

# Planning Services

## COMMITTEE REPORT

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### APPLICATION DETAILS

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APPLICATION NO:	PL/5/2011/0443
FULL APPLICATION DESCRIPTION	RESIDENTIAL DEVELOPMENT (OUTLINE) (RESUBMISSION)
NAME OF APPLICANT	MR D MIDDLEMISS
SITE ADDRESS	SEATON NURSERIES, SEATON LANE, SEATON, SR7 0LT
ELECTORAL DIVISION	SEAHAM
CASE OFFICER	BARRY GAVILLET 03000291958 barry.gavillet@durham.gov.uk

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### DESCRIPTION OF THE SITE AND PROPOSAL

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#### 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 by 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 indicative plans, which show that the site could accommodate 6 bungalow units in total along with a substantial landscaping scheme. The application is a resubmission of a previously refused scheme that proposed 33 two-storey dwellings and was dismissed at a subsequent appeal.
- 3 This application is being reported to committee as it is classed as a major development.

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## PLANNING HISTORY

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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  
PL/5/2010/0306 – Residential Development (Outline). Refused & Dismissed at Appeal

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## PLANNING POLICY

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### NATIONAL POLICY:

- 4 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.
- 5 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.
- 6 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.
- 7 Planning Policy Statement 9 (PPS9) sets out planning policies on protection of biodiversity and geological conservation through the planning system.
- 8 The emerging National Planning Policy Framework (NPPF), currently in draft form, is a material consideration in the determination of planning applications, and advances a presumption in favour of sustainable development to encourage economic growth.

*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>*

### REGIONAL PLAN POLICY:

- 9 *The North East of England Plan - Regional Spatial Strategy to 2021 (RSS) July 2008, sets out the broad spatial development strategy for the North East region for the period of 2004 to 2021. The RSS sets out the region's housing provision and the priorities in economic development, retail growth, transport investment, the environment, minerals and waste treatment and disposal. Some policies have an end date of 2021 but the overall vision, strategy, and general policies will guide development over a longer timescale.*
- 10 In July 2010 the Local Government Secretary signalled his intention to revoke Regional Spatial Strategies with immediate effect, and that this was to be treated as a material consideration in subsequent planning decisions. This was successfully challenged in the High Court in November 2010, thus for the moment reinstating the RSS. However, it remains the Government's intention to abolish Regional Spatial

Strategies when Localism Act 2011 is brought into force, Both the RSS and the abolition provisions of the Localism Act are material planning considerations and it is a matter for each Planning Authority to decide how much weight can be attached to this, having regard to the evidence base which informs the RSS. Policies of particular relevance to these applications include the following:

- 11 Policy 2 - Seeks to embed sustainable criteria through out the development process and influence the way in which people take about where to live and work; how to travel; how to dispose of waste; and how to use energy and other natural resources efficiently.
- 12 Policy 4 - National advice and the first RSS for the North East advocated a sequential approach to the identification of sites for development, recognising the need to make the best use of land and optimize the development of previously developed land and buildings in sustainable locations.
- 13 Policy 7 - Seeks to promote the need to reduce the impact of travel demand particularly by promoting public transport, travel plans, cycling and walking, as well as the need to reduce long distance travel, particularly by private car, by focusing development in urban areas with good access to public transport.
- 14 Policy 24 - Refers to the need to concentrate the majority of the Region's new development within the defined urban areas, and the need to utilise previously developed land wherever possible.

#### **LOCAL PLAN POLICY:**

##### District of Easington Local Plan

- 15 Policy 1- Due regard will be had to the development plan when determining planning applications. Account will be taken as to whether the proposed development accords with sustainable development principles while benefiting the community and local economy. The location, design and layout will also need to accord with saved policies 3, 7, 14-18, 22 and 35-38.
- 16 Policy 3 - Development limits are defined on the proposal and the inset maps. Development outside 'settlement limits' will be regarded as development within the countryside. Such development will therefore not be approved unless allowed by other polices.
- 17 Policy 17 - Development which adversely affects a wildlife corridor/link will only be approved where compensatory features are provided.
- 18 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.
- 19 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.
- 20 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>*

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

- 21 Parish Council – objection. The majority of residents oppose further development in the village and wish to retain its traditional nature.
- 22 Ramblers Association – no objection
- 23 Environment Agency – no objections subject to contaminated land, drainage and flood risk conditions
- 24 Natural England – no objections. Informal advice offered.
- 25 Northumbrian Water – no objections subject to conditions
- 26 Durham Bat Group – Surveys considered inadequate

### **INTERNAL CONSULTEE RESPONSES:**

- 27 Highways Officer – no objection subject to conditions
- 28 Tree Officer – no objections subject to conditions
- 29 Design Officer – the reduction in number of dwellings is welcomed but the principle of development remains an issue
- 30 Policy Officer – no significant change since original refusal. Objection. The site is outside the settlement boundary in an unsustainable location.
- 31 Ecology Officer - Ecology surveys are out of date - objection
- 32 Archaeology Officer - no objections

### **PUBLIC RESPONSES:**

- 33 The application has been advertised by way of a press notice, site notice and individual letters to nearby residents.
- 34 One letter of objection has been received, the main concern relates to the development being outside the settlement boundary.

### **APPLICANTS STATEMENT:**

- 35 This application proposes significantly less development on the site than the previous scheme, both in the number of dwellings and the height/size of those dwellings. This will significantly reduce the impact of the proposed development. At the appeal the Inspector accepted that there was not a 5-year housing land supply and therefore

the proposal should be treated favourably, this situation still remains. This is a brownfield site which should be developed in preference to greenfield sites on the edge of Seaham and elsewhere. There is a footpath to the south side of the flyover the A19, removing the need for cyclists and pedestrians to negotiate the wide junctions that provide the access onto the A19. Consequently, the site is as sustainable as greenfield sites on the edge of Seaham.

*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=116300>*

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## **PLANNING CONSIDERATION AND ASSESSMENT**

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- 36 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 the previous Inspectors decision, protected species, archaeology and representations made by the Parish Council and local residents.

### **National Planning Policy**

- 37 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.
- 38 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.

### **Regional Spatial Strategy**

- 39 The RSS sets out the broad development strategy to 2021 and beyond. It identifies broad strategic locations for new housing developments so that the need and demand for housing can be addressed in a way that reflects sustainable development principles.

- 40 The RSS recognises that in County Durham, the towns in the regeneration areas continue to be the main focus for development, and recognises the importance of ensuring that the function and vitality of these places is protected and enhanced.
- 41 In identifying land for development, Local Planning Authorities should adopt a sequential approach to the identification of land for development. This approach is enshrined in Policy 4 of the RSS. The aim of this policy is to increase housing development within urban areas and the priority should be suitable previously-developed sites and buildings in urban areas ahead of greenfield sites.
- 42 Whilst this policy is primarily aimed at plan-making, it is considered that the principles can equally be applied to planning proposals. Overall, with respect to the RSS, it is considered that there is significant conflict on account that housing development is proposed beyond the settlement boundary in the countryside and that better sites are available when utilising a sequential approach to development.

### **District of Easington Local Plan**

- 43 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-lineation of the urban form.
- 44 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.
- 45 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.
- 46 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.
- 47 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.

### **Inspectors decision**

- 48 An application for development on the same site was refused in 2010 and subsequently dismissed at appeal. The inspector summed up his decision as follows: "Despite the benefits of the development in terms of the provision of housing, where a 5 year housing land supply does not exist, and the significant weight to be given to the job creation benefits, the development would compromise key sustainable development principles set out in PPS1 and PPS3. The harm that would be caused to the principles of sustainable development and to the character and appearance of the countryside are of over-riding concern in this appeal and lead me to conclude that the development would be unacceptable."
- 49 Although the current application proposes fewer dwellings than the previous application, the proposal still seeks to establish the principle of residential development on the same site. In these circumstances, planning concerns remain the same as there have been no significant changes to planning policy since the application was refused and dismissed at appeal.

### **Other relevant issues**

- 50 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 objections have been raised to the current proposal on the basis that the ecology surveys are now out of date. The ecology report submitted with the application contains data from 2010. The report states that if no development occurs before 2010 then confirming surveys are required and mitigation should be conditioned. As this application was submitted in November 2011 it should have contained further survey data from the 2011 season to inform the resubmission. This site may have changed significantly since the 2010 survey and may now be suitable for bat use. Consequently, the information submitted is insufficient to enable the LPA to discharge its duty under the Conservation of Habitats and Species Regulations 2010
- 51 Archaeology and Highways Officers also have no objections to the scheme, subject to conditions being imposed should be application be approved.

### **Objections from residents and the Parish Council**

- 52 The main reasons for objection from the Parish Council and resident relate to the site being outside the settlement boundary and that it would harm the traditional character of the village.
- 53 It is agreed that the proposal represents development outside of the settlement boundary, in the countryside, and as such is contrary to policy. 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.

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## CONCLUSION

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- 54 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.
- 55 The applicant has submitted information in support of the proposals, including a suggested reduction in the number of dwellings that could be provided, 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.

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## RECOMMENDATION

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- 56 That the application be **REFUSED** for the following reasons;
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, Regional Spatial Strategy Policies 2, 4, 7 and 24, and saved policies 1, 3, 35, and 67 of the District of Easington Local Plan.
  2. The information supplied in the submitted Wildlife Survey of Seaton Nurseries by E3 Ecology Ltd is out of date and does not fully detail the extent that the protected species (bats) may be affected by the proposed development. This information is required before any planning permission is granted, to enable the Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2010 and the Habitats Directive. Due to insufficient information, the proposal would be in conflict with advice in PPS9 and saved District of Easington Local Plan Policy 18.

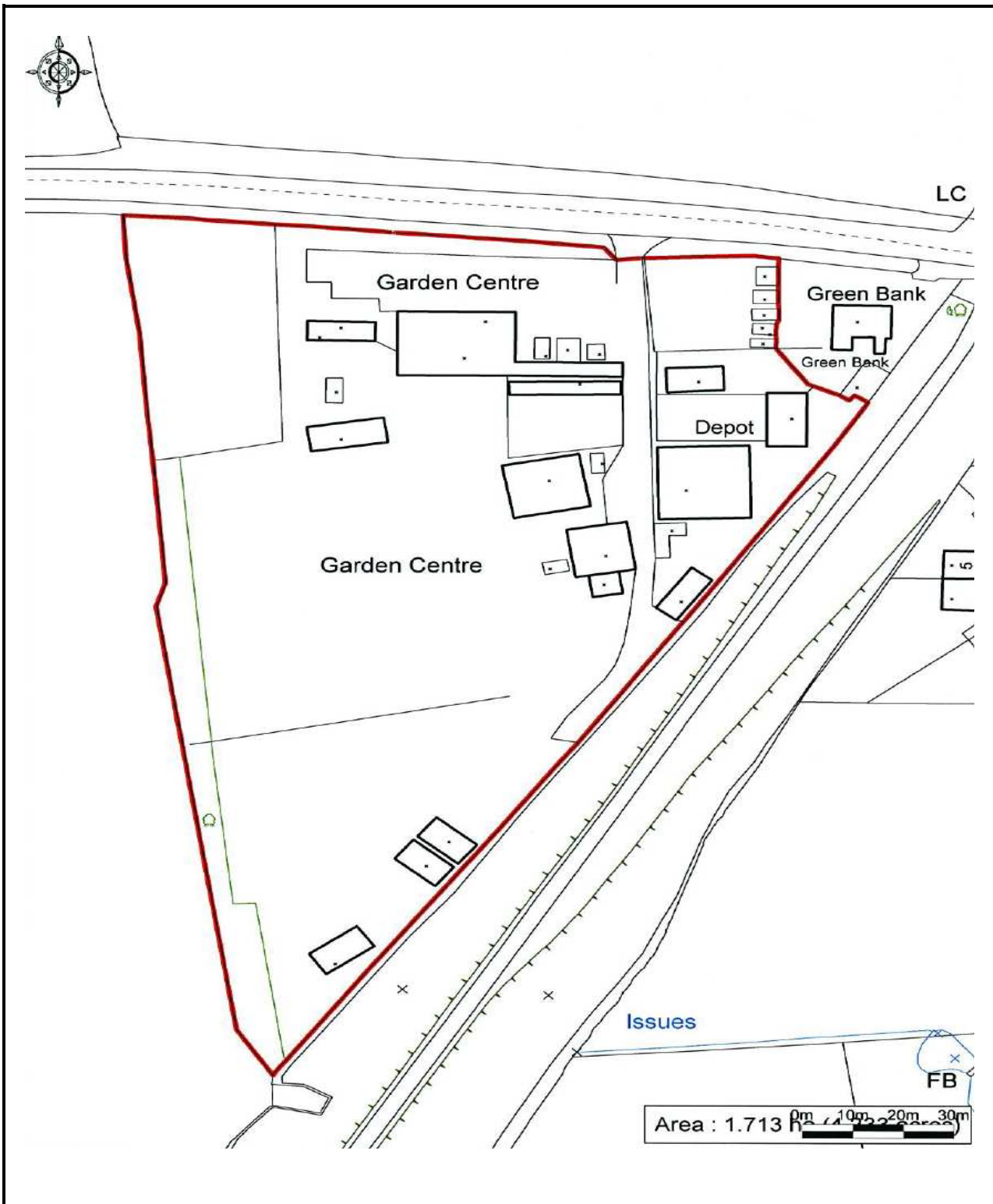
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## BACKGROUND PAPERS

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- 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 / Guidance, PPS1, PPS3, PPS7, PPS9
- Consultation Responses





**Planning Services**

**Proposed RESIDENTIAL DEVELOPMENT (OUTLINE)(RESUBMISSION) at SEATON NURSERIES SEATON LANE, SEATON SR7 0LT PL/5/2011/0443**

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**Comments**

**Date** 10 January 2012

**Scale** 1:1250