

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/16/00152/OUT
FULL APPLICATION DESCRIPTION:	Approx. 43 Dwellings (outline) all matters reserved
NAME OF APPLICANT:	Planning Gain Ltd
ADDRESS:	Easington Village Workingmens Club, Seaside Lane, Easington Village
ELECTORAL DIVISION:	Easington
CASE OFFICER:	Barry Gavillet, Senior Planning Officer, 03000 261958, barry.gavillet@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

Site:

1. This application site is approximately 1.08 hectares in size and is located within the Electoral Division and partly within the settlement boundary of Easington. The site lies close to local services including public transport links, shops, schools and other community facilities.
2. The site is a cleared area of land which until recently was occupied by the derelict Easington Workingmens Club and the adjacent car parking along with some open land to the north, it is therefore a part brownfield and part greenfield site. To the east, south and west are existing residential properties and directly to the south of the site is Seaside Lane, the main road which runs east to west between the settlements of Easington Village and Easington Colliery.

Proposal:

3. This application seeks outline planning consent for approximately 43 dwellings, all matters are reserved including details of the access, layout, appearance, scale and landscaping. However an indicative plan has been submitted which shows an access which would be off a new mini roundabout on Seaside Lane. Indicative drawings show a large proportion of the dwellings being small, two bedroomed properties, all with garden areas and off-street parking. It is also suggested that the site would deliver an element of affordable housing.
4. This application is being reported to committee as it is classed as a major development.

PLANNING HISTORY

5. A proposal for 43 dwellings was refused in 2011 on the basis that part of the site was outside of the settlement boundary as defined in the District of Easington Local Plan 2001.

PLANNING POLICY

NATIONAL POLICY

6. 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.
7. 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’.
8. In accordance with paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policy will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight. The relevance of this issue is discussed, where appropriate, in the assessment section of the report below.

The following elements of the NPPF are considered relevant to this proposal;

9. *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.
10. *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.
11. *Part 6* - To boost significantly the supply of housing, applications should be considered in the context of the presumption in favour of sustainable development.
12. *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.
13. *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.

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 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.
16. *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.
17. *Policy 36* - The design and layout of development should ensure good access and encourage alternative means of travel to the private car.
18. *Policy 37* - The design and layout of development should seek to minimise the level of parking provision (other than for cyclists and disabled people).
19. *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.
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.

RELEVANT EMERGING POLICY:

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

The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www.cartoplus.co.uk/durham/text/00cont.htm>.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

22. Natural England do not object on the basis that suitable mitigation is agreed in relation to European Protected Sites on the coast.
23. Northumbrian Water have no objections subject to a foul and surface water drainage condition.

INTERNAL CONSULTEE RESPONSES:

24. Environmental Health have no objections subject to both noise mitigation relating to the nearby car repair business and contaminated land conditions being attached.
25. Ecology have no objections on the basis that suitable mitigation is agreed in relation to European Protected Sites on the coast.
26. Design officers have no objections but comment that the site should form part of a larger scheme in the future.
27. Landscape officers have no objections.
28. Highways officers have no objections subject to a condition which requires the access to the car repair business to close on the completion of the mini roundabout.

PUBLIC RESPONSES:

29. No responses have been received from nearby residents.

APPLICANTS STATEMENT:

30. Outline planning permission is sought for a residential development comprising around 43 no. dwellings, the proposals would also deliver affordable housing. There are a number of material considerations that weight in favour of development at the site, the main one being that the site was allocated for residential use within the *County Durham Plan*. The site has therefore already been through a degree of scrutiny.
31. It is considered that the previously-developed element of the site sits very comfortably with current and past planning policy (the element within the settlement boundary). It is the northerly, greenfield part of the site that requires further justification.
32. Since the 2011 application which was refused planning permission, it is considered that there has been a significant policy 'shift' that warrants further consideration of the site in question. The publication of the NPPF in 2012 is the most significant shift as it contains policies that could support development at the site. The 2011 decision by the LPA was issued prior to this advice being published.

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://82.113.161.89/WAM/showCaseFile.do?action=show&appType=planning&appNumber=10/00955/FPA>

PLANNING CONSIDERATIONS AND ASSESSMENT

33. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that given the application is outline with all matters reserved, the only planning issues to be considered in this instance are the principle of the development and ecology issues. Issues such as highways, impact on surrounding residents and the street scene etc will all be considered under the reserved matters application. Of particular relevance are the accordance with the saved policies from the District of Easington Local Plan and the Governments recently published National Planning Policy Framework (NPPF).

Principle of the development

34. At the heart of the NPPF is 'the presumption in favour of sustainable development'. In terms of pursuing sustainable development the NPPF sets out five positive improvements to be sought which include;
- Moving from a net loss of bio-diversity to achieving net gains for nature
 - Improving the conditions in which people live, work, travel and take leisure; and
 - Widening the choice of high quality homes
35. It is considered that the development of the land in question has the potential to deliver these improvements. In addition to the above, the NPPF encourages the reuse of brownfield land such as (part of) this application site and saved Policy 3 of the District of Easington Local Plan advises that development within settlement boundaries such as proposed should be favoured over development in the countryside. Policy 67 of the Local Plan also advocates support for housing proposals provided they lie within the settlement limits and relate to previously developed land. The current proposal would therefore not be in strict accordance with this policy being considered a part greenfield site albeit largely within the settlement limits.
36. The local planning authority accept that ELP housing supply figures are based on historic supply figures and as such are considered to be 'out of date' in the context of paragraph 49 of the NPPF, therefore reduced weight can be afforded to policy 67 and policy 3. Furthermore, the County Council is currently unable to demonstrate a 5 year land supply. Accordingly, the application must be assessed in the context of Paragraph 14 of the NPPF.
37. Paragraph 14 of the NPPF states that 'At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development' and for decision makers this means that where relevant policies are 'out of date' that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies the NPPF. Consequently, it is considered that in this instance, the proposal should be subject to the planning balance test as contained within Paragraph 14 of the NPPF. Clearly, whether any benefits of the proposed development are significant and demonstrably outweighed by adverse impacts can only be considered following an examination of all of the issues within the planning balance.
38. The proposed development site is considered to be a highly sustainable location for residential development given its location in the settlement of Easington Village with good access to community facilities such as schools, healthcare provision, shops and public transport links.
39. The site is well related to the settlement and residents would have access to a reasonable level of services and facilities within the village. This site (together with the field parcel to the west) was earmarked as a housing allocation within the County

Durham Plan (CDP). However, as the CDP has been withdrawn, no weight can be attributed to this. It does though give an indication that the Council viewed the site as suitable for housing development.

40. Development of this site will help to boost the supply of housing within the County. Although only in outline, the indicative layout shows an access to enable the land to the west to come forward at a later date. This is considered essential to ensure a comprehensive and co-ordinated form of development and this will be secured at the reserved matters stage.
41. In principle, the approval of this application for residential development is considered acceptable. It is well related to the existing village which has a range of local services and community facilities. The development would also bring about an improvement to what is currently a partly derelict and brownfield site. It should be noted that a car repair business operates near the access to the site, however any noise coming from this site could be adequately addressed by suitable noise mitigation measures which should be conditioned.

Affordable Housing

42. The NPPF states that, in order to ensure a wide choice of high-quality homes, Local Planning Authorities should “plan for a mix of housing”, “identify the size, type and tenure of housing that is required in particular locations”, and “where affordable housing is needed, set policies for meeting this need on site”.
43. The County Durham Strategic Housing Market Assessment (SHMA) report was updated in 2016 and supplies the evidence base for 10% affordable housing across the East Durham Delivery Area (on sites of 15 dwellings/0.5 hectares), while the NPPF (Para 159) makes plain the importance of the SHMA in setting targets.
44. The SHMA and the NPPF therefore provide the justification for seeking affordable housing provision on this site, which should be secured via S106 agreement.
45. The applicant has agreed to provide 10% affordable housing on site in the form of 2 units and therefore the proposals are considered to accord with the requirements of the SHMA and the NPPF.

Ecology

46. This application site is in close proximity to Durham Coast Site of Special Scientific Interest (SSSI) and Special Area of Conservation (SAC) Natura 2000 site and the Northumbria Coast SSSI, Special Protection Area (SPA) and Ramsar site, all of which are designations of significant importance.
47. In order to take pressure from additional visitors away from the coastal designations of significant importance, the applicant has proposed to provide a financial contribution toward the provision and upgrading of footpaths at the former Easington Colliery pit site, designed to attract more visitors by providing an enjoyable natural environment for recreation as an alternative to the designated sites on the coast. This contribution of £24,225 is to be secured through a S106 Agreement.
48. As such, it is considered that the proposed development would be in accordance with saved policy 18 of the District of Easington Local Plan and part 11 of the NPPF, both of which seek to protect and enhance biodiversity and the natural environment.

CONCLUSION

49. The National Planning Policy Framework advises that there should be a presumption in favour of sustainable development such as this identified allocation which is a part brownfield site and is partly within the settlement boundary of Easington. Officers consider that the development constitutes sustainable development; the key theme running through the NPPF and accords with paragraph 14 of the NPPF and therefore the principle of the development can therefore be accepted.
50. The scheme is considered to be in a sustainable location for residential development which would involve the improvement of a derelict site. The proposal would provide affordable housing as well as enhanced play and footpath provision, improving the recreational offer for existing and future residents. The benefits of the scheme would significantly and demonstrably outweigh any dis-benefits in accordance with the NPPF and on this basis it is recommended that the application is approved.

RECOMMENDATION

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

- i. 10% affordable housing on site.
- ii. A contribution of £24,225 towards the provision and upgrading of footpaths at the former Easington Colliery site.
- iii. Contribution of £500 per dwelling toward enhancement or provision of play facilities in the Easington Electoral Division.

Conditions:

1. Application for approval of reserved matters must be made not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than the expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the date of approval of the last of the reserved matters to be approved.

Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. Approval of the details of the access, layout, scale, appearance and landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

3. The development hereby approved shall be carried out only in accordance with the approved plans and specifications contained within:

Site Location Plan received 15th January 2016.

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.

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 the application site is safe for the approved development, as required by paragraph 121 of the National Planning Policy Framework and in accordance with saved Policy 1 of the Easington District Local Plan and part 11 of the NPPF.

5. Development shall not commence until a scheme for the disposal of surface and foul water from the development hereby approved has been submitted and approved by the Local Planning Authority. Thereafter the development shall take place in accordance with the approved details.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and in accordance with saved Policy 1 of the Easington District Local Plan and part 10 of the NPPF.

6. 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.

7. No development shall commence until a scheme of noise mitigation measures has been submitted to and approved in writing by the Local Planning Authority. The scheme shall protect future occupiers from road traffic and commercial noise and should ensure the following noise levels are achieved.

Traffic (BS 8233:2014)

35dB LAeq 16hr bedrooms and living room during the day-time (0700 - 2300)

30 dB LAeq 8hr in all bedrooms during the night time (2300 - 0700)

45 dB LAmax in bedrooms during the night-time

55dB LAeq 16hr in outdoor living areas

Industrial (BS 4141:2014)

A noise rating level of 5dB LAeq (1 hour) (07.00-23.00) and 0dB LAeq (15 mins) (23.00-07.00) above the background noise level (LA90), at 3.5m from the façade of the proposed development, commensurate with the methodology defined in BS 4142:2014

The approved scheme shall be implemented prior to any occupation of the development and shall be permanently retained thereafter.

Reason: In the interests of residential amenity in accordance with the aims of Policies 1 and 35 of the District of Easington Local Plan.

8. All planting, seeding or turfing and habitat creation in the approved details of the landscaping scheme as part of the reserved matters, 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 residential amenity in accordance with the aims of Policies 1 and 35 of the District of Easington Local Plan.

9. Prior to the commencement of any part of the development hereby permitted, a Construction Management Plan shall be submitted to and approved in writing by the local planning authority. The Construction Management Plan shall include as a minimum but not necessarily be restricted to the following:

- Overall strategy for managing environmental impacts which arise during construction;
- Measures to control the emission of dust and dirt during construction;
- Contractors' compounds, materials storage and other storage arrangements, cranes and plant, equipment and related temporary infrastructure;
- Designation, layout and design of construction access and egress points;
- Provision for emergency vehicles;

- Provision for all site operatives, visitors and construction vehicles loading and unloading plant and materials
- Provision for all site operatives, visitors and construction vehicles for parking and turning within the site during the construction period;
- Details of measures to prevent mud and other such material migrating onto the highway from construction vehicles;
- Storage of plant and materials used in constructing the development;
- Enclosure of phase or development parcel development sites or development parcels and the erection and maintenance of security hoarding including decorative displays where appropriate;

The approved Construction Management Plan shall be adhered to throughout the construction period and the approved measures shall be retained for the duration of the construction works.

Reason: In the interests of residential amenity in accordance with the aims of Policies 1 and 35 of the District of Easington Local Plan.

STATEMENT OF PROACTIVE ENGAGEMENT

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

BACKGROUND PAPERS

Submitted application form, plans supporting documents and subsequent information provided by the applicant.

The National Planning Policy Framework (2012)

National Planning Practice Guidance Notes

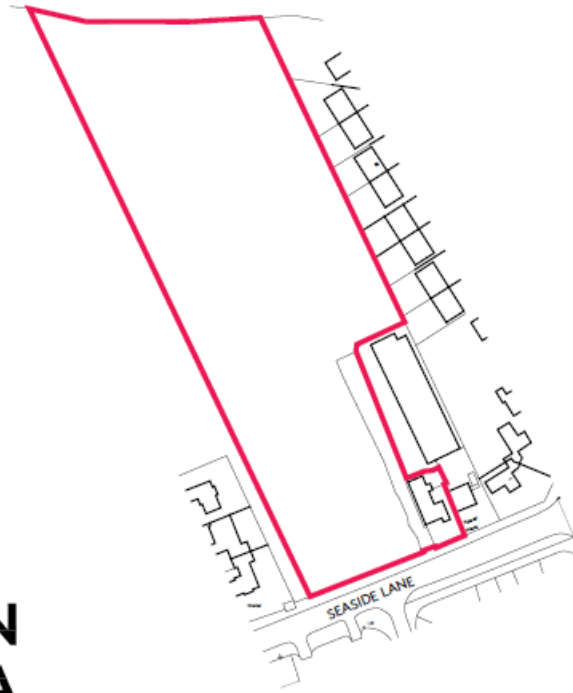
District of Easington Local Plan

The County Durham Strategic Housing Land Assessment

The County Durham Strategic Housing Market Assessment

Statutory, internal and public consultation responses





Revisions



Planning Services

Residential development (outline)

This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding. Durham County Council Licence No. 100022202 2005

Comments

Date September 2016