

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	CE/13/01014/OUT
FULL APPLICATION DESCRIPTION:	Proposed Residential Development (Outline)
NAME OF APPLICANT:	Woodside Leisure Ltd
ADDRESS:	Land at Former Thorpe Maternity Hospital, Andrews Lane, Easington
ELECTORAL DIVISION:	Easington
CASE OFFICER:	Chris Baxter Senior Planning Officer 03000 263944 chris.baxter@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site is the former Thorpe Maternity Hospital located on Andrews Lane which is situated between the settlements of Peterlee (to the south) and Easington (to the north). As the site is outside of any settlement boundary identified in the District of Easington Local Plan it is technically classed as being in the countryside. The site can be described as 'L' shaped and is bounded by mature trees and hedgerows to the east and west. There is a fence line to the south and mounding has been introduced to the north boundary to prevent unauthorised access. As part of the former Maternity Hospital there were a number of buildings located on the site which have since been demolished however part of the access road as well as some foundations can still be seen. Some of the mature trees on the site are protected by Tree Preservation Orders (TPO's).
2. The nearest neighbouring residential properties are located over 250 metres away to the east, located in Little Thorpe. The A19 motorway is located over 400 metres to the west. The adopted highway of Andrews Lane is directly to the north of the site. The site is currently bounded by open agricultural fields to the south, east and west.

The Proposal

3. Outline planning permission is sought for residential development with all matters reserved for future consideration.
4. 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 approximately 50 properties.
5. The application is reported to the Planning Committee as it constitutes a major development.

PLANNING HISTORY

6. Although not specifically related to this site, Members may recall that outline planning permission was granted at a planning committee in 2013 for 900 houses on land to the north of Lowhills Road, Peterlee. The siting of these 900 houses would wrap around the application site and properties would be located on the fields to the south, east and west of the site in this application.

PLANNING POLICY

NATIONAL POLICY:

7. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant.
8. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve ‘core planning principles’.
9. The following elements are considered relevant to this proposal;
10. *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.
11. *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.
12. *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.
13. *NPPF Part 7 – Requiring Good Design.* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
14. *NPPF Part 8 – Promoting Healthy Communities.* The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
15. *Part 10 – Meeting the Challenge of Climate Change, Flooding and Coastal Change.* Planning plays a key role in helping shape places to secure radical reductions in

greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development.

16. *NPPF Part 11 – Conserving and Enhancing the Natural Environment.* The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, 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

17. *Policy 1-* Due regard will be had to the development plan when determining planning applications. Account will be taken as to whether the proposed development accords with sustainable development principles while benefiting the community and local economy. The location, design and layout will also need to accord with saved policies 3, 7, 14-18, 22 and 35-38.
18. *Policy 3 -* Development limits are defined on the proposal and the inset maps. Development outside 'settlement limits' will be regarded as development within the countryside. Such development will therefore not be approved unless allowed by other policies.
19. *Policy 6 -* Green Wedge is allocated between Easington Village and Peterlee, development will be limited to agriculture, horticulture, forestry, wildlife reserves and informal recreation involving the quiet enjoyment of the countryside. Proposals should maintain the open nature of this area.
20. *Policy P6 –* The former Thorpe Hospital site is allocated for business, leisure or recreation uses provided that the development does not detract from the openness of the green wedge; the scheme should be designed and landscaped to a high standard; adequate access should be achieved; and archaeological remains should be protected.
21. *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.
22. *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.

23. *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.
24. *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.
25. *Policy 19* - Areas of nature conservation interest, particularly those of national importance will be protected and enhanced.
26. *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.
27. *Policy 36* - The design and layout of development should ensure good access and encourage alternative means of travel to the private car.
28. *Policy 37* - The design and layout of development should seek to minimise the level of parking provision (other than for cyclists and disabled people).
29. *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.
30. *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.
31. *Policy 75* - Provision for cyclists and pedestrians will be reviewed to provide safe and convenient networks.
32. *Policy 77* - The Council will seek to encourage the improvement of the public transport service and the rail transport of freight in the district.
33. *Policy 90* – The Council will seek to secure outdoor sports facilities in the settlements of Peterlee and Seaham and at a district wide level.

EMERGING POLICY:

34. The emerging County Durham Plan was submitted in April 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. Further, the Planning Practice Guidance explains that in limited circumstances permission can be justifiably refused on prematurity grounds: when considering substantial developments that may prejudice the plan-making process and when the plan is at an advanced stage of preparation (i.e. it has been Submitted). To this end, the following policies contained in the Submission Draft are considered relevant to the determination of the application:
35. *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.

36. *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.
37. *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.
38. *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.
39. *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.
40. *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.
41. *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:

42. *Environment Agency* has raised no objections to the proposed scheme. Should permission be granted a condition is requested for the development to be in accordance with the mitigation measures detailed in the Flood Risk Assessment (FRA).
43. *Natural England* has not raised any objections but have provided advice on internationally and nationally designated sites; protected species; biodiversity enhancements; and green infrastructure.
44. *Northumbrian Water* has not raised any objections subject to details for the disposal of surface and foul water to be submitted prior to development commencing.
45. *The Coal Authority* has confirmed that the site does not lie within a development high risk area, and no objections are raised.

46. *Durham County Highways Authority* has not raised any objections to the proposed development given it's an outline application with all matters reserved. Advice has been given in terms of access, pedestrian links and parking standards.
47. *Easington Village Parish Council* have objected to the proposed scheme indicating that it does not comply with local plan policies 3, 6 and P6; and also indicating that the site is not allocated in the emerging County Plan as an allocated site. Other concerns relate to the impact on schools as well traffic problems.
48. *Peterlee Parish Council* have raised concerns relating to the additional pressures such a development would have on existing school places increased traffic and drainage/flooding issues near the site.
49. *Campaign to Protect Rural England* considers the application should be refused and the site remain as a green arm into the Lowhills development.

INTERNAL CONSULTEE RESPONSES:

50. *County Spatial Policy Team* has not raised any objections to the proposed scheme.
51. *County Landscape Team* has no objections however it is considered vital that the layout is modified in order to ensure the protected trees are not affected and suitable open space is provided. This may result in the reduction of properties on the site.
52. *County Tree Officer* has not raised any objections. A condition is requested for an Arboricultural Impact Assessment and Tree Constraints Plan to be submitted to ensure that the protected trees on the site are not adversely compromised during development.
53. *County Public Rights of Way Section* has confirmed that there are no recorded public rights of way through the site.
54. *Drainage Officer* has not offered any objections to the scheme.
55. *County Environmental Health (Noise, dust and light)* has not raised any objections.
56. *County Environmental Health (Contaminated land)* has not raised any objections subject to conditions requiring the submission of a desk tops study of the site.
57. *County Environmental Health (Air quality)* has not raised any objections.
58. *County Archaeology Section* has not raised any objections to the scheme. A condition is recommended for further archaeological works to be undertaken prior to development commencing.
59. *County Ecology Section* has not raised any objections to the proposed scheme.
60. *County Housing Development and Delivery Team* has not commented on the proposals.
61. *Sustainability Team* has indicated that the applicants commitment to 10% improvement in carbon emissions is fully supported. It is noted that in terms of the location sustainability it is considered that the development is not within easy walking distance of services and facilities. Although it is noted that the site is within walking distance to a variety of facilities including schools. The local centre associated with the Lowhills development will also benefit the sustainability of the site.

PUBLIC RESPONSES:

62. The application has been advertised in the local press and a site notice was posted. Neighbouring residents have also been notified in writing. 8 letters of objection have been received.
63. Concerns have been raised with regards impacts upon highways, in particular the increase in traffic which would have an adverse impact on highway safety. A local resident has noted that Andrews Lane is used as a lay by where vehicles park, and that this function would be lost if the development was approved.
64. It has been noted that the proposed development does not accord with local plan policies as it is actually allocated for hotel, leisure or commercial use. The site is also not identified in the emerging County Plan as a housing site. It is considered that the housing need in this area is already met by other approved developments. Subsequently there is not considered to be a demand for housing. It is also noted that brownfield sites should be developed on before greenfield sites. Residents have raised concerns that there is a lack of school places in the area and this development would add additional pressure on educational facilities in the area.
65. The strategic gap is needed as part of the green wedge which separates Easington and Peterlee. This development would result in the loss of open space between two villages. The development would therefore have an adverse impact on the character and appearance of the countryside according to local residents. Some local residents consider this site to be a beauty spot which is currently used as a public amenity area. The site also has a number of trees which are protected by preservation orders. It is considered by residents that the development would result in the loss of habitat and have an adverse impact on ecology and wildlife. It is noted that there is Japanese Knotweed on the site which should be removed securely.
66. Finally, some residents have raised the sensitive issue of potential burials of human remains on the site. Given the previous use of the site as a maternity hospital, some local residents have indicated that there are baby burials on the site.

APPLICANTS STATEMENT:

67. We believe we have demonstrated that the principle of housing development is acceptable. The proposal would re-use previously developed land; close to services; previously allocated for development in the Easington Local Plan (2001) and surrounded by land on which planning permission has been granted for housing. There is a housing need for the County that can be met by this site. The proposal would have no material effect on the character and appearance of the area. Specialist consultants have confirmed that there is no risk associated with flooding or surface water drainage on the site. All trees have been surveyed by a specialist consultant and will be protected throughout the development process. Specialist consultants have confirmed matters of archeological interest, historical remains and land contamination can be controlled by standard conditions. A specialist bat consultant has confirmed that there is no evidence of bats roosting on the site. There would be no effect on highway safety. The proposal would provide a suitable use of the site that compliments and respects existing landscape with a sustainable housing development that can be delivered immediately.

68. 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 S106 contributions; ecology; archaeology; layout, design and visual amenity; and other issues.

Principle of residential development

69. This scheme proposes housing development on previously developed land that is located outside of the existing settlement boundary for either Easington or Peterlee. Sites located outside of boundaries are treated against 'countryside' policies and objectives, and there is a general presumption against allowing development beyond a settlement boundary in line with Policy 3 of the local plan. Policy 3 creates a presumption against development outside of settlement boundaries unless allowed by other policies in the local plan. There are no other policies in the local plan which provides support for this development in principle. Policy P6 of the local plan specifically allocates the site for business, leisure or recreation uses. Consequently, in strict planning policy terms the development of the site for housing would be in conflict with the local plan.

70. As a consequence of the conflict with the local plan there would need to be other 'material considerations' to justify a departure from that policy. In this respect the NPPF is far less restrictive than the local plan, as Policy 67 of the local plan specifies that only previously developed land can come forward for housing development on sites which are located within defined settlement boundaries. 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.

71. 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 is considered to accord with policies 15 and 35 of the emerging CDP, but given objections has been received on these policies through the most recent consultation it is considered that little weight can be afforded to these emerging policies. The site is located between Easington and Peterlee which are main urban centres which have a wide range of shops, facilities and services. The proposed scheme for 900 houses also includes the development of a local retail centre. It is therefore considered that the site in this application would be within a sustainable location situated between Easington and Peterlee. The developer of this scheme would also be required to make financial contributions towards the upgrade and enhancements of local sports and recreational areas. The developer would also be required to contribute towards the local housing need by providing the 10% affordable housing requirement through this development.

72. Another material consideration in the determination of this application is the recently approved application for 900 houses on the site known as Lowhills. This permission grants outline development for 900 houses which would wrap around the site in this application to the south, east and west boundaries. The application site sits within this 900 house scheme and from a physical perspective it would be logical to develop the site so this area would appear as a fully comprehensive housing site.
73. Whilst it is accepted that this proposal would not strictly accord with local plan policies, it is recognised that the proposed development would be in line with the sustainable aims of the NPPF, as well as policies 15 and 35 of the emerging CDP. On balance, given the current status of 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

74. This application has been made in outline with all matters to be reserved for future consideration. That being said, the applicant has submitted an illustrative masterplan for the site which shows the access taken from the north direct onto Andrews Lane. The County Highways Officer has been consulted on the application and no objections are raised to the proposal. Improvements to the access onto Andrews Lane would be required along with pedestrian links into the 900 houses residential scheme to improve pedestrian connectivity however this can be sought through a reserved matters application. Overall the surrounding highway network can accommodate the proposed development and highway safety would not be compromised. The proposal is therefore considered to be in accordance with 36 and 37 of the local plan.
75. Some residents have indicated that Andrews Lane, from which the site is likely to be accessed from, is used as a lay by where vehicles park. It is noted Andrews Lane is not a formal lay by. It is not considered that the proposed development would have an adverse impact on Andrews Lane in terms of highway safety.

Affordable housing and section 106 contributions

76. 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”.
77. 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. A requirement of 10% of the dwellings on this site would need to be affordable homes and this requirement is proposed to be secured through a section 106 legal agreement.

78. Policy 90 of the local plan as well evidence within the Council's Open Space Needs Assessment (OSNA) requires new housing development to contribute to the provision and enhancement of outdoor sports facilities. In this instance a developer contribution can be made towards the enhancement and upgrade of recreational facilities in the locality. The amount of these contributions would be determined pro-rata on the final number of dwellings approved, but would equate to £500 per unit. This contribution would help to support and improve facilities within the surrounding locality for the benefits of the additional properties and also existing residents of the local community.

Ecology

79. 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.

80. 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.

81. Although the site used to contain the Thorpe Maternity Hospital, the buildings associated with the site have now been demolished and the site has become overgrown with plants and shrubbery. There are also a number of mature trees located on the site. There could be the potential for protected species to be present on the site and disturbed by the development. The applicant has submitted an ecology survey with the application. The Council's Ecology Officer has been consulted on the ecology survey and no objections have been raised as the survey indicates a low impact risk on protected species. 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.

82. Notwithstanding the above, a condition will be required which would ensure care is taken during construction in accordance with the recommendations in the submitted ecology 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.

83. In order to take pressure from additional visitors away from the coastal designations of significant importance, sufficient and appropriate green space needs to be provided in association with the proposed development. The applicant has submitted a habitats regulation assessment which indicates that 30% of the site is to be retained as open green space. There are also public rights of way near the application site which also provides links to other green spaces within the near locality. The habitats assessment concludes that with the provision of open green space on site and links to the wider countryside will provide appropriate and proportionate recreational facilities for dog walkers. The Council Ecology Officer is satisfied that the open space incorporated into the scheme and the links to nearby green spaces would protect the coastal designation.

84. As such, it is considered that the proposed development would be in accordance with saved policies 14, 15, 16, 18 and 19 of the local plan and part 11 of the NPPF, both of which seek to protect and enhance biodiversity and the natural environment.

Archaeology

85. The applicant has submitted a Phase 1 Geo-Environmental Desk Study Assessment and a Heritage Statement with the application. These initial assessments provide sufficient details with regards to issues associated with archaeology at the site. Whilst these assessments indicate that the development is not expected to disturb any archaeology on the site, further investigation works are proposed to ensure that any archaeological interests are protected. The County Archaeologist has been consulted on the proposals and no objections are raised providing conditions are imposed requiring further investigation works. Conditions are recommended accordingly.
86. Local residents have raised objections to the development indicating that in connection with the former maternity hospital there are baby burials on the site. No formal records can be found in terms of these burials being authorised graves, and there is no formal record as to if and where these burials are situated on the site. It is acknowledged that this is a sensitive matter, however whether or not there are human burials on the site, this issue is not specifically a material planning consideration which could be substantiated as a reason to refuse planning permission. If burials were discovered on the site then the emphasis would be on the applicant to ensure the correct authorisation is sought in order to gain permission to remove any bodies from the site.

Layout, design and visual amenity

87. The application has been made in outline with all matters reserved for future consideration. However an illustrative master plan has been submitted showing certain site development parameters.
88. Information provided in the submitted design and access statement as well as the indicative master plan indicates that a mix of house types would be available on site including 2, 3 and 4 bedroom properties of detached and semi-detached design. The housing layout would generally reflect the previous arrangement of Thorpe Hospital. The same access arrangement is to be utilised with the existing mature trees (protected by TPO's) on site to be retained and incorporated into the housing scheme. In terms of the sites relationship with the adjacent housing scheme for 900 houses, the proposed scheme respects the layout. Adequate separation distances can be achieved to ensure that sufficient levels of amenity would be retained for future residents of the properties.
89. It has previously been noted that this site does sit within the centre of the housing scheme for 900 houses (which has planning permission). If these 900 houses do get built then it is considered that the proposed housing in this application would be absorbed into the overall housing of the 900 house scheme. The proposals in this application do need to be assessed in isolation however as there is the possibility that the scheme in this application could be developed before the 900 house scheme is developed. There are concerns from local residents that the proposed scheme would adversely impact on the green wedge between Easington and Peterlee and that public amenity area would be lost as a result of the development. Although the site may presently be used by local residents as an amenity area, it is noted that land is in private ownership and is not a formal amenity area. In landscape terms, it is not considered that this site would result in the loss of the green wedge between

Easington and Peterlee, as this is only a small parcel of land. There have been no objections from landscape officers and it is considered that the proposed development would not have an adverse impact on the visual appearance of the area or the surrounding landscape.

90. The proposed site parameters shown on the illustrative master plan and the details provided within the design and access statement indicate that a high quality residential scheme could be provided on the 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

91. The Council's Drainage Officer, the Environment Agency and Northumbrian Water have been consulted on the proposed application. No objections have been raised providing the development is constructed in accordance with the details of the submitted Flood Risk Assessment. It is therefore considered that the proposal would not have an adverse impact in terms of drainage or flooding.
92. Easington and Peterlee Parish Councils and local residents have raised some concerns that there is a lack of school places in the nearby schools. It is noted that there is to be significant investment in local schools through the planning permission for 900 houses. This site however is for 50 houses and it is not considered that there is any planning policy requirement for school investment on this particular development.
93. The County's Environmental Health Team has been consulted on the application and they have raised no objections in terms of noise, air quality or contaminated land. A condition is requested for a desk study of the site to be undertaken prior to development commencing. A condition is recommended accordingly.
94. The Council's Sustainability Team has not raised any objections and has welcomed the applicant's commitment to 10% improvement in carbon emissions on the site. A condition is recommended to ensure 10% carbon emission improvements is secured through the proposed development.

CONCLUSION

95. The proposal would not strictly accord with local plan 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.
96. The Highways Authority has not raised any objections to the proposed development. Access is reserved for future consideration however it is likely that access will be taken from Andrews Lane. Andrews Lane can accommodate additional traffic from this proposed scheme. Highway safety would not be compromised as a result of the proposed development.
97. 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. Developer

contributions would also be made towards the enhancement and upgrade of recreational facilities in the locality, which would benefit the local community. These would be secured through a proposed Section 106 Agreement.

98. 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 the conclusions. In order to take pressure from additional visitors away from the coastal designations of significant importance, open green space is to be retained on site. There is also good public footpath links in the locality connecting to the wider countryside which will also aid in the protection of the coastal designation. As such, it is considered that the proposed development would be in accordance with saved policies 14, 15, 16, 18 and 19 of the local plan and part 11 of the NPPF, both of which seek to protect and enhance biodiversity and the natural environment.
99. The proposal is not considered to adversely impact on archaeology and the County Archaeologist has raised no objections subject to further investigation works which can be secured through a planning condition. Concerns have been raised from residents that due to the previous use of the site as a maternity hospital that there are baby burials on the site. No formal records have been found to confirm these burials. Should any burials be found on the site, the responsibility would be on the applicant to obtain any necessary permission to remove bodies. The possibility of burials being on site is not a material planning consideration and could not be substantiated as a reason to refuse planning permission.
100. Although this is an outline application with all matters reserved, it is considered that the parameters set out on the submitted master plan does provide sufficient confidence that a high quality layout, design and landscaping framework can be provided and appropriately accommodated in amenity terms. The mature protected trees on the site would be retained and it is considered that the development would not have an adverse impact within the surrounding landscape.

RECOMMENDATION

That Members **APPROVE** the application subject to the completion of a Section 106 Legal Agreement to secure the provision of affordable housing; and a financial contribution towards play and recreational facilities in the locality at a pro-rata rate of £500 per residential unit; and subject to the following conditions;

1. Approval of the details of access, 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 in strict accordance with the following approved plans:

Description	Date Received
OS Plan	13/09/2013

Reason: To define the consent and ensure that a satisfactory form of development is obtained.

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. The development hereby approved shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) by Wardell Armstrong, dated April 2014 and the following mitigation measures detailed within the FRA:

- Limiting the surface water run-off generated by the site to a maximum of 10.5 l/s as indicated at 6.1.5 in the FRA so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.

6. 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.

7. 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.

8. 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 as outlined in the document 'The Former Thorpe Maternity Hospital Site: Historic Environment Desk-based Assessment, PCA, 2014. The mitigation strategy shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in full accordance with the approved details.

Reason: To comply with paragraph 128 and 141 of the NPPF because the site has archaeological interest.

9. 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.

10. All planting, seeding or turfing shall be carried out in the first planting and seeding seasons following the completion of the development and any trees or plants which within a period of 5 years from the completion die, are removed or become seriously

damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of the appearance of the area and to comply with policy 35 of the District of Easington Local Plan.

11. The development hereby approved shall be carried out in full accordance with all ecological mitigation measures, advice and recommendations within the Bat Survey Report prepared by Dendra Consulting Ltd dated 15th July 2014.

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. Notwithstanding the details submitted, this permission relates to a maximum of 50 dwellings on the site.

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with part 7 of the National Planning Policy Framework and saved Policies 1 and 35 of the District of Easington Plan.

STATEMENT OF PROACTIVE ENGAGEMENT

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 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

Proposed Residential Development (Outline) at Land at Former Thorpe Maternity Hospital, Andrews Lane, Easington Ref: CE/13/01014/OUT

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Date 11th November 2014