

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/17/01950/FPA
FULL APPLICATION DESCRIPTION:	Erection of 84 dwellings including all associated landscaping and infrastructure
NAME OF APPLICANT:	Durham Villages Regeneration Company
ADDRESS:	Land West Of Dene Community School Of Technology, Manor Way, Peterlee
ELECTORAL DIVISION:	Peterlee East
CASE OFFICER:	Graham Blakey, Senior Planning Officer 03000 264865 graham.blakey@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site extends to some 2.89ha, and is located to the north and west of the complex of Dene House Primary and Dene Community Secondary schools, which itself sits between Peterlee and Horden. The site, once part of former playing fields which were relocated as part of a refurbishment of Dene Community Secondary School in 2011/2012, primarily forms an area of grass and meadow that separates the school buildings from Yoden Way (B1320) and Manor Way. The application site comprises a mixed hedge and tree line to the boundary with Yoden Way, with a deep highway verge characteristic of the Peterlee area, as well as the current vehicular and secondary pedestrian accesses to both schools. An area of public open space lies within the southern part of the application site towards the junction of Manor Way and Eastfields. Housing lies to the west of Manor Way across from the development to rising ground (Granville Road), with an area of woodland and open space located across Yoden Way to the north, with the school sites and their boundaries occupying the eastern boundary of the application site.
2. More widely, Castle Eden Dene National Nature Reserve, encompassing Castle Eden Burn, lies beyond Eastfields and Thorntree Gill to the south of the site and sees the general land form drop from the north and west to the south and east. Access to the application site is possible via both Yoden Way and Manor Way, both having direct connections to Peterlee Town Centre, a main town within the County at 0.7 miles to the west (15 minute walk), and Horden, considered part of the Peterlee main town in the Council's Settlement Study (2012), at 0.4 miles to the east (10 minute walk).

3. Within the site, the high point would be at the junction of Yoden Way and Manor Way with the land form sloping away eastward and more dramatically southward around the schools complex. The pre-existing boundary treatments and landscaping features remain, such as the steel palisade fence and well established hedgerow under planting along Yoden Way and parts of Manor Way that features occasional semi and more mature trees. Boundaries to the school sites are more dominated by hard boundaries and visually permeable fencing in the case of the multi-use games area to the northern part of the site.
4. The site lies 800-1000m from the Heritage Coastline, a European Protected Site, and therefore within the 6km buffer for the Durham Coast Special Area of Conservation (SAC). Castle Eden Dene Site of Special Scientific Interest (SSSI) also lies within 2-300m of the site to the south, with areas covered by tree preservation orders. No recorded public rights of way are contained within the application site itself. The application site contains no watercourses, with the site lying entirely within Flood Zone 1, which is the zone of lowest risk. The closest heritage asset is the Parish Church of St Mary, Horden, a grade II listed building which lies approximately 500 metres to the north east via Yoden Way.

The Proposal

5. The application seeks planning permission for the erection of 84 dwellings and would include areas of grass land to the north and west of the schools complex, the vehicular access route to the schools and many of the pedestrian links north and west from the schools complex. The development would take the form of frontage development along both Yoden Way and Manor Way and would be set behind the existing boundary hedge line, with vehicular access into the site taken from two points at Yoden Way and Manor Way. The link from Yoden Way would become the new main entrance way to the schools complex and would feature an enlarged 5.5 metre wide carriageway as a result. Dwellings would take the form of two-storey and two-and-half-storey dwellings (accounting for 22 units, 26%). The proposed development would feature predominately 3 bedroomed properties accounting for 66 of the 84 homes proposed (78.5% of the total housing). Properties would all feature off-street parking and rear enclosed gardens. No affordable housing is proposed.
6. The main internal estate road would link the school directly with Yoden Way, with a cul-de-sac arrangement to the north east, and a link road through from the school access road to Manor Way with two further cul-de-sac arrangements proposed. A Sustainable Urban Drainage System (SuDs) is proposed to accommodate surface water run-off which requires an over-ground drainage basin feature being located within the northern part of the application site. Open space would be focused primarily around this and the existing area of open space to the south part of the application site which would be retained. Footpath links to both the north east and also the west, including the existing Dene House Primary School pedestrian link to Manor Way, would be provided or improved and a focus on increasing links to the woodland and open space beyond Yoden Way to the north.
7. This planning application is being reported to Committee as the development constitutes a major development comprising of more than ten dwellings.

PLANNING HISTORY

8. In 2011, planning permission was granted for reworking of Dene Community Secondary school that included partial demolition of the existing school buildings and erection of a two storey main building (ref: 8/928/5/164(15)).
9. In 2003, planning permission was granted for new boundary fencing around the perimeter of the site (ref: 5/HIST/2003/2649).
10. Again in 2003, planning permission was also granted for an extension to a childcare facility at Dene House Primary School (ref: 5/HIST/2003/2625).
11. In 1996, planning permission was granted for a replacement primary school (ref: 5/HIST/1996/0542).

PLANNING POLICY

NATIONAL POLICY

12. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF). 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. 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’.
13. In accordance with Paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policy will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight. The relevance of this issue is discussed, where appropriate, in the assessment section of the report. The following elements of the NPPF are considered relevant to this proposal.
14. *NPPF Part 1 – Building a Strong, Competitive Economy.* The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country’s inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.
15. *NPPF Part 4 – Promoting Sustainable Transport.* The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. It is recognised that different policies and measures will be required in different communities and opportunities to maximize sustainable transport solutions which will vary from urban to rural areas. Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion.
16. *NPPF Part 6 – Delivering a Wide Choice of High Quality Homes.* To boost significantly the supply of housing, applications should be considered in the context of the presumption in favour of sustainable development.

17. *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. Planning decisions must aim to ensure developments; function well and add to the overall quality of an area over the lifetime of the development, establish a strong sense of place, create and sustain an appropriate mix of uses, respond to local character and history, create safe and accessible environments and be visually attractive.
18. *NPPF Part 8 – Promoting Healthy Communities.* Recognises the part the planning system can play in facilitating social interaction and creating healthy and inclusive communities. Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities and planning policies and decisions should achieve places which promote safe and accessible environments. This includes the development and modernisation of facilities and services.
19. *NPPF 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.
20. *NPPF Part 11 – Conserving and Enhancing the Natural Environment.* The planning system should contribute to, and enhance the natural environment by; protecting and enhancing valued landscapes, recognizing the benefits of ecosystem services, minimizing impacts on biodiversity and providing net gains in biodiversity where possible, preventing new and existing development being put at risk from unacceptable levels of soil, air, water or noise pollution or land instability, and remediating contaminated and unstable land.
21. *NPPF Part 12 – Conserving and Enhancing the Historic Environment.* Local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.

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

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

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

LOCAL PLAN POLICY:

The Easington District Local Plan (2001) (EDLP)

23. *Policy 1 – General Principles of Development.* Due regard will be had to the development plan when determining planning applications. Account will be taken as to whether the proposed development accords with sustainable development principles while benefiting the community and local economy.
24. *Policy 14 – Protection of Special Areas of Conservation.* Development that is likely to adversely affect a Special Area of Conservation will not be permitted unless certain exceptional criteria are met.
25. *Policy 15 – Protection of Sites of Special Scientific Interest and National Nature Reserves.* Development that is likely to affect Sites of Special Scientific Interest (SSSI) or National Nature Reserves (NNRs) will only be permissible if no alternative solution can be found and is in the national interest. Minimisation of the impacts and appropriate compensation is required where works affect SSSIs or NNRs.
26. *Policy 16 – Protection of Sites of Nature Conservation Importance, Local Nature Reserves and Ancient Woodlands.* Advises that development which is likely to adversely affect such a site will only be approved where there is no alternative solution and the development is of national interest.
27. *Policy 18 – Species and Habitat Protection.* Development which adversely affects a protected species or its habitat will only be approved where the reasons for development outweigh the value of the species or its habitat.
28. *Policy 24 – Protection of Listed Buildings.* This policy states that any developments which adversely affect the character, appearance, special architectural features or setting of a listed building will not be approved.
29. *Policy 35 – Design and Layout of Development.* The design and layout of development should consider energy conservation and efficient use of energy, reflect the scale and character of adjacent buildings, provide adequate open space and have no serious adverse effect on the amenity of neighbouring residents or occupiers.
30. *Policy 36 – Design for Access and the Means of Travel.* The design and layout of development should ensure good access and encourage alternative means of travel to the private car.
31. *Policy 37 – Design for Parking.* The design and layout of parking should seek to minimise the level of parking provision.
32. *Policy 38 – Designing out Crime.* The design and layout of development will be required to have due regard to personal safety and the security of property, particularly in the hours of darkness.
33. *Policy 66 – Provision of Outdoor Play Space.* This policy requires developers to provide adequate provision for children's play space and outdoor recreation space in new major housing developments.
34. *Policy 90 – Protection and Provision of Outdoor Sports Facilities.* Specifies that development which would result in the loss of an area of outdoor sports facilities will not be approved unless: alternative provision is provided; or the development of a small part leads to overall enhancement; or there is an excess of outdoor sports facilities in the area.

RELEVANT EMERGING POLICY:

The County Durham Plan

35. Paragraph 216 of the NPPF says that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. The County Durham Plan (CDP) was submitted for Examination in Public and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 18 February 2015, however that Report was quashed by the High Court following a successful Judicial Review challenge by the Council. In accordance with the High Court Order, the Council has withdrawn the CDP and a new plan being prepared. In the light of this, policies of the CDP can no longer carry any weight. As the new plan progresses through the stages of preparation it will begin to accrue weight.

The above represents a summary of those policies considered most relevant. The full text, criteria, and justifications of each may be accessed at: <http://www.durham.gov.uk/article/3266/Whats-in-place-to-support-planning-and-development-decision-making-at-the-moment> (Easington District Local Plan)

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

36. *Highway Authority* – Raise no objection. The proposed development would access the highway network at two points (Yoden Way and Manor Way). As such, modelling indicates that the appropriate split across these two junctions would be below the 30 vehicles per hour threshold for new development that would be considered to have a material impact upon on a congested network. Therefore, the proposed development would see no operational impacts upon the local highway network as a result of development generated traffic. The proposed layout is considered to be acceptable in its amended form.
37. *Northumbrian Water* – Raises no objections, subject to the imposition of a condition to agree the scheme for disposal of foul water from the development, as the point of connection to the public sewerage network has not been agreed. Similarly, the submitted Flood Risk Assessment (FRA) and Drainage Strategy should form part of the approved documents as part of any planning approval.
38. *Drainage and Coastal Protection* – Raise no objection. Source controls are preferable for inclusion.

INTERNAL CONSULTEE RESPONSES:

39. *Spatial Policy* – In this part of County Durham, the statutory development plan currently comprises the ‘saved’ elements of the Easington District Local Plan 2001 (EDLP). Paragraph 14 of the NPPF makes clear that a presumption in favour of sustainable development is at the heart of the NPPF. Paragraph 7 of the framework defines three dimensions of sustainability: economic, social and environmental. Having regard to the NPPF and recent case law, it is considered that policies can be considered to be ‘out of date’ where a Local Planning Authority is unable to demonstrate a 5 year Housing Land Supply (Paragraph 49 of NPPF). The Council cannot currently demonstrate a 5 year Housing Land Supply and so Policies associated with the supply of housing have to be weighted accordingly. Policy 1 of the EDLP is considered consistent with the NPPF; however, it carries limited weight as a result of a lack of 5 year Housing Land Supply. As a result, the two ‘limbed’ test set out in the ‘Decision Taking’ section of paragraph 14 of NPPF should be engaged in this instance.

40. The saved local plan policies can be considered as part of the planning balance assessment of the Paragraph 14 'first limb' test where they relate to any identified harm and benefits. Therefore, Saved Policies 1, 14, 15, 16, 35, 36, 37, 38, 39 and 66 remain relevant when considering those aspects of the scheme. Policy P9 allocates the site for residential development; however this policy also concerns housing supply, and as such, it can only be afforded limited weight.
41. *Design and Conservation* – Raise no objection in principle. Specific comments are made regarding the proposed layout and parking provision which are not considered to be ideal. Provision of a footpath link to Yoden Way from the north east corner of the site is now included and welcomed. Increased distance between Plots 24-26 (inc.) and the adjacent outdoor school sports facility is also welcomed, if not ideal. Officers also consider that house types appear standardised rather than relating to site context, local distinctiveness or identity.
42. *Landscape* – Raises no objection to the proposed planting scheme. Subject to ensuring that the mitigation and construction measures contained within the Arboricultural Impact Assessment (June 2017) are adhered to by condition.
43. *Landscape (Arboriculture)* – Raise no objections, although note the loss of trees that have visibility upon the landscape. Recommended that all the information in the Arboricultural Impact Assessment (June 2017) is followed in full.
44. *School Places and Admissions Manager* – Raise no objections noting that there are sufficient primary and secondary school places to accommodate pupils from this development.
45. *Ecology* – Raise no objections. Officers consider that the submitted Preliminary Ecological Appraisal report is sufficient to inform the application and that no further surveys are required with Section H of the report being conditioned as part of any planning approval. It is noted that the proposal is within the 6km Habitats Regulations Coastal Buffer and a Habitat Regulations Assessment (HRA) Screening Opinion has been submitted with the application. The Screening Opinion acknowledges that there may be indirect impacts on the Northumbria Coast Special Protection Area and the Durham Coast Special Area of Conservation. Officers however consider that the impacts can be minimal with appropriate mitigation. It is considered that the site is ideally located to take advantage of the Yoden Way woodland for HRA mitigation purposes.
46. *Environment, Health and Consumer Protection (Noise, Dust and Odour)* – Raise no objections considering that plots to the school sports pitches would feature mitigation measures which would offset the level of noise measured on site. Conditions to ensure mitigation measures are implemented are required.
47. *Environment, Health and Consumer Protection (Air Quality)* – Raise no objections. Submitted air quality risk assessment and screening outlines limited risk of pollutants arising from the proposed development at both construction and operational phases.
48. *Sustainability* – Raise no objections. Site has good access to community services, facilities on foot and employment opportunities, and good public transport links exist. The development should provide sustainability embedded into the development, adhering to Part L (2013) of the Building Regulations.
49. *Sustainable Travel* – No objections are raised, although some revisions to the Travel Plan are suggested.

50. *Access and Public Rights of Way* – Raise no objections. School access routes into the site will need rerouting and an unregistered access path will require removal in the north west corner of the site.

EXTERNAL CONSULTEE RESPONSES:

51. *Police Architectural Liaison Officer* – No objections are raised and it is noted that the crime risk assessment for this development is low and issues with specific plots have been addressed.

PUBLIC RESPONSES:

52. The application was advertised within the press, on site and letters were sent to neighbouring properties. A 137 name petition has also been lodged against the application with regards to the impact of the proposed development upon the highway safety, the safety of children, all road users and residents. In addition, some nine objections have been received, with a summary of the issues raised below:

Principle

- Area used as open space by local residents until recently when it has been fenced off and left overgrown, in the false hope that the proposal to build 84 dwellings can be spun as beneficial to the area.
- Planning Statement 3.1.1/3.1.2 – 2012 County Durham Strategic Housing Market Assessment table ES2 indicates oversupply of semi-detached properties in the East Durham area, this development is predominantly semi-detached in nature. Bungalows identified as undersupply linked to an aging population – proposals should be declined as they do not address East Durham's housing needs.

Highways

- Would create additional traffic problems, particularly during school times.
- Roads outside of the schools are busy as it is, additional housing will make this worse.
- Traffic to Eastfields / Thorntree Gill would become worse as a result of the development. Used as a short cut between Peterlee and Horden as the Yoden Way / A1086 junction is extremely busy, and this has the knock effect of increasing traffic at the nearby school and junctions.
- Accessing Manor Way would be harmful to highway safety, being closer to the pedestrian access to the nursery school, and with extra traffic puts road users and pedestrians in jeopardy.
- 5.5m road width would not allow safe access for emergency vehicles to the school should they be required.
- Policy P9 (iii) specifically states that land should be set aside for car parking linked to the school as a drop-off/pick up point, there is no proposal to do this.

Design, layout and scale

- Proposals would make area appear cluttered, with less openness and green space.
- Layout goes against the Peterlee Regeneration Masterplan (Section 4.4) that refers to 70 houses on a similar sized site in the vicinity.
- Greenspace to south of the proposed housing should not be enclosed behind fencing.

Amenity

- Future occupiers will have issues over school pupils walking through the housing estate.
- Noise and pollution from traffic generated and off-set to other immediate areas (Eastfields / Thorntree Gill) as a result of the development.

Education

- A further 84 families would have an impact upon the availability of school places at both the primary and secondary schools.

Other Issues

- Land believed to contain contamination (asbestos and other harmful chemicals).
- Health hazards from open water storage areas (SuDs).

A letter of objection has also been received from the Local MP, Grahame Morris. His concerns include:

- The number of housing developments proposed in the Easington Constituency is unsustainable. There is a lack of investment in basic infrastructure and amenities to accommodate the levels of new house building, and the inevitable pressures which will be placed upon already over-stretched public services.
- Steps must be taken to address the issues of vacant properties, derelict homes, substandard properties in the rental sector and lack of regeneration of existing housing stock before approving further new development.
- There are significant concerns over the traffic issues around the proposed development. An additional 84 dwellings would lead to dangerous levels of congestion, further use of Eastfield and Thorntree Gill as “rat runs”, and would adversely impact on road safety particularly in proximity to local schools. The nearby proposed ALDI development would and this scheme would produce significant number of traffic movements.
- Concerns over contamination of the site have been raised, and noted in the submitted documentation. The site is not suitable to accommodate the proposed number of houses to be built.
- The submitted petition, in excess of 100 signatures, highlights the clear public view in opposing this development.

APPLICANTS STATEMENT:

53. The development proposal is in accordance with the core planning principles and policy requirements of the NPPF in respect of all areas listed above. This proposal will bring economic, social and environmental benefits and therefore we consider that the proposals represent sustainable development and should benefit from the presumption in favour of sustainable development.
54. It has been demonstrated that there is a significant and growing need for new residential family accommodation within Peterlee and County Durham. If approved, the proposed development would assist County Durham with providing sustainable, high quality family accommodation to meet their needs in the area.

55. The application site is located on the edge of a well-established residential area and is located within close proximity to local facilities. The site is also accessible by both private and public transport. As such, it has been demonstrated that the application site is a suitable location for the proposed development. The proposal will strengthen the residential character of the area and end the problems of anti-social behaviour on the site which have caused problems for local residents.
56. In view of the conclusions drawn within this Statement that the proposal accords with all relevant national, regional and local plan policies, we respectfully request the Council grant planning permission for the application proposals.

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at:

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

PLANNING CONSIDERATIONS AND ASSESSMENT

57. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that if regard is to be had to the development plan, decisions should be made in accordance with the development plan unless material considerations indicate otherwise. In accordance with Paragraph 212 of the National Planning Policy Framework (NPPF), the policies contained therein are material considerations that should be taken into account in decision-making. Other material considerations include representations received insofar as they raise planning matters. In this context, it is considered that the main planning issues in this instance relate to: the principle of the development, landscape impact, layout and design, affordable housing, residential amenity, ecology, public open space, highway safety and access, flood risk and drainage, heritage impacts and other issues.

The Principle of the Development

The Development Plan

58. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The Easington District Local Plan (EDLP) remains the statutory development plan and the starting point for determining applications as set out at Paragraph 12 of the NPPF. However, the NPPF advises at Paragraph 215 that local planning authorities (LPAs) are only to afford existing Local Plans material weight insofar as they accord with the NPPF.
59. The EDLP was adopted in 2001 and was intended to cover the period to 2006. However, NPPF Paragraph 211 advises that Local Plan policies should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF. Notwithstanding this, it is considered that a policy can be out-of-date if it is based upon evidence which is not up-to-date/is time expired depending on the circumstances.

The NPPF

60. Paragraph 14 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means (unless material considerations indicate otherwise):
- approving development proposals that accord with the development plan without delay; and
 - where the development plan is absent, silent or relevant policies are

out-of-date, granting permission unless:

i) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or

ii) specific policies in this Framework indicate development should be restricted.

61. Paragraph 47 of the NPPF requires Local Planning Authorities (LPAs) to maintain a five-year supply of deliverable sites (against housing requirements) thus boosting the supply of housing.
62. Paragraph 49 of the NPPF advises that housing applications should be considered in the context of the presumption in favour of sustainable development and relevant policies for the supply of housing should not be considered up-to-date if the LPA cannot demonstrate a five-year supply of deliverable housing sites. In turn where a five year supply of deliverable housing sites cannot be demonstrated then Paragraph 14 of the NPPF is engaged, and an application is to be assessed in this context. However, Paragraph 14 of the NPPF is, irrespective of the position on housing land supply, relevant to this application as policies for the supply of housing within the EDLP are out-of-date where outlined below.
63. Paragraph 111 of the NPPF promotes the effective use of land by re-using land that has been previously developed (brownfield) however it does not preclude the development of greenfield sites. The NPPF therefore differs from previous central government planning policy in that it does not require a sequential approach.

Five Year Housing Land Supply

64. The NPPF states that housing applications should be considered in the context of a presumption in favour of sustainable development and that if the Council cannot demonstrate a five year housing land supply, then housing policies in a Local Plan cannot be considered up to date. The housing trajectory associated with the withdrawn County Durham Plan (CDP) is no longer relevant and similarly the CDP Objectively Assessed Need (OAN) for housing figure no longer exists. This raises the issue of what is the requirement against which the supply is to be measured in order to calculate whether or not a 5 year housing supply exists.
65. On 15 June 2016 a report into the County Durham Plan Issues and Options (the first stage of the re-emerging plan process) was presented at Cabinet. The report was approved at Cabinet and consultation on the CDP Issues and Options commenced on 24 June. In relation to housing, the Issues and Options present three alternative assessments of housing needs, each based on average net completions up to 2033 (the end of the CDP plan period). The three alternatives are:
 - 1,533 houses per year (29,127 houses by 2033)
 - 1,629 houses per year (30,951 houses by 2033)
 - 1,717 houses per year (32,623 houses by 2033)
66. As of April 2017 the Council considers that it has a deliverable supply of 10,231 (net) new dwellings for the next 5-year period. Set against the lowest figure the Council can demonstrate a supply of 4.91 years of deliverable housing land, against the middle figure around about 4.51 years' worth supply and against the highest figure, 4.20 years of supply.
67. The above figures serve to demonstrate that when set against varying potential figures, one of which may be identified as the OAN following consultation in the

Preferred Option Stage Local Plan, the Council has a relatively substantial supply of housing.

68. Nevertheless, the decision-taking requirements of NPPF Paragraph 14 apply, as the Council does not have a five-year supply in the terms of the NPPF requirements and additionally the relevant local plan policies may be out of date for other reasons, as discussed below, and will only be rebutted where a proposal would result in adverse impacts that would significantly and demonstrably outweigh the benefits, both in the form of a contribution to housing supply and any other benefits, or if specific policies in the NPPF indicate development should be restricted.

Assessment having regards to Development Plan Policies

69. Given the age of the EDLP and housing supply figures that informed it, the housing supply policies (Policy 1) therein do not reflect an up-to-date objective assessment of need, and must now be considered out-of-date for the purposes of Paragraph 14 of the NPPF, and the weight to be afforded to the policies reduced as a result. However, policies in Paragraphs 14 and 49 of the NPPF do not make “out of date” policies for the supply of housing irrelevant in the determination of a planning application. Nor do they prescribe how much weight should be given to such policies in the decision, this being a matter for the decision-maker, having regard to advice at Paragraph 215 of the NPPF.
70. Consequently, and as there are no restrictive policies which would indicate that the development should be restricted, it is considered in this instance, the proposal should be subject to the planning balance test as contained within Paragraph 14 of the NPPF, and specifically, whether any adverse effects would significant and demonstrably outweigh the benefits.

Locational Sustainability of the Site

71. The County Durham Settlement Study (2012) is an evidence based document which categorises Peterlee as one of the “Main Towns” in the County. These larger towns have access to all facilities expected within an urban setting such as schools, doctors, community facilities and industrial estates. It is considered likely therefore, that residential development in these settlements would be locationally sustainable, subject to specific site constraints.
72. The application site is considered to be in a sustainable location, with Peterlee having a good range of facilities and services, including schools, shops, some community facilities, and good access to public transport. The site is well related to the settlement, being framed by built development to all sides with areas of greenspace interspersed between. Part of the site was earmarked as a housing allocation within the County Durham Plan (CDP); however, as the CDP has been withdrawn no weight can be attributed to this.
73. Paragraph 61 of the NPPF sets out that planning decisions should address the connections between people and places and the integration of new development into the natural and built environment. EDLP Policy 36 encourages alternative means of travel to the private car, and is consistent with the NPPF in this respect. From the application site, both Dene House Primary and Dene Community Secondary Schools are adjacent to the site, with Peterlee Town Centre and its range of services some 0.75km away and Horden only 0.45km away. A regular bus service, operating less than every 10 minutes during daytime hours, links Yoden Way with Peterlee Town Centre and Sunderland City Centre. As a result, it is considered that prospective residents would have good access to an array of services and facilities, more than adequate to serve the development proposed, and that these are within relatively easy reach of the site. No objections are therefore raised having regards to the locational sustainability of the site.

74. Remaining policies within the EDLP that are of relevance to the site are considered to relate to specific matters rather than influencing the principle of the development.
75. Overall, it is considered the walking distances, improved pedestrian links and the established bus service would give future residents alternative options to the private motor car to access services and amenities, in accordance with the NPPFs core principles and Paragraph 61, which encourages the integration of new development into the existing environment; and EDLP Policies 1, 3 and 36, which are considered consistent the NPPF in this respect.

Playing fields

76. The application site includes land once utilised as a playing field by Dene Community School, prior to the significant renovation and reconstruction works that took place in 2011. As part of the renovation works, the playing fields were transferred to other areas of the school site and a Multi-Use Games Area (MUGA) was constructed together with a modernised sports hall. The site has not been used as a playing field for more than 5 years. EDLP Policy 90 seeks to protect outdoor sports facilities and aid its provision in new development. This policy is partially consistent with the NPPF (Part 8) as the evidence base which underpins the policy is out of date and is part of an on-going review of the Council's Open Space Needs Assessment (2010).
77. The East Durham Playing Pitch Action Plan (PPAP) of October 2015 outlines the Council's strategy to address any shortfalls over a plan period to 2019, and has been agreed by Sport England. Within the PPAP, the site at Dene Community School was not included in the supply figures for the plan to address the shortfall of playing pitches as the pitch had been transferred to another area of the school site.
78. As a result, it is considered that there is no net loss of playing fields and pitches as a result of the proposed housing development and that this proposal does not prejudice the strategy to deliver sufficient playing pitches in the East Durham area, as set out within the PPAP. The PPAP contains measures to secure that necessary pitches provision be made available should demand be forthcoming. As a result, the proposed development would be compliant with Part 8 of the NPPF and Policy 90 of the EDLP.

Highway Safety and Access

79. EDLP Policies 35, 36 and 37 all require that development proposals to achieve a satisfactory means of access onto the wider highway network and encourage access to sustainable modes of transport and sufficient parking on site. These Policies are considered compliant with the NPPF which also seeks to promote accessibility by a range of methods, while ensuring that a safe and suitable access can be achieved and therefore can be given full weight in considering the application.
80. NPPF Paragraph 32 sets out that safe and suitable access should be achieved for all people while setting out that developments that generate a significant amount of traffic should be supported by Transport Assessments or Statements, and that development should only be refused on transport grounds where the residual cumulative impacts on development are severe. Concerns over highway safety, including the capacity of the road network to accommodate additional flows have been raised by local residents.
81. The application is accompanied by a Transport Assessment (TA) which seeks to inform on and assess the key highways related implications of the development. This includes the accessibility of the development; trip generation and traffic

assignment; future year flows; operational assessment of junctions; highway safety; and, identify highway works necessary to facilitate the development.

82. The TA establishes that the impact of the development upon the highway network would be acceptable, and would not result in impacts that could be considered "severe". The Highway Authority considers the impact from allowing the proposed development to take access via both Yoden Way and Manor Way to be acceptable and not lead to issues in capacity in the future based upon the supplied modelling information. The availability of two access points into the development of 84 units would see the likely 54 vehicle trips (based upon the Council's standard 0.65 trips per unit) split across both accesses and so the development would likely see one or both accesses reduced below the 30 vehicles per hour threshold that would be considered material on a congested network at any junction.
83. However, the Yoden Way access would see the vehicular traffic associated with the schools complex as well and it is to that end that a protected right hand turn junction arrangement has been proposed and agreed by the Highways Authority.
84. A large proportion of concerns raised by residents revolves around the increase in traffic movements from the proposed housing upon pedestrian safety (including children) and the wider impacts on the surrounding streets and road network (such as Eastfields / Thorntree Gill). Increasing the width of the access road into the schools complex and taking away the only exit route from Manor Way are both benefits over the current situation and carry weight in favour of the scheme. Issues of rat-running and traffic use of Eastfields / Thorntree Gill is an existing issues that residents have, and is the result of vehicles avoiding the traffic signalled junction of the B1320 (Yoden Way) and A1086 (Coast Road). As outlined above, the increase in traffic movements as a result of the proposed housing would be considered to not be material, and would not therefore exacerbate any existing problems in this location.
85. The proposed development would also ensure that existing pedestrian links are maintained and improved as well as providing a new link to the north east toward Horden and the future Aldi store and the nearby bus stops. Bus stops are located to the east and west of the application site within a short walk of the development.
86. EDLP Policy 37 requires new development to be designed to accommodate the requisite level of parking provision within a scheme. The proposals include sufficient visitor parking that is well distributed throughout the development and includes a layout that is designed to meet the Council's requirement for a 20mph residential street speed limit.
87. In summary, the impacts from the proposed development would not lead to a severe residual cumulative impact in the context of Paragraph 32 of the NPPF, and accordingly, the proposals therefore comply with EDLP Policies 35, 36 and 37 in regard to reducing private transport use through improved access to links and safe access to the highway network.

Landscape Impact, Layout and Design

88. EDLP Policy 35 requires that the design and layout of new development to reflect the scale and character of adjacent buildings and the area generally, particularly in terms of site coverage, height, roof style, detailed design and materials. Schemes should provide adequate open space, appropriate landscape features and screening (where required) and development should have no serious adverse impact on the amenity of people living and working in the vicinity of the development site and the existing use of adjacent land or buildings in terms of privacy, visual intrusion, noise, other pollutants and traffic generation. Parts 7 and 11 of the NPPF also seek to promote

good design and sets out that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.

89. Paragraph 58 of the NPPF also states that planning decisions should aim to ensure developments function well and add to the overall quality of the area and establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit. EDLP Policy 35 is consistent with this approach and builds upon the NPPF and NPPG requirements. Therefore, the key policy consideration in this matter is whether the site is read together well with the surrounding built environment and landscape features, and represents good design.
90. Amendments were suggested by Design and Conservation officers with regard to permeability of the site for pedestrians to the north east (towards Horden), together with the relationship between the housing and the MUGA. In response, the applicant has worked with officers to develop and improve the proposed layout and design. A pedestrian link to Yoden Way has been included from the eastern turning head and would feature a pedestrian guard rail to the carriageway edge in light of likely foot traffic from the two schools. The stand-off distance of the properties closest to the MUGA has been increased and the provision of an acoustic fence to the rear of the properties that flank the MUGA will reduce impacts sufficiently. The set back of the proposed housing behind the existing hedge line would mirror other development on Yoden Way which has separation between the housing and the main carriageway. The access roads into the estate are well executed, accommodating the adjoining school uses appropriately, and the layout is considered to display a clear hierarchy of roads, including shared surfaces and private driveways, and is considered to be legible and easy to navigate around. Overlooking of footpath links are welcomed to improve security but also to provide a more aesthetic appearance to the layout of the housing.
91. In broad landscape terms, the position of the site within the general built area and against the backdrop of the school sites would limit significantly the wider landscape impacts of the development. The wooded area to the north of Yoden Way provides a green break in the landscape and a facility for future residents. However, it is the housing development to the west and north west which gives this proposed development its main body of reference, with buildings set back from the roadside and producing frontage development to Yoden Way and Manor Way, this scheme integrates well with the overall vernacular of the immediate area.
92. Within the development site the majority of the public open space proposed is to the eastern and southern parts of the dog-legged site. A SuDs basin drainage feature would be located within the eastern part and the larger area of more formal open space to the south would be retained and enhanced by the development.
93. Appropriately designed and thought out street scene elevations to the proposed housing development would ensure that the close distance views of the development would be visually in keeping with the existing housing in the area. The development has taken into account the different aspects of the surrounding development to each boundary. As such, the development would be considered to comply with EDLP Policies 35, 37 and 38, and be an appropriately designed development. Compliance with Parts 6, 7 and 11 of the NPPF therefore follows and adds weight in favour of the development in the planning balance.

Affordable Housing

94. In order to widen the choice of high quality homes and widen opportunities for home ownership, Paragraph 50 of the NPPF encourages the provision of affordable housing based on evidenced need, where Local 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". The up-to-date evidence in the Strategic Housing Market Assessment by the Council establishes a requirement for 10% provision in the Peterlee area.

95. However, the proposal has been accompanied by appropriate financial information which outlines that the proposals cannot deliver the required level of affordable housing on the grounds of viability. This information has been scrutinised by the Council's Asset Management team who consider the information to be accurate and reasonable. The absence of affordable housing would weigh against the development in the planning balance.

Residential Amenity

96. EDLP Policies 1 and 35 requires that the design and layout of development to reflect the character and scale of the adjacent buildings and have no serious adverse effect on the amenity of neighbouring residents or occupiers. This aspect of the Policy is considered NPPF compliant with a core planning principle at Paragraph 17 of the NPPF stating that planning should always seek to secure a good standard of amenity for existing and future occupants of land and buildings. Part 8 of the NPPF amongst other guidance advises on the need to create safe and accessible environments where crime and disorder and the fear of such are considered. Whilst Part 11 seeks to prevent both new and existing development from contributing to or being put at unacceptable risk from unacceptable levels of pollution.
97. The indicative site layout for the housing demonstrates that separation distances well in excess of 21m between habitable room windows to neighbouring residential dwellings (Manor Way) and that the scheme meets the required privacy distances between the properties proposed and that this can be achieved across the development as a whole.
98. In terms of noise, the application is accompanied by a noise survey which identifies that the site adjacent to Yoden Way and the school MUGA has relatively high background noise environment during the day, primarily as a result of the regular traffic and use of the MUGA by the school. The Council's Technical Advice Note (TAN) regarding noise outlines thresholds within which living conditions inside dwellings should be maintained.
99. The Council's Environmental Health and Consumer Protection officers have considered the submitted report, and advise that it is of sound methodology. The report concludes that the outdoor noise environment of the proposed development would not adhere to relevant recommended threshold levels outlined under World Health Organisation (WHO) Guideline Values, and contained within the TANs, of no greater than L_{max} 55 dB(A) at during daytime hours, with measurements on site noting a day time level of between 65 and 56 dB(A) across the site. The layout of the development would mean that most outdoor living areas of the dwellings would be screened from the main generator of this noise, the main roads of Yoden Way and Manor Way. As such, the levels are agreed would be unlikely to be exceeded for the majority of the development.
100. However, the plots adjacent to the school MUGA would back on to the school site and so the areas would not benefit from this natural attenuation. Therefore, a suitable scheme of mitigation would be required for these properties to reduce the impact from use of the MUGA pitches. The erection of a 1.8 metre high acoustic fence as well as acoustic ventilation to windows facing these areas would form part of the proposed mitigation strategy.

101. British Standard (BS) 8233 requires night time bedroom noise levels to not exceed LAeq of 35 dB(A). The measured noise levels at night varied from LAeq 55-48 dB(A) and peaked at 80 and 68 dB(A) during the measurement period. With these figures, noise at the proposed dwellings nearest the roads would be significant and would require some form of attenuation to reduce the impact in line with the requirements of BS8233. A scheme of mitigation is proposed across the development which, on a plot-by-plot basis, would provide the necessary levels of noise reduction through double glazing and acoustic ventilation.
102. Environmental Health and Consumer Protection officers are satisfied that the scheme of mitigation would ensure that the development mitigates against the impacts of noise sufficiently and that as a result, the development complies with the TANs. A condition ensuring that the development complies with the mitigation strategy would be included with a recommendation to approve the scheme.
103. During the construction phase of the development, it is acknowledged that levels of noise may be noticeable by existing residents, and some level of disturbance is almost inevitable with a development of this duration and scale. The applicant has acknowledged these concerns and has included a Construction Management Strategy so that impacts can be minimised. The Environmental Health and Consumer Protection Officers have reviewed the document and consider that this phase of the development is suitably mitigated by the methodologies outlined within the strategy, and as such, the strategy would be conditional upon any approval of the scheme. Having regard to these measures, the application is considered to be in accordance with EDLP Policy 35 and Part 11 of the NPPF in this regard.
104. With regard to air quality, the application is accompanied by an air quality risk assessment which finds that the impact of the development upon air quality during the construction and once occupied would be negligible, with risk of air quality pollutants remaining low. Measures to suppress nuisance dust during the construction phase of the development have been included within the Construction Management Strategy, which is considered acceptable by Environmental Health and Consumer Protection Officers. The application is therefore considered to be in accordance with EDLP Policy 35 and Part 11 of the NPPF in this regard.

Ecology

105. Part 11 of the NPPF seeks to ensure that developments protect and mitigate harm to biodiversity interests, and where possible, improve them. EDLP Policies 14, 16 and 18 require all look to protect designated sites for importance and areas of ancient woodland. An ecology survey and bat survey have been submitted with the application, highlighting that no species that are afforded special legal protection under the Conservation of Habitats and Species Regulations 2010 (as amended) and the Wildlife and Countryside Act 1981 (as amended) have been recorded within the site. The reports therefore conclude that the risk of protected species being on the site, with the exception of foraging bats and breeding birds within trees, or the development being a risk to the protected species are low. The report also concluded that no further survey work was required. The County Ecologist has considered the content of the submitted information and has advised that the findings are sound, subject to the mitigation measures within the report being conditional upon any approval. As there would not be a disturbance to an Ecologically Protected Site (EPS), there is no need to consider whether an EPS Licence would be likely to be granted.

106. Durham County Council is the Competent Authority who must decide whether the application requires an Appropriate Assessment under The Conservation of Habitats and Species Regulations 2010 (as amended). The purpose of the Appropriate Assessment would be to determine whether the proposed mitigation would constitute a plan or project under the Regulations which might have a negative, direct or indirect impact, on any European Protected Site on or near the application site or on any species for which the European site is designated.(i.e. Durham Coast SAC). This would be undertaken by the carrying out of a screening exercise using information submitted by the applicant.
107. In order to take pressure from additional visitors away from the Durham Coast SAC, sufficient and appropriate green space needs to be provided in association with the proposed development. There is not an appropriate level of green space provided within the site to mitigate against this aspect; however a scheme has been submitted which indicates that the development would provide footpath provision within the woodland area to the north of Yoden Way on land that is owned and controlled by the Council. This would provide adequate walking routes and would result in a circular walking route north out of the development looping through the woodland and back toward the development and Yoden Way. This, together with publishing literature advertising the route, would encourage walkers, including dog walkers, to use the path and would reduce the impact on the coastal designations. The submitted information provided by the applicant concludes that with the proposed mitigation there would be no adverse effect on the integrity of the Durham Coast SAC. Ecology officers have assessed these details and they are supportive of the scheme. Accordingly, the site has effectively been screened out and no HRA is required. A further condition requiring full specification details of the scheme and to ensure its construction should form part of a recommendation for approval.
108. Having regard to these proposed mitigation measures, the development would, it is considered, lead to an overall enhancement in biodiversity in accordance with the aims of Part 11 of the NPPF. Accordingly, such enhancement can be considered to be a benefit of the scheme and weigh in favour of the development.

Public Open Space

109. EDLP Policies 66 and 90 seek to ensure adequate provision of open space is provided in new housing development. These Policies are considered only partially NPPF compliant as the evidence base has now been updated within the Open Space Needs Assessment (OSNA). The Council's Open Space Needs Assessment (OSNA) 2010 is considered the most up to date assessment of need.
110. The OSNA sets out the requirements for public open space on a population pro rata basis, and this development would be expected to provide provision for six typologies, either within the site, or through a financial contribution towards offsite provision, in lieu. Having regard to the proposed layout, it is considered that the development accommodates appropriate levels of Amenity Open Space, Play Space, and Semi-Natural Greenspace, but insufficient levels of the three remaining typologies (allotments, outdoor sports space and parks and gardens). The application fails to therefore accommodate all of the requirements of the OSNA so a financial contribution in lieu of any further onsite provision should be sought. As a result, improvements to existing areas of open space, sport and recreation spaces in the vicinity, one of the missing typologies onsite, would be required by way of an in-lieu financial contribution of £24,360 secured by way a planning obligation pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended).

111. The public open space proposed within the site would take the form predominantly of peripheral open space to the eastern part of the site around the SuDs drainage basin and a large area of useable amenity open space to the south. This area of open space is screened off from the application site by the existing school palisade fencing, which would be removed as part of this application and see dwellings front the footpath and open space and likely leading to greater use of space.
112. Overall therefore, the application is considered to be in accordance with EDLP Policies 66 and 90 and Paragraph 73 of the NPPF with regards to the provision of public open space.

Flood Risk and Drainage

113. National advice within the NPPF and PPG with regard to flood risk advises that a sequential approach to the location of development should be taken with the objective of steering new development to flood zone 1 (areas with the lowest probability of river or sea flooding). When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment.
114. The application is accompanied by a Flood Risk Assessment (FRA) and this has been amended during the course of the application. The application site is located within flood zone 1 and is therefore located on land least likely to suffer from tidal or fluvial flooding. It is also identified that the site is at low risk of flooding from fluvial, tidal, groundwater, overland flow, land drainage and sewer sources. As a result, no flood defence measures are proposed as part of the scheme within the FRA.
115. With regards to how the development would address drainage, the application demonstrates that the elevated nature of the site above existing housing and the lack of proximity to nearby watercourses makes discharge of surface water in to anything other than the existing highway sewers unlikely. The existing highway surface water sewer would run via a proposed Sustainable Urban Drainage System (SuDs) basin proposed to the northern part of the site. As a result, a discharge rate of 42.3 l/sec would be permissible as it is in keeping with the existing rate of the highway system. The drainage basin has been designed with a capacity of 600 cubic metres and would be capable of holding sufficient surface water to accommodate the 40% increase over the 1 in 100 year flood event in line with guidance.
116. The Council's Drainage and Coastal Protection officers have indicated that the development would adhere to the surface water management train to some degree by proposing the inclusion of a SuDs basin within the scheme. However, the development does not propose the use of permeable surfacing to each housing plot / shared driveways or overland water channels to transport surface water across the scheme to the attenuation basin. The applicant has explained that the lack of overland water channels is as a result of the complications that have arisen through the issue of viability which has been discussed earlier in this report. Officers advise that the SuDs structure would be adopted and maintained by the Council, in accordance with the SuDs Adoption Guide 2016, with costs being met through an estate rent charge.
117. With regards to the disposal of foul waters, no connection to the foul sewer network has been confirmed with Northumbrian Water, and so a condition is requested that full details of the foul water network be included with any recommendation for approval. Northumbrian Water raise no objections to the methodology with regards to the disposal of surface water subject to a condition with any recommendation for approval to that works are undertaken in accordance with the FRA.

118. The development, while not securing all aspects of the Council's surface water management train, does secure a suitable scheme of surface water drainage overall that would ensure that the development would meet the required run-off rate. The omission of permeable paving solutions and overland transport of the surface water are aspects of the proposals that would weigh against the development, and the habitats that could be created. However, the proposals do ensure there is no increase in the flow rate in the off-site highway drainage therefore, the development wouldn't increase flood risk downstream. As such, the proposals meet the underlying requirement to ensure suitable surface water run-off control is achieved and the risk of flooding elsewhere is not increased. The proposals are therefore considered acceptable and compliant with Part 10 of the NPPF.

Heritage Impacts

119. The application site does not lie within any designated heritage assets. The closest being St Mary's Church, grade II listed and situated approximately 5-600m away, and with no direct visual relationship with the site as a result of built environment around Horden village centre. Consequently, it is considered that there would be no harm upon the significance of this designated heritage asset or its setting. In terms of non-designated heritage assets, again none have been identified within the immediate vicinity of the site. Accordingly, Design and Conservation officers raise no objections, and the to the proposal noting the site contains no designated or known non-designated heritage assets nor are there designated close to the application site. The application is considered in this regard, to be and in accordance EDLP Policies 1 and 24 and Part 12 of the NPPF.

Other Issues

120. Public representations have been received which raise the concerns that the site is subject to potential contamination. An initial site investigation report has concluded that contaminants are present on the site and it is proposed that a condition to agree the necessary remediation strategy is imposed with any recommendation for approval. Subject to the imposition of the condition, the proposed development would therefore be considered to be in accordance with Part 11 of the NPPF.
121. No public rights of way are recorded across the site; however two accesses from the school sites should be accommodated in the view of the Public Rights of Way officer. These paths are included and are being enhanced as well as including new access to the north east.
122. The School Places Manager has advised that there are sufficient places at both primary and secondary schools in the vicinity.

Planning Balance

123. This proposal is considered to accord with the development plan in principle, through the proposed redevelopment of a locationally sustainable site within the built extent of the settlement. However, as a result of the relevant policies for the supply of housing being out of date (and not up to date in the absence of a 5 year housing land supply), the acceptability of the application should be considered under the planning balance test contained within Paragraph 14 of the NPPF. No specific policies within the NPPF are considered to indicate development should be restricted and therefore planning permission must be granted unless any adverse impacts of the proposed development significantly and demonstrably outweigh any benefits.

Benefits

124. The development would assist in maintaining housing land supply at a time when the housing policies for the area are out of date and the Council cannot demonstrate a 5 year housing supply against an objectively assessed need. Recent Case law states that the weight given to a proposal's benefits in increasing the supply of housing will vary, depending, amongst other things, on the extent of shortfall, how long a shortfall might persist, and how much of it the development would meet.
125. Given that even in the most exacting scenario, the Council can demonstrate 4.2 years of supply; it is considered reasonable to suppose that any shortfall is likely to be temporary, and that there is likely to be a boost in supply through housing allocations, once the County Durham Plan is adopted. Consequently, it is considered that the approval or otherwise of this particular development would not be critical to the overall supply of deliverable housing sites in the County. As a result, the benefits of this scheme in terms of boosting housing delivery are limited, and less weight should be afforded to the benefits of delivering new housing than would otherwise be the case if a less healthy land supply position applied.
126. The development is proposed to a vacant site within the curtilage of the schools complex at Dene House / Dene Community Schools that sits to the within the built envelope of development between Peterlee and Horden. Locationally, the development has excellent access to services and facilities including the Peterlee and Horden commercial centres, associated employment opportunities in these centres and beyond, as well as excellent access to sustainable modes of transport (bus and cycle links). These site characteristics offer substantial benefits in favour of the proposal.
127. A location within the buffer for the Durham Coast SAC protection zone for the heritage at risk coastline of County Durham has seen the improvement of existing footpath links and creation of new footpaths around the application site to encourage walkers to utilise the nearby open space and woodland north of Yoden Way recreation purposes, a benefit which carries significant weight in favour of the proposals.
128. To a degree the development would provide direct and indirect economic benefits within the locality and from further afield in the form of expenditure in the local economy. This would include the creation of construction jobs, as well as further indirect jobs over the lifetime of the development.
129. The site has sufficient amenity open space and semi-natural greenspace on site but has an under provision in 3 of the 6 open space typologies on site and has resulted in the developer contributing £24,360 in lieu of providing these on site giving a neutral gain in open space, mitigating against the development.

Adverse Impacts

130. The permanent loss of space once utilised for playing fields associated with the adjacent school uses would have some negative impact upon the community. However, the Council's Playing Pitch Action Plan for East Durham would ensure that there would be sufficient playing pitches of the right type in the area.

131. A lack of affordable housing provision within the development scheme would not meet the requirements as outlined by the Council's Strategic Housing Market Assessment, which requires 10% of new housing to major schemes to be affordable. The applicant has provided a robust viability assessment in support of the reasons why they cannot provide the required affordable housing on site for financial reasons. While this has been accepted by officers, the lack of provision still weighs against the scheme in the planning balance.
132. While sustainable drainage measures are in place, in the form of a drainage basin, this forms only part of the Surface Water Management Train as outlined in the Council's SuDs Adoption Guidelines (2016), and to a degree, weighs against the development, albeit this is allayed to some degree by the zero net increase in flow rate in the downstream drainage as a result of the development.

CONCLUSION

133. The residential development would draw support from EDLP Policies 1 and 36 in terms of its location and access to sustainable travel options; however, the NPPF sets out that on the basis of the Council's housing land supply position and the out-of-date nature of its relevant housing land supply policies, that the presumption in favour of sustainable development is engaged. In the context of Paragraph 14, the development should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
134. As set out above, the proposed development would result in some limited adverse impacts, however, such impacts do not "significantly or demonstrably" outweigh the benefits identified above, and as a result, the proposal benefits from the presumption in favour of granting planning permission for the purposes of Paragraph 14.
135. Paragraph 204 of the NPPF and Paragraph 122 of The Community Infrastructure Levy Regulations 2010 set out three planning tests which must be met in order for weight to be given to a planning obligation. These being that matters specified are necessary to make the development acceptable in planning terms, are directly related to the development, and are fairly and reasonably related in scale and kind to the development. The proposed contribution towards offsite open space provision is considered to be in accordance with these tests.
136. The proposal has generated some public interest, with concerns regarding the principle of the development, the impacts upon the highway network, layout of the scheme, amenity and availability of school places. Concerns expressed regarding the proposal have been taken into account, and carefully balanced against the scheme's wider social, economic and community benefits.

RECOMMENDATION

That the application is **APPROVED** subject to the completion of a Section 106 Legal Agreement to secure the following:

- £24,360 towards the provision or improvements to open space and recreation within Peterlee East Electoral Division,

and subject to the following conditions:

Time Full

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

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

Plans

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

1155-300-01 – Site Location Plan

1155-311-01(REV G) – Proposed Site Plan (Planning Layout)

1055-1054-01 – House Type 1054V1

1155-867-01 – House Type 867

1155-651-01 – House Type 651

1155-764-01 – House Type 764

1155-842-01 – House Type 842V1

1155-851-01 – House Type 851

1155-339-01 – Garage Plans and Elevations

SALESOFF/SK1 (REV J) – Sales Office Plan and Elevations

C-1402-01 (REV B) – Detailed Landscape Proposals (Sheet 1 of 3)

C-1402-02 (REV B) – Detailed Landscape Proposals (Sheet 2 of 3)

C-1402-03 (REV B) – Detailed Landscape Proposals (Sheet 3 of 3)

13312 TPP – Tree Protection Plan

1155-330-01 Rev A – External Materials Layout (1 of 2) (Received 30/08/17)

1155-330-02 Rev A – External Materials Layout (2 of 2) (Received 30/08/17)

1155-330-03 – Enclosure Details

1155-03-01 Rev D Engineering Layout

1155-06-02 – Private Construction Details (Private Drives / HRA Footpath)

Reason: To define the consent and ensure a satisfactory form of development is obtained in accordance with Policies 1, 3, 14, 16, 18, 35, 36, 37, 38, 66 and 90 of the Easington District Local Plan and Parts 1, 4, 6, 7, 8, 10, 11 and 12 of the National Planning Policy Framework.

Pre-commencement

Tree Protection

3. No development work shall take place until all trees and hedges agreed for retention, are protected by the erection of fencing and comprising a vertical and horizontal framework of scaffolding, well braced to resist impacts, and supporting temporary welded mesh fencing panels or similar in accordance with BS 5837:2012. Protection measures shall remain in place until the cessation of the development works.

Reason: In the interests of the visual amenity of the area having regards to Policies 1 and 35 of the Easington District Local Plan and Parts 7 and 11 of the NPPF. Required to be pre-commencement as landscape features must be protected prior to works, vehicles and plant entering the site.

Land Contamination

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

Throughout both the pre-commencement and completion phases of the development all documents submitted relating to Phases 1 to 4 as detailed below shall be carried out by competent person(s) and shall be submitted to and agreed in writing with the Local Planning Authority.

Pre-Commencement

(a) A Phase 1 Preliminary Risk Assessment (Desk Top Study) is required to identify and evaluate all potential sources and impacts on land and/or groundwater contamination relevant to the site.

(b) If the Phase 1 identifies the potential for contamination, a Phase 2 Site Investigation and Risk Assessment is required to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications. Prior to the Phase 2 a Sampling and Analysis Plan is required.

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

Completion

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

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

Reason: The site may be contaminated as a result of past or current uses and/or is within 250m of a site which has been landfilled and the Local Planning Authority wishes to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems in accordance with NPPF Part 11. The condition is required pre-commencement to ensure that the remediation works proposed are considered suitable by the Local Planning Authority.

Time Limited

Engineering details of access and highway improvements

5. Prior to the construction of the first dwelling full engineering details of the B1320, Yoden Way protected right turn lane junction proposed shall be submitted to and approved in writing by the Local Planning Authority. The junction shall then be implemented in accordance with the agreed details and completed prior to the occupation of any of the Plots 1-43 (incl.) and Plots 81 and 84.

Reason: In the interests of highway safety in accordance with Policies 1, 35 and 36 of the Easington District Local Plan and Part 4 of the National Planning Policy Framework.

HRA Footpath links

6. Within three months of the commencement of the development, full details of the proposed “footpath and accessibility improvements” as detailed within “Habitat Regulations Assessment Screening Opinion Report, Manor Way, Peterlee, May 2017” should be submitted to, and approved in writing by the Local Planning Authority. Footpath improvements shall feature as a minimum a 2.0 metre wide, all weather surface. The submitted details shall include: details of any equipment to be installed, construction and surfacing details of the pathways, any boundary treatments, details of a maintenance regime in perpetuity and a timeframe for implementation. The approved pathway shall be fully implemented in accordance with the approved details and timeframes thereafter.

Reason: To help protect the heritage coastline of Durham to comply with Policies 1, 16 and 18 of the Easington District Local Plan and Part 11 of the National Planning Policy Framework.

Travel Plan

7. Within a period of six months of the first occupation of any part of the development of the relevant phase, a final Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented thereafter in accordance with the approved timescales.

Reason: To reduce reliance on the private motor car and to promote sustainable transport methods in accordance with Policies 1 and 36 of the Easington District Local Plan and Parts 4 and 10 of the National Planning Policy Framework.

Foul water disposal

8. Prior to the construction of the first dwelling 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. Thereafter the development shall take place in accordance with the approved details.

Reason: In the interests of the adequate disposal of foul and surface water in accordance with Parts 10 and 11 of the NPPF.

Surface water disposal

9. The development hereby approved shall be carried out in strict accordance with the 'Flood Risk Assessment, June 2017' by Queensbury Design Limited.

Reason: In the interests of the adequate disposal of foul and surface water in accordance with Parts 10 and 11 of the NPPF.

Other Conditions

Open Space to south

10. Notwithstanding the details submitted with the application, the public open space south of Plots 53-61(inc.) as shown on plan ref: "1155-311-01(REV E) – Planning Layout" shall be retained as open space in perpetuity.

Reason: To ensure that the area of open space is available for use by the community in accordance with Policies 1 and 35 of the Easington District Local Plan and Parts 1, 7, 8 and 11 of the NPPF.

Construction Management

11. All work during the construction period shall be carried out in accordance with the "Construction Management Statement, Peterlee Dene, Manor Way" dated 30 August 2017.

Reason: To protect the residential amenity of existing and future residents from the development to comply with Policies 1 and 35 of the Easington Local Plan and Part 11 of the National Planning Policy Framework.

Landscape implementation and management and right of public accessibility

12. All works and mitigation shall be carried out in strict accordance with the submitted 'Pre-Development Tree Survey, Environmental Services, 17th October 2017' and 'Arboricultural Impact Assessment, Environmental Services, 2nd June 2017'.

All planting, seeding or turfing and habitat creation in the approved details of the landscaping scheme shall be carried out in the first available planting season following the practical completion of each phase of the development.

No tree shall be felled or hedge removed until the removal/felling is shown to comply with legislation protecting nesting birds and roosting bats.

Any approved replacement tree or hedge planting shall be carried out within 12 months of felling and removals of existing trees and hedges. Any trees or plants which die, fail to flourish or are removed within a period of 5 years from the substantial completion of the development shall be replaced in the next planting season with others of similar size and species. Replacements will be subject to the same conditions

Reason: In the interests of the visual amenity of the area and to comply with Policy 1 and 35 of the Easington Local Plan and Parts 7 and 11 of the National Planning Policy Framework.

Noise Mitigation

13. All dwellings hereby approved shall be constructed in accordance with noise mitigation measures as contained within "Noise Assessment, Land at Peterlee Dene, Peterlee, May 2017; Ref NT12559" and fully implemented prior to the first occupation of each dwelling and retained in perpetuity thereafter.

Reason: To protect the residential amenity of existing and future residents from the development to comply with Policies 1 and 35 of the Easington Local Plan and Part 11 of the National Planning Policy Framework.

Ecology Mitigation

14. The development shall be carried out in accordance with the mitigation outlined within the "Preliminary Ecological Report Appraisal, Manor Way, Peterlee, May 2017".

Reason: To ensure retained habitat is protected and to conserve protected species in accordance with Policy 1 of the Easington Local Plan and Paragraph 109 of the NPPF.

Working Hours

15. No external construction works, works of demolition, deliveries, external running of plant and equipment shall take place other than between the hours of 0800 to 1800 on Monday to Friday and 0800 to 1300 on Saturday.

No internal works audible outside the site boundary shall take place on the site other than between the hours of 0800 to 1800 on Monday to Friday and 0800 to 1700 on Saturday.

No construction works or works of demolition whatsoever, including deliveries, external running of plant and equipment, internal works whether audible or not outside the site boundary, shall take place on Sundays, Public or Bank Holidays.

For the purposes of this condition, construction works are defined as: The carrying out of any building, civil engineering or engineering construction work involving the use of plant and machinery including hand tools.

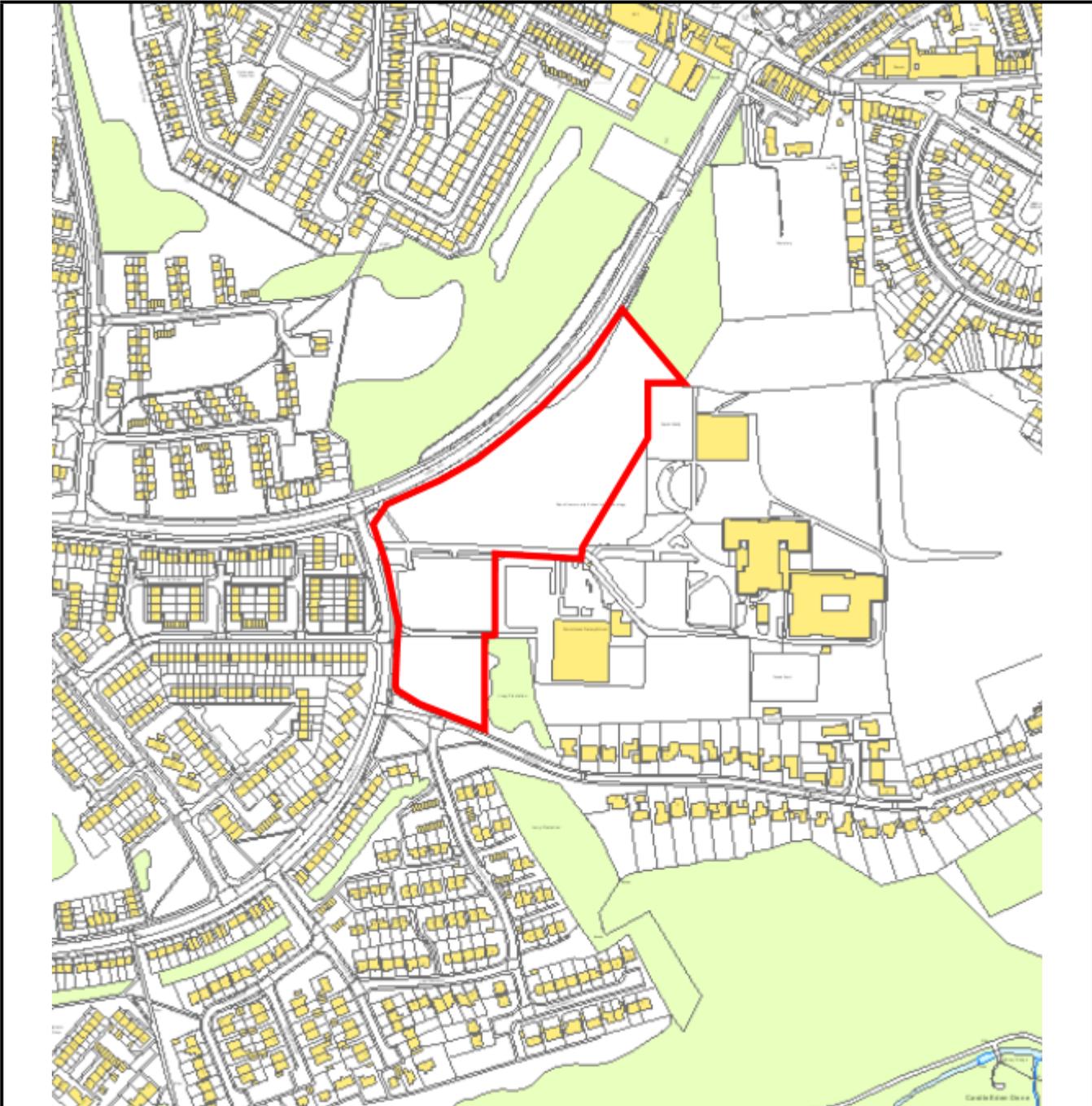
Reason: To protect the residential amenity of existing and future residents from the development to comply with Policies 1 and 35 of the Easington Local Plan and Part 11 of the National Planning Policy Framework.

STATEMENT OF PROACTIVE ENGAGEMENT

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

BACKGROUND PAPERS

- Submitted application form, plans, supporting documents and subsequent information provided by the applicant
- The National Planning Policy Framework (2012)
- County Durham Settlement Study (2012)
- Conservation of Habitats and Species Regulations 2010 (as amended)
- National Planning Practice Guidance
- Easington District Local Plan
- Evidence Base Documents e.g. SHLAA, SHMAA, County Durham Settlement Study and OSNA
- Statutory, internal and public consultation responses



Planning Services

DM/17/01950/FPA

Erection of 84 dwellings including all associated landscaping and infrastructure

Land To The West Of Dene Community School Of Technology, Manor Way, Peterlee, SR8 5RL

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Comments

Date Sept 2017

Scale Not to scale