

Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

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| APPLICATION NO: | PL/5/2009/0200 |
| FULL APPLICATION DESCRIPTION | ADDITIONAL HANGAR AT THE AIRFIELD, SHOTTON COLLIERY, COUNTY DURHAM, DH6 2NH |
| NAME OF APPLICANT | SUNDERLAND PARACHUTE CENTRE LTD |
| ELECTORAL DIVISION | Shotton |
| CASE OFFICER | Grant Folley (0191) 527322 grant.folley@durham.gov.uk |

DESCRIPTION OF THE SITE AND PROPOSAL

SITE: The application site relates to the existing Airfield situated towards the north of the settlement of Shotton. The Airfield is situated in an area of land measuring approximately 117 acres in the open countryside outside the defined settlement boundary of Shotton.

PROPOSAL: Full planning permission is sought for the construction of a second hangar to accommodate a large parachute aircraft, Airvan G-SCOL. The hangar will be located on the opposite side of the aviation fuel installation to the existing main hangar.

The hangar will measure 20.m x 24.0m with a height of 7.44m above ground level to the ridge of the pitched roof. The hangar will be of portal steel framed building with modular components constructed on a concrete base with steel sheeting as a stressed skin.

PLANNING HISTORY

85/362: Airfield Runway and New Access for Parachute Centre: Approved 02/09/1985
86/632: Hangar, Control Tower and Club House: Approved 12/02/1987
99/399: Fuel Storage Tank and Two-Storey Office/Control Tower Building: Approved 02/09/1999
04/639: Hangar and Buildings and Re-surfacing of Runway: Approved 23/11/2004
07/538: Extension to Hangar: Approved 22/10/2007

PLANNING POLICY

NATIONAL POLICY:

Planning Policy Statement 1 (PPS1) sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system

REGIONAL POLICY:

The North East of England Plan - Regional Spatial Strategy to 2021 (RSS) July 2008, sets out the broad spatial development strategy for the North East region for the period of 2004 to 2021. The RSS sets out the region's housing provision and the priorities in economic development, retail growth, transport investment, the environment, minerals and waste treatment and disposal. Some policies have an end date of 2021 but the overall vision, strategy, and general policies will guide development over a longer timescale.

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 3 - Development limits are defined on the proposal and the inset maps. Development outside 'settlement limits' will be regarded as development within the countryside. Other than specifically allowed for by other policies, development in the countryside will not be approved

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

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

STATUTORY RESPONSES:

PARISH COUNCIL: Wish to be satisfied that proposal would not impact on adjacent businesses and companies in terms of prejudicing development of wind turbines. Consider that an environmental, economic and business impact assessment should be undertaken to identify the risks to local businesses against the benefits brought by the hangar and the Airfield as a whole

INTERNAL CONSULTEE RESPONSES:

ASSET AND PROPERTY MANAGEMENT: Not received at the time of preparing this report

ECONOMIC DEVELOPMENT: No objections

ENVIRONMENTAL HEALTH: Not received at the time of preparing this report

HIGHWAYS: On the basis of the information supplied within the Design and Access Statement the additional hanger is proposed by the applicant to house an existing aircraft that currently operates from the site and which currently has to be parked up in the open air.

In view of this the proposals would not be expected to generate any additional vehicular traffic to the site and as such the proposed hanger is deemed to be acceptable from a highways point of view

POLICY: The key issue is the visual impact of the proposed development and the impact on the amenity of neighbouring residents. If this were considered acceptable by the case officer and in accordance with Policy 35, I would support this application

EAST DURHAM BUSINESS SERVICES: Not received at the time of preparing this report

HEALTH AND SAFETY EXECUTIVE: Not received at the time of preparing this report

SPORT ENGLAND: In light of the site's status as a 'Significant Area for Support' it is considered that this planning application is consistent with the following policy objective:

To support the extension, upgrading or enhancement of any identified 'Significant Area for Support' in the interests of sports development in accordance with Planning Policy Objective 4 of Sport England Land Use Planning Policy Statement: Planning Policies for Sport

PUBLIC RESPONSES:

A site notice has advertised the application and neighbouring properties have been consulted.

A petition has been submitted from 25 local residents in Shotton in respect of the proposed development stating concern for the following:

- Noise
- Loss of View

A letter of objection has been submitted from the Full Governing Body of Shotton Primary School in respect of the proposed development stating concern for the following:

- Health and Safety of the children and staff of the school
- Noise
- Increased fuel storage

One letter of support has been submitted from a local resident in respect of the proposed development wishing to point out the following:

- They believe the airfield is of benefit to the community because it could be an incentive to industry to develop here. It is also good to see people following a healthy and interesting sport. Puts the area on the map

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=104464>)

PLANNING CONSIDERATION AND ASSESSMENT

Members will be aware the principle of the use of the site as an airfield has been established.

The key considerations for this application are the impact the proposed development would have visually and how the proposal would impact upon the amenity of the neighbouring School and residents.

Members will note objections have been received from the neighbouring School and residents concerned with a loss of view, noise, the health and safety of both children and staff of the School and increased fuel storage.

The applicant has confirmed they have attempted to contact the Head Teacher of Shotton Primary School to discuss the proposed development prior to the submission of this application but without success given the commitments of the Head Teacher.

The applicant has indicated that the hangar will not increase the number of aircraft operating from the Airfield. It is confirmed the purpose of the second hangar is to house an existing aircraft based at the site and used for parachute activities, which is currently anchored down outside in the open and has been for the last three years.

The introduction of the hangar would appear to move the aircraft further away from its current position relative to the School.

On this basis, it is considered that the hangar will not result in any increased noise levels but more likely reduce existing noise levels by placing a further baffle between the School and hangared aircraft.

The applicant intends to re-distribute existing aircraft by housing parachuting aircraft in one hangar with flex-wing and micro-light aircraft in another.

The location and amount of fuel stored within the Airfield will not change as a result of the hangar being built. The capacity of the tanks/stores cannot be exceeded nor will they be moved closer to the School as a result of this hangar.

There is a current capacity of 15,000 litres of petrol and 15,000 litres of paraffin stored in purpose built underground tanks, packed fuel of up to 40 litres per aircraft in a purpose built packed fuel store within the existing hangar plus a small amount of cans for grass cutters and strimmers plus 1,000 litres of paraffin in a purpose built fuel bowser located in a steel container permanently sited adjacent to the existing fuel installation.

It is acknowledged any increase in aircraft numbers in the future may well result in an increase in the turnover of fuel. However, this will only arise from the Nested T-Hangar building for which planning permission has already been granted (04/639: Hangar and Buildings and Re-surfacing of Runway: Approved 23/11/2004) but which has yet to be built.

The development of the Airfield has recently stagnated largely due to the uncertainty of recent successive planning application for wind turbines. Applications have been refused for turbines at Edder Acres and at the AKS factory on the North West Industrial Estate.

In terms of safety at the site, in the unlikely event of a fire occurring at the Airfield, there are set procedures in place to address such instances. These have been in place following previous applications and as a result of regular inspections carried out by the Fire Officer.

In response to the Parish Council's concerns the possibility of undertaking a study of the benefits of the Airfield and the risks to businesses may need to be considered in the future. At this stage, however, the proposal involves an additional hangar to accommodate an aircraft already based at the site. On this basis, it is considered that the development would not affect the current position in respect of these matters. It is noted that the Council's Economic Development officer has offered no objections to the proposal.

It is considered the hangar will complement the existing hangar built to a similar scale, finish and colour with similar construction lines.

Finally, whilst Local Planning Authority acknowledge the views from which the properties within Grange Terrace may have benefited in the past may be compromised. However, the distance between the hangar and the rear elevations of the nearest residential properties along Grange Terrace is more than 80m and the distance between the hangar and their rear garden curtilages is approximately 50m. In any event, Members will be aware, a right to a view is not a 'material consideration' and as a result cannot be taken into account by the Local Planning Authority when determining a planning application. On this basis, the proposal is considered to be a sufficient distance from the houses so as not to affect their outlook significantly.

CONCLUSION

The principle of the use of the site as an airfield has already been established.

The purpose of this application for a second hangar is to house an existing aircraft, already parked on the Airfield, and will take the aircraft further away from the School. The hangar will not increase levels of flying activity nor will it increase the aviation fuel storage capacity already in place.

It is considered the design and layout of the proposed development are acceptable and would not have any adverse impacts upon surrounding buildings or their residents sufficient to justify a refusal of planning permission. Overall, it is considered the proposal is an acceptable form of development and accords with the intentions and policies of both national and regional guidance together with the Adopted Local Plan and will contribute towards the further development of the Airfield.

RECOMMENDATION

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. 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
3. The development hereby approved shall be carried out wholly in accordance with the details contained in the application as submitted to the Council on the date specified in Part 1 of this decision notice unless otherwise firstly approved in writing with the Local Planning Authority
4. Within one month of the commencement of the development, or other such time period as may be agreed in writing with the Local Planning Authority, a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme of landscaping shall include details of hard and soft

landscaping, planting species, sizes, layout, densities, numbers, method of planting and maintenance regime, as well as indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development

5. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first available planting season following the practical completion of the development and any trees or plants which within a period of 5 years from the substantial completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local planning authority gives written consent to any variation

REASONS FOR THE DECISION

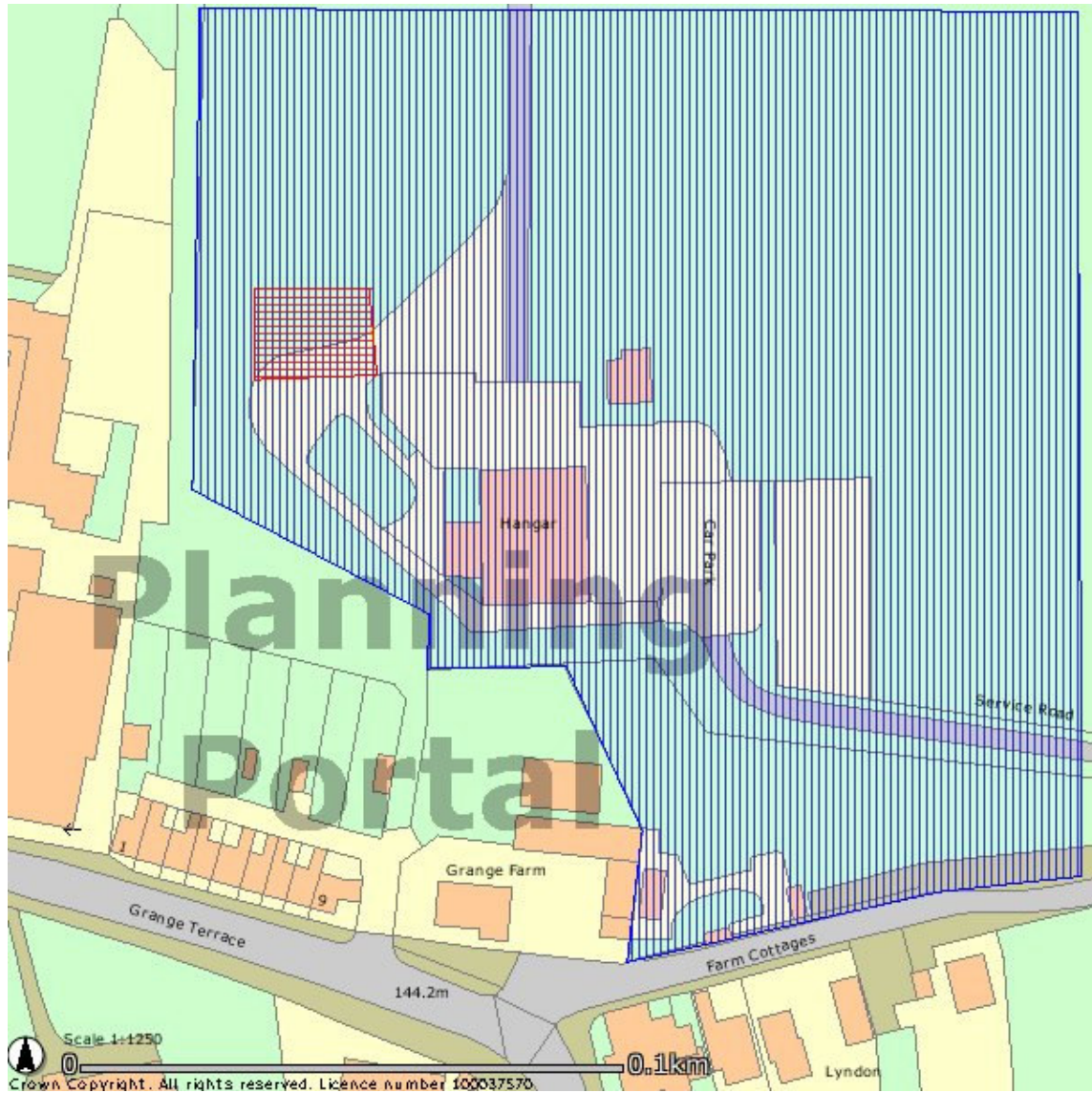
1. The development was considered acceptable having regard to the following development plan policies:

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| PLANNING POLICY STATEMENT | PPS1 - Delivering Sustainable Development |
| PLANNING POLICY STATEMENT | PPS7 - Sustainable Development in Rural Areas |
| DISTRICT OF EASINGTON LOCAL PLAN | GEN01 - General Principles of Development |
| DISTRICT OF EASINGTON LOCAL PLAN | ENV03 - Protection of the Countryside |
| DISTRICT OF EASINGTON LOCAL PLAN | ENV35 - Environmental Design: Impact of Development |

2. In particular the development was considered acceptable having regard to consideration of issues of design and scale
3. The stated grounds of objection concerning the proposed development were not considered sufficient to lead to reasons to refuse the application given the design and scale of the proposal and its distance to the nearest residential property

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, PPG2, PPS3, PPS7, PPS9, PPS13, PPG15, PPG16
- Consultation Responses



Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

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| APPLICATION NO: | PL/5/2009/0250 |
| FULL APPLICATION DESCRIPTION | DETACHED DWELLING (RESUBMISSION) AT FOREST LODGE SANDHILLS DAVISON CRESCENT, MURTON |
| NAME OF APPLICANT | MR J NAYLOR |
| ELECTORAL DIVISION | Murton |
| CASE OFFICER | Grant Folley 0191 5274322 grant.folley@durham.gov.uk |

DESCRIPTION OF THE SITE AND PROPOSAL

The site is located to the north east of Davison Crescent to the north of Murton Village. The application site has previously been used as a farm although the agricultural use has been abandoned. To the west of the application site the land is used as allotments, to the east of the application site is an area of land used as an educational centre incorporating a polytunnel, nursery, classrooms and toilets.

The application site is situated outside the settlement boundary as identified in the District of Easington Local Plan; the proposal is therefore considered to represent development in the countryside.

Planning Permission is sought for the erection of a detached one and a half storey dwelling containing 3 no. bedrooms. The dwelling is to be constructed of materials including re-constituted stone facings with an artificial slate roof and artstone detailing to heads and cills.

In support of the application the applicant has outlined the work that has been carried out adjacent to the application site. The land to the west of the proposed house is currently used as allotments, which are used by young people from Murton. It is argued that the allotments provide benefits to the youth of Murton by; giving them the opportunity to spend time at the allotment thus reducing the opportunity to cause trouble elsewhere; teaching the youth that tomatoes grow in pots- not on supermarket shelves; providing cheap nutritious food to their families grown organically; and teaching the youth responsibility as each lot holder is responsible for their small holding.

To the east of the proposed site is an area of land which has received planning permission for the erection of a gym, communal shed, toilet block, polytunnel and schoolhouse, a small petting zoo already existing on the site. The aim is for the site to combat anti-social

behaviour in Murton by inviting to the scheme expelled children for training, and youngsters with a history of drug and alcohol abuse. Also, handicapped children are regular visitors to the site. In recognition of the work carried out on the land adjacent to the application site, the applicants have been awarded a Pride in Easington Award.

In the supporting statement the applicant argues that the house is required to protect the current and future investment on the land. Recent anti-social problems have led to vandalism of the facilities sited adjacent to the application site. It is argued that by allowing the house to be built the applicant will be able to continue his good work on the site to the benefit of the village of Murton as a whole.

PLANNING HISTORY

PLAN/2007/0715- House-Withdrawn-13/12/2007

PLAN/2008/0045- House- Refused- 18/03/2008

PLANNING POLICY

NATIONAL POLICY:

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 7 (PPS7) sets out the Government's planning policies for rural areas, including country towns and villages and the wider, largely undeveloped countryside up to the fringes of larger urban areas.

REGIONAL POLICY:

The North East of England Plan - Regional Spatial Strategy to 2021 (RSS) July 2008, sets out the broad spatial development strategy for the North East region for the period of 2004 to 2021. The RSS sets out the region's housing provision and the priorities in economic development, retail growth, transport investment, the environment, minerals and waste treatment and disposal. Some policies have an end date of 2021 but the overall vision, strategy, and general policies will guide development over a longer timescale.

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 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.

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 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

STATUTORY RESPONSES:

Parish Council- Object to the proposal on the following grounds

- Greenfield Site
- Outside the defined settlement boundaries
- That the dwelling would be used privately on a publicly funded venture

INTERNAL CONSULTEE RESPONSES:

Highways Section- raises no objections to the proposal.

Environmental Health Team- raises no objection to the proposal.

Policy Team comments-

- There appears to be no justification for locating a new dwelling outside of the development limits. It is understood that in previous submissions the applicant identifies the need for providing security for the existing facilities that neighbour the site, however there are known sites available inside the development limits that provide a more suitable location in planning policy terms whilst also being located close enough to the existing uses to provide security. There is also no evidence submitted with this application that there is a need for security.
- The application proposes residential development outside development limits and therefore within the open countryside, contrary to saved policy 3. There is no justification to overcome these policy concerns and an application of this nature could not be supported.

PUBLIC RESPONSES:

The application was advertised by means of a Site Notice at the entrance to the site on 24 June 2009, and by means of a Press Notice on 11 July 2009 in the Sunderland Echo. In addition 17 letters of notification were sent to residential properties affected by the proposal.

Two letters of support have been received from schools in the area, which utilize the facilities on site stating that property would deter vandals and that the project is a valuable resource in the community.

Three letters of objection have been received in respect to the above development stating concern for the following; -

- Increased traffic
- Loss of the public footpath
- Questioning the need for the property in relation to vandalism at the site and possible alternatives
- Loss of views

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=104826>

PLANNING CONSIDERATION AND ASSESSMENT

As the proposed development falls outside of the settlement boundary for Murton Village the proposed works are considered to represent development in the countryside.

Policy 3 of the District of Easington Local Plan is intended to protect the countryside and outlines the council's approach to development outside of settlement boundaries. It states that other than where allowed for under specific policies development in the countryside will not be approved.

Planning Policy Statement 7: Sustainable Development in Rural Areas is the national planning guidance relating to development in the countryside. PPS7 states that Local Planning authorities should strictly control new house building in the countryside, away from established settlements or from areas allocated for housing in development plans. It continues by making it clear that isolated new houses in the countryside will require special justification for planning permission to be granted. The requirement for special justification can relate to the essential need for a worker to live permanently at or near their place of work in the countryside, or to the exceptional quality and innovative nature of the design of a proposed dwelling.

The applicant has submitted a statement in support of the application that attempts to justify the need for the proposed house in this location. The applicant has highlighted the works that have been carried out adjacent to the application site to the benefit of the local community as a whole, it is argued that the proposed house is required to make the site more secure in light of recent anti-social problems. Notwithstanding the information contained within the supporting statement, which lists several commendable benefits to the local community of Murton due to the reported uses of the applicants land and activities described as taking place, there does not appear adequate justification for an essential permanent dwelling in this location. Site security would not in itself provide sufficient justification, and no other adequate reasons have been put forward to justify a permanent presence on the site.

This application has been submitted without any further justification or additional information regarding works or security at the site, from that of the previous 2008 application, which was refused, contrary to national and local Policy, being classified as development in the countryside.

Planning Policy Statement 3: Housing is the national planning guidance relating to housing development. Government policy in PPS3 is to maximise the re-use of previously developed land, and requires a sequential approach to the identification of housing sites, which prioritises previously developed land in urban areas. As the proposal relates to a site outside the settlement limits as outlined in the Local Plan it is not considered to accord with the advice contained within Planning Policy Statement 3: Housing.

CONCLUSION

It is considered that the proposed development is contrary to the relevant national policy guidance, and the relevant development plan policies. The application relates to a site situated outside the existing settlement boundaries. The applicant has provided no agricultural or other suitable justification to show a need for the proposed dwelling. The proposed development if allowed would result in a new build dwelling in the countryside, which could act as a precedent for future developments on comparable sites across the district. Accordingly the proposal is considered to be unacceptable.

RECOMMENDATION

That the application be **REFUSED** for the following reason(s)

1. The proposal represents a new dwelling within the countryside, outside the existing settlement boundaries. In the absence of any agricultural or other appropriate justification of need, the proposal is considered to be contrary to Policies 1 and 3 of the District of Easington Local Plan and advice contained within Planning Policy Statement No. 7: Sustainable Development in Rural Areas.

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, PPG2, PPS3, PPS7, PPS9, PPS13, PPG15, PPG16
- Consultation Responses



Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

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| APPLICATION NO: | 4/09/00412/FPA |
| FULL APPLICATION DESCRIPTION: | Erection of detached bungalow (revised and resubmitted) at 7 Warwickshire Drive, Belmont, Durham, DH1 2LU |
| NAME OF APPLICANT: | Mr T Macallan |
| ELECTORAL DIVISION: | Belmont |
| CASE OFFICER: | Steve France Steve.france@durham.gov.uk (0191) 301 8711 |

DESCRIPTION OF THE SITE AND PROPOSALS

This application proposes erection of a single detached bungalow on a site at the head of a small vehicular cul-de-sac in a modern housing estate in Belmont.

The site at 7 Warwickshire Drive was until recently occupied by a bungalow of standard 1960's design, set within a very large garden at the head of a cul-de-sac of nine bungalows. This building was demolished through a formal procedure which gave the Council potential control over the means of demolition and re-instatement of the site, but not over the demolition itself. The demolished building was the only bungalow in the cul-de-sac not to have been extended, despite having the largest curtilage by far. This building was demolished, the site cleared and levelled, fenced and made secure earlier this year.

Due to its position on the hammerhead of the road, the demolished building had been set back behind the nominal building line of the adjacent properties, being therefore screened to a degree on the approach to the site. Likewise, the site had been bound on two sides by a tall conifer hedge that has been of source of neighbour dispute in the past, this also having been removed during the course of demolition. The site is backed on two sides by the two storey, predominantly detached houses of Devonshire Road and Shropshire Drive. Whilst the site is at the head of a cul-de-sac, with no through road for vehicular traffic, pedestrian and bicycle access to Rennys Lane is possible, and well used via a tarmaced footpath, being one of a number of access points onto this popular leisure route from the estate.

The application proposes a large new bungalow, of complicated design, providing two

bedrooms, and separate living, dining, kitchen, study and sun rooms. An attached double garage sits to the side of the dwelling. The main difference from the application refused by the Planning Committee of the former City Council on 18th March 2009 is the design of the proposed roof.

This is a site with much recent history, and dispute that has spread beyond the immediate environs of the land in question, with both applicant and objectors canvassing views beyond affected dwellings. This application must however be assessed on the merits of the scheme presented, and the impact of such, albeit due weight must be given to its recent history and previous Council decisions.

PLANNING HISTORY

This site has been subject to a number of recent planning applications, and two separate applicants. Since January 2007, there have been 10no.applications/notices in total for this site. Two applications for two dwellings were refused – one of these decisions subsequently upheld on appeal. Two applications to extend the demolished property were submitted and withdrawn. Two applications for a replacement bungalow were submitted and withdrawn. Two prior notifications of demolition have been submitted, one withdrawn, one accepted. One application for a new bungalow was returned invalidated. The current application is however only the second opportunity for members to assess proposals for a single new bungalow on the land. The application turned down by the former City Council in March was refused on the following grounds:

'In the opinion of the Local Planning Authority the proposed residential bungalow is considered inappropriate to the scale and character of the cul-de-sac, by virtue of its size, height and massing, contrary to Policies H2, H13 and Q8 of the City of Durham Local Plan, 2004'.

PLANNING POLICY

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. This PPS replaces Planning Policy Guidance Note 1, General Policies and Principles, published in February 1997. Particular reference is given to matters of design quality.

Planning Policy Statement 3: Housing includes the government's response to the Environment, Transport and Regional Affairs Committee's report on housing. The PPG includes a statement of the government's housing objectives based on the "plan, monitor and manage" approach to housing provision. Explanations of affordable housing policy and emphasis on re-use of urban land and buildings are included. A substantial section explores the creation of sustainable residential environments, with a range of housing opportunities to ensure balanced communities, whilst highlighting the role of public transport provision, making the best use of land and approach to any necessary greenfield development.

Planning Policy Guidance 13: Transport, This PPG's objectives are to integrate planning and

transport at the national, regional, strategic and local level and to promote more sustainable transport choices both for carrying people and for moving freight. It also aims to promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling and to reduce the need to travel, especially by car. To deliver these objectives, the guidance says that local planning authorities should actively manage the pattern of urban growth, locate facilities to improve accessibility on foot and cycle, accommodate housing principally within urban areas and recognise that provision for movement by walking, cycling and public transport are important but may be less achievable in some rural areas.

REGIONAL POLICY:

The North East of England Plan - Regional Spatial Strategy to 2021 (RSS) July 2008, sets out the broad spatial development strategy for the North East region for the period of 2004 to 2021. The RSS sets out the region's housing provision and the priorities in economic development, retail growth, transport investment, the environment, minerals and waste treatment and disposal. Some policies have an end date of 2021 but the overall vision, strategy, and general policies will guide development over a longer timescale.

LOCAL PLAN POLICY:

Policy Q8 (Layout and Design – Residential Development) sets out the Council's standards for the layout of new residential development. Amongst other things, new dwellings must be appropriate in scale, form, density and materials to the character of their surroundings. The impact on the occupants of existing nearby properties should be minimised.

Policy H2 (New Housing within Durham City) states that new residential development comprising windfall development of previously developed land will be permitted within the settlement boundary of Durham City provided that the proposals accord with Policies E3, E5, E6, Q8, R2, T10 and U8A.

Policy H13 (Residential Areas – Impact upon Character and Amenity) states that planning permission will not be granted for new development or changes of use which have a significant adverse effect on the character or appearance of residential areas, or the amenities of residents within them.

Policy T1 (Traffic – General) states that the Council will not grant planning permission for development that would generate traffic likely to be detrimental to highway safety and / or have a significant effect on the amenity of occupiers of neighbouring property.

Policy T10 (Parking – General Provision) states that vehicle parking should be limited in amount, so as to promote sustainable transport choices and reduce the land-take of development.

Policy U8a (Disposal of Foul and Surface Water) requires developments to provide satisfactory arrangements for disposing foul and surface water discharges. Where satisfactory arrangements are not available, then proposals may be approved subject to the submission of a satisfactory scheme and its implementation before the development is brought into use.

The above represents a summary of those policies considered most relevant in the Development Plan.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

The Highway Authority have consistently offered no objection to the proposals subject to agreement to a footpath crossing.

Northumbrian Water likewise offers no objection to the proposals.

INTERNAL CONSULTEE RESPONSES:

None

PUBLIC RESPONSES:

At the time of report writing 28 letters of representation had been received in response to the public consultation exercise carried out in respect of this application, which consisted of letters to adjacent properties and a site notice. Letters have been received from immediate neighbours, the wider estate, and the length of Britain. 16no. letters object to the application, 12 no. support. There is a letter of objection from the Parish Council.

Objectors see little change or evolution from the previous scheme, many considering the new proposals larger than those previously refused, noting this to have been a specific refusal reason previously. They consider the proposals are inappropriate in terms of height, scale and massing in relation to surrounding properties and the privacy and amenity they may reasonably expect to enjoy. Additionally they consider the effects of massing and facing distances, have a detrimental effect on the street-scene. Issues of potential precedent are raised. One particular plan – the ‘Proposed Street Scene’ has caused particular dispute in its accuracy in showing the relative heights of the proposed bungalow to surrounding dwellings. The loss of the bungalow is revisited by a number of correspondents. One writer is unhappy that Council Officers have conducted meetings with the applicant, and have been seen to have accepted this revised application. The contents of the Planning Inspectorate’s refusal notice for two dwellings on the land is offered in objection by some correspondents.

The letter from Belmont Parish Council reflects a number of these concerns, with extensive reference to character, size and massing, noting a lack of significant change, with the previous concerns not significantly addressed.

Supporters consider the proposals will enhance this ‘well kept area’, with the size of the plot able to accommodate the size of the building, the majority of it being out of sight, and any potential effects on privacy mitigated by the recently erected fence. It is noted that one of the supporters occupies one of the properties most affected by the development. Letters note disquiet that elements of the opposition have become personalised. Letters of support have been received from immediately adjacent properties, the surrounding area and from Scotland and London.

Councillor Holroyd a local ward member has raised concern at the repeated applications, and the potential for the applicants to gain advantage from pre-submission discussions, and the new, post Local Government Re-organisation committee arrangements.

APPLICANTS STATEMENT:

The applicant has submitted an extensive supporting statement that includes a detailed examination and comparison of the proposals, the surroundings, and approved developments in the locale. The statement makes favourable comparison between the size of the site, and amount of development proposed compared to other properties in the cul-de-sac. As a resident of the area, the applicant asks for significant weight to be given to their desire to live in the community they have made their home, which they note is a stated aim of government strategic housing policy. Privacy issues are considered to be addressed, and the proposed dwelling is presented as appropriate in scale, size, form, density and materials. The applicant respectfully asks that the proposals be accepted.

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=09/00412/FPA>

PLANNING CONSIDERATIONS AND ASSESSMENT

The extensive recent planning history on the site of 7 Warwickshire Drive has through the many applications submitted since January 2007 become increasingly polarised. Much of the recent activity on site has not reached the stage of a formal decision, either through applications having been withdrawn before determination, or being in the form of Notices upon which the Council has limited influence. At this current point in time, the bungalow that occupied the land has been demolished, all building materials have been removed, the site levelled, with wooden fencing erected on the rear boundaries, and security site fencing on the front. The Council had no control over whether the property was demolished, and the demolition is of no relevance in the consideration of the current set of proposals.

As noted above, in March this year the Council refused an application for a bungalow of comparable size, the main difference being that that proposal incorporated a complex hipped roof arrangement, in an attempt to minimise the visual bulk of the structure. The refusal reason from that Committee is set out above in the section on planning history. This must be considered against the principal relevant adopted Policies, in this case Q8 and H13 of the City of Durham Local Plan 2004.

The current planning application is for the development of a new bungalow on an open brownfield site within the settlement boundary (Policy H2). The bungalow is considerably larger than those surrounding, in terms of footprint, massing, and amount of accommodation provided, reflecting the larger site area. The majority of the surrounding bungalows are on plots less than half the size of the application site. All of the bungalows in the cul-de-sac appear to have been extended to various degrees, as indeed have many of the houses on the surrounding estate. Many of the relationships between the existing properties in Warwickshire Drive and surrounding streets fall below those suggested in the current Local Plan, a reflection on many extensions having been built under 'permitted development rights', and a pragmatic approach to considering each site on its individual merits.

The proposed development must be considered in the light of the current planning context, both in terms of the definitive planning document – the 'City of Durham Local Plan 2004', and current Government advice, principally as set out in Planning Policy Statements 1 (Delivering Sustainable Development) and 3 (Housing). With the Government requiring Councils to ensure new development makes the best use of brownfield land, it is reasonable to expect that new developments are likely to be higher density than was previously acceptable, but with design issues paramount.

Officers have consistently taken the view that there are three elements to this proposal: whether the proposed scheme is in scale with the plot, whether the proposed property is in scale and character with the existing cul-de-sac and its surroundings, and whether the scheme provides sufficient privacy and amenity for existing and prospective residents. These elements reflect the requirements of Policy Q8 of the Local Plan.

The cleared site shows the disproportionately large plot available. Taken in its own right the proposed dwelling is in acceptable proportion with the amount of land available, with the gardens available after development comparing in extent favorably with those of surrounding one and two storey dwellings, the proposals effectively having two good sized rear gardens.

The proposed building must also be appropriate in terms of its scale in the existing street-scene and its surroundings. The architect's brief therefore is to create a design that can fit in with the scale of the surrounding bungalows, whilst allowing for a volume of accommodation that meets the aspirations of the applicant possible on the oversized plot. To achieve this, the architect has tried to design a central main building – of comparable length to other properties in the street, and add visually subservient extensions and wings as add-on elements that provide the required internal volume. The previous application attempted through the use of hipped roofs to minimise the visual bulk of the roof and therefore the whole dwelling, however Committee considered that this was out of character with the street-scene, and emphasised the buildings size, resulting in a different character. This was a feature of the street noted by the Planning Inspector, in the 2008 appeal decision who commented that the street was, 'characterised by simple pitched roof bungalows of similar size and style', with a 'regular rhythm of single storey dwelling... an attractive aspect of the street-scene'.

The revised application therefore attempts a direct mimic of the simple roof arrangement of the cul-de-sac to satisfy the requirement for respecting the existing character. The applicant has attempted to show both the relationship in massing to the adjacent and surrounding properties, and how the bungalow will sit in relation to the other properties at the head of the cul-de-sac in a 'Proposed Street-scene' plan. This plan has been amended during the course of the application, following objectors questioning it's accuracy. The new scheme therefore better reflects the character of the street, reflecting its roof-scape, but does not address the refusal reasons of size, height and massing. In volume terms the revised roof arrangement actually makes the proposed structure larger.

Issues of privacy and amenity of the proposal for new and existing residents did not form part of the most recent refusal. The distance of the proposed bungalow to 3 Shropshire Drive had been increased to exceed the guideline in the Local Plan, and with the rear of the new dwelling 12.9m from the rear of 124 Devonshire Road, slit windows are again included in this elevation to let light in, provide a feature, but prevent the perception of a facing relationship from the property opposite. It is noted the occupant of the facing property supports the proposals. Subject to conditioning of the detailed design of these windows this relationship was and is considered appropriate. The facing distance to the extended rear elevation of 126 Devonshire road is less than the required distance of 21m. However, given the proposal is for a bungalow, the actual relationship is with the windows on the original elevation at first floor, which meet the required standard. The rear windows of 128 Devonshire face the garage/utility room without detriment to either. Consequently the proposals are considered to accord with the provisions of Policies H2, H13 and Q8 of the Local Plan.

This application is considered on the specifics of its own merits in the context of current planning legislation. It does not represent a significant precedent for potential applications

elsewhere in the street or the estate, an officers have given minimal weight to arguments of precedent. Likewise whilst objections on disruption during the building process, and devaluation of property have been taken into account, they hold minimal weight. With the Highway Authority satisfied with vehicular implications, and Northumbrian Water raising no objection on drainage issues, officers consider the proposals are compliant with policies T1, T10 and U8a of the Local Plan and no refusal could be reasonably sustained on these grounds. A condition is specifically proposed relating to restricting the extent of the vehicular hardstanding - on the basis of recent legislation for such to avoid flooding on housing estates.

CONCLUSION

The application seeks to find the largest possible bungalow that may be acceptable on this site. The proposed bungalow is in proportion to the area of the site. The new proposal does not directly address the previous reasons for refusal, but presents an attempt to justify approval by imitating the character of those properties existing on a larger scale, and therefore not falling foul of the main determining Policy, H13 which seeks to prevent new development that has a '*significant adverse effect*' on the appearance of existing residential areas. The proposal is different from those in the cul-de-sac, but officers do not consider it has a 'significant adverse effect, when considered against modern requirements for the most efficient use of land, in an estate where extension of properties is the norm.

Officers have taken into account the appeal decision relating to two dwellings on the site. No weight has been given to the applications submitted and withdrawn. Weight has been given to the previous refusal reason, and the fact that whilst the refusal reasons are not directly addressed, the current application presents an application of different character. Officers have also sought to give appropriate weight to each of the public representations received.

On this basis the application is recommended for approval noting that as that the applicant has tried for approval for the largest dwelling acceptable, conditions to remove permitted development rights for future extensions are included in the recommendation not to prevent such, but to give the Council full control over them.

RECOMMENDATION

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

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
2. The development hereby approved shall be carried out only in accordance with the approved plans, specifications and conditions hereby imposed.
3. Notwithstanding the information shown on the submitted application details of all materials to be used externally and the standard of their finish shall be submitted to and approved by the Local Planning Authority in writing before the development is commenced, and thereafter implemented in accordance with the approved scheme.
4. Notwithstanding the information shown on the submitted plans details of the extent of and surface treatment of all vehicle hard-standing areas shall be submitted to and

approved in writing by the Local Planning Authority before work commences, and thereafter implemented in accordance with the approved scheme.

5. That notwithstanding the information shown on the submitted plans a scheme of new fenestration on the north elevation facing 122/124 Devonshire Road, window sizes, glazing and head and cill details shall be submitted to and agreed in writing with the Local Planning Authority prior to development commencing and thereafter implemented in accordance with the approved scheme.
6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any order revoking or re-enacting that order, no conversion of the roof-space to any form of habitable accommodation, and no rooflights or dormer windows shall be inserted into any plane of any roof-slope or erected at any time without the grant of further specific permission from the Local Planning Authority.
7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or any order revoking or re-enacting that Order, no outbuildings, sheds, greenhouses or other free standing structures shall be erected at any time without the grant of further specific permission from the Local Planning Authority.
8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any order revoking or re-enacting that Order, no extensions shall be constructed at any time to the dwelling house(s) without the grant of further specific permission from the Local Planning Authority.
9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any order revoking or re-enacting that Order, no fences, gates or walls, other than those expressly authorised by this permission shall at any time be erected beyond the forwardmost part of any wall of a/the dwelling house which faces onto a vehicular highway, without the grant of further specific permission from the Local Planning Authority.

REASONS FOR THE DECISION

1. The application was considered acceptable having regard to the following Policies from the City of Durham Local Plan 2004, this being the development plan and principal determining planning document.

2 In particular the development was considered acceptable having regard to consideration of issues of scale, character, massing and residential amenity and privacy

3 The degree to which the proposed development could be argued to have an adverse effect on the character of the cul-de-sac was considered insufficient to lead to reasons to refuse the application because when considered against national policies for the most efficient use of land within settlement boundaries any adverse effect was not considered 'significant'.

BACKGROUND PAPERS

Submitted Application Forms and Plans
Design and Access Statement
North East of England Plan Regional Spatial Strategy to 2021 (RSS) July 2008
City of Durham Local Plan 2004
Planning Policy Statements / Guidance, PPS1, PPS3 and PPG13
Responses from County Highways, Northumbrian Water
Public Consultation Responses
Belmont Parish Council Response

For reference purposes only. No further copies may be made



Planning Services

4/09/0412/FPA 7 Warwickshire Drive,
Belmont, Durham

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Comments

Committee Map

Date

16 July 2009

Scale

1:625

