

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/18/00080/FPA
FULL APPLICATION DESCRIPTION:	24 no. bungalows, 4 no. dormer bungalows and 22 no. two storey houses (50 dwellings)
NAME OF APPLICANT:	County Durham Housing Group
ADDRESS:	Land North Of St Ives Place, Murton
ELECTORAL DIVISION:	Murton
CASE OFFICER:	Barry Gavillet, Senior Planning Officer, barry.gavillet@durham.gov.uk 03000 261958

DESCRIPTION OF THE SITE AND PROPOSALS

Site:

1. This application site is located within the settlement boundary of Murton within the Murton Electoral Division to the northern part of the village. Residential properties surround the site to the east, south and west. To the north are open fields with some sporadic buildings. An existing hedge runs along the northern boundary. The site is currently informal open space and were previously residential sites which were cleared more than 20 years ago.
2. Murton Village incorporates local facilities with Dalton Park Shopping Park Outlet Centre located approximately 1km from the site. Public Bus routes with connections to Sunderland and Durham are located close by with the A19 roughly 1.5km from the application site. Seaham Railway Station is located around 5km from the site with good links to surrounding urban areas.

Proposal:

3. This application proposes a residential development of 50 residential units along with associated infrastructure, constructed from a traditional facing brick and render with tiled roofs to match in with the existing area.
4. 24 two-bedroomed bungalows are proposed along with 22 three bedroomed two-storey houses and 4 three bedroomed dormer bungalows.
5. Front gardens will be enclosed by a combination of powder coated railings and dwarf walls with rear gardens enclosed by close boarded timber fences. All plots are provided with rear garden access down the side of each house, or at the rear of gardens to central terrace plots. All dwellings would have 2 parking spaces with an additional 5 visitor parking spaces being provided

6. 28 of the units (56%) would be 'Specialist Housing for Rent' for older, vulnerable and disabled people with the remaining 22 units being rent to Buy at no more than 80% of market rent.
7. This application is being reported to committee as it is classed as a major application.

PLANNING HISTORY

8. None relevant

PLANNING POLICY

NATIONAL POLICY

9. A revised National Planning Policy Framework (NPPF) was published in July 2018. The overriding message continues to be that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways.
10. In accordance with Paragraph 213 of the National Planning Policy Framework, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). The relevance of this issue is discussed, where appropriate, in the assessment section of the report. The following elements of the NPPF are considered relevant to this proposal.
11. *Part 2* - 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.
12. *Part 5* - To boost significantly the supply of housing, applications should be considered in the context of the presumption in favour of sustainable development.
13. *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.
14. *Part 9* - 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.

15. *Part 12* - 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.
16. *Part 14* - 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.
17. *Part 15* - 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.

LOCAL PLAN POLICY:

District of Easington Local Plan

18. *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.
19. *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.
20. *Policy 14* - seeks to protect Special Areas of Conservation from development which would give rise to an adverse impact, either directly or indirectly
21. *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.
22. *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.
23. *Policy 36* - The design and layout of development should ensure good access and encourage alternative means of travel to the private car.
24. *Policy 37* - The design and layout of development should seek to minimise the level of parking provision (other than for cyclists and disabled people).

25. *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.
26. *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.
27. *Policy 92* - seeks to protect amenity open space from development except where the development of a small part enables enhancement of the remainder or equivalent alternative provision is made.

RELEVANT EMERGING POLICY:

The County Durham Plan

28. Paragraph 48 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. An 'Issues & Options' consultation was completed in 2016 on the emerging the County Durham Plan (CDP) and the 'Preferred Options' was approved for consultation at Cabinet in June 2018. However, the CDP is not sufficiently advanced to be afforded any weight in the decision making process at the present time.

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:

29. None

INTERNAL CONSULTEE RESPONSES:

30. Highways officers have confirmed that no highway objections are raised subject to the amended plans received.
31. Spatial Policy offers no objection to the proposal.
32. Drainage and Coastal Protection offer no objection to this proposal subject to a condition approving the Surface Water Drainage Strategy.
33. Education officers confirm that school places are insufficient therefore, a contribution is required.
34. Pollution Control do not object subject to a contaminated land condition.
35. Tree officers have stated from a visual amenity and environmental impact, it would be preferable if some groups could be retained or that space was allocated in the scheme for post development planting to maintain the local urban forest given the amount of trees proposed to be lost.

36. Landscape officers have commented that suggested amendments from the pre-application have been responded to in the current scheme. Private open space has been maximised and the sacrifice of existing trees is accepted given their modest amenity value. Subsequently no objections are raised subject to a detailed landscaping scheme.
37. Ecology officers do not object subject to compliance with the submitted ecology report and appropriate mitigation given that the proposal is in close proximity to EU protected sites on the coast and that given the hedge is to be retained there would be no loss of biodiversity.

PUBLIC RESPONSES:

38. Northumbrian Water have no objections subject to a condition requiring details of foul and surface water drainage.
39. Three letters of concern have been received by nearby residents. The concerns include
- Increase in traffic and parking issues
 - Loss of open space that is used for recreational purposes
 - The quiet country feel will be lost
 - Extra noise, construction will last for months
 - Local Schools and doctors will be put under increased pressure they are already oversubscribed
 - There are already too many homes in the area
 - Roads and Footpaths are in need of repair/improving already and will be made worse by the development
 - Layout of the proposal
 - Assurances regarding the care of the colony of Pygmy Shrews located nearby is required
 - Rat Problems will need to be dealt with
 - Residents were assured that development would not occur here given asbestos was buried there.
 - Housing should not be constructed on this land

APPLICANTS STATEMENT:

40. The application provides 50 new dwellings of affordable tenure on previously developed land at Truro Avenue in Murton. The site is well located with good access to shops and amenities including Dalton Park Shopping Centre which is approximately 1 mile from the site; the site is also in close proximity to the A19 providing excellent transport links to the wider region.
41. 22 of the units will be three bedroom five person 'Rent to Buy' properties; which provide residents with the opportunity to rent a new home at a reduced rate to help them save for a deposit that would enable them to purchase the property.
42. 24 of the units will be 2 bedroom 3 person bungalows and the remaining 4 units will be 3 bedroom five person dormer bungalows all to be let as traditional affordable rented properties based on priority need. All bungalows proposed on the development are to be wheelchair user adaptable suitable to both elderly and disabled residents; the three bedroom dormer bungalows are unique and will meet the specific needs of clients who cannot currently access suitable properties, such as families with disabled members.

43. The site layouts have been carefully designed and each new house and bungalow will have 2 allocated parking spaces which is more than the council's parking standards and will help to minimise on street parking. An area of open space has been retained at the north-east of the site to maintain the visual amenity of the area and although some tree removal is required to accommodate the new development the existing hedgerow is being retained in full along the northern boundary to ensure there is no loss of biodiversity under NPPF. Financial contributions relating to loss of open space and ecology under the Habitats Regulation Assessment have also been agreed to minimise any impact from the new development and these will be secured through a Section 106 Agreement.
44. Demand for affordable housing in Murton is strong, including existing bungalows and three bed-properties owned by County Durham Housing Group (CDHG) in the area; and the proposed 50 new dwellings at Truro Avenue are anticipated to be highly sought after.
45. The Strategic Housing Market Assessment (SHMA) 2016 indicates a net shortfall of 148 older persons' homes per year, driven by the aging population where there is expected to be a 46% increase in the number of people over 65 (compared to 2015), reaching 152,000 by 2037. There are just 22 two-bed bungalows owned by CDHG in the area and the provision of a further 24 through this development will more than double this number and help to meet the high demand for this type of accommodation. All bungalows being proposed would also be built to wheelchair user adaptable standards which would not only help to meet this demonstrated need but would provide sustainable accommodation in the long term.
46. The SHMA (2016) also indicates that 25% of people interested in affordable housing in County Durham are interested in intermediate tenures like Rent to Buy. As 22 of these new homes are aimed at those residents who ultimately aspire to purchase their own home, it is also important to consider private sector demand where 31.8% of those households moving in the county would like to move to a 3 bedroom house and 40.8% expect to move to a 3 bedroom house, further strengthening the case for additional 3 bed properties. The proposed new homes under this scheme will help meet this demonstrated demand and will provide high quality new dwellings in the area. They will also be an excellent opportunity for under 35's (who are unable to save for a sufficient deposit to purchase their own home) to rent a new property at an affordable level, saving for a deposit alongside rental payments, and then enabling them to buy after five years if they wish to do so.

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

47. 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 the main planning issues in this instance relate to the principle of development, the impact upon surrounding occupiers and character and appearance of the area, highways issues, section 106 contributions and objections received.

Principle of the development

48. This application proposes a residential development of 50 dwellings on the sites of former residential developments which have been vacant for some time and are currently informal open space. The sites lie within the built-up area of Murton which is considered a Local Centre which is considered to support local resident's daily needs. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The District of Easington Local Plan (DLP) remains the statutory development plan and the starting point for determining applications as set out at Paragraph 11 of the NPPF. However, the NPPF advises at Paragraph 213 that to the weight to be afforded to Local Plan policy will depend upon the degree to which the policy is consistent with the NPPF.
49. The DLP was adopted in December 2001 and was intended to cover a five-year period. However, NPPF Paragraph 213 advises that Local Plan policies should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF. Notwithstanding this, it is considered that a policy can be out-of-date if it is based upon evidence which is not up-to-date/is time expired depending on the circumstances. This application proposes a scheme of 50 dwellings within the settlement boundary of Murton as defined in the District of Easington Local Plan and is on a former housing site which is now informal open space. In planning terms, the development of the site for housing would not be in conflict with Saved Policy 3 of the Local Plan. However, policy 3 is considered to be out of date and therefore the application must be considered in the context of paragraph 11 of the NPPF. Whilst weight can still be afforded to this policy, the weight must be accordingly reduced. This will be discussed in more detail later in this report.
50. Saved Policy 35 requires the design and layout of new development to reflect the scale and character of adjacent buildings and the area generally, particularly in terms of site coverage, height, roof style, detailed design and materials. Schemes should provide adequate open space, appropriate landscape features and screening (where required) and development should have no serious adverse impact on the amenity of people living and working in the vicinity of the development site and the existing use of adjacent land or buildings in terms of privacy, visual intrusion, noise, other pollutants and traffic generation.
51. Saved Policy 36 requires the design and layout of development to provide safe, attractive and convenient footpath and cycleway links between the housing and shopping facilities, schools, public transport facilities, leisure facilities and places of employment where appropriate.
52. Saved policy 66 requires developers to provide adequate provision for children's play space and outdoor recreation open space in relation to new housing developments of 10 or more dwellings
53. Saved 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.
54. Subject to matters of access and layout discussed below, the site has scope to accord with the detailed requirements of saved policy 35 related to design, saved policy 36 relating to access and means of travel, the objectives of saved policy 66 relating to the adequate provision of recreational open space and saved policy 67 relating the re-use of previously developed land.

The NPPF

55. Paragraph 11 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.
56. Paragraph 73 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.
57. The NPPF advises that housing applications should be considered in the context of the presumption in favour of sustainable development and relevant policies for the supply of housing should not be considered up-to-date if the LPA cannot demonstrate a five-year supply of deliverable housing sites. In turn where a five year supply of deliverable housing sites cannot be demonstrated then Paragraph 11 of the NPPF is engaged, and an application is to be assessed in this context.
58. However, Paragraph 11 of the NPPF is, irrespective of the position on housing land supply, relevant to this application as policies for the supply of housing within the DLP are out-of-date where outlined below.

Five Year Housing Land Supply

59. Paragraph 73 of the NPPF requires Local Planning Authorities (LPAs) to maintain a five-year supply of deliverable sites (against housing requirements) to ensure choice and competition in the market for land.
60. In September 2017, the Government published a consultation document entitled *“Planning for the Right Homes in the Right Places”*, which introduced a standard methodology for calculating housing need (OAN). Applying that methodology for County Durham, the housing need figure would be 1,368 dwellings per annum (dpa).
61. The Government published its response to the consultation in March 2018, and clarified that the standardised approach is the most appropriate method for calculating need as it meets the three key principles of being simple, realistic and based on publicly available data. At the same time, a revised draft NPPF was issued for consultation, with paragraph 61 advising that, ‘in determining the minimum number of homes needed, strategic plans should be based upon a local housing need assessment, conducted using the standard method in national planning guidance’.
62. The Government also issued draft planning guidance on 9 March 2018, which sets out that where a local plan is more than five years old and the housing figure needs revising, as is the case in County Durham, the starting point for calculating land supply will be local housing need using the standard methodology.

63. On the 13th June, the 'Preferred Options' of the County Durham Plan (CDP) was presented to the Council's Cabinet and endorsed for consultation. The CDP is aligned with the standardised methodology and formally endorses the use of 1,368dpa as the OAN figure. The Council is able to demonstrate in excess of 6 years supply of deliverable housing land against this figure.
64. Whilst an Inspector has recently expressed reservations over the Council's calculation of supply in the context of appeal APP/X1355/W/17/3180108 – decision issued 10th May 2018, the Council remains of the view that a supply in excess of 5 years can be demonstrated on the evidence.
65. Accordingly, the weight to be afforded to the boost to housing supply as a benefit of the development is clearly less than in instances where such a healthy land supply position could not be demonstrated. This will need to be factored into the planning balance.
66. Paragraph 11 of the NPPF is engaged because saved Policy 3 is a settlement boundary policy and the evidence which underpins it is out of date. As there are no policies which protect areas or assets of particular importance which would provide a clear reason for refusal, the application must therefore be approved unless any adverse impacts of the proposal would significantly and demonstrably outweigh the benefits. It is appropriate to carry out this balancing exercise after consideration of all other planning matters set out in this report.

Impact upon surrounding occupiers and character and appearance of the area

67. Saved Policy 35 requires the design and layout of new development to reflect the scale and character of adjacent buildings and the area generally, particularly in terms of site coverage, height, roof style, detailed design and materials. Schemes should provide adequate open space, appropriate landscape features and screening (where required) and development should have no serious adverse impact on the amenity of people living and working in the vicinity of the development site and the existing use of adjacent land or buildings in terms of privacy, visual intrusion, noise, other pollutants and traffic generation.
68. In terms of the street scene it is considered that the scheme is of a good quality. Dwellings would be a mix of two storeys in height and bungalows and all would have their own front and rear garden areas along with an appropriate level of parking spaces, additional visitor spaces would also be provided. The dwellings would be constructed from a mix of brick, render and concrete roof tiles which is considered appropriate in this location being similar to others in the area. Objections have been raised that dwellings should not be located on this area and the quiet feel of the area would be lost however, the proposal is considered a logical extension to the existing residential area and does not encroach on the existing woodland area to the north.
69. Objections have been raised that there are too many homes in the area and the layout of the proposal should be amended in terms of the position of the bungalows. As stated above, the properties are considered to have appropriate garden space and parking areas in curtilage therefore, it is not considered that the proposal is overdevelopment of the site.
70. With regard to the impact on the amenity of existing residents who surround the site and that of those occupying the proposed new properties, the distancing standards as set out in the District of Easington Local Plan are adhered to in all instances. These standards state that a minimum of 21 metres between main elevations facing each other and 13 metres between main elevations and gables should be achieved in order to ensure there are no adverse impacts in terms of overlooking, loss of privacy, loss of light or overshadowing.

71. Objections have been raised that their areas are used for recreational purpose however these areas have always been informally used since the demolition of the previous houses and have no formal classification. In addition to this concern has also been raised regarding noise especially during construction. Whilst there will always be a degree of noise during development, it is considered that this can suitably controlled through conditions requiring a construction method statement to control noise levels and also a condition to restrict construction hours both as agreed with the applicant. Environmental Health also have separate powers in respect of noise if required.
72. Overall, it is considered that the proposals would lead to a good quality housing scheme on what is a previously developed site in a location which is considered to be sustainable. There would be little or no impact on nearby residents given the distances involved. Having regards to part 12 of the NPPF and the most applicable Policies of the District of Easington Local Plan officers raise no objections to the application having regards to the impact upon surrounding residents and character and appearance of the area.
73. In addition to the above, it is acknowledged that the proposals would result in the loss of green space and some trees on the site. Although the site was previously developed, it has greened overtime and has contributed to the street scene.
74. Concerns were initially raised from ecology however amendments were received to retain the hedge along the northern boundary which is considered to be acceptable and therefore, would not result in a loss of biodiversity thereby being in accordance with the NPPF.

Highways Issues

75. Saved Policy 36 requires the design and layout of development to provide safe, attractive and convenient footpath and cycleway links between the housing and shopping facilities, schools, public transport facilities, leisure facilities and places of employment where appropriate. In addition to this, objections were received regarding increase in traffic and parking issues as well as the poor state of roads and footpaths.
76. Highways officers have requested and received a number of amended plans as there were initially concerns regarding footpath arrangements and the location of visitor parking bays. Officers have commented that the revised plans are acceptable. Each property has two allocated parking spaces with 5 visitor spaces being provided which is considered acceptable.
77. In addition to the state of the roads and footpaths in the area, the proposal will require any roads and footpaths within the site area to be finished to an adoptable standard.
78. On the basis of the above, highways officers offer no objections to the proposals and it is therefore considered that with regard to highways issues that the proposals are in accordance with part 9 of the National Planning Policy Framework and saved Policies 36 and 37 of the District of Easington Local Plan.

Section 106 contributions

79. 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. On this basis the applicant has agreed to make a financial contribution of £34,925.00 towards the provision or improvement of offsite recreation in the electoral division in line with the requirements of the Councils Open Space Needs Assessment.
80. Secondly, the Local Planning Authority must also consider impacts on designated wildlife sites in the vicinity of the proposed development.
81. 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.
82. Under normal circumstances the applicant would provide a contribution toward the upgrading or provision of footpaths and walkways in the vicinity of the site in order to take pressure from additional visitors away from the coastal designations of significant importance. Given that the applicant is not in control of any suitable land nearby it has not been possible to achieve this. Therefore, the applicant has agreed to provide a financial contribution of £32,949.00 in line with the Councils "Habitat Regulations Assessment: Developer Guidance and Requirements in County Durham" paper to be used toward capital item 3 of the Durham Coastal Management Plan which seeks to protect high tide roosts in order to directly off-set the impacts of the development on the coast, this contribution would also be secured through a S106 Agreement.
83. The Councils Education team have assessed the scheme based on the methodology set out in the Councils adopted Securing Developer Contributions towards Education Provision in County Durham, the proposed development of 50 dwellings would produce 15 pupils of primary school age and 6 pupils of Secondary age.
84. Based on the projected rolls of the schools, taking into account the likely implementation time frame of the development, build rates and other committed development there would not be sufficient space to accommodate pupils generated by the development, whilst maintaining a 5% surplus. Therefore, in order to mitigate the impact of the development a contribution of £98,064 would be required to facilitate the provision of additional teaching accommodation.
85. The adopted Securing Developer Contributions towards Education Provision in County Durham policy states that in circumstances where the viability of a scheme is in question, the developer will be required to demonstrate that this is the case through a site-specific financial evaluation, undertaken to the Council's satisfaction at the earliest possible stage. Where a scheme is agreed to be unviable or marginal, we will review the contributions for the development and the timing or phasing of payments to assist the financial viability of the scheme.
86. County Durham Housing Group have submitted a viability appraisal showing that the development would not be viable if the full education contribution was required. This has been accepted by the Councils valuation officers and a smaller contribution of £22,000 has been agreed with the developer. It should be noted that the viability case put forward has been accepted as an exceptional case.

87. The proposals would deliver 100% affordable housing on site, however the affordable housing evidence base would only require 15% in this location. This would be secured by a section 106 legal agreement.

Paragraph 11 balance

Benefits

88. The benefits of the scheme are the boost to housing supply which the proposed dwellings would provide, although the weight to be afforded to that boost is limited given the council's most recent position on 5 year housing land supply, the provision of affordable housing including bungalows; some of which are designed for elderly and disabled residents, the sustainable location of the development, the good quality of the scheme, and the positive economic impacts both in terms of the construction phase of the development and in the longer term economic activity of the occupiers. It should be noted that the development will deliver 100% affordable housing, however the Council can only insist on 15% in this location.

Adverse impacts

89. No adverse impacts arising from the proposed scheme have been identified.

Applying the titled balance test in paragraph 11, it is not considered that there are any adverse impacts which significantly and demonstrably outweigh the benefits and therefore planning permission ought to be granted.

Objections received

90. As noted above, there have been 3 letters of concern received from nearby residents and most of the objections have been considered above.

91. In respect of the remaining objections, regarding rat problems and the care of the Pygmy Shrews located nearby these are not material considerations that can be considered as part of the planning process.

92. Concern was also raised that assurances had been given that development would not occur here given asbestos was buried there. In respect of asbestos, a condition has been added to the proposal as standard practice for housing developments that requires land remediation works if required therefore, this will be controlled as part of the proposal.

CONCLUSION

93. The proposals involve the redevelopment of former housing sites which are adjacent to established residential areas and there is considered to be a good range of facilities and services in the town to serve the development. The scheme is considered to be good quality and in a sustainable location with a suitable access and layout. The scheme would provide affordable housing along with bungalows designed for the elderly and disabled. It is compliant with all relevant saved local plan policy and in the context of paragraph 11, there are no adverse impacts that would significantly and demonstrably outweigh the benefits and is therefore recommended for approval.

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. £32,949.00 contribution towards capital item 3 of the Durham Coastal Management Plan.
- ii. £34,925.00 contribution towards enhancement or provision of play facilities in the Murton Electoral Division.
- iii, £22,000 contribution towards Education provision in the Murton Electoral Division
- iiii, 15% affordable housing to be provided on site.

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 only in accordance with the approved plans and specifications contained within:

Location Plan, Drawing Number 2953-16-001A received 11 January 2018
Site layout, Drawing Number 2953.16.002J received 4 July 2018
Floor Plans/Elevations, Drawing Number 2953.16.020A received 11 January 2018
Floor Plans/Elevations, Drawing Number 2953.16.021A received 11 January 2018
Floor Plans/Elevations, Drawing Number 2953.16.023A received 11 January 2018
Floor Plans/Elevations, Drawing Number 2953.16.024A received 11 January 2018
Floor Plans/Elevations, Drawing Number 2953.16.025A received 11 January 2018
Streetscene Details, Drawing Number 2963.16.050 received 11 January 2018
Boundary Treatment Plan, Drawing Number 2963.16.030 received 11 January 2018
Topographical Survey, Drawing Number 1269200 Rev B Sheet 1 received 11 January 2018
Topographical Survey, Drawing Number 1269200 Rev B Sheet 2 received 11 January 2018
Proposed Levels Plan, Drawing Number C-GA-002 P2 received 16 July 2018
Proposed Drainage Arrangement, Drawing Number C-GA-003 P2 received 16 July 2018
Proposed Drainage Arrangement, Drawing Number C-GA-004 P2 received 16 July 2018
Arboricultural Impact Assessment Tree Protection Plan, Drawing Number AIA TPP received 11 January 2018

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

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 development shall be carried out in accordance with the approved details. All planting, seeding or turfing and habitat creation in the approved details of the landscaping scheme shall be carried out in the first available planting season following the practical completion of the development.

No tree shall be felled or hedge removed until the removal/felling is shown to comply with legislation protecting nesting birds and roosting bats. Any approved replacement tree or hedge planting shall be carried out within 12 months of felling and removals of existing trees and hedges. Any trees or plants which die, fail to flourish or are removed within a period of 5 years from the substantial completion of the development shall be replaced in the next planting season with others of similar size and species. Replacements will be subject to the same conditions.

Reason: In the interest of visual amenity and in accordance with saved Policies 1 and 35 of the District of Easington Local Plan. *This is required as a pre commencement condition in order to mitigate potential impact on residential amenity which needs to be considered before site works commence.*

4. Prior to the commencement of any part of the development or any works of demolition, 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:

A Dust Action Plan including measures to control the emission of dust and dirt during construction

Details of methods and means of noise reduction

Where construction involves penetrative piling, details of methods for piling of foundations including measures to suppress any associated noise and vibration.

Details of measures to prevent mud and other such material migrating onto the highway from all vehicles entering and leaving the site;

Designation, layout and design of construction access and egress points;

Details for the provision of directional signage (on and off site);

Details of contractors' compounds, materials storage and other storage arrangements, including cranes and plant, equipment and related temporary infrastructure;

Details of provision for all site operatives for the loading and unloading of plant, machinery and materials

Details of provision for all site operatives, including visitors and construction vehicles for parking and turning within the site during the construction period;

Routing agreements for construction traffic.

Details of the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;

Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works.

Detail of measures for liaison with the local community and procedures to deal with any complaints received.

The management strategy shall have regard to BS 5228 "Noise and Vibration Control on Construction and Open Sites" during the planning and implementation of site activities and operations.

The approved Construction Management Plan shall also 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 and to accord with policy 1 and 35 of the District of Easington Local Plan. *This is required as a pre commencement condition in order to mitigate potential impact on residential amenity which needs to be considered before site works commence.*

5. 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.

(b) 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 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 a of the condition and where necessary a Phase 3 Remediation Strategy shall be prepared in accordance with part b of the condition. The development shall be completed in accordance with any amended specification of works.

(d) Upon completion of the remedial works, 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 15. *This is required as a pre commencement condition in order to mitigate potential contaminated land risk which needs to be considered before site works commence.*

6. 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 12 of the NPPF. *This is required as a pre commencement condition in order to mitigate potential impact on residential amenity which needs to be considered before site works commence.*

7. No external construction works, works of demolition, deliveries, external running of plant and equipment shall take place other than between the hours of 0730 to 1800 on Monday to Friday and 0800 to 1400 on Saturday.

No internal works audible outside the site boundary shall take place on the site other than between the hours of 0730 to 1800 on Monday to Friday and 0800 to 1700 on Saturday.

No construction works or works of demolition whatsoever, including deliveries, external running of plant and equipment, internal works whether audible or not outside the site boundary, shall take place on Sundays, Public or Bank Holidays

For the purposes of this condition, construction works are defined as: The carrying out of any building, civil engineering or engineering construction work involving the use of plant and machinery including hand tools.

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 5 of the NPPF.

8. The development hereby approved shall be carried out in accordance with the mitigation measures contained within section H of the submitted Preliminary Ecological Appraisal Truro Avenue, Murton report by E3 Ecology Ltd dated August 2017.

Reason: To conserve protected species and their habitat in accordance with saved Policy 18 of the District of Easington Local Plan and part 15 of the NPPF.

9. Development shall be implemented in line with the surface water management scheme in accordance with the following documents Surface Water Drainage Strategy - Revision B- dated 13/07/2018.

Reason: To ensure effective drainage measures and sustainable principles are adhered to, and to safeguard the proposed development from flood risk in accordance with part 14 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

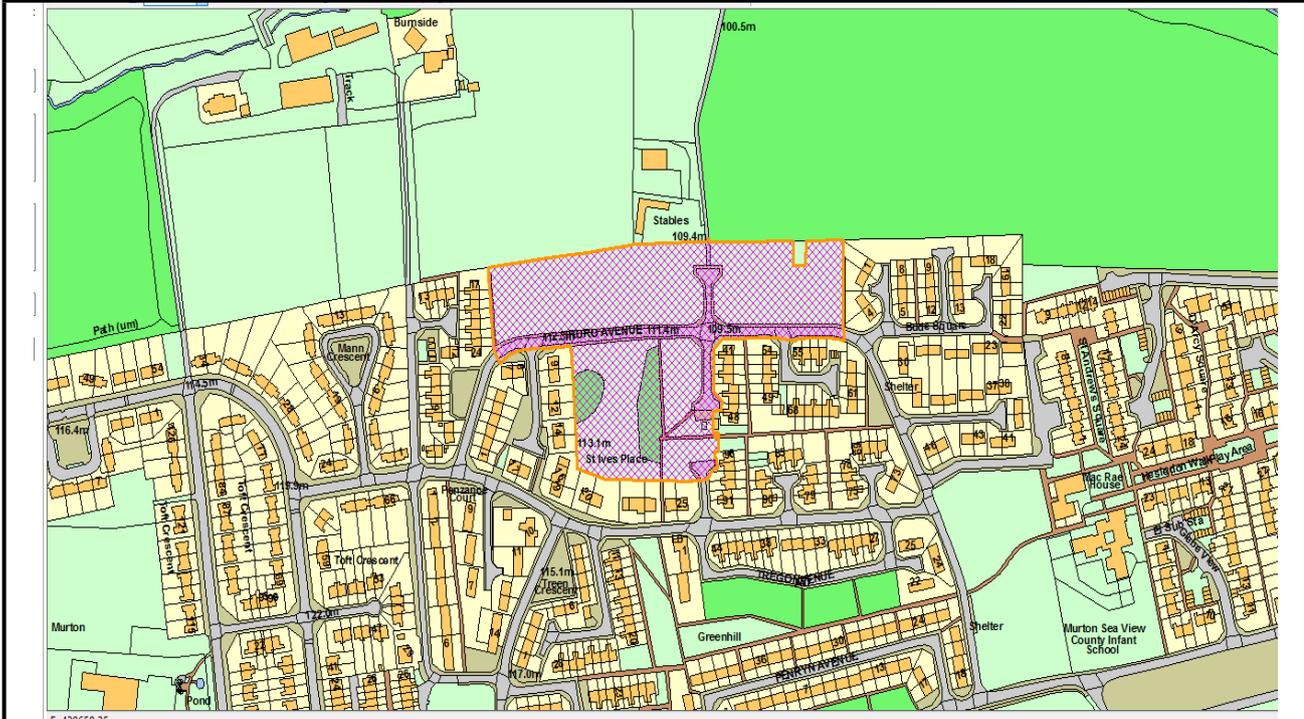
Submitted application form, plans supporting documents and subsequent information provided by the applicant.

The National Planning Policy Framework (2018)

National Planning Practice Guidance Notes

Statutory, internal and public consultation responses

District of Easington Local Plan



F:439658.35



Planning Services

**50 dwellings at St Ives Place, Murton
DM/18/00080/FPA**

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Comments

Date October 2018