

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/17/00444/OUT
FULL APPLICATION DESCRIPTION:	Approx. 59 Dwellings (outline) all matters reserved
NAME OF APPLICANT:	Planning Gain Ltd
ADDRESS:	Land to the north of Lauren Court, 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 1.6 hectares in size and is located within the Electoral Division of Easington and adjoins its settlement boundary directly to the south. The site lies close to local services including public transport links, shops, schools and other community facilities.
2. The site is an area of agricultural land which is adjacent the brownfield site formerly occupied by the derelict Easington Workingmens Club and its associated car parking, it is therefore a 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. 43 dwellings were approved in outline by the planning committee in October 2016 on the adjoining site to the east which was submitted by the same applicant and which was assessed along with this current application site as being suitable for housing in the Strategic Housing Land Availability Assessment, this is shown on the plan at the end of this report.

Proposal:

3. This application seeks outline planning consent for approximately 59 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, and through the recently approved site to the east. Indicative drawings show a large proportion of the dwellings being small, two bedroomed properties, all with garden areas and off-street parking, identical to the recently approved scheme which adjoins the site to the east. 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. A further outline application for 43 dwellings was approved by the planning committee on 11th October 2016 subject to a legal agreement, this adjoins the current application site.

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.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

22. The Parish Council objects to the proposals. Concerns are raised regarding the number of previous applications that have been approved for housing in the vicinity of the village and how this would impact on infrastructure. They state it would be detrimental to the social and cultural wellbeing of residents and that the development would be on an area of open space.

INTERNAL CONSULTEE RESPONSES:

23. Environmental Health have no objections subject to contaminated land conditions being attached.
24. Ecology have no objections on the basis that suitable mitigation is agreed in relation to European Protected Sites on the coast.
25. Education officers have stated that the number of primary and secondary school places in the vicinity of the site are sufficient to accommodate the development.
26. Landscape officers have no objections. A landscaping scheme will be required at reserved matters stage.
27. Tree officers have no objections.
28. Highways officers have no objections stating that there would be no adverse impact on the highway network, that the indicative access is acceptable and that parking provision is adequate.
29. Archaeology officers note that trial trenching has been carried out on the site which has been revealed as being low value. No further work is required but the findings should be submitted to the Durham Historic Environment Record.

PUBLIC RESPONSES:

30. 7 letters of objection have been received from nearby residents. A number of concerns have been raised including the loss of view from Lauren Court, devaluation of property, that it is a greenfield site which is prone to flooding and which is also outside of the settlement boundary. There are also concerns regarding a lack of infrastructure, traffic congestion, and that it may lead to further development to the west.
31. Northumbrian Water have no objections subject to a foul and surface water drainage condition.

APPLICANTS STATEMENT:

32. Outline planning permission is sought for a residential development comprising around 59 no. dwellings including a percentage of affordable housing. Access to the site will be via the adjacent site to the east which has recently been granted Outline Planning Approval for 43no. dwellings (LPA ref: DM/16/00152/OUT) .
33. There are a number of material considerations that weigh 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.
34. It has been evidenced that the proposals put forward are one way in which the LPA can deliver much needed new housing in a sustainable manner. The proposal takes full account of local policies and Central Government planning guidance. The LPA is therefore invited to support this Outline Application.

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

35. 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 affordable housing, ecology, play and recreation and letters of objection. Issues such as highways, impact on surrounding residents and the street scene etc will all be considered under the reserved matters application but are briefly discussed below. 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

36. Technically this proposal is contrary to the development plan which directs housing development to brownfield sites within the settlement boundary; this site is on the edge of the settlement and greenfield. However, the NPPF advises (para 215) that the weight to be afforded to saved local plan policies is dependent upon their degree of consistency with the framework. Policies 3 and 67 of the District of Easington Local Plan are not consistent with the framework and therefore they should be afforded limited weight. Moreover, these are settlement boundary policies which is out of date and therefore paragraph 14 of the NPPF is triggered. Notwithstanding that, paragraph 14 is triggered due to the absence of a demonstrable 5 year housing land supply against Full Objectively Assessed Need.
37. Paragraph 14 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means (unless material considerations indicate otherwise);
 - approving development proposals that accord with the development plan without delay; and

- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - i) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - ii) specific policies in this Framework indicate development should be restricted.

38. Paragraph 47 of the NPPF requires Local Planning Authorities (LPAs) to maintain a five-year supply of deliverable sites (against housing requirements) thus boosting the supply of housing. As stated above, 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.
39. 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. There are no restrictive policies which indicate that the development should be restricted and therefore the proposal falls to be considered against the presumption in favour of granting planning permission unless the adverse impacts of so doing would significantly and demonstrably outweigh the benefits (the so called tilted balance test). This is considered in more detail later in this report.

Affordable Housing

40. 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”.
41. 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.
42. The SHMA and the NPPF therefore provide the justification for seeking affordable housing provision on this site, which should be secured via S106 agreement.
43. The applicant has agreed to provide 10% affordable housing on site in the form of 6 units and therefore the proposals are considered to accord with the requirements of the SHMA and the NPPF.

Ecology

44. 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.

45. 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 £550 per dwelling is to be secured through a S106 Agreement.
46. 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.

Play and Recreation

47. Saved policy 66 of the District of Easington 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. These targets have been revised under the Council's Open Space Needs Assessment (OSNA) 2010 which is considered the most up to date assessment of need for the purposes of Paragraph 73 of the NPPF.
48. It is noted however that the financial contribution towards recreational facilities has been previously agreed on the adjoining site through the outline application, submitted by the same applicant and minded for approval in 2016. A contribution of £500 per dwelling has been agreed on that site which would help to support and improve facilities within the surrounding locality for the benefits of the additional properties and also existing residents of the local community. It is acknowledged there are revised targets under the OSNA, however given the contribution has been agreed on the adjoining site, that there are contributions proposed towards footpath improvements at the former Easington Colliery site, and that there are play areas, allotments and open space in the vicinity, it is considered appropriate to accept £500 per dwelling for this application towards improvement or provision of open space within the Electoral Division

Residential and visual amenity

49. Although the application is in outline and therefore there are no details in terms of layout and appearance, it is considered that the site can accommodate a suitable design and layout such that there will be no unacceptable impact upon residential or visual amenity of the area. The detail will be assessed at reserved matters stage.

Highway safety

50. Again, although the application is in outline only with means of access reserved for future determination, the Council's Highway Officers consider that the site can accommodate a satisfactory access as well as satisfactory levels of onsite parking. These matters will be considered in detail at the reserved matters stage.

Letters of Objection

51. As noted above, 7 letters of objection received in response to the consultation process. The main areas of concern include including the loss of view from Lauren Court, devaluation of property, that it is a greenfield site which is prone to flooding and which is also outside of the settlement boundary. There are also concerns regarding a lack of infrastructure, traffic congestion, and that it may lead to further development to the west.

52. In terms of loss of view and devaluation of house prices, these cannot be considered as they are not material planning considerations. Similarly, the issue of potential further development to the west cannot be considered as part of this application and should an application be submitted in the future it will be considered on its own merits.
53. In terms of an increase in traffic, congestion and highway safety, these issues have been assessed by the Council's Highways Officers who have no objections to the proposals. With regard to pressure on local services, the school places officer has been consulted as part of the application process and it has been advised that both Secondary schools and Primary Schools in the area have sufficient spaces to accommodate the population increase resulting from the proposed development. In terms of other infrastructure it is considered that the location has adequate facilities in the area and moreover, the proposed development is likely to result in an increase in footfall to local shops and businesses and would thereby increase trade and support the local area. Finally, issues raised in terms of flood risk have been assessed by Northumbrian Water who raise no objections subject to a condition controlling foul and surface water drainage.
54. In light of the above, all of the issues raised by residents have been fully assessed either within this report or during the planning application process and their impacts, are not considered to significantly and demonstrably outweigh the benefits of the development and give rise to grounds for refusal of planning permission.

Paragraph 14 balancing test

The proposal would have the following benefits:

Sustainability credentials

55. 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.
56. 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 east which already has approval) 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.

Contribution towards housing land supply

57. Development of this site will help to boost the supply of housing within the County. Development has been well considered to ensure a comprehensive and co-ordinated form of development integrating with the approved site to the east and this would be further ensured at the reserved matters stage.

No harmful impact of the development has been identified.

58. Applying the tilted balance test of paragraph 14 of the NPPF, there is no harm which would significantly and demonstrably outweigh the benefits of the scheme and accordingly, planning permission should be granted.

CONCLUSION

59. The National Planning Policy Framework advises that there should be a presumption in favour of sustainable development such as this identified allocation which is adjoining the settlement boundary of Easington. Whilst the proposal would be contrary to the development plan, limited weight ought to be afforded to that conflict and paragraph 14 of the NPPF is engaged. Applying paragraph 14, is not considered that there is any harm which would significantly and demonstrably outweigh the benefits identified of the sustainability of the site and the positive contribution it will make to housing land supply.

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 £550 per dwelling 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 NP/10023/200 dated August 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. The development hereby permitted shall not commence until a pre-commencement scheme to deal with contamination has been submitted to and agreed in writing with the Local Planning Authority. The full scheme, both pre-commencement and completion shall include the following, unless the Local Planning Authority confirms in writing that any part of sub-sections a, b, c or d are not required.

Throughout both the pre-commencement and completion phases of the development all documents submitted relating to Phases 2 to 4 as detailed below shall be carried out by competent person(s) and shall be submitted to and agreed in writing with the Local Planning Authority.

Pre-Commencement

- (a) A Phase 2 Site Investigation and Risk Assessment is required to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications. Prior to the Phase 2 a Sampling and Analysis Plan is required.
- (b) If the Phase 2 identifies any unacceptable risks, a Phase 3 Remediation Strategy detailing the proposed remediation and verification works is required. If gas protection measures are required a verification plan is required detailing the gas protection measures to be installed, the inspection regime and where necessary integrity testing programme. The installation of the gas membrane should be carried out by an appropriately qualified workforce and the verification of the installation should be carried out by an appropriately competent, experience and suitably trained person(s) (preferably independent to the installer) to ensure mitigation of the risk to the buildings and the people who occupy them. No alterations to the remediation proposals shall be carried out without the prior written agreement of the Local Planning Authority.

Completion

- (c) During the implementation of the remedial works (if required) and/or development if any contamination is identified that has not been identified pre-commencement, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be carried out in accordance with part b of the condition and where necessary a Phase 3 Remediation Strategy shall be prepared in accordance with part c of the condition. The development shall be completed in accordance with any amended specification of works.
- (d) Upon completion of the remedial works (if required), a Phase 4 Verification Report (Validation Report) confirming the objectives, methods, results and effectiveness of all remediation works detailed in the Phase 3 Remediation Strategy shall be submitted to and agreed in writing with the Local Planning Authority within 2 months of completion of the development. If integrity testing of the membrane(s) was required a verification pro forma should be included.

Reason: The site may be contaminated as a result of past or current uses and/or is within 250m of a site which has been landfilled and the Local Planning Authority wishes 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 in accordance with NPPF Part 11.

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. 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.

7. 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.

8. Prior to the occupation of the development hereby approved, a copy of any analysis, reporting, publication or archiving required as part of the archaeological trenching shall be deposited at the County Durham Historic Environment Record.

Reason: To record and advance understanding of the significance of heritage assets and to make this information as widely accessible to the public as possible in accordance with Policy 24 of the Local Plan and Part 12 of the NPPF.

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



Planning Services

Residential development (outline)

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Comments

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