

Planning Services

COMMITTEE REPORT

AGENDA ITEM NUMBER: 3(d)

APPLICATION DETAILS

APPLICATION NO:	PL/5/2010/0491
FULL APPLICATION DESCRIPTION	RESIDENTIAL DEVELOPMENT COMPRISING 52 NO. DWELLINGS
NAME OF APPLICANT	MILLER HOMES LTD NORTH EAST REGION
SITE ADDRESS	FORMER VANE TEMPEST CLUB, NEW DRIVE, SEAHAM SR7 7BX
ELECTORAL DIVISION	SEAHAM
CASE OFFICER	Barry Gavillet 0191 5274305 barry.gavillet@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSAL

Site:

- 1 The application site is located on land at the former Vane Tempest Club within the settlement boundary of Seaham. The site is bounded by a cricket ground to the north, residential properties to the east, a single detached cottage to the south and a railway line and embankment to the west. The site is considered to be brownfield and has an area of approximately 1 hectare.

Proposal:

- 2 This application proposes a residential development comprising of 52 dwellings with a mix of 10 two bedroom houses, 20 three bedroom houses, 13 four bedroom houses and 9 two bedroom apartments of varying sizes and arrangements. As the site is 1 hectare in size, the density of the site is 52 dwellings per hectare, a previously approved application (which has been commenced on site by way of some minor groundworks being carried out) had a density of 65 dwellings per hectare. Off-street car parking provision and private garage blocks would be provided in accordance with Durham County Highways standards. A new main access would be created to the centre of the site off New Drive along with a secondary access to serve 8 dwellings further to the south. Upgrading works would take place along New Drive including resurfacing, new paths and kerbing.
- 3 The applicant has agreed to provide financial contributions toward off site play space and the upgrading or the provision of a sports facility. Affordable housing would also

be provided at a rate of 20%, and this would be in the form of dwellings being provided at 70% of the open market value.

- 4 The application is being reported to committee as it is classed as a major application.

PLANNING HISTORY

PLAN/2007/0429 – 20 houses and 45 apartments. Approved and commenced.

PL/5/2010/0237 – Extension of time to implement application PLAN/2007/0429. Withdrawn

PLANNING POLICY

5 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 9 (PPS9) sets out planning policies on protection of biodiversity and geological conservation through the planning system.

Planning Policy Guidance 17 (PPG17) sets out the policies needed to be taken into account by regional planning bodies in the preparation of Regional Planning Guidance (or any successor) and by local planning authorities in the preparation of development plans (or their successors); they may also be material to decisions on individual planning applications.

Planning Policy Guidance 24 (PPG24) guides local authorities in England on the use of their planning powers to minimise the adverse impact of noise. It outlines the considerations to be taken into account in determining planning applications both for noise-sensitive developments and for those activities which generate noise. It explains the concept of noise exposure categories for residential development and recommends appropriate levels for exposure to different sources of noise. It also advises on the use of conditions to minimise the impact of noise. Six annexes contain noise exposure categories for dwellings, explain noise levels, give detailed guidance on the assessment of noise from different sources, gives examples of planning conditions, specify noise limits, and advise on insulation of buildings against external noise.

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>

6 REGIONAL PLANNING POLICY:

Regional Spatial Strategy

Policy 4: (The Sequential Approach to Development) provides that a sequential approach to the identification of land for development should be adopted to give priority to previously developed land and buildings in the most sustainable locations.

Policy 38: (Sustainable Construction) sets out that in advance of locally set targets, major developments should secure at least 10% of their energy supply from decentralised or low-carbon sources.

7 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 37 - The design and layout of development should seek to minimise the level of parking provision (other than for cyclists and disabled people).

Policy 66 - Developers will be required to make adequate provision for children's play space and outdoor recreation in relation to housing development of 10 or more dwellings. Provision may be secured elsewhere if it is inappropriate to make provision at the development site.

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.

Policy 74 - Public Rights of Way will be improved, maintained and protected from development. Where development is considered acceptable, an appropriate landscaped alternative shall be provided.

Policy 90 - Development resulting in the loss of outdoor sports facilities will not be approved unless it would enable enhancement of the remaining land, alternative provision of equal or enhanced benefit is provided, development involves provision of new related outdoor facilities and there is an excess of such facilities in the area.

Policy 92 - Amenity open space will be protected unless development would enable enhancement of the remaining play space or alternative provision of equal or enhanced benefit is provided.

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

8 STATUTORY RESPONSES:

Northumbrian Water – Surface Water condition required.

Environment Agency – no objections. Informal advice offered.

Network Rail – no objections. Informal advice offered.

Ramblers Association – no objections.

Sport England – objection. This objection will only be withdrawn on receipt of a legal agreement, which secures a financial contribution toward the provision of, or upgrading of sports pitches.

9 INTERNAL CONSULTEE RESPONSES:

Highways Officer – no objections

Design Officer – no objections

Ecology Officer – no objections subject to mitigation in ecology report being conditioned.

Tree Officer – no objections subject to existing hedgerow adjacent to the railway being retained.

Landscape Officer – no objections. Landscaping scheme is acceptable.

Environmental Health – noise insulation measures protecting residents from railway noise should be conditioned. In addition, contaminated land reports are required.

Planning Policy – Proposals are in accordance with relevant policy. No objections.

Public Rights of Way Officer – no objections. Informal advice given.

10 PUBLIC RESPONSES:

The application has been advertised by way of a press notice, site notices and individual letters to residents. Five responses have been received as a result of this exercise. Although the new layout and reduction in numbers of dwellings was welcomed, several points of concern were raised. These included parking issues, the access being too narrow, loss of privacy and light.

11 APPLICANTS STATEMENT:

The proposed development will return a long standing vacant site, including the recently demolished welfare centre to beneficial use and deliver a number of community benefits. Planning permission was previously granted on the site in 2007 and establishes the residential use for the site. Due to significant changes in the residential market conditions it is proposed to change the residential mix of the development to address current market demands, this also results in a reduction in the number of dwellings which was raised as a concern during the consideration of the previous planning application. The development now includes a total of 52 residential dwellings (including a mix of 2, 3 and 4 bedroom accommodation) which will meet the requirements of the area. The reduced scale of the development will also contribute to the success of the proposed development.

In addition to the provision of the residential dwellings themselves, there are also many additional planning benefits associated with the development of this site. These include a 20% affordable housing contribution (this equates to 10 units on-site which will be sold at 70% of their market value and retained as affordable in perpetuity), there is also a contribution payable to Durham County Council of £500 per dwelling towards enhancement of recreational facilities within Seaham and a £20,000 contribution towards the upgrading of tennis courts within Seaham.

In terms of sustainability, the site benefits from easy access to a variety of local facilities including shops and other facilities and has good vehicular and pedestrian access with good levels of permeability and access to public transport, including bus routes and the railway station.

Having regard to the above it is established through the planning, design and access statement submitted with the application that the proposals are in accordance with all relevant national, regional and local planning policy.

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=111202>. 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

The main planning considerations with regard to this application are considered to be the following:

- Planning Policy
- Design and layout
- Highways issues
- Provision of outdoor play space/sports facilities
- Affordable housing
- Consultation responses

12 Planning Policy

The proposed application is considered to be in keeping with the relevant Development Plan Policies. Relevant National guidance in relation to new housing development is found within PPS1: Delivering Sustainable Development and PPS3: Housing. Government policy 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. In this instance this application relates to a previously developed site situated within the settlement boundary of Seaham. The density of the development is 52 houses per hectare, which accords with government guidance that states the minimum density of housing development should be 30 per hectare. The proposals are therefore considered to accord with the general principles of national planning policy.

The Regional Spatial Strategy for the North East provides a sequential approach for development in Policy 4. Although this relates to the identification of land for development in Local Development Frameworks it can also be seen as relevant where there is insufficient allocated land for development. The policy promotes previously developed sites within urban areas as being the most sequentially preferable locations for development. If such locations do not exist, the development plan should consider, in sequence; other suitable locations within urban areas; suitable sites and locations adjoining urban areas; and suitable sites in settlements outside urban areas. As this application relates to a site situated within the settlement of Seaham, it is considered to accord with the general principles of RSS in terms of a sequential approach for development.

In terms of saved Local Plan policy the application site is located within the Seaham settlement boundary as identified in the former District Of Easington Local Plan. The site is considered to represent 'Brownfield land', the development of which falls to be considered,

in the context of 'saved' policy 67, as a windfall site on which housing development is considered to be acceptable in principle.

Policy 38 of the Regional Spatial Strategy requires that all major developments include at least 10% decentralised and renewable energy or low carbon sources. However, due to the additional financial contributions discussed in the report, site abnormalities and the need for affordable housing, the applicant has stated that any requirement for renewable energy would make the development unviable. On this basis the applicant submitted a development appraisal in order to demonstrate that the requirement would make the development unviable. This development appraisal was assessed by officers in the Strategic Investments team and found to reflect what the applicant was stating. Due to these circumstances, it is not considered that renewable energy conditions should be imposed in this instance.

13 Design and layout

It is considered that the design of both the apartments and houses is of good standard. The materials, landscaping scheme and details of enclosures submitted by the applicant as part of the submission are considered acceptable. The layout of the site shows the apartments located within the site where they would not be unduly prominent from New Drive. The houses are situated along the boundary with New Drive in a staggered formation and are both two and three storeys which would add interest to the street scene. In addition the use of apartments and two and three storey houses achieves an appropriate mix. The density of the site is moderate at 52 units per hectare, in addition, the site is detached from any surrounding residential areas to the north, south and west and has housing rather than apartments along the boundary which faces existing residential properties along New Drive. As such, and in accordance with government advice which requires a minimum of 30 units per hectare, the density is considered acceptable in this location. The scale and layout of the development is such that there would be no significant impacts on surrounding occupiers in terms of loss of light, loss of privacy or overshadowing.

The applicant has undertaken a rail noise impact assessment which has found a need for noise insulation measures on the site. This should be secured through the use of a planning condition.

14 Highways issues

The development would involve the creation of new pedestrian footpaths and the widening and improvement of the road surface along New Drive which is currently in poor condition. The Highways Authority are satisfied that there would be no significant problems caused by an increase in traffic and that parking provision and access are acceptable. In addition, the site is well served by bus and rail services (and is a brownfield site) and as such the site is considered a sustainable location for residential development.

15 Provision of outdoor play space/sports facilities

This application site is close to a number of playing fields and sports pitches. Notwithstanding this, Policy 66 of the Local Plan requires developers to provide outdoor play space in new housing development. Where this cannot be achieved the developer is required to provide these facilities offsite. Accordingly, the applicant has agreed to enter into a Section 106 agreement to secure a financial contribution for offsite facilities and the development is therefore in accordance with Policy 66 of the Local Plan.

In addition to the above contribution, the applicant has also agreed to provide a financial contribution towards the provision of, or upgrading of sports pitches. This is on the basis that part of the development site was previously used (approximately 15 years ago) as tennis courts. On this basis Sport England have agreed to withdraw their objection subject to the receipt of such a contribution. Therefore the application is considered to be in accordance with PPG17.

16 Affordable housing

The former District of Easington Council commissioned an Affordable Housing Strategy in 2006 which identified a need for affordable housing to help diversify the range of housing available in the area and provide for low income households who cannot access the general open market. The Strategy was prepared to provide a local context for affordable housing, required by government in PPS3. When considering applications for housing development regard must now be given to the need to achieve the appropriate mix of housing in terms of size, tenure and cost and the need to rebalance housing markets. As this site has been identified as a market pressure area, 20% of homes should be affordable. The applicant has agreed to provide affordable housing on the site at a rate of 20%, this will involve the houses being sold at 70% of the market value and will remain at this level in perpetuity. This will be ensured by use of a Section 106 legal agreement.

17 Consultation responses

Five neighbours have responded to the consultation exercise and although the new layout and reduction in numbers of dwellings was welcomed, several points of concern were raised. These included parking issues, the access being too narrow, loss of privacy and light.

As mentioned earlier in the report improvements will be made to New Drive which will involve road widening, resurfacing and the upgrading of footpaths, level of parking provision has also been agreed with the Highways Officer. Therefore objections relating to parking and access are not considered to warrant refusal of planning permission. With regard to loss of privacy and light, the distances between the new dwellings and properties on New Drive and surrounding estates, and those between the new dwellings within the development are considered acceptable. Any shortfalls are only minor in scale, and would not justify refusal of planning permission given the overall benefits resulting from the development. On this basis it is considered that there would be no adverse impacts on surrounding occupiers significant enough to warrant refusal of planning permission.

CONCLUSION

18 It is considered that the principle of residential development on this site is acceptable; it is a brownfield site within the settlement boundary. In addition it is considered that the design and layout are acceptable and would not have any adverse impacts on surrounding residents or the street scene significant enough to warrant refusal of planning permission. There are no highways objections, and all remaining concerns can be overcome by planning conditions. The scheme will contribute toward the need for affordable housing and proposes a mix of house types. In addition the applicant has agreed to provide financial contributions towards off-site play space and sports pitches. Overall, it is considered that the proposal is acceptable in planning terms and would contribute toward the ongoing regeneration of Seaham.

RECOMMENDATION

- 19 That the application be **APPROVED** subject to a suitable section 106 agreement for the provision of affordable housing, a financial contribution toward offsite play space and sports pitches, and subject the following conditions

Conditions:

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.
2. No construction work shall take place, nor any site cabins, materials or machinery be brought on site until the hedge adjacent to the railway line is protected in accordance with a scheme to be submitted to and agreed in writing by the Local Planning Authority. The scheme shall be in accordance with BS.5837:2005.
Reason: In the interests of the visual amenity of the area and to comply with saved policies 1 and 35 of the District of Easington Local Plan.
3. 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. 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 saved policies 1 and 35 of the District of Easington Local Plan.
4. Development shall not commence until a detailed scheme for the disposal of surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water. Thereafter the development shall take place in accordance with the approved details.
Reason: To ensure the discharge of surface water from the site does not increase the risk of flooding from sewers in accordance with the requirements of PPS25 "Development and Flood Risk"
5. 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

Reason: 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, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Planning Policy Statement 23 - Planning and Pollution Control.

- 6. Before the dwellings hereby permitted are occupied, the dwellings shall be insulated against noise in accordance with the submitted noise report written by R.T. Morrow M.Sc, M.I.O.A and dated 1st October 2010. All works which form part of the scheme shall remain in place throughout the lifetime of the development.

Reason: In order to prevent noise disturbance in accordance with Planning Policy Guidance Note 24 - Planning and Noise.

- 7. The development hereby approved shall be carried out in accordance with the mitigation measures outlined in paragraph 5.5 of the submitted ecological assessment prepared by A M Turner and dated 22nd June 2007.

Reason: To conserve protected species and their habitat in accordance with Planning Policy Statement 9 - Biodiversity and Geological Conservation.

- 8. The development hereby approved shall be carried out in strict accordance with the following approved plans. Plan References; Location Plan no. 807123-004, Site Layout Plans QD488-01-02B and QD-448-01-01C0, Enclosures Plan QD448-01-03B, Infrastructure Plan QD488-00-01, Planting Plan no. 502-02A, Material Schedule dated 4/10/10, Tree Survey no. NDS/TS01, Parts 9, 10 and 12 of the Design and Access Statement dated 8th October 2010 relating to landscaping, dwellings and garages.

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies 1 and 35 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
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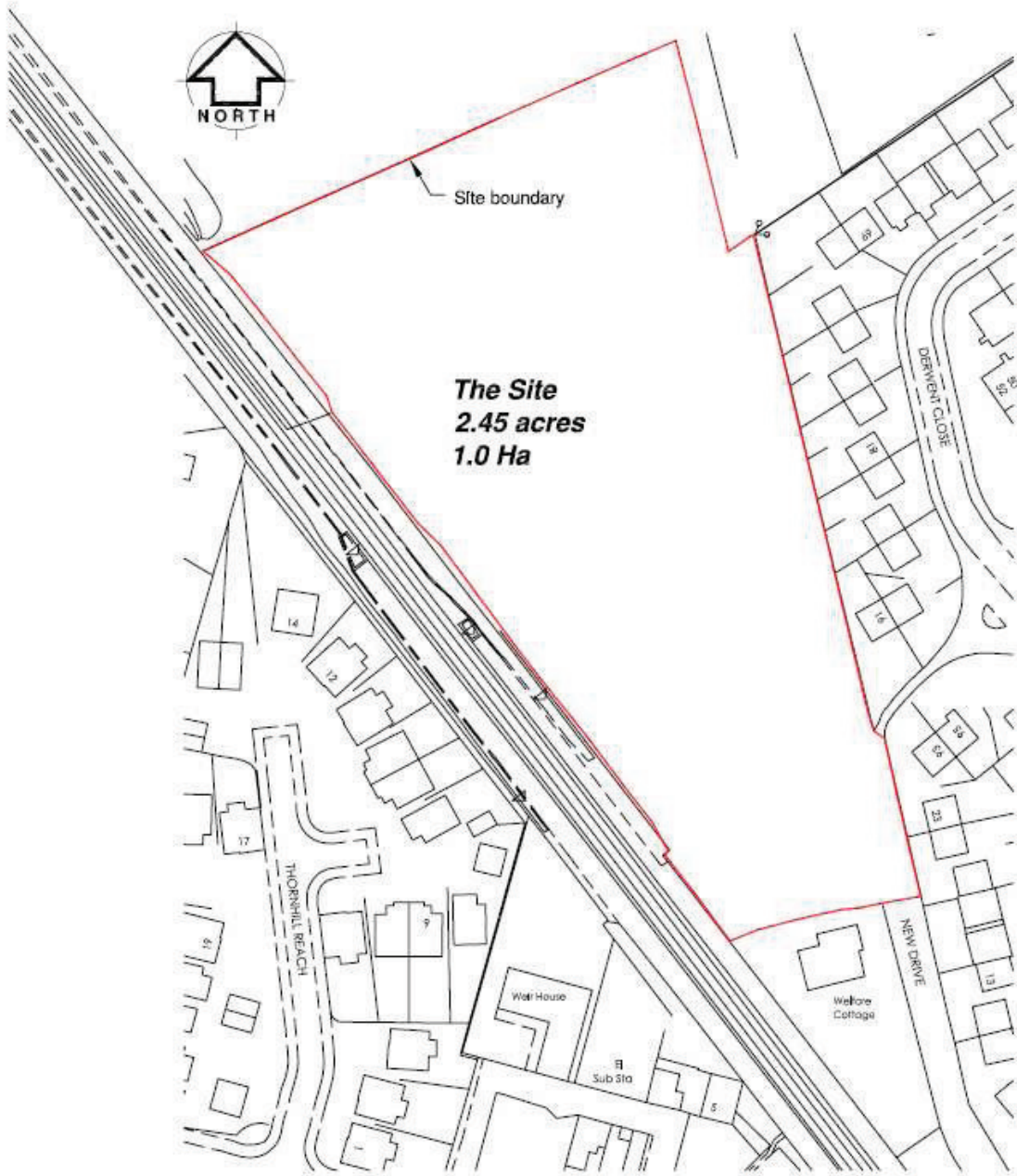
DISTRICT OF EASINGTON LOCAL PLAN
PLANNING POLICY STATEMENT/GUIDANCE
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PLANNING POLICY STATEMENT/GUIDANCE
DISTRICT OF EASINGTON LOCAL PLAN
DISTRICT OF EASINGTON LOCAL PLAN
DISTRICT OF EASINGTON LOCAL PLAN
REGIONAL SPATIAL STRATEGY
REGIONAL SPATIAL STRATEGY

ENV35 - Environmental Design: Impact of Development
ENV36 - Design for Access and the Means of Travel
ENV37 - Design for Parking
GEN01 - General Principles of Development
HOU66 - Provision of outdoor play space in new housing development
HOU67 - Windfall housing sites
PPG24 - Planning and noise
PPS1 - Delivering Sustainable Development
PPS3 - Housing
PPS9 - Biodiversity and Geological Conservation
REC90 - Protection and provision of outdoor sports facilities
REC92 - Protection of amenity open space
TAC74 - Footpaths and other public rights of way
RSS Policy 38 - Sustainable Construction
RSS Policy 4 - The Sequential Approach to Development

2. In particular the development was considered acceptable having regard to consideration of issues of planning policy, design and layout, impact on surrounding occupiers and highways issues.
3. Objections received were not influential in leading to a refusal. The impact on surrounding occupiers was not considered significant enough to warrant refusal. Highways issues are also considered acceptable.

BACKGROUND PAPERS

- Submitted Application Forms and Plans.
- Design and Access Statement
- North East of England Plan Regional Spatial Strategy to 2021 (RSS) July 2008
- District of Easington Local Plan 2001
- Planning Policy Statements
- Consultation Responses



LOCATION PLAN
Scale - 1:1250