

# Planning Services

## COMMITTEE REPORT

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### APPLICATION DETAILS

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APPLICATION NO:	PL/5/2012/0457
FULL APPLICATION DESCRIPTION	DWELLING(RESUBMISSION)
NAME OF APPLICANT	MR R OLAMAN
SITE ADDRESS	BLUE HOUSE FARM, HESLEDEN ROAD, BLACKHALL
ELECTORAL DIVISION	
CASE OFFICER	Laura Eden 03000263980 dmcentraleast@durham.gov.uk

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### DESCRIPTION OF THE SITE AND PROPOSAL

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Site:

1. The application relates to an enclosed area of vacant land that lies to the north of Blue House Farm, within the settlement limits of Blackhall. The site is accessed from Whindyke off a shared access road that is also used by 1 to 3 Blue House Court.

Proposal:

2. Planning permission is sought for the erection of a two-storey detached property, constructed from facing brickwork, a tiled roof and white UPVC windows. The property would occupy a relatively central position within the plot, with gardens to all sides and two parking spaces located to the south of the plot. It is proposed to have an overall height of 7.25 metres and 5.25 metres to the eaves. Plans have been submitted showing the entry access into the site being widened, the existing stone wall reduced in height and the hedge line to the south being retained.
3. The scheme is being reported to the Planning Committee due to a request being received as part of the previous application from the Local Councillor.

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### PLANNING HISTORY

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4. This case relates to the resubmission of a previously withdrawn application, PL/5/2012/0374, due to concerns relating to red line outline and ownership implications.

5. Neighbours within Whindyke, especially those closest to the Blue House development, have highlighted their concerns to the Council in relation to the unfinished appearance of the site, problems relating to access, in addition to the general mess and disturbance. Furthermore, there are historic problems within the estate generally relating to un-adopted roads and sewers. These have been responded to on an individual basis and will be covered in more detail later in the report.

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## **PLANNING POLICY**

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### **NATIONAL POLICY:**

5. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant.
6. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve ‘core planning principles’
7. The following elements are considered relevant to this proposal:
8. Part 6 - To boost significantly the supply of housing, applications should be considered in the context of the presumption in favour of sustainable development.
9. Part 7 - The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.

*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. *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.*
11. 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.

12. Policy 4 - National advice and the first RSS for the North East advocated a sequential approach to the identification of sites for development, recognising the need to make the best use of land and optimize the development of previously developed land and buildings in sustainable locations.
13. Policy 8 - Seeks to promote measures such as high quality design in all development and redevelopment and promoting development that is sympathetic to its surroundings.

#### **LOCAL PLAN POLICY:**

##### District of Easington Local Plan

14. 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.
15. 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.
16. Policy 36 - The design and layout of development should ensure good access and encourage alternative means of travel to the private car.
17. 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>*

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## **CONSULTATION AND PUBLICITY RESPONSES**

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#### **STATUTORY RESPONSES:**

18. Parish Council – Planning Authority would need to put in place enforceable measures where possible to ensure the adjacent residents are not adversely affected.
19. Northumbrian Water – No comments to make
20. Cllr Crute – Although accepting the need for infill development does not consider this is the correct place due to the problems that have been experienced at the adjacent site in relation to highway safety, noise, mess and disturbance.

#### **INTERNAL CONSULTEE RESPONSES:**

21. Highways – The proposal is deemed acceptable from a highways point of view

22. Landscape – Would request that a condition is imposed to protect the existing hedge during construction works
23. Ecology – No objections
24. Environmental Health – Recommend three conditions to minimise disturbance to neighbours

#### **PUBLIC RESPONSES:**

25. The application was advertised by a site notice and neighbour notification letters – Three letters of objection have been received and two of these were from the same property. The stated grounds of objection include the impact of the development on local residents due to the previous history of the site, traffic obstruction, mess and disturbance.

#### **APPLICANTS STATEMENT:**

26. I have owned blue house farm for nearly thirty years and the one-acre of land around it. There was a nine-acre field next to it that we rented from the council each year. In the late nineties the field was sold to a developer and approx. 70 houses built on it causing considerable disruption to me while they were built. The drains were brought through our land or the site could not have gone ahead. In return the developer brought the roadway from the estate into my land to maintain existing access I was made redundant in 2002 so applied for planning permission for 5 dwellings known as blue house court and commissioned the build of plot no 4 with a local builder and sold it in july 2006 and then commissioned plot 5 in the same way, selling in oct 2007. They were built and completed in a timely manor and caused no great disruption, however it was high risk for little return so I advertised the other plots, 1, 2 and 3 for sale.
27. Plot one was sold in june 2008 with a clause retaining vehicular right over it for the other plots but for the roadway to be constructed by the buyer.
28. Plot 3 was sold in nov 2008.
29. Plot 2 could not be sold so I retained it and entered into a contract with the buyer of plot one, who was a partner in a building company, for his company to build me a house at the same time as he built on the other 2 plots.
30. The design of my house was altered from the original application and the builder submitted the modified plans in his name for planning and building reg control. The builder was responsible for the cdm (construction design management) of the site and I was a client who was paying a builder to build a house.
31. The company went into liquidation and I was left with an unfinished house that had been largely paid for but was not finished. I have finished it myself within the permitted working hours and have lived in it since jan 2011. I have a road and a drive in front of my house that I use, however I have to drive over the unfinished road in front of plot one to get to my house. I seek planning permission for land attached to blue house farm in order raise funds in order refurbish the interior of the farm house as I believe it is a unique and old historic building worth saving for future generations (it is over two hundred years old). There were farm building on the site of the application that were demolished some time ago. If I knocked the farmhouse down

many more houses could be built than the one I am applying for and I will be affected as much as any one else while work goes on but I believe it will be worth it to preserve the old farmhouse.

*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=121385>*

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## **PLANNING CONSIDERATION AND ASSESSMENT**

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32. The main planning issues in determination of this application are: -

- Principle of development
- Impact on residential amenity
- Impact on visual amenity
- Highways
- Landscape and Ecology
- Environmental Health
- Other considerations

### **Principle of development**

33. The NPPF advises that housing applications should be considered in the context of a presumption in favour of sustainable development. The site lies within the settlement limits for Blackhall, in a predominantly residential area therefore is considered to meet this objective.
34. The Regional Spatial Strategy for the North East provides a sequential approach for development in Policy 4. Although this relates to the identification of land for development in Local Development Frameworks it can also be seen as relevant where there is insufficient allocated land for development. The policy promotes previously developed sites within urban areas as being the most sequentially preferable locations for development. If such locations do not exist, the development plan should consider, in sequence; other suitable locations within urban areas; suitable sites and locations adjoining urban areas; and suitable sites in settlements outside urban areas. As this application relates to a sustainable site situated within the settlement of Blackhall, it is considered to accord with the general principles of RSS in terms of a sequential approach for development. The aims of this policy are reflected in the NPPF, therefore the potential abolition of Regional Strategies would not affect the outcome of this application.
35. The former District Council considered that housing development should normally only be approved on sites within the towns and villages of the former District, this is reflected in the saved Local Plan Policies. There are a number of reasons for this: mainly that new development within the settlements helps to maintain the compact and coherent village form, which is most appropriate for the support of shops and facilities and which promotes sustainable forms of development.
36. Policy 67 of the Local Plan, although dated, is still considered relevant and broadly in accordance with the NPPF. The policy states that housing development will be approved on previously developed sites within settlement boundaries of established towns and villages. Although it is not entirely clear whether the application site is greenfield or brownfield, it is considered that it is in a sustainable location within the settlement boundary and therefore meets the broad aims and objectives of Policy 67.

However, in any event, greater weight must now be afforded to the NPPF than Policy 67 and it is considered that the proposal satisfies the criteria of sustainability in the NPPF.

### **Impact on residential amenity**

37. In terms of neighbouring amenity policy 35 of the Local plan aims to ensure that the development has no serious adverse effect on the amenity of people living and working in the vicinity of the development site and the use of adjacent land or buildings in terms of privacy and visual intrusion. The policy is in accordance with the NPPF as it too seeks to secure a good standard of amenity for all existing and future occupants of land and buildings.
38. The local plan recommends distancing standards for new development to help protect neighbouring amenity, these being opposing elevations containing habitable windows should be at least 21 metres and opposing elevations containing habitable windows to gable should be at least 13.5 metres. The house is positioned 13.5 metres from the rear of Blue House Farm to the south and 14.0 metres from the main elevation of 1 Blue House Court to the east. None of the relevant elevations within the proposed property benefit from habitable windows within them therefore privacy standards are achieved. As a result it is considered that the development accords with the relevant local plan policy and would not adversely impact on residential amenity.

### **Impact on visual amenity**

39. The NPPF and in particular Section 7 deals with good design as it requires proposals to respect neighbouring properties and the local area more generally. At a local level Policy 35 of the District of Easington Local Plan requires developments to reflect the scale and character of adjacent buildings and the area generally, particularly in terms of site coverage, height, roof style, detailed design and materials. Furthermore, policy 8 of the Regional Spatial Strategy for the North East of England sets out that all development should be sympathetic to their surroundings.
40. The proposed dwelling is considered to reflect the scale and character of the properties within the Whindyke estate rather than the more substantial dwellings constructed as part of Blue House Court. The suggested materials are reflective of adjacent properties however a condition requiring samples to be agreed would be added to ensure a high quality development. The property would benefit from gardens to all sides of the property. Although not large individually, it is considered that together they would provide a reasonable amount of amenity space for future occupiers. Furthermore, the existing wall and hedge on site would be retained to the benefit of the street scene.
41. The site occupies a visually prominent position being located just off the estate road. It is on slightly elevated terrain and is currently overgrown. It is considered that the redevelopment of the site provides an opportunity to help improve the overall appearance of the estate.

### **Highways**

42. Policies 1 and 36 of the District of Easington Local Plan requires developments to provide satisfactory and safe provision in relation to highways. The highways officer

has assessed the proposal and advises that the site layout plan is considered to be acceptable.

43. The Highways Authority currently permits a maximum of 5 dwellings to be served by a private shared drive arrangement, the proposed dwelling would be the fourth therefore in principle this is acceptable. The access onto Whindyke would be widened to 4.5 metres and the existing wall would be reduced to 1 metre in height therefore would result in satisfactory arrangements. Furthermore, the two on-site car parking spaces are deemed to be an acceptable level of provision for a three-bedroom property.
44. The proposal is therefore considered to comply the intentions of the relevant local plan policy and is deemed to be acceptable from a highways point of view.

### **Landscape and Ecology**

45. Paragraph 11 of the NPPF and policy 1 of the Local Plan require Local Planning Authorities to take into account, protect and mitigate the effects of development on Biodiversity Interests. In this instance the council's ecologist has not raised any objections to the scheme.
46. Policy 1 also states that important trees and hedges should be protected from development, and the existing hedge on site is shown as being retained. The landscape officer has suggested that a condition is added to ensure that it is protected during construction works.

### **Environmental Health**

47. Although a Phase 1: Desk Top Study Report has been submitted in support of this application at the time of preparing the report for Committee no response had been received from Environmental Health in relation to this. A condition relating to contaminated land is therefore suggested, unless updated advice is received prior to determination.
48. In relation to all other matters such as noise and dust environmental health have suggested conditions relating to hours of operation, no burning of materials on site and recommendations on floodlighting. Given that the current scheme relates to a single dwelling only it is not considered necessary to impose conditions of this nature. Instead it is proposed to add informatives relating to considerate construction and wheel washing to bring these matters to the developers attention.

### **Other considerations**

49. The stated grounds of objection from local residents as part of this application and indeed historic complaints made to the Council mainly relate to the manner in which properties 1 to 3 Blue House Court have been constructed. These concerns specifically relate to traffic obstruction, general inconsiderate construction, mess and disturbance and the fear that if another dwelling is approved this will exacerbate the current situation.
50. The three houses are now largely finished with the exception of the amenity and parking areas. Although no.1 and no.3 were sold the applicant for this current submission retained no.2 and this is now his home. He is the only person to have completed his section of the shared driveway. During the application process the

applicant was approached to see if he would upgrade the access adjacent to Whindyke and no.1 to try and overcome some of the neighbours concerns. Although he agreed, given that the land falls outside his ownership it is not possible to condition this as part of the approved plans.

51. It is acknowledged that the approved planning application for the Blue House Court development shows that the properties will benefit from a shared driveway that will provide them with off street parking and access to their garages once the development is complete. This aspect of the development was not subject to a planning condition governing timescales as it is not standard practice to do so on a development of this scale therefore the Local Planning Authority has no powers to enforce this work is completed within certain timescales. As a consequence of some of the internal areas not being complete it has been reported that residents are parking on the road causing congestion within Whindyke. As the roads within this estate are not adopted it would be a private civil matter for the land owner to enforce if they are not happy for people to be parking on their land. The same is the case for dirt and debris that may escape from the development site onto the adjacent roads.
52. The site of the Blue House Court development does look untidy due to left over building materials being stored within the front garden on no.1 and the gardens not being formally landscaped. Discussions have taken place with the Council's Enforcement section to see whether the current situation would warrant a Section 215 notice being served. Due to the site being largely screened from public views by the existing fencing and that the building material is mainly sited behind this it is not considered that the public harm caused is as great when compared to other more visually prominent sites across the County that have fallen into disrepair. Although enforcement can pursue the adjacent development when workloads allow it would not be considered to be a priority site. In any event this is considered to be a separate matter compared to the assessment of the current development.
53. The UK planning system is effectively plan led therefore all applications should be assessed against the relevant development plan policies. As this report has already outlined, in terms of this particular site the principle of development is acceptable in policy terms as too are the detailed issues relating to visual and residential amenity, highway safety and landscaping. Although the concerns of the neighbouring properties are noted permission cannot be withheld on the basis of how the adjacent developments proceeded. Furthermore, it is not considered reasonable to impose conditions relating to the timing of development as it is not standard practice to do so on a development of this scale. Informatives would however be added in relation to considerate construction practices and street cleaning to try and address the concerns of the residents. The site currently appears untidy and it is hoped that through the granting of permission this would improve the overall appearance of the area for the benefit of adjacent residents.

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## **CONCLUSION**

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54. To conclude, the site represents a sustainable location for new housing development being located within the settlement boundaries of Blackhall. The relevant distancing standards are achieved therefore it is not considered the development would adversely impact on neighbouring properties. The proposed dwelling is considered to reflect the character and appearance of adjacent properties. Matters in relation to highways, landscape, environmental health and ecology are also considered to be



acceptable. Whilst residents concerns are noted it is not considered that they would outweigh the aforementioned considerations.

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## **RECOMMENDATION**

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That the application be **APPROVED** 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; Application forms, location plan, design and access statement, drg. no. 2C, drg. no. 1A and Arboricultural Method Statement all received 19/12/2012

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. 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.

4. No construction work shall take place, nor any site cabins, materials or machinery be brought on site until the hedge indicated to be retained is protected in accordance with BS:5837:2012.

Reason: In the interests of the visual amenity of the area and to comply with saved policy 1 of the District of Easington Local Plan.

5. No development shall take place until a site investigation and Desk top Study (Phase 1) has been carried out in accordance with Part IIA of The Environmental Protection Act 1990. The results of the site investigation shall be submitted and approved in writing by the local planning authority.

As a minimum requirement, the Desk Top Study should include the following information in relation to the study site;

- Historic Land Use
- Former contaminative site uses
- Typical contaminants from former industrial uses
- Watercourses, major underground aquifers, water source protection zones, at or close to the site
- Ground water, perched ground water
- Adjacent land uses and their historical land use, and potential to affect the study site
- All former holes in the ground on or close to the study site

A geo technical report with 'added information' will not be acceptable as a full contaminated land risk assessment.

If the desk top study determines there is no historical land use which may cause contamination of the site, no further action is required in relation to the contaminated land risk assessment. If any historical land use which may cause contamination of the site is

found from the desk top study site investigation, a 'Phase 2 Report' will be required as detailed below.

### Phase 2 Report

A further report shall be submitted to and approved in writing by the local planning authority.

This report shall take into consideration; the relevant aspects of the desk top study and discuss remediation measures in accordance with appropriate legislative guidance notes.

If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination, shall be submitted and approved in writing by the local planning authority.

### Phase 3 - Validation Report

After remediation measures are implemented at the site, a final validation statement shall be submitted in accordance with the remediation recommendations of the above 'Phase 2' report.

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 Part 11 of the National Planning Policy Framework.

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## **REASONS FOR THE RECOMMENDATION**

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

DISTRICT OF EASINGTON LOCAL PLAN  
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NATIONAL PLANNING POLICY  
FRAMEWORK  
NATIONAL PLANNING POLICY  
FRAMEWORK

REGIONAL SPATIAL STRATEGY  
REGIONAL SPATIAL STRATEGY

GEN01 – General Principles of Development  
ENV35 - Environmental Design: Impact of  
Development

ENV36 – Design for access and means of travel  
HOU67 - Windfall housing sites  
Part 6 - Delivering a wide choice of high quality  
homes

Part 7 - Requiring Good Design

Policy 4 - (Sequential Approach)

Policy 8 - (Protecting and Enhancing the  
Environment)

2. In particular the development was considered acceptable having regard to consideration of issues relating to the principle of development, residential and visual amenity, highway safety and landscaping.
3. The stated grounds of objection relating to the impact of the development on local residents due to the previous history of the site, traffic obstruction, mess and disturbance were not considered sufficient to lead to reasons to refuse the application because the development is considered to be in accordance with local and national planning policy.
4. In dealing with the application, the Local Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems

arising during the application process. The decision has been made within the 8 week target provided to the applicant on submission and in compliance with the requirement in the National Planning Policy Framework to promote the delivery of sustainable development.

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## **BACKGROUND PAPERS**

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- 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
- National Planning Policy Framework, Parts 6 and 7
- Consultation Responses



**Planning Services**

**DWELLING (RESUBMISSION) at BLUE HOUSE FARM, BLACKHALL PL/5/2012/0457**

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**Comments**

**Date** 12 February 2013

**Scale** 1:1250