

Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	PL/5/2009/0130
FULL APPLICATION DESCRIPTION	DEMOLITION OF 2 SEMI-DETACHED HOUSES AND COMMERCIAL BUILDING AND ERECTION OF 14 NO. HOUSES AND ASSOCIATED PARKING AND ACCESS
NAME OF APPLICANT	MR S FORBES
ADDRESS	LAND AT LITTLETHORPE, EASINGTON
ELECTORAL DIVISION	EASINGTON
CASE OFFICER	Grant Folley 0191 5274322 grant.folley@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSAL

Site

- 1 The planning application relates to Middle Yard, within Littlethorpe. Littlethorpe is a hamlet that comprises a group of residential and commercial properties surrounded by open countryside. Littlethorpe is situated approximately 500m from the village of Easington to the north and 800m from the edge of the town of Peterlee to the south. The hamlet of Littlethorpe is made up of a variety of different house styles. Houses in the vicinity of Springwell Farm to the south side of the access road are more traditional in character. The central part of the village was dominated by the large commercial storage building which has recently been demolished to the south side of the access road, Middle Yard itself and the adjacent commercial yard to the north, which has now been cleared. To the west end of the village there are a number of more recent houses.
- 2 Middle yard itself is situated centrally within the hamlet. The site is currently occupied by a pair of existing semi-detached dwellings to the west end of the site and a commercial building occupies land in the north east corner. In the past other buildings have occupied the currently open areas of the application site, but these have been long since removed.
- 3 The application site has not been subject of any recent planning applications and therefore has no planning history to note. There have, however, been a number of

recent approvals for residential development on adjacent sites within Littlethorpe (see relevant planning history).

Proposal

- 4 The development proposals relate to the erection of 14 dwellings, arranged around a central courtyard. As part of the proposals, the existing buildings within the site would be demolished to allow for the development of the site.
- 5 The proposed dwellings are to be two-storeys in height and are to offer 2, 3 and 4 bedroomed accommodation. Each of the proposed dwellings are to have a private garden and associated parking area.
- 6 Access will be provided to the site from the main road serving Littlethorpe village. The layout of the development will ensure the retention of the majority of the existing trees, particularly those mature specimens, adjacent to the north and east site boundaries.

Reason for report

- 7 The application proposes the erection of 10 or more dwellings. As such it represents a Major development and is required to be reported to committee for determination.

PLANNING HISTORY

There is no planning history specifically relevant to the application site.

Other planning applications considered relevant in the determination of the current proposal, which relate to adjacent sites within Littlethorpe, are outlined below.

The following applications relate to a site situated directly to the north and west of the site subject of the current application:

- HIST/2001/0420 – 36 No. Dwellings (Outline) – This application was withdrawn prior to determination. It related to the site to the north-west of the current application site.
- HIST/2005/0409 – Residential Development (Outline) – Approved subject to a condition limiting the number of dwellings to six. This application also related to the area of land situated to the north west of the application site.
- PLAN/2007/0054 – Reserved Matters for 6 No. Dwellings – Approved.
- PL/5/2009/0271 – 13 No. Dwellings (Outline) - The application was recently allowed at appeal. The applicant appealed following the Council's failure to determine the application within the specified time frame due to a requirement for further information in relation to Archaeology.

The following application relates to a site situated to the south-east of the application site:

- PLAN/2007/0863 – 5 No. Dwellings – Approved 2008. This application relates to a site situated across the road to the south of the current proposal, also within the defined settlement boundary of Littlethorpe. Construction works have recently commenced on this site.

PLANNING POLICY

8 NATIONAL POLICY:

Planning Policy Statement 1 (PPS1) sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system.

Planning Policy Statement 3: Housing (PPS3) underpins the delivery of the Government's strategic housing policy objectives and our goal to ensure that everyone has the opportunity to live in a decent home, which they can afford in a community where they want to live.

Planning Policy Guidance 16 (PPG16) sets out the Secretary of State's policy on archaeological remains on land, and how they should be preserved or recorded both in an urban setting and in the countryside.

9 LOCAL PLAN POLICY:

District of Easington Local Plan

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.

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.

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

Policy 67 - Housing development will be approved on previously developed land within settlement boundaries of established towns or villages provided the proposal is of appropriate scale and character and does not conflict with other policies in the plan.

The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www.durham.gov.uk/Pages/Service.aspx?ServiceId=7534>

CONSULTATION AND PUBLICITY RESPONSES

10 STATUTORY RESPONSES:

Environment Agency – Initial concerns regarding the impact the proposal would have on controlled waters have been overcome by the submission of further information during the planning application process. Recommend approval subject to conditions relating to contamination.

Natural England – Based on the information originally provided Natural England raised concerns regarding the proposal as it considered that further information should be provided with the application to demonstrate whether or not the development would have an adverse effect on species especially protected by law.

Durham Bat Group – Concerns were raised initially regarding the lack of information in relation to the impact on protected species.

Northumbrian Water – Condition requiring scheme for disposal of surface water to be agreed.

Easington Village Parish Council – It is considered that the proposed development is out of character with Littlethorpe as a settlement. The council considers that 14 dwellings is overkill relative to the size of Littlethorpe, and that the number of houses should be reduced to that of the opposite side of the road which was granted planning permission fairly recently. Overall the council urges that the development should be refused in its present form, as it represents overdevelopment.

11 INTERNAL CONSULTEE RESPONSES:

Planning Policy –

- Littlethorpe is a small largely agricultural settlement in the countryside between Easington and Peterlee. The village has no services or facilities to sustain new development, poor access to the nearest retail centres or schools in adjacent settlements and would inevitably generate a significant increase in trips by private car.
- Although the proposed development is within the settlement boundary, and may be considered part Brownfield, the site is not a suitable location for housing under the terms of paragraph 36 of PPS3 which advocates the creation of mixed and sustainable communities by ensuring housing is developed in locations which offer a range of community facilities and with good access to jobs, key services and infrastructure.
- The Council has prepared a Settlement Study, consultation on which has recently closed. The study is currently a draft document but will be adopted on completion and form part of the evidence base of the LDF. The scale of development in the proposal should also be considered against the outcome of this settlement study. It assesses each settlement in the county against a range of sustainability criteria, Littlethorpe is considered to be a Level 6 settlement, the least sustainable, which should only be considered for very limited infill development to meet specific local needs.

Highways Authority – Following the receipt of amended plans during the application process, the Highways Authority removed their previous objection to the scheme. The proposed access and parking arrangements are considered acceptable.

Design and Conservation – The design has been well informed by an excellent Design and Access Statement. Overall it is considered that the proposal would be sympathetic to the character and appearance of the hamlet. Building materials, scale and layout and the retention of the boundary trees are appropriate and a good response to the existing pattern and form of the hamlet. The semi-detached dwellings to be demolished to make way for the development have a neutral impact on the village and their removal would allow the more sympathetic development proposed. Subject to the suggested conditions planning permission should be approved.

Environmental Health – A contaminated land risk assessment should be required by a condition attached to any approval.

Archaeology – There are no known archaeological remains within the application site, however, a study of the wider area indicates that there is some potential for archaeological remains to exist on the site. Given the indicative archaeological potential we feel that some evaluation works will be necessary on this site prior to planning permission being granted.

Ecology – Subject to the mitigation measures as outlined in the submitted Ecological report being a condition of any grant of planning permission, no objections are raised the scheme.

Tree Officer – Generally agree with the findings of the submitted Arboricultural Survey. Conditions requiring tree protection during construction works should be attached to any grant of planning permission.

12 PUBLIC RESPONSES:

The application has been advertised in the local press and by a site notice. Neighbour consultation letters have also been sent. Two letters of representation have been received in relation to this application; objections have been raised on the following grounds:

- The proposed development represents overdevelopment of the site, which is not in keeping with the existing hamlet. If allowed, together with other developments this proposal will change the rural character of the existing settlement.
- Concerns regarding the suitability of Littlethorpe as a location for new housing development; no local facilities.
- Concerns regarding the suitability of the access road into Littlethorpe for the number of vehicles associated with this number of houses.
- Concerns regarding the loss of trees on the application site, and works associated with other adjacent developments.
- Concerns regarding impact of development on Wildlife; specifically bats.

13 APPLICANTS STATEMENT:

Thank you for the opportunity for allowing us to comment directly on our planning application, we have worked hard with our architects and planning advisors and officers at Durham County Council to produce a high quality development that we believe is sympathetic to Littlethorpe and will provide a real asset to the village going forward.

We have liaised with the local authority and addressed environmental issues and archaeological requirements as part of the process and believe that the development is now well placed to add to the character of the village.

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://planning.easington.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=103829>

PLANNING CONSIDERATION AND ASSESSMENT

The main planning issues to be considered in determining this application are:

- Planning Policy
- Site History
- Design, Scale and Layout
- Landscaping, Trees and Ecology
- Highways issues
- Affordable housing
- Play Space
- Renewable Energy

- Other Considerations

14 Planning Policy

Directly to the west, south and east of the application site are residential properties which make up the settlement of Littlethorpe. The site is in the centre of the settlement of Littlethorpe, entirely within the settlement boundary defined by the former District of Easington Local Plan. Littlethorpe has no services for the public and is situated approximately 1km from the centre of Easington village where there are a range of services including shops, a primary and secondary school, and public transport links.

In support of the application the applicant has submitted a planning statement and legal opinion, which address the planning history and current recognised use of the site. The applicant has outlined that the application site can be considered to be Brownfield due to the site's current and historic uses. The Local Planning Authority has no reason to dispute conclusions reached by the applicants, and as such the application site is considered to represent previously developed land.

Policy 3 of the Local Plan states that development outside the settlement limits will not be approved unless allowed by other policies. Given that this particular site falls within the settlement boundaries for Littlethorpe there is the presumption that in principle development may be acceptable on the site. Policy 67 of the Local Plan discusses the potential for windfall housing on previously developed land within settlement boundaries and Policy 1 states that account will be taken as to whether the proposed development accords with sustainable development principles.

As this report has already highlighted, the site is within the settlement boundary and it is considered to represent Brownfield land, therefore there is a policy presumption in support of development. Issues surrounding whether the site can be considered to be a sustainable location will be developed in more detail alongside consideration of national guidance.

Paragraph 13 of Planning Policy Statement 1: Delivering Sustainable Development (PPS1) states that patterns of development which reduce the need to travel by car should be encouraged in order to contribute towards global sustainability. Planning Policy Statement 3: Housing (PPS3) states that the planning system should deliver housing development in suitable locations, which offer a good range of community facilities and with good access to jobs, key services and infrastructure.

Planning Policy Officers have stated that the site is not a suitable location for housing under the terms of paragraph 36 of PPS3 which advocates the creation of mixed and sustainable communities by ensuring housing is developed in locations which offer a range of community facilities and with good access to jobs, key services and infrastructure. Littlethorpe does not benefit from a school, shops or any significant employment opportunities and it is considered likely that all potential residents of the proposal would need to travel outside the settlement for most day to day activities. In view of the next local settlement being Easington Village, which only provides a basic range of facilities, it is highly likely that future occupants will have to travel even further to access key services including employment. Furthermore, with the limited availability of local bus services, it is likely that the majority of these trips would be made by car. As such it is not considered that the proposal does not accord with the principles of sustainability with regard to locating development to minimise the need to travel thus conflicting with policy 1 of the Local Plan and the guidance in PPS1 and PPS3 set out above.

The Council has prepared a Settlement Study, consultation on which has recently closed. The study is currently a draft document but will be adopted on completion and form part of the evidence base of the LDF. The scale of development in the proposal should also be considered against the outcome of this settlement study. It assesses each settlement in the county against a range of sustainability criteria, Littlethorpe is considered to be Level 6 settlement, the least sustainable, which should only be considered for very limited infill development to meet specific local needs.

Therefore although the proposed development is considered to be in keeping with the saved local plan policies in that it proposes the development of previously developed land within an established settlement, concerns regarding the sustainability of the location of development means that the proposal is not considered to accord with relevant national policy or the emerging County Durham Local Development Framework.

15 Site History

The relevant planning history to this site demonstrates that the principal of residential development within Littlethorpe has been accepted by the Local Planning Authority. Planning application references HIST/2005/0409, PLAN/2007/0054, and PLAN/2007/0863 established a precedent for the development of new housing in Littlethorpe in line with the former District of Easington Local Plan policies. These applications allowed for the development of 11 no. houses within the village. Works have recently commenced on the construction of 5 no. houses to the south-east of the application site.

Furthermore a recent Planning Inspectorate decision in relation to planning application PL/5/2009/0271 allowed outline permission for the erection of 13 no. dwellings on land directly to the north-west of the application site. The appeal was made against the Council's failure to determine the application. The Council did not determine the planning application inside the established time limits due to a request for further information to be submitted in relation to archaeological impacts. During the appeal process further information was provided to the Inspectorate in relation to Archaeology which overcame the Council's concerns. However, the Council's case at appeal recommended refusal as it was not considered that Littlethorpe represented a sustainable location for 13 no. dwellings, and therefore was contrary to the relevant National Planning Guidance and emerging County Durham LDF. However, this argument was not accepted by the Inspectorate, who stated the following in relation to sustainability:

"...the site is only 1km from Easington where a wide range of local service is available and that there is a bus stop, with regular service to the nearby town of Peterlee, available on the main road at the end of the village, in close proximity to the appeal site access.

I conclude that the density of the proposal would accord with sustainable development objectives and would comply with local and national policy in this respect."

In conclusion, the Inspectorate allowed the appeal stating:

"Whilst the appeal proposal is for a greater number of dwellings than previously approved, I have found that smaller houses would fit well with the modest houses closest to the site without harm to the character of the village. The residential development in this location would comply with sustainability objectives and sufficient evaluation has been carried out to prevent harm to the potential archaeological

interest of the site. Accordingly, for the reasons given above I conclude that the appeal should be allowed”.

The Local Planning Authority, as stated previously would consider the currently proposed 14 no. dwellings to go against relevant national planning guidance in relation to sustainable locations for new development. However, this argument has not been accepted by the Inspectorate in the recent appeal decision, outlined above. The site subject of the recent appeal and the site subject of the current proposal are considered to be comparable in terms of use and location. Furthermore it could be argued that the site subject of the current proposal is a more appropriate site for development, as it is more centrally located within Littlethorpe and thus relates better to the existing village form.

As such, in light of the recent appeal decision, it is considered that it would be unreasonable for the Local Planning Authority to refuse planning permission for the current proposal for sustainability reasons, when such arguments were not accepted by the Inspectorate.

16 Design, Scale and Layout

National Planning Guidance relating to Housing Developments is contained with PPS3: Housing; the main aim of national guidance is to increase density of development and mixture of housing type.

In principle the Conservation and Design Officer has stated that overall the proposal to demolish the semi-detached houses and create a courtyard development would be sympathetic to the character and appearance of the hamlet. The building materials, scale and layout and the retention of the boundary trees are all appropriate and a good response to the existing pattern and form of the hamlet.

The scheme broadly achieves the distancing standards in terms of privacy and amenity space, which are set out in the appendix of the District of Easington Local Plan. All properties are provided with private gardens.

In summary, the proposed design and layout of the development are considered to accord with the relevant development plan policies. The proposal is considered to represent a very good example of distinctive architecture that has taken many references from the surrounding village in terms of design, massing, building form and materials. The proposed development will create a sense of place in this rural setting, to the benefit of the character of the village as a whole.

17 Landscaping ,Trees and Ecology

The application site currently contains a number of trees situated along the site boundaries, which it is proposed will be retained. The Council's Tree Officer has confirmed that he generally agrees with the report, but has requested that a condition be attached to any grant of planning permission to ensure that the trees are protected during construction works.

A Landscaping scheme for the site is to be agreed and secured through the use of a suitable planning condition.

Initial concerns were raised by the Council's Ecologist, Natural England and Durham Bat Group in relation to the impact the proposed development may have on protected species,

specifically bats. However during the application process, further survey works were completed and mitigation measures proposed. As such subject to the proposed mitigation measures being conditional of any grant on planning permission, the County's ecologist has confirmed that there are no objections to the scheme.

18 Highways

The proposed access arrangements for the development are considered to be acceptable, and are in accordance with the arrangements in relation to the previous grant of planning permission on this site. The proposed parking arrangements are also considered to be acceptable and accord with the relevant development plan guidelines. It is not considered that the proposed development will have any detrimental effects on the local highway network or highway safety to warrant refusal of the planning application.

19 Affordable Housing

The District of Easington Affordable Housing Policy Statement requires affordable housing to be provided on developments of 15 houses or more. As the current application only proposes the erection of 14 no. dwellings there are no requirements for affordable housing provision.

20 Play Space

Saved policy 66 of the District of Easington Local Plan states that developers should provide adequate recreation space in relation to new housing developments of 10 or more dwellings. Where it is inappropriate to make provision within the development site, it may be necessary to secure provision elsewhere. The current proposal includes no provision for play space; as such it is normal practice for the Local Planning Authority to enter into a S.106 agreement with the developer to secure a financial contribution in lieu of on site play space provision. The secured finance would be used to improve existing play space within Easington. It is suggested that planning permission should only be granted once the applicant has entered into a S.106 agreement to provide for off-site play provision.

21 Renewable Energy

In order to minimise energy consumption and to comply with the aims of Planning Policy Statements 1 and 3 there is a requirement that all major developments include at least 10% decentralised and renewable energy or low carbon sources. In order to ensure that 10% of energy produced comes from a renewable source, a suitable condition should be imposed.

22 Archaeology

Initial concerns were raised by the Archaeology Officer regarding the lack of information submitted in support of the application. During the application process a full archaeological evaluation report was carried out in accordance with a brief issued by Durham County Council. Following the completion of the report the Council's Archaeologist has removed the objection to the scheme and recommended a conditional approval. The suggested condition should be attached to any grant of planning permission and will ensure that the development will not damage any archaeological remains that may be on-site.

As such it is considered that a proper archaeological assessment has been carried out, sufficient to safeguard the potential archaeological interest of the site, in accordance with national policy.

23 Other Considerations

Easington Village Parish Council and adjacent residents in relation to this scheme have raised concerns. The main issues relate to the location of development, the impact of the development on the character of Littlethorpe, the impact the proposed development will have on the local road network, and the impact on trees and wildlife on the site.

The concerns regarding the impact the development will have on Littlethorpe, and in particular the character of the village have been discussed previously in this report. In design terms the proposed development is considered to represent a very good example of distinctive architecture that will add to the sense of place to the benefit of the character of the village. Concerns have been raised regarding the number of dwellings and the location of development, however as discussed previously in light of the recent appeal decision in relation to a comparable adjacent site, it would be unreasonable for the Council to refuse permission on these grounds.

As stated previously the access and parking arrangements are considered acceptable, and the Highways Authority have raised no objections to the scheme.

It is considered that the concerns raised in relation to trees and wildlife on the site have been dealt with earlier in this report.

CONCLUSION

- 24 In conclusion the proposed development is broadly considered to accord with the relevant local and national planning policy. The development proposes the development of a Brownfield site within an established settlement boundary, and with regard to a recent appeal decision on a comparable site directly adjacent to the application site, the development is considered to represent a sustainable location for this type of development.
- 25 The proposed design and layout of the scheme are considered to accord with the relevant development plan policies, and the development is considered to represent a good example of distinctive architecture in keeping with the setting within Littlethorpe.
- 26 Initial concerns in relation to Ecology and Archaeology have been addressed through the submission of additional information during the application process.
- 27 The proposed access and parking arrangements are considered to be acceptable and it is not considered that the proposed development will have any detrimental impacts on the local highway network or highway safety to warrant refusal of the application.
- 28 Subject to the applicant entering into a S.106 agreement to provide a financial payment in lieu of open space provision on site, and the suggested conditions, planning permission should be approved.

RECOMMENDATION

- 29 That the application be **APPROVED** subject to the completion of the requisite S.106 Agreement and the following conditions;

Conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby approved shall be carried out in strict accordance with the following approved plans unless otherwise agreed in writing with the Local Planning Authority. Consultation statement, arboricultural pre-development survey ref:ARB/CP/345, design and access statement, site location plan drg. no. 001, existing site plan drg. no. 002, land contamination report, all received 16/03/2009. Preliminary risk assessment, drg. no. JN031-DWG-0001, proposed site plan Dwg. No.003 Rev D, proposed ground floor plans Dwg. No.004 Rev B, Proposed first floor plans Dwg. No.005 Rev A, Proposed elevations A-D Dwg. No.007 Rev A, Proposed elevations E-J Rev A Dwg. No.008 Rev A all received 15/07/2009. Bat survey received 19/10/2009. Archaeological Evaluation received 04/06/2010.
3. Notwithstanding any details of materials submitted with the application no development shall commence until details of the make, colour and texture of all walling and roofing materials have been submitted to and approved in writing by the Local planning authority. The development shall be constructed in accordance with the approved details.
4. Notwithstanding the details submitted with the application, prior to the commencement of development full details including plans at a scale of 1:20 and cross sections of the proposed windows shall be submitted to and approved in writing by the Local planning authority. The windows shall be installed in accordance with the approved details.
5. Prior to the commencement of the development details of means of enclosure shall be submitted to and approved in writing by the Local planning authority. The enclosures shall be constructed in accordance with the approved details prior to the occupation of the dwelling to which they relate.
6. Prior to the commencement of the development details of bin stores shall be submitted to and approved in writing by the Local planning authority. The bin stores shall be constructed and available for use prior to the occupation of the dwelling to which they relate.
7. Prior to the commencement of the development details of the surface treatment and construction of all hardsurfaced areas shall be submitted to and approved in writing by the Local planning authority. The development shall be undertaken in accordance with the approved details.
8. In relation to the development hereby permitted, no machinery shall be operated, no process shall be carried out and no construction traffic shall enter or leave the site outside the hours of 0800 to 1800 hours Mondays to Fridays (excluding Bank

Holidays) and 0800 to 1300 hours on Saturdays, unless approved in writing in advance by the Local Planning Authority.

9. No development shall commence until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the Local planning authority. The drainage shall be completed in accordance with the details and timetable agreed.
10. The development hereby permitted shall not be commenced until:
 - a) A desk-top study is carried out to identify and evaluate all potential sources of contamination and the impacts on land and/or controlled waters, relevant to the site. The desk-top study shall establish a 'conceptual site model' and identify all plausible pollutant linkages. Furthermore, the assessment shall set objectives for intrusive site investigation works/Quantitative Risk Assessment (or state if none required). Two copies of the study shall be submitted to and approved in writing by the Local Planning Authority if identified as being required following the completion of the desk-top study.
 - b) The application site has been subjected to a detailed scheme for the investigation and recording of contamination, and remediation objectives have been determined through risk assessment, and agreed in writing with the Local Planning Authority.
 - c) Detailed proposals for the removal, containment or otherwise rendering harmless of any contamination (the 'Reclamation Method Statement') have been submitted to and approved in writing by the Local Planning Authority.
 - d) The works specified in the Reclamation Method Statement have been completed in accordance with the approved scheme.
 - e) If during reclamation or redevelopment works any contamination is identified that has not been considered in the Reclamation Method Statement, then remediation proposals for this material shall be agreed with the Local Planning Authority
11. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:
 1. A preliminary risk assessment which has identified:
 - a. all previous uses
 - b. potential contaminants associated with those uses
 - c. a conceptual model of the site indicating sources, pathways and receptors
 - d. potentially unacceptable risks arising from contamination at the site.
 2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 3. The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.
Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.
12. If, during construction, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.
13. Prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a 'long-term monitoring and maintenance plan') for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority.
14. No development shall take place unless in accordance with the mitigation detailed within the protected species report "Bat Survet, Middle Yard, Lttlethorpe, Peterlee County Durham SR8 3UD" prepared by Naturally Wild Consultants Ltd (version V3 dated 14/07/2009), including, but not restricted to adherence to timing and spatial restrictions; provision of mitigation in advance; undertaking confirming surveys as stated; adherence to precautionary working methods; provision of a n insulated bat roost with bat access points in the form of bat-friendly bricks, and the addition of proprietary bat boxes.
15. The tree works hereby approved shall be carried out in accordance with BS 3998 : Recommendations for Tree Work and the European Tree Pruning Guide (European Arboricultural Council).
16. No construction work shall take place, nor any site cabins, materials or machinery be brought on site until all trees and hedges, indicated on the approved tree protection plan as to be retained, are protected by the erection of fencing, placed as indicated on the plan and comprising a vertical and horizontal framework of scaffolding, well braced to resist impacts, and supporting temporary welded mesh fencing panels or similar approved in accordance with BS.5837:2005 unless otherwise agreed by written consent of the local planning authority. No operations whatsoever, no alterations of ground levels, and no storage of any materials are to take place inside the fences, and no work is to be done such as to affect any tree, without the prior written agreement of the local planning authority. No removal of limbs of trees or other tree work shall be carried out unless approval has been sought and granted by the local planning authority. No underground services trenches or service runs shall be laid out in root protection areas, as defined on the Tree Constraints Plan, without the prior written approval of the local planning authority. Any agreed works must be undertaken in accordance with the National Joint Utilities Group ('Guidelines for

planning, installation and maintenance of utility services in proximity to trees), and BS 5837:2005 'Trees in Relation to Construction'

17. No tree shall be felled until a scheme of replacement planting has been submitted to and approved by the Local planning authority. Unless otherwise agreed by the Local planning authority, the replacement scheme shall be carried out within 12 months of the start of the tree felling hereby approved. These shall be planted and maintained in accordance with good practice to ensure rapid establishment- including watering in dry weather, and replaced if they fail within 5 years of initial planting, not later than the following planting season.
18. Within one month of the commencement of the development, or other such time period as may be agreed in writing with the Local planning authority, a detailed landscaping scheme shall be submitted to, and approved in writing by, the Local planning authority. No tree shall be felled or hedge removed until the landscape scheme, including any replacement tree and hedge planting, is approved as above. The landscape scheme shall include accurate plan based details of the following: Trees, hedges and shrubs scheduled for retention. Details of hard and soft landscaping including planting species, sizes, layout, densities, numbers. Details of planting procedures or specification. Finished topsoil levels and depths. Details of temporary topsoil and subsoil storage provision. Seeded or turf areas, habitat creation areas and details etc. Details of land and surface drainage. The establishment maintenance regime, including watering, rabbit protection, tree stakes, guards etc. The local planning authority shall be notified in advance of the start on site date and the completion date of all external works. Trees, hedges and shrubs shall not be removed without agreement within five years.
19. 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 the development. 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, unless the planning authority gives written consent to any variation. Replacements will be subject to the same conditions.
20. No development shall take place until the applicant has secured the implementation of an agreed phased programme of archaeological works, to include assessment, evaluation, and where appropriate, mitigation, in accordance with a written scheme of investigation. This should be submitted by the applicant and approved in writing by the Local planning authority.
21. No ground works shall take place until an archaeological mitigation strategy has been submitted to, and approved in writing, by the local planning authority. 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 within one year of the date of completion of the scheme hereby approved by this permission or such other period as may be agreed in writing by the local planning authority.
22. Prior to the commencement of the development a scheme to minimise energy consumption shall be submitted to and approved in writing by the Local planning authority. The scheme shall include at least 10% decentralised and renewable

energy or low carbon sources unless otherwise agreed in writing by the Local planning authority. Thereafter the development shall be carried out in complete accordance with the approved scheme prior to first occupation and thereafter retained in perpetuity.

REASONS FOR THE DECISION

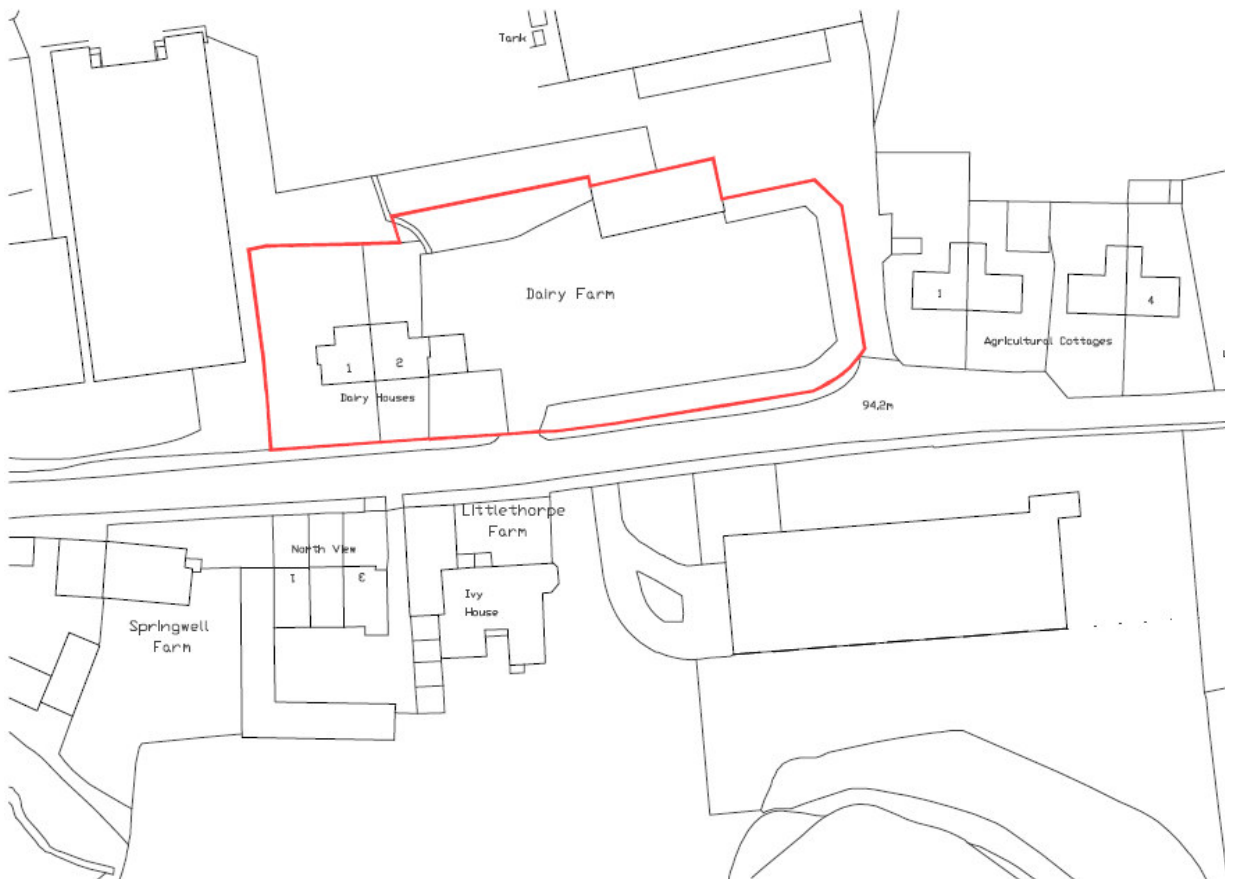
1. The development was considered acceptable having regard to the following development plan policies:

DISTRICT OF EASINGTON LOCAL PLAN	ENV35 - Environmental Design: Impact of Development
DISTRICT OF EASINGTON LOCAL PLAN	GEN01 - General Principles of Development
DISTRICT OF EASINGTON LOCAL PLAN	HOU67 - Windfall housing sites
PLANNING POLICY STATEMENT/GUIDANCE	PPS1 - Delivering Sustainable Development
PLANNING POLICY STATEMENT/GUIDANCE	PPS3 - Housing

2. In particular the development was considered acceptable having regard to consideration of issues of the location of development, design, scale, layout, highways issues, ecological impacts, archaeological impacts, and impacts on the character of the locality and adjacent occupants.
3. The stated grounds of objection concerning the location of the development, the numbers of dwellings proposed, impacts on the highway network, and impacts on trees and wildlife were not considered to sufficient to warrant refusal of the application.

BACKGROUND PAPERS

- Submitted Application Forms and Plans.
- Design and Access Statement
- District of Easington Local Plan 2001
- Planning Policy Statements / Guidance, PPS1, PPG2, PPS3, PPS7, PPS9, PPS13, PPG15, PPG16
- Consultation Responses



Planning Services

COMMITTEE REPORT

AGENDA ITEM NUMBER:

APPLICATION DETAILS

APPLICATION NO:	PL/5/2010/0306
FULL APPLICATION DESCRIPTION	RESIDENTIAL (OUTLINE) DEVELOPMENT
NAME OF APPLICANT	MR D MIDDLEMISS
SITE ADDRESS	SEATON NURSERIES, SEATON LANE, SEATON, SR7 0LT
ELECTORAL DIVISION	SEAHAM
CASE OFFICER	Barry Gavillet 0191 5274305 barry.gavillet@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSAL

Site:

- 1 This application site is located outside of the settlement boundary of Seaton, to the west of the Village. The site is triangular in shape and is approximately 1.7 hectares in size. The site is currently used for caravan and container storage, car repairs and a garden centre. To the north, west and south of the site there are agricultural fields and to the east there are residential properties. The main road which runs through Seaton Village bounds the site to the north whilst a disused railway line, currently used for walkers and cyclists bounds the site to the east.

Proposal:

- 2 The application seeks to establish the principle of residential development on the site, it is an outline application with all detailed matters reserved. The applicant however, has submitted three indicative plans which show various site layouts, the plans show that the dwellings would be two storeys in height and would include a mix of house types including flats, 4-5 bedroomed houses and 2-3 bedroomed

houses, there would be approximately 33 residential units in total. The applicant has suggested that both affordable housing and on site play space would be provided as part of the scheme.

- 3 This application is being reported to committee as it is classed as a major development.

PLANNING HISTORY

80/521 – Caravan storage. Approved
81/287 – Erection of dwelling. Refused
81/288 – Change of use from nursery to garden centre with extended car park. Approved
81/289 – Change of use to allow sale and storage of private caravans. Refused
92/031 – Extension of garden centre. Approved
01/738 – Storage of caravans, vehicles, boats and containers. Approved

PLANNING POLICY

4 NATIONAL POLICY:

Planning Policy Statement 1: Delivering Sustainable Development sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system.

Planning Policy Statement 3: Housing (PPS3) underpins the delivery of the Government's strategic housing policy objectives and our goal to ensure that everyone has the opportunity to live in a decent home, which they can afford in a community where they want to live.

Planning Policy Statement 7 (PPS7) sets out the Government's planning policies for rural areas, including country towns and villages and the wider, largely undeveloped countryside up to the fringes of larger urban areas.

Planning Policy Statement 9 (PPS9) sets out planning policies on protection of biodiversity and geological conservation through the planning system.

The above represents a summary of those policies considered most relevant. The full text can be accessed at:
<http://www.communities.gov.uk/planningandbuilding/planning/planningpolicyguidance/planningpolicystatements>

5 LOCAL PLAN POLICY:

District of Easington Local Plan

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.

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.

Policy 17 - Development which adversely affects a wildlife corridor/link will only be approved where compensatory features are provided.

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.

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.

Policy 67 - Housing development will be approved on previously developed land within settlement boundaries of established towns or villages provided the proposal is of appropriate scale and character and does not conflict with other policies in the plan.

The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www.durham.gov.uk/Pages/Service.aspx?ServiceId=7534>

CONSULTATION AND PUBLICITY RESPONSES

6 STATUTORY RESPONSES:

Parish Council – objection. The majority of residents oppose further residential development and wish to keep the traditional nature of the village.

Durham Bat Group – lack of information relating to bats.

Ramblers Association – interference with the walkway to the east should be avoided.

Durham Constabulary – informal advice given

Natural England – Initial objection due to lack of information relating to bats and newts, objection withdrawn on receipt of further surveys.

Environment Agency – no objections subject to conditions being imposed relating to contaminated land, flood risk and renewable energy.

7 INTERNAL CONSULTEE RESPONSES:

Highways Officer – no objections subject to minor alterations. Advice given to applicant.

Design Officer – concerns raised. The development will extend the village to the west of the railway embankment. This will erode the open rural setting to

the village and introduce a substantial area of hard development into the countryside. The proposed design of the estate is relatively high density and suburban. It lacks a substantial landscape framework which should drive the visual character of the development.

Archaeology Officer – initial objection. Now withdrawn due to further studies being carried out.

Planning Policy – objection. The proposals do not accord with the relevant planning policies.

Tree Officer – tree constraints plan required at reserved matters stage if approved.

Low Carbon Officer – renewable energy should be incorporated

8 PUBLIC RESPONSES:

The application has been advertised by way of a press notice, site notice and individual letters to nearby residents.

There have been 21 letters of objection from members of the public and a petition in objection to the proposals signed by 69 residents. The main reasons for objection include the following:

- Increase in traffic
- Increase in pressure on sewerage system
- The development is outside the settlement boundary
- Possible impact on wildlife
- Existing infrastructure cannot support further housing development
- The development would harm the character and form of the village

9 APPLICANTS STATEMENT:

This is a previously developed site situated outside the settlement limits as set out in the Easington Local Plan adopted in 2001. The settlement limit is now out of date; the site has been developed with planning permission and now forms part of the village. The appearance of the site at present does not contribute positively to the character of the village or the adjacent footpath.

This is a sustainable site for development, there are public houses in Seaton, access to Seaton Supply Store and bus services to the wider area from adjacent to that store and from outside the site. This site is as sustainable as parts of Seaham. No part of the settlement study suggests all the services have to be within the settlement boundaries, this would be unrealistic and unnecessary, evidence submitted to the settlement study clearly demonstrate the sustainability of the site.

There is still a need to provide housing post the RSS revocation and this is a desirable site which is deliverable in the current market, any issues with the

layout or number/style of dwellings can be resolved at the reserved matters stage. The redevelopment of the site would resolve the future of the site, provide affordable housing, family homes and if members were so minded provide children's play space (which did not come forward on the allocated site within Seaton).

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://planning.easington.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=109747>. Officer analysis of the issues raised and discussion as to their relevance to the proposal and recommendation made is contained below

PLANNING CONSIDERATION AND ASSESSMENT

This application is for outline approval only, with all matters reserved and it is the principle of residential development which must be assessed. As such, issues relating to design, scale, access and layout would be assessed at reserved matters stage should the application be approved. Accordance with planning policy is therefore the main planning consideration. Other relevant planning issues are discussed below including protected species, archaeology and representations made by the Parish Council and local residents.

10 National Planning Policy

Planning Policy Statement 7: Sustainable Development in Rural Areas (PPS7) is the national planning guidance relating to development in the countryside. PPS7 states that Local Planning Authorities should strictly control new house building in the countryside, outside established settlements or areas allocated for housing in development plans. It continues by making it clear that new houses in the countryside will require special justification for planning permission to be granted. Special justification could, for example, relate to the essential need for a worker to live permanently at or near their place of work in the countryside, or to the exceptional quality and innovative nature of the design of a proposed dwelling. One of the main aims of PPS7 is to promote sustainable patterns of development within rural areas. The document identifies the need to strictly control new house building in the countryside, away from established settlements. The proposal is not considered to accord with the advice contained within Planning Policy Statement 7: Sustainable Development in Rural Areas as a possible exception to policy.

Planning Policy Statement Note 3: Housing (PPS3) is the national planning guidance relating to housing development. Government policy in PPS3 is to maximise the re-use of previously developed land, and requires a sequential approach to the identification of housing sites, which prioritises the development of previously developed land in urban areas. As the proposal relates to a site outside the settlement limits as outlined in the Local Plan it is not considered to accord with the advice contained within Planning Policy Statement Note 3: Housing.

11 District of Easington Local Plan

The former District Council considered that housing development should normally only be approved on sites within the towns and villages of the former District, this is reflected in the saved Local Plan Policies. There are a number of reasons for this: firstly, new development within the settlements helps to maintain the compact and coherent village form, which is most appropriate for the support of shops and facilities. Redevelopment of “Brownfield” sites within settlement boundaries should take priority over sites that are outside the village boundary such as the current proposal. Indeed, development of sites outside of the settlement boundary can undermine the regeneration of the villages, as such developments can lead to sprawl and the de-linuation of the urban form.

Policy 67 of the Local Plan states that housing development will be approved on previously developed sites within settlement boundaries of established towns and villages. The application site is situated outside the village of Seaton and is considered to be contrary to policy 67 of the Local Plan.

Local Plan Policy 3 severely restricts development in the countryside. Policy 3 deals with development in the countryside in general and states that it will not be approved. It is therefore considered that the proposal is contrary to the relevant development plan policies.

In addition to the above policies, the Council has undertaken a settlement study of villages and towns across the County. Although the current Settlement Study draft assesses Seaton as part of the Seaham settlement, the final study will assess Seaton separately. It is likely that Seaton will be assessed as a lower order settlement, meaning that it is not suitable for additional housing development as it is not served well by community facilities, shops and public transport and is therefore unsustainable. Furthermore, it is the intention of the Council that other localities such as Murton will be the key locations for future housing development within the North & East Durham delivery area.

As mentioned earlier, the site is separated from the existing settlement by a disused railway line and is therefore not well related to the existing development pattern. This poor relationship would be exacerbated by the fact that the site is in a very prominent location when approaching the entrance to the village from the west. The proposal would also lead to the loss of employment land and a local business. The planning policy team have objected to the proposals on the basis that they do not accord with the above relevant policies.

12 Other relevant issues

Government guidance states that the presence and extent to which protected species will be affected must be established before planning permission is granted. Natural England and the Council’s Ecology Officer have been

consulted on the application, and although concerns were raised initially regarding the potential impact on bats and great crested newts, further studies have been carried out and no further objections have been raised to the current proposal. However, if planning permission were to be approved for the development a condition should be attached to ensure that the mitigation measures outlined in the submitted ecology report are followed during any subsequent construction works.

Archaeology officers also initially raised an objection to the scheme, however the applicant has since carried out further studies and the objection has now been withdrawn.

Highways Officers also have no objections to the scheme, subject to minor alterations being made to any reserved matters scheme.

The Low Carbon Officer has suggested that renewable energy should be incorporated into the scheme, this should be ensured through an appropriate condition, should the application be approved.

13 Objections from residents and the Parish Council

As stated above, it is agreed that the proposal represents development outside of the settlement boundary, in the countryside, and as such is contrary to policy. It is also agreed that the existing infrastructure of the village, in particular community facilities, shops and public transport links cannot support additional residential development and the proposals are therefore unsustainable. Also, given the relatively compact nature of the village, and taking into account that the proposed development site is separated from the village by the disused railway line and embankment, it is considered that the proposed development would harm the character of the existing form of the village and would lead to sprawl into the countryside.

With regard to the concerns raised in respect of highways and wildlife, both of these issues have been assessed by officers and it has been concluded that no adverse impacts would occur as a result of the proposed development, subject to appropriate conditions.

CONCLUSION

- 14 The proposed development of residential properties on the application site clearly contravenes relevant national, regional and local policies and in principle planning permission should be refused.
- 15 The applicant has submitted information in support of the proposals but this does not outweigh the fundamental objection to the development of an inappropriate site. The Council's policy is to prioritise the development of previously developed land within existing settlements for residential development. The current proposal relates to an application outside the established settlement boundaries and therefore should not be supported.

RECOMMENDATION

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

Reason:

1. The proposal would result in residential development outside the established settlement boundaries as identified in the District of Easington Local Plan and has limited access to community facilities, shops and public transport. The proposal is therefore considered to be in an unsustainable location, contrary to national planning guidance contained within Planning Policy Statements 1, 3 and 7, and saved policies 1, 3, 35, and 67 of the District of Easington Local Plan.

REASONS FOR THE RECOMMENDATION

1. The development was considered acceptable having regard to the following development plan policies:

DISTRICT OF EASINGTON LOCAL PLAN	ENV03 - Protection of the Countryside
DISTRICT OF EASINGTON LOCAL PLAN	ENV17 - Identification and Protection of Wildlife Corridors
DISTRICT OF EASINGTON LOCAL PLAN	ENV18 - Species and Habitat Protection
DISTRICT OF EASINGTON LOCAL PLAN	ENV35 - Environmental Design: Impact of Development
DISTRICT OF EASINGTON LOCAL PLAN	GEN01 - General Principles of Development
DISTRICT OF EASINGTON LOCAL PLAN	HOU67 - Windfall housing sites
PLANNING POLICY STATEMENT/GUIDANCE	PPS1 - Delivering Sustainable Development
PLANNING POLICY STATEMENT/GUIDANCE	PPS3 - Housing
PLANNING POLICY STATEMENT/GUIDANCE	PPS7 - Sustainable Development in Rural Areas
PLANNING POLICY STATEMENT/GUIDANCE	PPS9 - Biodiversity and Geological Conservation

BACKGROUND PAPERS

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- Consultation Responses

