



Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO: 4/11/00095/FPA

FULL APPLICATION DESCRIPTION: Application seeking new planning permission to replace extant permission 08/0080/FPA (demolition of existing public house and erection of 16 no. dwellings) in order to extend time period for implementation

NAME OF APPLICANT: Mr A Davison

SITE ADDRESS: Former Red Oak Inn, Lowland Road, Brandon, Durham

ELECTORAL DIVISION: Brandon

CASE OFFICER: Andrew Inch, Senior Planning Officer
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DESCRIPTION OF THE SITE AND PROPOSALS

1. The application site relates to the site of the former Red Oak Inn, a recently demolished public house which comprised a range of flat and pitched roof brick built buildings, together with self-contained residential accommodation. The site itself extends to some 0.41ha and benefits from a main frontage onto Lowland Road. The northern and eastern boundaries abut public open space, while along the southern boundary there is an existing bookmaker's office and public footway, with a relatively recently residential development beyond that. A large area of hard surfacing exists at the rear of the building which itself is occupied by a large telecommunication antenna. The site lies within a designated local shopping centre and within the settlement limits for Langley Moor, Meadowfield and Brandon.

2. This application seeks a new planning permission to replace an extant planning permission granted in April 2008 for the erection of 16 no. dwellings comprising of a two-storey apartment block of 6 no. units fronting Lowland Road each with two bedrooms, and 10 no. four bedroom dwellings of two and a half storeys located behind, all of which would be served off the existing site access. The telecommunication antenna would be removed from the site.

3. Although an application to replace an extant permission, the extent of the development proposed is such that it constitutes major development and is therefore referred to Committee for determination.

PLANNING HISTORY

4. Planning permission 08/00080 was granted in April 2008 for the erection of 16 dwellings.

PLANNING POLICY

5. NATIONAL POLICY:

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

Planning Policy Statement 3: Housing underpins the delivery of the Government's strategic housing policy objectives and our goal of ensuring 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 Guidance note 13: Transport seeks 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.

Planning Policy Statement 22: Renewable Energy sets out the planning policies for renewable energy, which planning authorities should have regard to when preparing local development documents and when taking planning decisions.

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

6. 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.

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 when the forthcoming Local Government Bill becomes law, and weight can now be attached to this intension. The following policies are considered relevant:

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 7 (Connectivity and Accessibility) seeks to promote the need to reduce the impact of travel demand particularly by promoting public transport, travel plans, cycling and walking, as well as the need to reduce long distance travel, particularly by private car, by focusing development in urban areas with good access to public transport.

Policy 8 (Protecting and Enhancing the Environment) seeks to promote measures such as high quality design in all development and promoting development that is sympathetic to its surroundings.

Policy 24 (Delivering Sustainable Communities) 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.

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

The above represents a summary of those policies considered most relevant. The full text can be accessed at: <http://www.gos.gov.uk/nestore/docs/planning/rss/rss.pdf>

7. LOCAL PLAN POLICY:

Policy H3 (New Housing Development within the Villages) allows for windfall development of previously developed sites within the settlement boundaries of a number of specified former coalfield villages across the District, provided that the scheme is appropriate in scale, design location and number of units.

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 Generation – 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 S5e (Local Centres - Brandon) permits the development of new retail facilities where this will not adversely affect the vitality and viability of other local centres, whilst ensuring that it will not lead to the loss of community or recreation facilities or areas which may be required in the future for such uses. Infill or change of use to housing will be permitted provided the supply of land required for shopping or community facilities are not eroded.

Policy R2 (Provision of Open Space – New Residential Development) states that in new residential development of 10 or more units, open space will be required to be provided within or adjacent to the development in accordance with the Council's standards. Where there is an identified deficiency and it is considered appropriate, the Council will seek to enter into a planning agreement with developers to facilitate the provision of new or improved equipped play areas and recreational/leisure facilities to serve the development in accordance with Policy Q8.

Policy C9 (Community Facilities – Protection of Existing) states that planning permission for the development of a proposal which would result in the loss of an existing community facility identified in the Local Plan will not be permitted unless it can be demonstrated that: the facility is no longer financially viable; or there is no significant demand for the facility within that locality; or an equivalent alternative facility is available to satisfy the needs of the local community nearby.

Policies Q1 and Q2 (General Principles Designing for People and Accessibility) states that the layout and design of all new development should take into account the requirements of all users.

Policy Q3 (External Parking Areas) requires all external parking areas to be adequately landscaped, surfaced, demarcated, lit and signed. Large surface car parks should be subdivided into small units. Large exposed area of surface, street and rooftop parking are not considered appropriate.

Policy Q5 (Landscaping General Provision) sets out that any development which has an impact on the visual amenity of an area will be required to incorporate a high standard of landscaping.

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 Q15 (Art in Design) states that the Council will encourage the provision of artistic elements in the design and layout of proposed developments. Due regard will be made in determining applications to the contribution they make to the appearance of the proposal and the amenities of the area.

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 the full text, criteria, and justifications of each may be accessed at <http://www.cartoplus.co.uk/durham/index.htm>

CONSULTATION AND PUBLICITY RESPONSES

8. STATUTORY RESPONSES:

The Highway Authority has no objection to the proposals as there has been no change in circumstances.

9. INTERNAL CONSULTEE RESPONSES:

The Senior Low Carbon Officer commends the content and recommendations for the submitted Energy Statement.

10. PUBLIC RESPONSES:

The application has been publicised by way of press notice, site notice and individual letters to some 23 neighbouring properties.

There have been no representations received.

11. APPLICANTS STATEMENT:

The Project

Erection of 16 no. dwellings on site of former Red Oak Inn, Lowlands Road, Brandon.

The Scheme

Following the closure of the Public House, the land has remained unused and derelict.

The proposal is to erect 16 new dwellings on the site, providing modern family homes and apartments. They will be built to the latest high thermal standards and incorporate new technologies in sustainable heating/services.

This will turn a derelict site into a modern, new environment for families to live.

*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=11/00095/FPA>)
Officer analysis of the issues raised and discussion as to their relevance to the proposal and recommendation made is contained below*

PLANNING CONSIDERATIONS AND ASSESSMENT

12. Extensions to the time limits for implementing extant planning permissions was brought into force on 1 October 2009 via the Town and Country Planning (General Development Procedure) (Amendment No. 3) (England) Order 2009, and is a measure introduced to make it easier for developers and Local Planning Authority's to keep planning permissions alive for longer during the economic downturn so that they can more quickly be implemented when economic conditions improve.

13. In introducing this recent procedure, DCLG has published associated guidance, *Greater flexibility for planning permissions*, which advises that in assessing such applications, local 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 an extension of the time period for implementation 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 section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are advised that in making decisions, attention should be focused primarily 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.

14. In this case, the development plan comprising the Regional Spatial Strategy and the City of Durham Local Plan 2004 remain in force as they were at the time planning permission was originally granted, and in full accordance with the appropriate policies in terms of loss of community facilities and impact on surrounding residential properties. The principle of the development therefore remains acceptable. Similarly, the site, save for the demolition of the public house, has not changed and neither has its surroundings in the intervening three year period.

CONCLUSION

15. It is considered therefore that it would be entirely appropriate to extend the life of the planning permission in order to facilitate the implementation of a sustainable residential development. Accordingly, approval of the application is recommended. The extant planning permission requires the developer to enter into s106 agreements by planning condition in relation to contributions in lieu of on-site provision of open and play space and in relation to public art. In line with best practice, however, it is appropriate that these matters are now dealt with by way of a formal planning obligation. A unilateral undertaking has been submitted to deal with such matters, and the conditions to which the replacement planning permission would be subject, are amended to reflect this.

RECOMMENDATION

That the application be **APPROVED** subject to the completion of a Section 106 Obligation and 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. 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 permitted shall not be carried out otherwise than in complete accordance with the approved plans and specifications and the details agreed through the conditions of this planning permission. Reason: To ensure that a satisfactory form of development is obtained in accordance with Policies H3, H13 and Q8 of the City of Durham Local Plan 2004.
3. Development shall not commence until details are submitted in writing to the Local Planning Authority demonstrating the means by which the scheme will include 10% renewable energy

generation in accordance with the methods and options outlined in the *Initial Energy Statement* (North Energy, February 2008). Development shall thereafter take place in accordance with the agreed details. Reason: Reason: In order to minimise energy consumption and to comply with RSS Policy 38 and Policy U14 of the City of Durham Local Plan 2004. Reason: In the interests of visual amenity in accordance with Policies H3, H13 and Q8 of the City of Durham Local Plan 2004.

4. 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. Reason: In the interests of visual amenity in accordance with Policies H3, H13 and Q8 of the City of Durham Local Plan 2004.

5. Details of any fences, walls or other means of enclosure to be erected on any of the site boundaries or within the site shall be submitted to and approved by the Local Planning Authority in writing before development commences. Development shall thereafter be completed in accordance with the approved details. Reason: In the interests of visual amenity in accordance with Policies H3, H13 and Q8 of the City of Durham Local Plan 2004.

6. Notwithstanding the information shown on the submitted plans details of the surface treatment of all vehicle hardstanding 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. Reason: In the interests of visual amenity in accordance with Policies H3, H13 and Q8 of the City of Durham Local Plan 2004.

7. Before any development is commenced the approval of the Local Planning Authority is required in writing to a scheme of landscaping and tree planting for the site indicating, inter alia, the number, species, heights on planting and positions of all the trees, together with details of post planting maintenance. Such scheme as approved by the Local Planning Authority shall be carried out in its entirety within a period of 12 months beginning with the date on which development is commenced, or within such longer period as may be agreed in writing with the Local Planning Authority. All trees, shrubs and bushes shall be maintained by the owner or owners of the land on which they are situated for the period of five years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary, unless the Local Planning Authority gives written consent to any variation. Reason: In the interests of visual amenity in accordance with Policies H3, H13 and Q8 of the City of Durham Local Plan 2004.

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 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 dwelling house which faces onto a vehicular highway, without the grant of further specific permission from the Local Planning Authority. Reason: In the interests of visual amenity in accordance with Policies H3, H13 and Q8 of the City of Durham Local Plan 2004.

9. Notwithstanding the provisions of Article 3 and Class F of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, or any order revoking or re-enacting that order, no provision for a hard surface, other than those expressly authorised by this permission, shall be permitted at any point beyond the forwardmost part of the dwellinghouse facing a highway without the grant of further specific permission from the Local Planning Authority. Reason: In the interests of visual amenity in accordance with Policies H3, H13 and Q8 of the City of Durham Local Plan 2004.

10. No development shall take place until a scheme showing the means by which foul sewage and surface water generated as a result of the development are to be catered for has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be carried out in accordance with the approved details before any part of the development is occupied. Reason: To ensure that proper means are provided for the disposal of foul sewage and surface water from the development in accordance with Policy U8a of the City of Durham Local Plan 2004.

REASONS FOR THE RECOMMENDATION

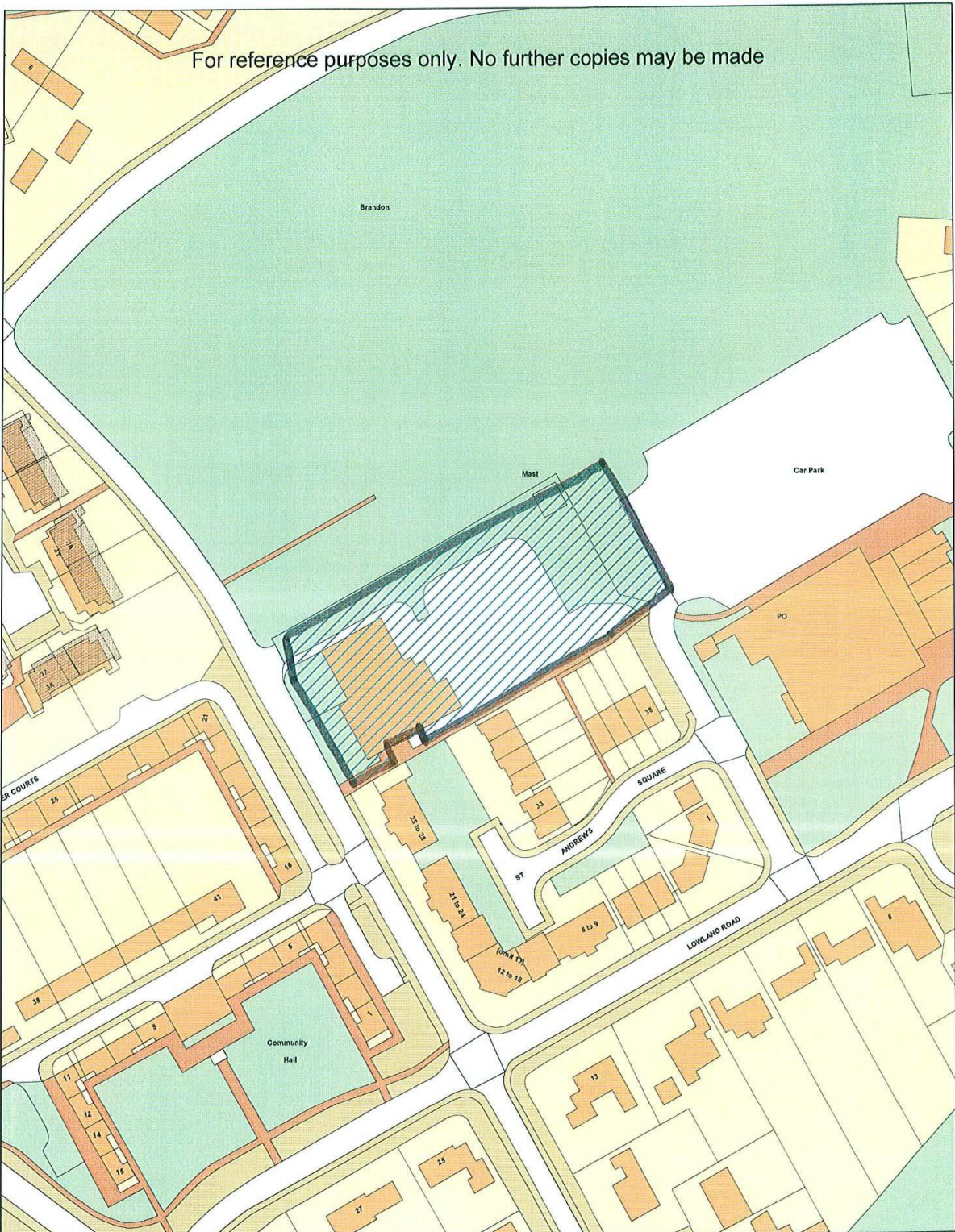
1. The application proposes to extend the life of an extant planning permission, and in view of the limited changes in the thrust of the development plan or any other material considerations to indicate otherwise, the development is considered to be acceptable, and where its affects upon interests of visual amenity, residential amenity, highway safety and drainage have been judged acceptable and in accordance with Policies H3, H13, T1, T10, Q3, Q8 and U8A of the City of Durham Local Plan 2004 (which is a saved plan in accordance with the Secretary of States Direction under paragraph 1 (3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004), and Policies 4, 7, 24 and 38 of the North East of England Plan - Regional Spatial Strategy to 2021.
2. The mains issue considered related to the substantive material differences in terms of the development plan and the site's surroundings in the period between permission previously being granted and the time of assessment.
3. There have been no objections to the proposals.

BACKGROUND PAPERS

Submitted Application Forms and Plans
Supporting Planning Statement
Environmental and Energy Statement
Design and Access Statement
Planning Policy Statements/Guidance 1,3, 13 and 22
Regional Spatial Strategy for the North East
City of Durham Local Plan 2004
Responses from Highway Authority and Low Carbon Section
Various File Notes and Correspondence



For reference purposes only. No further copies may be made



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	Red Oak, Lowland Road, Brandon	
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	Date	29 March 2011