

Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/14/00941/FPA
FULL APPLICATION DESCRIPTION	DEMOLITION OF EXISTING BARNs AND DEVELOPMENT OF 10 RESIDENTIAL DWELLINGS. RETENTION OF EXISTING FARMHOUSE.
NAME OF APPLICANT	MR R THOMAS
SITE ADDRESS	VILLAGE FARM, THE VILLAGE, MURTON SR7 9RP
ELECTORAL DIVISION	MURTON
CASE OFFICER	Barry Gavillet 03000 261958 barry.gavillet@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSAL

Site:

- 1 This site is located within the settlement boundary of Murton and comprises a former village farmstead and field. There are several agricultural buildings on the site along with the original farmhouse, which would be retained. To the north and east of the site there are residential properties, to the west of the site there is a nursing home and other residential dwellings and to the south is the village green and war memorial which is a listed building. There are a number of facilities within the proximity of the site including a post office, newsagents, bus stops and a school. The site area is 0.6 hectares.

Proposal:

- 2 This application proposes a residential development of 10 dwellings along with associated road improvement works. Access to the site would be off Gregson Terrace to the south of the site, it is proposed to upgrade this road to adoptable standards as part of the scheme. The detached dwellings would have generous front and rear garden areas and would all have off street parking. The density of the proposed housing would be 16 dwellings per hectare.
- 3 The application is being reported to committee as it is classed as a major application.

PLANNING HISTORY

4. 14 Dwellings have previously been approved on the site (PL/5/2010/0497)

PLANNING POLICY

NATIONAL POLICY:

5. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant.
6. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve ‘core planning principles’

The following elements are considered relevant to this proposal:

7. *Part 1* - The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.
8. *Part 4* - Transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. Smarter use of technologies can reduce the need to travel. The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. However, the Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas.
9. *Part 6* - To boost significantly the supply of housing, applications should be considered in the context of the presumption in favour of sustainable development.
10. *Part 7* - The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
11. *Part 8* - The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
12. *Part 10* - Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development.

13. *Part 11* - The planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests and soils; recognising the wider benefits of ecosystem services; minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures; preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

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>

LOCAL PLAN POLICY:

District of Easington Local Plan

14. *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.
15. *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.
16. *Policy 24* - Development which adversely affects the character, appearance, special architectural features or setting of a listed building will not be approved. The retention of architectural or historic features will be encouraged. Demolition of a listed building will be only be allowed in exceptional circumstances.
17. *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.
18. *Policy 36* - The design and layout of development should ensure good access and encourage alternative means of travel to the private car.
19. *Policy 37* - The design and layout of development should seek to minimise the level of parking provision (other than for cyclists and disabled people).
20. *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.

21. *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.*

EMERGING PLAN POLICY:

22. The emerging County Durham Plan was submitted in April 2014 ahead of Examination in Public. In accordance with paragraph 216 of the NPPF, decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. Further, the Planning Practice Guidance explains that in limited circumstances permission can be justifiably refused on prematurity grounds: when considering substantial developments that may prejudice the plan-making process and when the plan is at an advanced stage of preparation (i.e. it has been Submitted). To this end, the following policies contained in the Submission Draft are considered relevant to the determination of the application:
23. *Policy 1 (Sustainable Development)* – States that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.
24. *Policy 15 (Development on unallocated sites)* – States that development on unallocated sites will be permitted on the basis that they are appropriate in scale, design and location to the character and function of the settlement, they do not result in the settlements last community facility, would not prejudice the intended use of adjacent sites and land uses and that they are not in the countryside.
25. *Policy 18 (Local Amenity)* – In order to protect the amenity of people living and/or working in the vicinity of a proposed development, permission will not be granted for development proposals which would have a significant adverse impact on amenity such as by way of noise, vibration, odour, dust, fumes, light pollution, overlooking, visual intrusion, visual dominance, loss of light or loss of privacy.
26. *Policy 41 (Biodiversity and Geodiversity)* – States that proposals for new development will not be permitted if significant harm to biodiversity and geodiversity, resulting from the development, cannot be avoided, or adequately mitigated, or as a last resort, compensated for.
27. *Policy 48 (Delivering Sustainable Transport)* – All development shall deliver sustainable travel by delivering, accommodating and facilitating investment in sustainable modes of transport; providing appropriate, well designed, permeable and direct routes for all modes of transport; and ensuring that any vehicular traffic generated by new development can be safely accommodated.

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

STATUTORY RESPONSES:

28. Northumbrian Water have no objections as a foul water scheme has been agreed with the applicant.
29. The Environment Agency has no objections subject to a contaminated land condition.

INTERNAL CONSULTEE RESPONSES:

30. Highways Officers initially raised concerns about some technical aspects of the drawings. However amended plans have since been received and Highways Officers now raise no objections.
31. Environmental Health Officers have no objections subject to a condition which deals with any potential contaminated land and restricts construction hours.
32. The Councils Tree Officer has no objections to the proposals subject to tree and hedgerow protection during construction.
33. Landscape Officers have no objections subject to a landscaping scheme being submitted and implemented.
34. Design Officers initially had concerns regarding the design and scale of the development. However, amended plans have since been received and officers are now supportive of the scheme.
35. Sustainability Officers have no objections subject to a condition requiring renewable energy or carbon reduction measures within the scheme.

PUBLIC RESPONSES:

36. The application has been advertised by way of a press notice, site notice and letters to surrounding residents. One letter has been received from a nearby resident who does not object to the proposals but requested clarification on some highways issues.

APPLICANTS STATEMENT:

37. The Village Farm scheme delivers 10 detached properties in a highly sustainable location in the centre of the village of Murton. These new dwellings, built on brownfield land, will have easy access to the amenities and services of the settlement. The applicant is providing a chance for purchasers of the units to be involved in a custom build project where they will be able to work with the developer to design the interior of their homes in the way they wish whilst ensuring the development is complimentary and respectful to the surrounding urban area by the use of an agreed material palette.
38. The applicant has worked with the Council to ensure that an agreeable scheme has been achieved, which will be of a high standard of design and fully compliant with local and national planning policy and guidance.
39. Built development for this site was the subject of a previous planning application which was approved by committee in 2011. This scheme looks to improve on the

design and layout of the previous scheme and also ensures that the development will come forward in the short term.

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=111394>. 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

40. As this application seeks full planning permission for residential development, therefore the main planning considerations are the principle of the development in terms of accordance with planning policy, the layout of the development and impact on surrounding occupiers and the street scene, highways issues, other site specific issues and public responses.

Principle of the development and planning policy

41. The proposed development is considered to be in keeping with the relevant Development Plan Policies. Relevant National guidance in relation to new housing development is found within the National Planning Policy Framework which has a presumption in favour of sustainable development. In this instance this application relates to a site within a predominantly residential area, which is situated within the settlement boundary of Murton. There are good links to public transport and there are shops, healthcare facilities, schools and other community facilities in close proximity. The proposals are therefore considered to accord with the general principles of national planning guidance.
42. 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: mainly that 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 and which promotes sustainable forms of development.
43. 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. Although the application site is part brownfield and part greenfield, policy officers consider the site to be in a sustainable location within the settlement boundary. It is therefore considered that the proposal satisfies these criteria and is considered to be in accordance with policy 67 of the Local Plan. It is also noted that the recent planning application for 14 dwellings on the site was approved on this basis and therefore the principle of development can be accepted.

Layout, impact on surrounding occupiers and the street scene

44. The layout of the development is constrained by the shape of the site which is surrounded on all sides by other developments. The site is long and thin and therefore the layout of the proposed dwellings is guided by the need for adequate access, parking, amenity space and privacy distances. Although the design officer raises some concerns regarding the layout, it is considered that given the constraints of the site, the applicant has made best possible use of the site and that the layout is acceptable. The applicant has worked with the Councils Design and Conservation team to ensure that the design is acceptable, several amended plans have been

received as a result of discussions with officers who now considered the scheme to be of good quality.

45. It is noted that in all instances the privacy distances as set out in the Local Plan are met and that the size of private gardens is adequate. No existing dwellings outside of the development site would be adversely affected by the development in terms of loss of privacy, overshadowing or overbearing impact. In terms of impact on the street scene, it is considered that the proposal would enhance the street scene and surrounding area by creating a new frontage along the main road. It is also considered that the retention of the farmhouse would enhance the development and make the building more prominent. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities to have special regard to the desirability of preserving historic buildings or their setting. The design officer has confirmed that the proposal would have no significant adverse impact on the setting of the listed war memorial. As such, it is considered that the proposals are acceptable in terms of layout, the impact on the street scene and surrounding occupiers in accordance with saved local plan policy 35 and part 7 of the NPPF.

Highways Issues

46. The highways officer has advised that the means of access and level of car parking provision are acceptable. There were no objections in terms of an increase in traffic or parking congestion. It has been pointed out that the upgrading of Gregson Terrace to adoptable standards would need to be carried out in agreement with the Council's highways officers. In summary, the proposals are considered acceptable in terms of access and parking and therefore are in accordance with saved policies 36 and 37 of the local plan.

Site specific issues

47. In terms of childrens play space, saved policy 66 of the local plan states that "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". As such, the applicant would need to enter into a Section 106 legal agreement to secure a financial contribution of £5000 for the provision or improvement of off-site play areas.

CONCLUSION

48. In conclusion, it is considered that the proposal is in accordance with the relevant national, regional and local planning policies. The location of the proposed development is considered sustainable as it has good access to facilities such as shops, a post office, a school and bus stops. There would not be any adverse impact on the street scene including the listed war memorial or surrounding occupiers, all privacy distances both within the site and to surrounding properties are adequate. The layout of the proposal is considered acceptable given the constrained shape of the site, adequate amenity space has been provided and the highways officers have considered parking and access to be acceptable.

RECOMMENDATION

That the application be **APPROVED** subject to the following conditions and subject to the completion of a Section 106 legal agreement to secure the provision of:

- i. £5000 towards play and recreation in the Electoral Division of Murton

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. The development hereby approved shall be carried out in strict accordance with the following approved plans. Plan References: 0200-0314 House Type B1 (Plot 10) Proposed Elevations Rev F, 0200-0326 House Type B1 & B2, C1 & C2 Proposed Sections (Plot 06 – 10) Rev A, 0200 – 0100 Application Boundary Drawing Rev C, 0200 – 0200 Demolition Plan Rev B, 0200 – 0312 House Type A2 (Plot 01) Proposed Elevations Rev F, 0200 – 0325 House Type A5 (Plot 02) Proposed Elevations Rev C, 0200-0311 House Type A1 Handed (Plot 04) Proposed Elevations Rev D, 0200 – 0319 House Type D1 (Plot 05) Proposed Elevations Rev E, 0200 – 0317 House Type C2 (Plot 07) Proposed Elevations Rev G, 0200 – 0316 House Type C1 (Plot 08) Proposed Elevations Rev F, 0200 – 0315 House Type B2 (Plot 09) Proposed Elevations Rev E, 0200 – 0320 Proposed Site Plan Rev K, 0200 – 0303 House Type A2 (Plot 1) Proposed Floor Plans Rev C, 0200 – 0302 House Type A1 Handed (Plot 4) Proposed Floor Plans Rev B, 0200 – 0307 House Type C2 (Plot 7) Proposed Floor Plans Rev H, 0200 – 0309 House Type D2 (Plot 03 & 05) Proposed Floor Plans (Rev B), 0200 – 0319 House Type D2 Handed (Plot 03 & 05) Proposed Elevations Rev F, 0200 – 0306 House Type C1 (Plot 06 & 08) Proposed Floor Plans Rev G, 0200 – 0316 House Type C1 (Plot 06 & 08) Proposed Elevations Rev G, 0200 – 0305 House Type B1 & B2 (Plot 09 & 10) Proposed Floor Plans Rev F, 0200 – 0324 House Type (Plot 02) Proposed Floor Plans Rev A

Reason: To meet the objectives of saved Policies 1, 35 and 36 of the Easington District Local Plan and parts 1 and 4 of the NPPF.

3. No development shall commence until a landscaping scheme has been submitted to and approved in writing by the local planning authority. The scheme shall identify those trees/hedges/shrubs scheduled for retention and removal; shall provide details of new and replacement trees/hedges/shrubs; detail works to existing trees; and provide details of protective measures during construction period. The works agreed to shall be carried out within the first planting season following completion of development of the site and shall thereafter be maintained for a period of 5 yrs following planting. 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.

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. No development shall take place until a site investigation and Desk top Study has been carried out in accordance with Part IIA of The Environmental Protection Act 1990. The results of the site investigation shall be submitted and approved in writing by the local planning authority.

As a minimum requirement, the Desk Top Study should include the following information in relation to the study site:

- Historic Land Use
- Former contaminative site uses
- Typical contaminants from former industrial uses
- Watercourses, major underground aquifers, water source protection zones, at or close to the site
- Ground water, perched ground water
- Adjacent land uses and their historical land use, and potential to affect the study site
- All former holes in the ground on or close to the study site

If the desk top study determines there is no historical land use which may cause contamination of the site, no further action is required in relation to the contaminated land risk assessment.

If any historical land use which may cause contamination of the site is found from the desk top study site investigation, a 'Phase 2 Report' will be required as detailed below.

Phase 2 Report

A further report shall be submitted to and approved in writing by the local planning authority. This report shall take into consideration the relevant aspects of the desk top study and discuss remediation measures in accordance with appropriate legislative guidance notes.

If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority

Phase 3 – Validation Report

After remediation measures are implemented at the site, a final validation statement shall be submitted in accordance with the remediation recommendations of the above 'Phase 2' report.

Reason: To ensure that 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 risk to workers, neighbours and other offsite receptors in accordance with NPPF Part 11.

4. No development shall be commenced until details of trees and hedgerows which are to be retained along with measures for their protection throughout the development are submitted and approved in writing by the Local Planning Authority. The protection measures shall be in accordance with the relevant British Standard and shall be fully implemented in accordance with the approved details throughout the construction of the development and those trees identified for retention shall be retained throughout the lifetime of the development.

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.

5. Prior to the commencement of development a scheme to minimise energy consumption in relation to that phase shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall consist of energy from renewable or low carbon sources provided on-site, to a minimum level of at least 10% of the total energy demand from the development, or an equivalent scheme that minimises carbon emissions to an equal level through energy efficient measures. Thereafter the development shall be carried out in complete accordance with the approved scheme.

Reason: In the interests of sustainable construction and energy generation in accordance with the aims of Policies 1 and 35 of the Easington District Local Plan and Part 10 of the NPPF.

6. No development works (including demolition) shall be undertaken outside the hours of 8.30am and 6.30 pm Monday to Friday and 8am to 1pm on a Saturday with no works to take place on a Sunday or Bank Holiday.

Reason: In order to protect the amenity of residents living in the approved development and in accordance with saved Policies 1 and 35 of the Easington District Local Plan and part 11 of the NPPF.

7. Notwithstanding any details of materials submitted with the application no development shall commence until details of the external walling, roofing materials and hard surfacing have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be constructed in accordance with the approved details.

Reason: In the interests of the appearance of the area and to comply with saved Policies 1 and 35 of the Easington District Local Plan and part 11 of the NPPF.

7. No development shall take place unless in accordance with the mitigation detailed within Section E of the protected species report 'A wildlife survey of Village Farm Murton' carried out by E3 Ecology Ltd, received on 14th April 2014.

Reason: To conserve protected species and their habitat in accordance with the objectives of saved Policy 18 of the Easington District Local Plan and part 11 of the NPPF.

8. No development shall commence until an agreed programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved by the 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 6 months of the date of completion of the scheme hereby approved by this permission. The strategy shall include details of the following:

- i) the proper identification and evaluation of the extent, character and significance of possible archaeological remains within the application area as identified on the geophysical survey.
- ii) an assessment of the impact of the proposed development on any archaeological remains identified in the trial trench evaluation phase;

iii) proposals for the preservation in situ, or for the investigation, recording and recovery of archaeological remains and the publishing of the findings, it being understood that there shall be a presumption in favour of their preservation in situ wherever feasible;

iv) sufficient notification and allowance of time to archaeological contractors nominated by the developer to ensure that archaeological fieldwork as proposed in pursuance of (i) and (iii) above is completed prior to the commencement of permitted development in the area of archaeological interest; and

v) notification in writing to the County Durham Principal Archaeologist of the commencement of archaeological works and the opportunity to monitor such works.

Reason: The site has archaeological potential that must be assessed as recommended in the NPPF para. 128

STATEMENT OF PROACTIVE ENGAGEMENT

In dealing with the application, the Local Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising during the application process. The decision has been made within target provided to the applicant on submission and in compliance with the requirement in the National Planning Policy Framework to promote the delivery of sustainable development.

BACKGROUND PAPERS

- Submitted Application Forms and Plans.
- Design and Access Statement
- Emerging County Durham Plan
- District of Easington Local Plan 2001
- National Planning Policy Framework
- Consultation Responses

