

Planning Services

COMMITTEE REPORT

AGENDA ITEM NUMBER: 3(b)

APPLICATION DETAILS

APPLICATION NO:	PL/5/2010/0419
FULL APPLICATION DESCRIPTION	EXTENSION OF TIME LIMIT FOR IMPLEMENTATION OF PLANNING PERMISSION REF.NO. PLAN/2007/0508 FOR 26 NO. HOUSES AND ASSOCIATED WORKS
NAME OF APPLICANT	MR C BURNIP
SITE ADDRESS	FORMER SCRAP YARD, BLACK LANE, WHEATLEY HILL
ELECTORAL DIVISION	THORNLEY
CASE OFFICER	Barry Gavillet 0191 5274305 barry.gavillet@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSAL

Site:

- 1 The site was originally a disused quarry before becoming a scrap yard, however that use has now ceased and the land is essentially unused grassland used for grazing. It is located on the northern edge of Wheatley Hill close to the Greyhound Track off Black Lane. Its area is some 0.8 hectares. The land was allocated for residential development in the District of Easington Local Plan before it expired in September 2007.

Proposal:

- 2 Detailed permission was granted for 26 brick and tile dwellings in 2007. This application proposes to extend the time limit for implementation of this approval.
- 3 The application is being reported to committee, as it seeks an extension of time limit to implement a major application.

PLANNING HISTORY

PLAN/2007/0508 – 26 Dwellings, Approved.

PLANNING POLICY

4 NATIONAL POLICY:

Planning Policy Statement 1: Delivering Sustainable Development sets out the Government's 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.

Planning Policy Statement 25: (PPS25) sets out Government policy on development and flood risk. Its aims are to ensure that flood risk is taken into account at all stages in the planning process to avoid inappropriate development in areas at risk of flooding, and to direct development away from areas of highest risk. Where new development is, exceptionally, necessary in such areas, policy aims to make it safe, without increasing flood risk elsewhere, and, where possible, reducing flood risk overall.

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>

5 REGIONAL PLANNING POLICY:

Regional Spatial Strategy

Policy 4: (The Sequential Approach to Development) provides that a sequential approach to the identification of land for development should be adopted to give priority to previously developed land and buildings in the most sustainable locations.

Policy 38: (Sustainable Construction) sets out that in advance of locally set targets, major developments should secure at least 10% of their energy supply from decentralised or low-carbon sources.

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 36 - The design and layout of development should ensure good access and encourage alternative means of travel to the private car.

Policy 37 - The design and layout of development should seek to minimise the level of parking provision (other than for cyclists and disabled people).

Policy 74 - Public Rights of Way will be improved, maintained and protected from development. Where development is considered acceptable, an appropriate landscaped alternative shall be provided.

The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www.durham.gov.uk/Pages/Service.aspx?ServiceId=7534>

CONSULTATION AND PUBLICITY RESPONSES

7 STATUTORY RESPONSES:

Northumbrian Water – No objections subject to a condition controlling surface water.
Environment Agency – No objections. Informal advice passed to applicant.
Ramblers Association – No objections.

8 INTERNAL CONSULTEE RESPONSES:

Planning policy – No objections.
Ecology Officer – No objections.
Highways Officer – No objections subject to repeating conditions on original approval.
Environmental Health – No objections.
Tree Officer – No objections.

9 PUBLIC RESPONSES:

The application has been advertised by way of a press notice, site notices and individual neighbour letters. Three letters of objection have been received which state concerns relating to a loss of view from existing properties, traffic, noise and an adverse impact on wildlife. It is also mentioned that there is no demand or need for new houses in Wheatley Hill.

10 APPLICANTS STATEMENT:

I can only see great end results of the finished project. The area itself could do with much needed development and this particular one will give much more option to the limited choice of house types in the area, particularly aimed at first time buyers. As well as the obvious creation of jobs the surrounding small businesses will profit from having contractors in the area. This build will be good for the community and after much research the first time the application was put in there was not one thing I could find that would state any other. I do not see how this could have possibly changed in any way.

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=110765>. 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

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. 8 and No.9 below). The additional conditions secure the provision of renewable energy and affordable housing on the site.

13 Neighbour Objections

The objections received from neighbours are not considered to raise any planning concerns that should warrant refusal of planning permission. The loss of view is not considered a material planning consideration, whilst the relevant officers have not raised traffic, noise and wildlife issues as concerns. The level of demand for new houses is a matter for the applicant, and will presumably determine whether the permission, if granted, is implemented.

CONCLUSION

- 14 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.
- 15 Accordingly, this application is supported subject to the details previously submitted and agreed by the council in relation to the Planning Permission ref. PLAN/2007/0508, and subject to the revised set of conditions attached.

RECOMMENDATION

- 16 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.
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. 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.
Reason: In the interests of the appearance of the area and to comply with saved policies 1 and 35 of the District of Easington Local Plan.
3. 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. Any submitted scheme must be shown to comply with legislation protecting nesting birds and roosting bats. 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.
Reason: In the interests of the visual amenity of the area and to comply with saved policies 1 and 35 of the District of Easington Local Plan.
4. 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 interests of the visual amenity of the area and to comply with saved policies 1 and 35 of the District of Easington Local Plan.

5. 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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Planning Policy Statement 23 - Planning and Pollution Control.

6. Before development commences, full details of the construction and the proposed diversion route of Public Right of Way No. 12 shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and in accordance with policies 1 and 36 of the District of Easington Local Plan.

7. Before development commences, full details of the proposed works to that part of Black Lane adjoining the application site as shown on plan 207.15/10B and 207.15/06F shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details, unless otherwise agreed with the Local Planning Authority.
Reason: In the interests of highway safety and in accordance with policies 1 and 36 of the District of Easington Local Plan.

8. 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.
Reason: In order to minimise energy consumption and to comply with the aims of the Regional Spatial Strategy North East Policy 38 and Planning Policy Statements 1 and 3.

9. 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.
Reason: In order to ensure the development makes adequate provision for affordable housing and to comply with the aims of PPS3 - Housing. In order to ensure the development makes adequate provision for affordable housing and to comply with the aims of PPS3 - Housing.

10. The development hereby approved shall be carried out in strict accordance with the following approved plans. Plan References; 207.15/01A, 207.15/06C, 207.15/07C, 207.15/08C, 207.15/09, 207.15/10, 207.15Mw/, 207.15/2B/, 207.15/3B/, 207.154B/01, 207.15/4BW/01, 207.15/4BW/05, 207.15/01, 207.15/05, 207.15/06F, 207.15/10B
Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies 1 and 35 of the District of Easington Local Plan.

11. Development shall not commence until a detailed scheme for the disposal of surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water. Thereafter the development shall take place in accordance with the approved details.
Reason: To ensure the discharge of surface water from the site does not increase the risk of flooding from sewers in accordance with the requirements of PPS25 "Development and Flood Risk"

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	ENV36 - Design for Access and the Means of Travel
DISTRICT OF EASINGTON LOCAL PLAN	ENV37 - Design for Parking
DISTRICT OF EASINGTON LOCAL PLAN	GEN01 - General Principles of Development
PLANNING POLICY STATEMENT/GUIDANCE	PPS1 - Delivering Sustainable Development
PLANNING POLICY STATEMENT/GUIDANCE	PPS3 - Housing
REGIONAL PLANNING POLICY	RSS4 - The Sequential Approach to Development
REGIONAL PLANNING POLICY	RSS38 - Sustainable Construction
DISTRICT OF EASINGTON LOCAL PLAN	TAC74 - Footpaths and other public rights of way

2. In particular the development was considered acceptable having regard to consideration of issues of planning policy, design and layout and highways issues. The objections from nearby residents did not raise issues significant enough to warrant refusal of planning permission.

BACKGROUND PAPERS

- Submitted Application Forms and Plans.
- Design and Access Statement
- North East of England Plan Regional Spatial Strategy to 2021 (RSS) July 2008
- District of Easington Local Plan 2001
- Planning Policy Statements / Guidance, PPS1, PPS3
- Consultation Responses

