

Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	PL/5/2011/0421
FULL APPLICATION DESCRIPTION	ERECTION OF 11 NO. DWELLINGS AND ASSOCIATED WORKS
NAME OF APPLICANT SITE ADDRESS	DENNIS HARLEY DEVELOPMENTS LTD BLACKHALL WORKING MENS CLUB CEMETERY ROAD, BLACKHALL TS27 4JG
ELECTORAL DIVISION CASE OFFICER	Blackhalls Laura Martin 03000261960 laura.martin@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSAL

Site:

- 1 The application site relates to a cleared area of land, which formerly housed Blackhall Workingmen's Club. The site is located to the rear of a terrace of residential properties to the north and to the south is the Parish Council operated cemetery. The site is currently vacant and awaiting re-development.

Proposal:

- 2 Full planning permission is sought for the erection of 11 No. dwellings with associated car parking and highways works.
- 3 As part of the application process the site layout was amended in line with highways comments and as part of this the application was reduced from 13 No. dwellings to 11 No. dwellings.
- 4 The properties are set within 2 blocks, one containing 4 terraced properties and the other 7 properties. To the frontage of the properties is a designated car parking area with 18 spaces available. The properties are designed with a number of architectural features to break up the blocks with bay windows, canopies and chimneystacks added to a number of the dwellings. Internally the application would allow for the creation of three-bedroom dwellings with associated living facilities at ground floor level.
- 5 The application is reported to the committee as it for more than 10 dwellings and is classified as a major development.

PLANNING HISTORY

None relevant to the application.

PLANNING POLICY

NATIONAL POLICY:

- 6 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.
- 7 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.
- 8 Planning Policy Statement 23 (PPS23) is intended to complement the new pollution control framework under the Pollution Prevention and Control Act 1999 and the PPC Regulations 2000.
- 9 The emerging National Planning Policy Framework (NPPF), currently in draft form, is a material consideration in the determination of planning applications, and advances a presumption in favour of sustainable development to encourage economic growth.

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>

REGIONAL PLAN POLICY

- 10 Policy 2 - Seeks to embed sustainable criteria through out the development process and influence the way in which people take about where to live and work; how to travel; how to dispose of waste; and how to use energy and other natural resources efficiently.
- 11 Policy 3 -The RSS recognises that climate change is the single most significant issue that affects global society in the 21st century. Policy 3 will seek to ensure that the location of development, encouraging sustainable forms of transport, encouraging and supporting use of renewable energy sources, and waste management all aids in the reduction of climate change.
- 12 Policy 24 - Refers to the need to concentrate the majority of the Region's new development within the defined urban areas, and the need to utilise previously developed land wherever possible.
- 13 *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.*

- 14 In July 2010 the Local Government Secretary signalled his intention to revoke Regional Spatial Strategies with immediate effect, and that this was to be treated as a material consideration in subsequent planning decisions. This was successfully challenged in the High Court in November 2010, thus for the moment reinstating the RSS. However, it remains the Government's intention to abolish Regional Spatial Strategies by making Orders under Section 109 of the Localism Act 2011. Both the RSS and the stated intention to make the necessary Orders are material planning considerations and it is a matter for each Planning Authority to decide how much weight can be attached to this stated intention, having regard to the evidence base which informs the RSS.

LOCAL PLAN POLICY:

District of Easington Local Plan

- 15 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.
- 16 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.
- 17 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.
- 18 Policy 36 - The design and layout of development should ensure good access and encourage alternative means of travel to the private car.
- 20 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.
- 21 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.durham.gov.uk/Pages/Service.aspx?ServiceId=7534>

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

- 22 Parish Council- raise a number of issues in respect of the development stating concerns for the narrow width of the access road, it is vital that the site has adequate car parking to cope with the development, how the site will be enclosed and they would like re-assurances that the Cemetery Road will not be used for construction purposes.
- 23 Northumbrian Water- No response was received.
- 24 Environment Agency- No response was received.
- 25 Police Architectural Liaison Officer- raises no objections

INTERNAL CONSULTEE RESPONSES:

- 26 Environmental Health section- states that the hours of construction should be limited to avoid any impact upon residential amenity.
- 27 Low Carbon Officer- states that the development should aim to achieve 10% of its energy from a renewable source.
- 28 Planning Policy- No response was received.
- 29 Ecology Unit- No response was received.
- 30 Highways Section- raises no objections subject to the imposition of an appropriate condition relating to road widening at the site.

PUBLIC RESPONSES:

- 31 The proposal was advertised by means of a site and press notice. A further 34 letters of notification were sent to neighbouring properties within the area. Two letters of objection have been received stating concern for increased traffic and issues with car parking at the site and the neighbouring Glenholme Terrace residents.

APPLICANTS STATEMENT:

- 32 We wish the above proposal to be looked at favourably for approval.
- 33 The previous brownfield site, last used and occupied by the workingmen's club will be used to build new terrace format housing with associated parking and amenity space. The scheme will maximize the site area and the designs reflect the existing domestic vernacular styles.

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=116067>

PLANNING CONSIDERATION AND ASSESSMENT

34 The main considerations in the determination of the planning application are:-

- Principle of development
- Design and layout
- Highways issues
- Provision of outdoor play space/sports facilities
- Consultation responses

Principle of development

35 In terms of the principle of the development the site is located within the settlement boundary for the village of Blackhall and is classified as a previously developed site and is Brownfield. Blackhall is a large village with a range of facilities and as such development of this nature would be considered to be as within a sustainable location and would be supported in terms of national, regional and local planning policy, in particular Planning Policy Statement 3, Housing and Policies 3 and 67 of the local plan.

Design and Layout

36 It is considered that the design of houses is of good standard, materials should be controlled through a planning condition to ensure appropriate colour and quality.

37 All distancing standards from the District of Easington Local Plan have been met which will ensure that there are no significant impacts on surrounding residents in terms of loss of light, loss of privacy or overshadowing. In all cases a minimum of 21 metres separates facing main elevations. As part of the amendments submitted by the applicant the garden lengths have been increased to a distance that is now considered acceptable. They are however slightly short on the normal standard and as such permitted development rights should be removed in order for the Authority to assess future proposals and ensure that a suitable level of outdoor amenity space is retained.

38 With regard to means of enclosure, a suitable, high quality scheme should be secured through a planning condition. This scheme should incorporate an appropriate boundary to the east of properties along Cemetery Road, which would mitigate the concerns expressed by the Parish Council. The applicant will also be advised to incorporate renewable and sustainable energy sources into the scheme.

Highways issues

39 The applicant has submitted amended plans, which have satisfied the Highways Authority in terms of parking provision and access. The development would involve the creation of new pedestrian footpaths and the widening and improvement of the road surface along the rear of Glenholme Terrace, which is currently very narrow in terms of access and due to on-road car parking. The Highways Authority is satisfied that there would be no significant problems caused by an increase in traffic. It is considered that through the imposition of an appropriate condition relating to the provision of road widening works prior to the commencement of development and site visibility splays this would allay the concerns raised by the neighbouring properties and the Parish Council. In addition, the site is well served by bus services

(and is a brownfield site) and as such the site is considered a sustainable location for residential development.

Provision of outdoor play space/sports facilities

40 Policy 66 of the Local Plan requires developers to provide outdoor play space in new housing development. Where this cannot be achieved the developer is required to provide a financial contribution towards these facilities offsite. Accordingly, the applicant has agreed to enter into a Section 106 agreement to secure a financial contribution towards offsite facilities and the development is therefore in accordance with Policy 66 of the Local Plan.

Consultation responses

41 It is considered that some disturbance during construction cannot be avoided, however the hours of construction should be restricted on site to minimise disturbance, this should be secured through a planning condition. Amended plans have recently been received from the applicant which largely addresses the other main concerns and objections that have been raised, these are addressed above

CONCLUSION

42 It is considered that the principle of residential development on this site is acceptable; it is a brownfield site within the settlement boundary. In addition it is considered that the design and layout are acceptable and the development would not have any adverse impacts on surrounding residents or the street scene. There are no highways objections, and all remaining concerns can be overcome by planning conditions. Overall, it is considered that the proposal is acceptable in planning terms and would contribute toward the ongoing regeneration of Blackhall and the county as a whole.

RECOMMENDATION

43 That the application be **APPROVED** subject to a suitable Section 106 agreement securing a financial payment in lieu of on site open space provision and subject to the following 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. The development hereby approved shall be carried out in strict accordance with the following approved plans. Plan References; No. Location Plan, Design and Access statement both received 8th November 2011, Phase 1 Desk Study Investigation dated 14th December 2011, Drawing Number 1120/L102B, Drawing No. 1120/L103B both received 27 January 2012 and Drawing No. 1120/L101D received 20 February 2012.

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with saved policies 1 & 35 of the District of Easington Local Plan.

3. 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 . 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.

4. Site works (including deliveries and operation of temporary site generators) shall only be carried out during the following hours: Monday - Friday 08:00 to 18:00 hours and Saturday 09:00 to 14:00 hours.

Reason: In the interests of the residential amenity of the area and to comply with saved policies 1 and 35 of the District of Easington Local Plan.

5. No development shall commence until a scheme for the widening of the existing carriageway to the rear of No's 1-12, Glenholme Terrace, has been submitted to and approved in writing by the Local Planning Authority. None of the dwellings comprised in the development shall be occupied until the widening of the existing carriageway to the rear of No's 1-12, Glenholme Terrace, has been completed in accordance with the approved scheme.

Reason: In the interests of highway safety and to comply with saved policy 36 of the District of Easington Local Plan.

6. Notwithstanding the information contained in the submitted application, prior to the occupation of the first dwelling hereby approved the proposed car parking area and vehicular access from the site onto the rear of Glenholme Terrace shall be created and minimum 2.4 metres x 25 metres junction visibility splays in both directions shall be provided as shown on Highways Section response dated 8 February 2012. Thereafter the visibility splays and car parking shall be maintained in perpetuity.
Reason: In the interests of highway safety and to comply with saved policy 36 of the District of Easington Local Plan.
7. Notwithstanding any information submitted, development shall not commence until a scheme demonstrating how CO2 reduction and energy efficiency measures will be incorporated into the approved development has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented and retained in accordance with the approved scheme thereafter.
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.
8. 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.
9. 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.
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.
10. 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 planning permission from the Local planning authority.
Reason: In order that the Local planning authority may exercise further control in this locality in the interests of visual and residential amenity in accordance with saved policies 1 and 35 of the District of Easington Local Plan.
11. 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.

12. 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.

REASONS FOR THE RECOMMENDATION

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

DISTRICT OF EASINGTON LOCAL PLAN
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REGIONAL SPATIAL STRATEGY
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ENV03 - Protection of the Countryside
ENV35 - Environmental Design: Impact of Development
ENV36 - Design for Access and the Means of Travel
GEN01 - General Principles of Development
HOU66- Provision of open and playspace.
HOU67 - Windfall housing sites
PPS1 - Delivering Sustainable Development
PPS23 - Planning and Pollution Control
PPS3 - Housing
Policy 2 - (Sustainable Development)
Policy 24 - (Delivering Sustainable Communities)
Policy 3 - (Climate Change)

2. In particular the development was considered acceptable having regard to consideration of issues of highway safety and visual and residential amenity
3. The stated grounds of objection concerning highway safety, traffic generation and car parking were not considered sufficient to lead to reasons to refuse the application because of the imposition of appropriate planning conditions and through the submission of amended plans through the application process.

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

Proposed ERECTION OF 11 NO DWELLINGS AND ASSOCIATED WORKS at BLACKHALL WORKING MENS CLUB CEMETERY ROAD, BLACKHALL TS27 4JG PL/5/2011/0421

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Comments

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