

Planning Services

COMMITTEE REPORT

AGENDA ITEM NUMBER: 3(b)

APPLICATION DETAILS

APPLICATION NO:	PL/5/2010/0223
FULL APPLICATION DESCRIPTION	EXTENSION OF TIME LIMIT FOR IMPLEMENTATION OF PLANNING PERMISSION REF NO: 04/715 FOR RESIDENTIAL DEVELOPMENT (OUTLINE)
NAME OF APPLICANT	MR D GRAHAM
SITE ADDRESS	LAND AT BLACKHILLS ROAD, HORDEN
ELECTORAL DIVISION	HORDEN
CASE OFFICER	Grant Folley 0191 5274322 grant.folley@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSAL

SITE:

- 1 The application relates to a site within the established settlement limits of Horden. The site is situated on Blackhills Road, adjacent to Seaview Industrial Estate. The site is currently vacant.
- 2 The applicants wish to extend the life of an extant planning permission for the residential development of the site. Outline planning permission was originally granted in 2004, with subsequent approval of Reserved Matters in 2008. Planning permission therefore exists for the erection of 30 dwellings on the site, with vehicular access being provided from Blackhills Road to the south.

PROPOSAL:

- 3 The original outline planning permission approved in 2005 included details of the access to the site and the layout of the proposed development. Subsequently the design, scale and appearance of the dwellings were approved under a reserved matters application approved in 2008 (see relevant planning history). Therefore as all reserved matters have been agreed, the current application merely seeks to extend the time for the implementation of the previously approved planning permission.

- 4 Having regard to the major nature of this development, it is considered appropriate for consideration by committee.

PLANNING HISTORY

04/715 – Residential Development (Outline) – Approved 22/04/2005
PLAN/2008/0176 – Residential Development (Reserved Matters) – Approved 20/05/2008

PLANNING POLICY

5 NATIONAL POLICY:

Planning Policy Statement 1: Delivering Sustainable Development sets out the Governments overarching planning policies on the delivery of sustainable development through the planning System.

Planning Policy Statement 3: Housing (PPS3) underpins the delivery of the Government's strategic housing policy objectives and our goal to ensure that everyone has the opportunity to live in a decent home, which they can afford in a community where they want to live.

The above represents a summary of those policies considered most relevant. The full text can be accessed at: <http://www.communities.gov.uk/planningandbuilding/planning/planningpolicyguidance/planningpolicystatements>

6 LOCAL PLAN POLICY:

District of Easington Local Plan

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.

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.

Policy 54 - Small industrial estates are designated for B1, B2 and B8 uses at various specified locations. Retail will be allowed in accordance with policy 105. Bad neighbour uses may also be allowed at Thornley Station.

Policy 67 - Housing development will be approved on previously developed land within settlement boundaries of established towns or villages provided the proposal is of appropriate scale and character and does not conflict with other policies in the plan.

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

CONSULTATION AND PUBLICITY RESPONSES

7 STATUTORY RESPONSES:

None received.

8 INTERNAL CONSULTEE RESPONSES:

Planning Policy Officer – There are no policy objections to the renewal of permission subject to previous conditions. However, since the original planning application was approved in 2005, PPS3: Housing has been published. As such, because the application

proposes the erection of more than fifteen dwellings there is now a requirement for affordable housing to be provided on the site. Following discussions between Planning Policy Officers and the applicants agent it has been agreed that this requirement can be secured through the use of an appropriate planning condition.

Low Carbon Officer - The County Council Sustainability Officer has requested that a planning condition be attached to any new consent addressing renewable energy.

Highways Authority – Subject to the previous condition attached to planning application ref. 04/715 being attached to any grant of planning permission, there are no highways objections to the scheme.

Environmental Health – No objections to the proposed extension of time.

Countryside Officer – No objections to the proposed extension of time.

9 PUBLIC RESPONSES:

The application has been advertised in the local press and by a site notice erected on site. Neighbour consultation letters have also been sent. One letter of representation has been received in relation to this application. Concerns have been raised in relation to the impact the proposed development will have on an adjacent industrial unit, in particular in relation to potential structural effects on the existing boundary wall.

10 APPLICANTS STATEMENT:

The agent for the planning application has confirmed that the economic downturn has necessitated the applicant postponing the commencement of development of the site.

Furthermore, delays during the original planning application process and subsequent land tribunal meant that the applicant was not able to implement the permission prior to the downturn in the housing market.

However, it is their intention to fully implement the approved scheme once market conditions improve. They argue that as material planning considerations in respect of this development's acceptability have not changed there should be no obstacle to a permission renewal.

The proposed development will provide much needed new housing in Horden, and will improve the character of the surrounding area.

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <http://planning.easington.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=109224>). Officer analysis of the issues raised and discussion as to their relevance to the proposal and recommendation made is contained below

PLANNING CONSIDERATION AND ASSESSMENT

The main planning issues with regards to this application are considered to be the legislative background governing this type of planning application.

11 Legislative Background

On 1st October 2009, the Department for Community and Local Government brought into force legislation allowing the extension of implemented planning permissions via the Town and Country Planning (General Development Procedure) (Amendment No. 3) (England) Order 2009 (SI 2009 No. 2261). This measure has been introduced in order to make it easier for developers and Local Planning Authorities to keep planning permissions alive for longer during the economic downturn so that they can more quickly be implemented when economic conditions improve. This procedure allows applicants to apply to the Local Planning Authority for a new planning permission to replace an existing permission which is in danger of lapsing, in order to obtain a longer period in which to begin the development.

Government guidance states that in current circumstances, Local Planning Authorities should take a positive and constructive approach towards applications which improve the prospect of sustainable development being taken forward quickly. The development proposed in an application for extension of time will by definition have been judged to be acceptable in principle at an earlier date. While these applications should, of course, be determined in accordance with s.38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities should, in making their decisions, focus their attention on development plan policies and other material considerations (including national policies on matters such as climate change) which may have changed significantly since the original grant of permission.

However, this process is not a rubber stamp. Local Planning Authorities may refuse applications to extend the time limit for permissions where changes in the development plan or other relevant material considerations indicate the proposal should no longer be treated favourably. Equally, the primary legislation with regards to the imposition of conditions remains unchanged meaning that members can apply different conditions to those originally attached if they so wish.

12 Changes in Planning Policy

The circumstances that led to the original planning permission relating to this scheme have not significantly changed. Other than the publication of PPS1 Delivering Sustainable Development and PPS3: Housing, there has been no material change to the relevant planning policies.

The publication of the updated national guidance has led to the requirements for additional planning conditions to be attached to any grant of planning permission (No. 10 + No.11 below). The additional conditions secure the provision of renewable energy and affordable housing on the site.

CONCLUSION

- 13 In conclusion, there is no planning reason to withhold a new permission. This will enable the development to be completed when it is financially viable.
- 14 Accordingly, this application is supported subject to the details previously submitted and agreed by the council in relation to the Outline Planning Permission ref. 04/715 and subsequent Approval of Reserved Matters ref. PLAN/2008/0176, and subject to the revised set of conditions attached.

RECOMMENDATION

15 That the application be **APPROVED** subject to the following conditions;

Conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby approved shall be carried out in strict accordance with the following approved plans. Plan References: Plan and Site Layout Plan - received in relation to outline application (ref. 04/715) dated 22/07/2004; and, Plans and Elevations House Type B (1643/02A), Plans and Elevations House Type C (1643/03A), Plans and Elevations House Type D (1643/04A) - received in relation to reserved matters application (ref. PLAN/2008/0176) dated 13/03/2008.
3. Notwithstanding any details of materials submitted with the application no development shall commence until samples of the external walling and roofing materials have been submitted to and approved in writing by the Local planning authority. The development shall be constructed in accordance with the approved details.
4. Prior to the commencement of the development details of means of enclosure shall be submitted to and approved in writing by the Local planning authority. The enclosures shall be constructed in accordance with the approved details prior to the occupation of the dwelling to which they relate.
5. The development hereby permitted shall not be commenced until:
 - a) A desk-top study is carried out to identify and evaluate all potential sources of contamination and the impacts on land and/or controlled waters, relevant to the site. The desk-top study shall establish a 'conceptual site model' and identify all plausible pollutant linkages. Furthermore, the assessment shall set objectives for intrusive site investigation works/Quantitative Risk Assessment (or state if none required). Two copies of the study shall be submitted to and approved in writing by the Local Planning Authority if identified as being required following the completion of the desk-top study.
 - b) The application site has been subjected to a detailed scheme for the investigation and recording of contamination, and remediation objectives have been determined through risk assessment, and agreed in writing with the Local Planning Authority.
 - c) Detailed proposals for the removal, containment or otherwise rendering harmless of any contamination (the 'Reclamation Method Statement') have been submitted to and approved in writing by the Local Planning Authority.
 - d) The works specified in the Reclamation Method Statement have been completed in accordance with the approved scheme.
 - e) If during reclamation or redevelopment works any contamination is identified that has not been considered in the Reclamation Method Statement, then

remediation proposals for this material shall be agreed with the Local Planning Authority

6. No development shall commence until a detailed landscaping scheme has been submitted to, and approved in writing by, the Local planning authority. No tree shall be felled or hedge removed until the landscape scheme, including any replacement tree and hedge planting, is approved as above. The landscape scheme shall include accurate plan based details of the following: Trees, hedges and shrubs scheduled for retention. Details of hard and soft landscaping including planting species, sizes, layout, densities, numbers. Details of planting procedures or specification. Finished topsoil levels and depths. Details of temporary topsoil and subsoil storage provision. Seeded or turf areas, habitat creation areas and details etc. Details of land and surface drainage. The establishment maintenance regime, including watering, rabbit protection, tree stakes, guards etc. The local planning authority shall be notified in advance of the start on site date and the completion date of all external works. Trees, hedges and shrubs shall not be removed without agreement within five years.
7. 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. 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.
8. No development shall commence until a scheme for protecting the future occupiers of the development hereby permitted from noise from the adjacent industrial estate has been submitted to and approved in writing by the Local planning authority. All works which form part of the scheme shall be completed before any part of the development is occupied.
9. Notwithstanding any details on the submitted plans, a revised layout to comply with Local Highway Authority requirements showing the parking, internal access roads and driveways and a 2.4 x 70 metres sight visibility splay to the south east of the access point shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved plans before the first house is occupied.
10. Prior to the commencement of the development a scheme to minimise energy consumption shall be submitted to and approved in writing by the Local planning authority. The scheme shall include at least 10% decentralised and renewable energy or low carbon sources unless otherwise agreed in writing by the Local planning authority. Thereafter the development shall be carried out in complete accordance with the approved scheme prior to first occupation and thereafter retained in perpetuity.
11. The development hereby permitted shall not be commenced until arrangements have been made to secure the provision of affordable dwellings, provided for through discounted sale and social rent schemes, in accordance with a detailed scheme, which has first been submitted to and approved in writing by the Local Planning Authority.

REASONS FOR THE RECOMMENDATION

1. The development was considered acceptable having regard to the following development plan policies:

DISTRICT OF EASINGTON LOCAL PLAN	ENV35 - Environmental Design: Impact of Development
DISTRICT OF EASINGTON LOCAL PLAN	GEN01 - General Principles of Development
DISTRICT OF EASINGTON LOCAL PLAN	HOU67 - Windfall housing sites
DISTRICT OF EASINGTON LOCAL PLAN	IND54 - Existing Small Industrial Estates
PLANNING POLICY STATEMENT/GUIDANCE	PPS1 - Delivering Sustainable Development
PLANNING POLICY STATEMENT/GUIDANCE	PPS3 - Housing

2. The circumstances that led to the original planning permission relating to this scheme have not significantly changed. Other than the publication of new national planning guidance there has been no material change to the relevant planning policies except the requirement to provide affordable housing on site, and an element of the sites energy requirements from renewable energy. Accordingly there is no planning reason to withhold a new permission.

BACKGROUND PAPERS

- Submitted Application Forms and Plans.
- Design and Access Statement
- District of Easington Local Plan 2001
- Planning Policy Statements / Guidance, PPS1, PPS3
- Consultation Responses

Location Plan

Land at Sea View Ind. Estate, Horden

DISTRICT OF EASINGTON
PLANNING & BUILDING CONTROL
RECEIVED

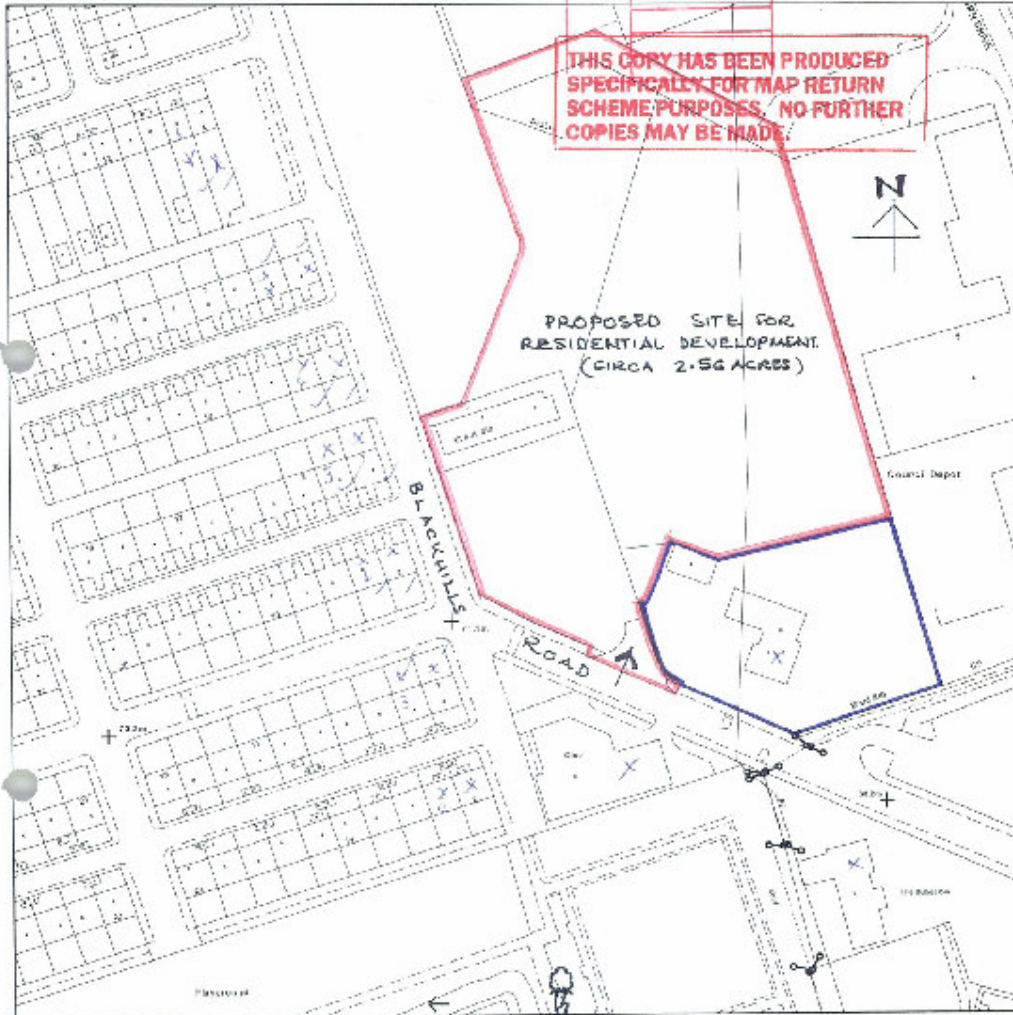
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Department	Planning & Building Control Services
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Date	11 May 2004
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