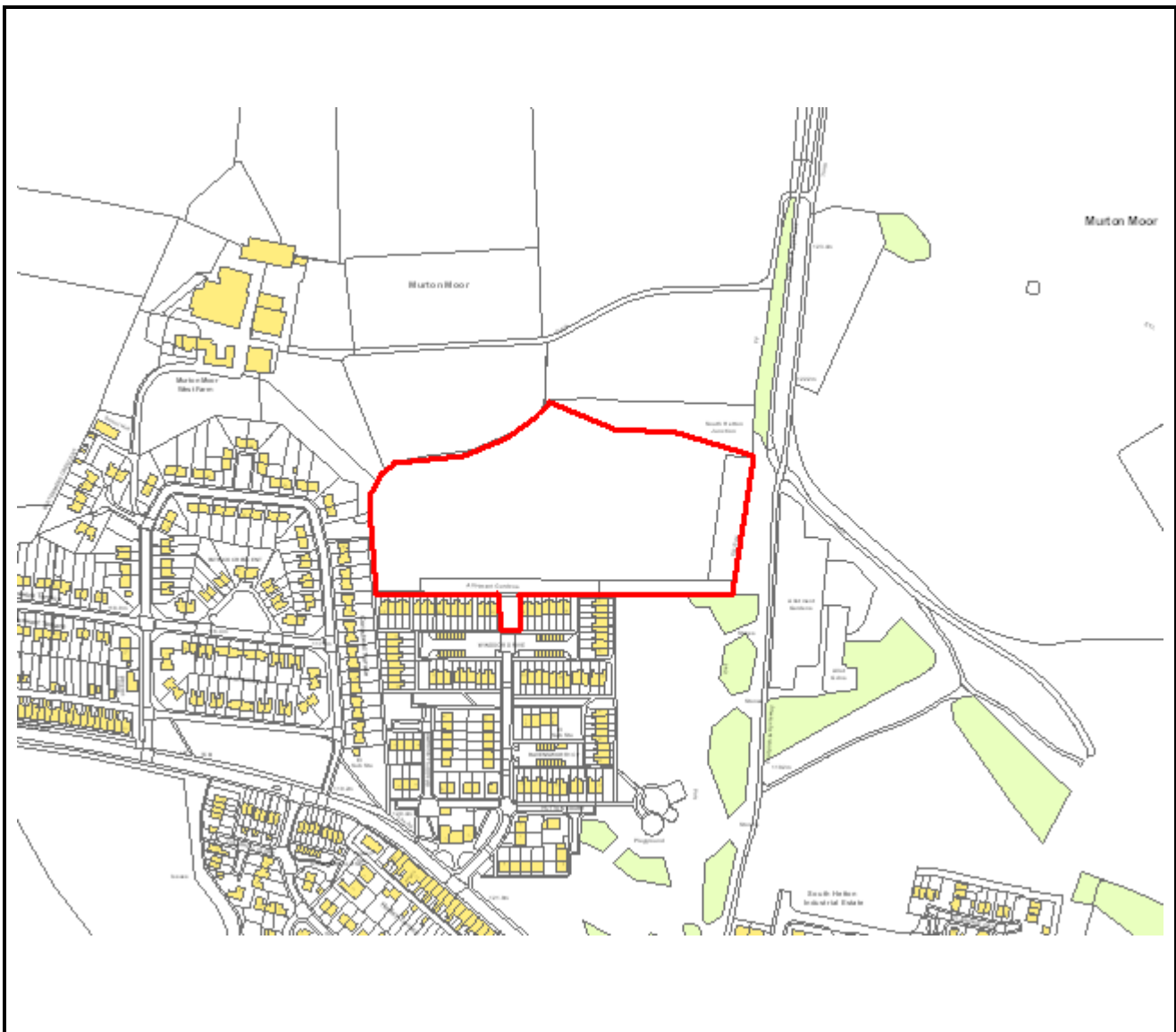
Reason: To secure safe and efficient community access to adjoining public rights of way and sports recreational areas and to comply with policy 1 of the Easington District Local Plan.

STATEMENT OF PROACTIVE ENGAGEMENT

14. In dealing with the application, the Local Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising during the application process. The decision has been made within target provided to the applicant on submission and in compliance with the requirement in the National Planning Policy Framework to promote the delivery of sustainable development.

BACKGROUND PAPERS

- Submitted Application Forms and Plans.
- Design and Access Statement
- Environmental Statement
- District of Easington Local Plan 2001
- National Planning Policy Framework
- Consultation Responses



Planning Services

Outline Residential Development (80 houses) at Land North of Windsor Drive, South Hetton, Durham Ref: CE/13/01085/OUT

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Comments

Date 11th February 2014