



Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	11/00127/FPA
FULL APPLICATION DESCRIPTION:	Replacement planning permission to extend time limit of approval 4/07/999/FPA - erection of 12 no. dwelling houses with associated access and landscaping
NAME OF APPLICANT:	Moordale (North East) Ltd
ADDRESS:	Land Off Wylam Terrace Coxhoe Durham
ELECTORAL DIVISION:	Durham South
CASE OFFICER:	Steve France, Senior Planning Officer 0191 301 8711, Steve.france@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

1. This application seeks to extend the time limit of an approval granted in 2008 for the erection of 12 no. dwelling houses with associated access and landscaping. At that time the site was an amalgamation of areas of former garden/paddock land at the rear of Wylam Terrace, Parkhill, Coxhoe. The site exhibited small domestic garden type structures such as sheds and garages on parts of the land, but mostly grassed, with areas of scrub and trees. A section of land at the eastern side of the site contains numerous trees. The land was in a number of private ownerships. The site has now been cleared and levelled of all structures and vegetation, and is in a single ownership.

2. The principal access to the site is from Westlands, an unadopted road running along the southern boundary, whose maintenance is the responsibility of existing residents. Similarly an unadopted vehicular highway runs along the north-eastern boundary of the site, this forming the back-lane of the residential streets of Wylam Terrace and St Mary's Terrace. The rear elevations of these properties face across the back lane, and in some case small outbuildings, their front elevations facing across the A177 and the current bypass upgrade works. The south east, borders a relatively recently constructed bungalow and garage, which runs parallel with the site, beyond which are the terraced dwellings of Clarence Street and their gardens. Westlands to the south of the site is predominantly bungalows of varying designs. These dwellings are set below the height of the site and the access road to the land falls gently to the south. North west, are a variety of different dwellings at Holmfield Villas, including bungalows and two-storey properties.

3. This application proposes renewal of the permission for the erection of twelve dwellings, with access taken from the communally maintained highway serving Westlands, some dwellings directly, and some from a new cul-de-sac highway serving the development. The proposed dwellings are a mix of bungalows and dormer bungalows, with a 'feature' property at the development's 'entrance'. A small area of communal landscaping is proposed for the centre of the site. It is the nature of this type of application that the applicant has submitted only forms and a location plan, relying on the previously considered application documentation for his submission.

PLANNING HISTORY

4. Outline planning permission was granted in 2004 for the erection of four dwellings on part of the site. A subsequent application in 2006 for the entirety of the site was refused on the basis of the effects the development would have had on the privacy and amenity that existing residents could reasonably expect to enjoy, and that elements of the site were classed as 'greenfield' land, albeit members considered that the residential development of the land had potential, subject to a scheme of an appropriate design, density and layout.

5. As noted above, approval granted in 2008 for the erection of 12 no. dwelling-houses with associated access and landscaping.

PLANNING POLICY

6. NATIONAL POLICIES

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. There is a strong emphasis on design quality and improvement of spaces in this document.

Planning Policy Statement 3: Housing sets out the government's aspirations for the provision of such through the planning system, including the need to create a range of housing types and opportunities, both in terms of type and tenure, to help create balanced, sustainable communities. The preference for the development of brown-field over green-field land is also outlined.

Planning Policy Statement 5: Planning for the Historic Environment, recently published sets out the principals guiding the consideration of applications for consent relating to Heritage Assets and their setting.

Planning Policy Statement 9: Biodiversity and Geological Conservation sets out planning policies on protection of biodiversity and geological conservation through the planning system.

Planning Policy Guidance Note 13: Transport, seeks to promote more sustainable transport choices, and reduce the need to travel, especially by car.

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>

7. REGIONAL POLICY

The approved application took into account and gave appropriate weight to the then emerging Regional Spatial Strategy (RSS) in its draft form. The same document is currently in an extended process of being rescinded, and is, given the lack of strategic implication of the proposals, of very limited weight in this case.

8. LOCAL PLAN POLICY:

Policy E5A (Open Spaces within Settlement Boundaries) states that development proposals within settlement boundaries that detract from open spaces which possess important functional, visual or environmental attributes, which contribute to the settlement's character or to the small scale character of an area, will not be permitted.

Policy E24 (Ancient Monuments and Archaeological Remains) seeks to protect or make provision for survey of archaeological deposits on development sites.

Policy H3 (New Housing Development within the Villages) relates to new housing development within the villages. Windfall development of previously developed land will be permitted in the villages provided that it is appropriate in scale, design, location and number of units to the character of the settlement. Proposals must also not result in the loss of areas which have important visual, functional or environmental attributes that contribute to the settlement's character. Policy H3 also advises that the development of greenfield sites is not normally permitted except in exceptional circumstances. However, the limited development of sites of less than 10 units and under 0.33 hectares in size will be permitted in the coalfield villages most in need of regeneration provided that; there are clear, quantifiable regeneration benefits that will be achieved through the development of small greenfield sites.

Policy H13 (Residential Areas – Impact upon Character and Amenity) states in its criterion 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 which would be detrimental to highway safety and / or have a significant effect on the amenity of occupiers of neighbouring property.

Policy T10 (Parking – General Provision) seeks to limit the amount of vehicle parking off the public highway to promote sustainable transport choices and reduce the land-take of development.

Policy R2 (Provision of Open Space – Overall Standards) 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 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 impacts upon the occupants of existing nearby properties should be minimised and adequate standards of privacy should be provided for new residents. The policy justification text sets out some specific minimum facing distance guidelines.

Policy U8a (Disposal of Foul and Surface Water) requires developments to provide satisfactory arrangements for disposing foul and surface water drainage. 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 on www.durham.gov.uk

CONSULTATION AND PUBLICITY RESPONSES

9. STATUTORY RESPONSES:

The Highway Authority confirms that subject to the original conditions, there are no material changes to alter their previous advice that the proposals are acceptable.

Northumbrian Water Limited note that the condition relating to foul sewage no longer applies, and should not be re-imposed, but that covering surface water is still required.

10. INTERNAL CONSULTEE RESPONSES:

The Planning Policy Section confirms that with no material changes, their advice remains the same.

The Ecology Section raises no objection.

11. PUBLIC RESPONSES:

One response has been received to the public consultation exercise, from a resident of Wylam Terrace, who considers that windows on the boundary wall of his property are too close to the nearest windows in the proposed development.

12. APPLICANTS STATEMENT

The applicants consider that a new outline planning permission should be granted as the considerations against which the original consent were measured have not materially changed.

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=11/00127/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

13. On 1st October 2009, the Department for Community and Local Government brought into force legislation allowing the extension of implemented planning permissions via

the Town and Country Planning (General Development Procedure) (Amendment No. 3) (England) Order 2009 (SI 2009 No. 2261). This measure has been introduced in order to make it easier for developers and Local Planning Authorities to keep planning permissions alive for longer during the economic downturn so that they can more quickly be implemented when economic conditions improve. This procedure allows applicants to apply to the Local Planning Authority for a new planning permission to replace an existing permission which is in danger of lapsing, in order to obtain a longer period in which to begin the development.

14. Government guidance states that in current circumstances, Local Planning Authorities should take a positive and constructive approach towards applications which improve the prospect of sustainable development being taken forward quickly. The development proposed in an application for extension will by definition have been judged to be acceptable in principle at an earlier date. While these applications should, of course, be determined in accordance with s.38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities should, in making their decisions, focus their attention on development plan policies and other material considerations (including national policies on matters such as climate change) which may have changed significantly since the original grant of permission.

15. However, this process is not a rubber stamp. Local Planning Authorities may refuse applications to extend the time limit for permissions where changes in the development plan or other relevant material considerations indicate the proposal should no longer be treated favourably. Equally, the primary legislation with regards to the imposition of conditions remains unchanged meaning that members can apply different conditions to those originally attached if they so wish.

16. In the case of this proposal, there has been no material change in respect of the planning criteria against which this development must be judged.

17. The previous application had a long gestation period, as the issue of drainage was resolved, with the site effectively 'off the end' of the existing sewage network, and there being a moratorium on extensions to it until the Local Sewage Treatment Works (STW) has been upgraded - a project planned for 2010. The application was originally submitted with a scheme to provide foul drainage by septic tank, which addressed the problem of connection to the sewage network, but raised fears from the residents of the bungalows opposite, whose properties sit at a lower level. An objection was received from the Environment Agency, on the basis of the proximity of a nearby watercourse, and the principle of non-mains drainage in areas served by a sewage network. After much negotiation, Northumbrian Water agreed to honour their previous agreement to accommodate the four properties previously approved, with agreement that the remaining dwellings could be added to the system once the STW upgrade was complete. A condition phasing the development, in line with availability of sewage disposal facilities, was applied to the last approval. Given the passage of time since that approval, Northumbrian Water have confirmed that the condition is now redundant, as the sewage network is now able to accept foul flow. Surface water is still required to be conditioned. Issues of drainage were a prime concern of residents on the last application.

18. The previous scheme generated a number of objections relating to highways matters. While physically served by a metalled access road, the various surfaces on that road indicate it to be beyond the extent of the adopted highway, and within the maintenance responsibility of the various existing residents that front it. The applicant had indicated, from the start, an intention to upgrade this highway to a standard suitable for adoption. The

agreements with those parties currently responsible for its upkeep are outside the remit of a planning application, and an issue the applicants will need to address separately once again if again successful with this application. The Highway Authority indicated that this upgrading is possible, and noted that such works will improve conditions for existing dwellings. The detailed changes they sought as part of their consultation response were addressed by the architect, and this element was seen as a potential benefit from the scheme. The Highway Authority was satisfied with the car parking provision and layout proposed, and have indicated that subject to the condition from the previous approval (no.12) being re-imposed, their view remains the same. The local Ward Member has sought similar assurances.

19. As discussed by the previous Committee Report, the proposed layout is such that the specific relationships between the various units proposed are now considered to meet the guidelines set out in the Local Plan to an acceptable level. The closest residential property, is a large detached residential dormer bungalow at 7 Holmfield Villas, with a second storey of accommodation in that building overlooking the site. Whilst the single storey scale of proposed unit 11 accommodates a bedroom in its roof, with windows omitted from this elevation, with the potential for permitted development rights to be removed in this regard, the relationship is comparable to that of a single storey structure, and considered acceptable. A similar condition to remove permitted development rights for extensions will further maintain the acceptable residential relationships of existing and new properties. The objector to the scheme from Wylam Terrace has windows in an extension that reaches to the back lane. Between his property and the facing single storey dwelling proposed, a standard height garden fence will protect both parties' privacy and amenity.

20. Each of the proposed dwellings incorporates an area of private amenity space, and a small area of communal space has also been provided, which could be included in any calculations for the monies required in lieu of the overall requirement which is to be secured by a S106 Planning Obligation. The development is considered to offer the potential for a high quality characterful development, of a type of residential development rarely offered, representing a mix of detached and semi-detached bungalows and dormer bungalows, complimenting the form of the surrounding neighbourhood in line with the objectives of PPS3. The unusual tower feature at the entrance of the estate divides opinion, but is considered by officers to be an architecturally interesting and attractive feature that would give the development identity.

21. The legal covenant referred to by an objector to the previous scheme must still be addressed separately from the planning system by the developer and his agents.

22. A condition as requested by the County Archaeologist can be re-imposed.

CONCLUSION

23. Officers consider that the scheme represents a potentially positive development opportunity for an area of land that at present does not contribute a positively to the area in which it stands, whilst the type of accommodation proposed, and the upgrade of the highway leading to the site, provide tangible benefits for the community. . The policy relating to new development in the villages encourages the use of previously developed land, and in villages such as Coxhoe allows the development of greenfield sites of less than ten units where there are clear and quantifiable regeneration benefits.

RECOMMENDATION

That the application be **APPROVED** subject to the completion of a Section 106 Planning Obligation and 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. 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: To ensure that a satisfactory form of development is obtained in accordance with Policy Q8 of the City of Durham Local Plan 2004.
3. 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, with the boundary markers of each property completed before its occupation. Reason: To ensure that a satisfactory form of development is obtained in accordance with Policy Q8 of the City of Durham Local Plan 2004.
4. 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: To ensure that a satisfactory form of development is obtained in accordance with Policy Q8 of the City of Durham Local Plan 2004.
5. No development shall take place until a scheme showing the means by which 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.
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 windows, rooflights, dormers or additional means of fenestration (other than those expressly authorised by this permission) shall be erected at any time without the grant of further specific 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 the visual amenity of the area in accordance with Policy Q8 of the City of Durham Local Plan 2004.
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 extensions shall be constructed at any time to the dwelling house(s) without the grant of further specific 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 the visual amenity of the area in accordance with Policy Q8 of the City of Durham Local Plan 2004.

8. Notwithstanding the information shown on the submitted plans, no development shall be commenced until details of the means of access, including the layout, construction, and sight lines to be provided have been submitted to and approved in writing by the Local Planning Authority, and the building(s) hereby permitted shall be occupied only provided the approved access has been constructed, in accordance with the approved plans and specifications. Reason: To ensure that a satisfactory form of development is obtained in accordance with Policy T1 of the City of Durham Local Plan 2004.

9. No development shall take place until a scheme for the parking of vehicles visiting the site has been submitted to and approved in writing by the Local Planning Authority. Reason: To ensure that a satisfactory form of development is obtained in accordance with Policy T10 of the City of Durham Local Plan 2004.

10. No dwelling on site shall be occupied until the section of road between the current boundary of adoption at Holmfield Villas, and the junction leading into the proposed development has been improved to adoption standards. Reason: To ensure that a satisfactory form of development is obtained in accordance with Policy T1 of the City of Durham Local Plan 2004.

11. 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: To ensure that a satisfactory form of development is obtained in accordance with Policy Q8 of the City of Durham Local Plan 2004.

12. No development shall take place until the applicant has secured the implementation of an agreed programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority. Said scheme must include evaluation and mitigation (as appropriate), and the publication of results. Reason: To ensure that a satisfactory form of development is obtained in accordance with Policy E24 of the City of Durham Local Plan 2004.

REASONS FOR THE DECISION

1. The proposed development is considered acceptable having regard to the following policies of the City of Durham Local Plan 2004: E5a, E24, H3, H13, T1, T10, R2, Q8, and U8a.

2. More specifically, this proposal constitutes a renewal of a still acceptable development proposal that raises no new issues, the material considerations of which have not changed.

3. The objection to the application relates to an issue of residential amenity, which has been carefully considered with the conclusion that acceptable levels will not be compromised.

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 1, 3, 5 and 9 and Planning Policy Guidance note 13

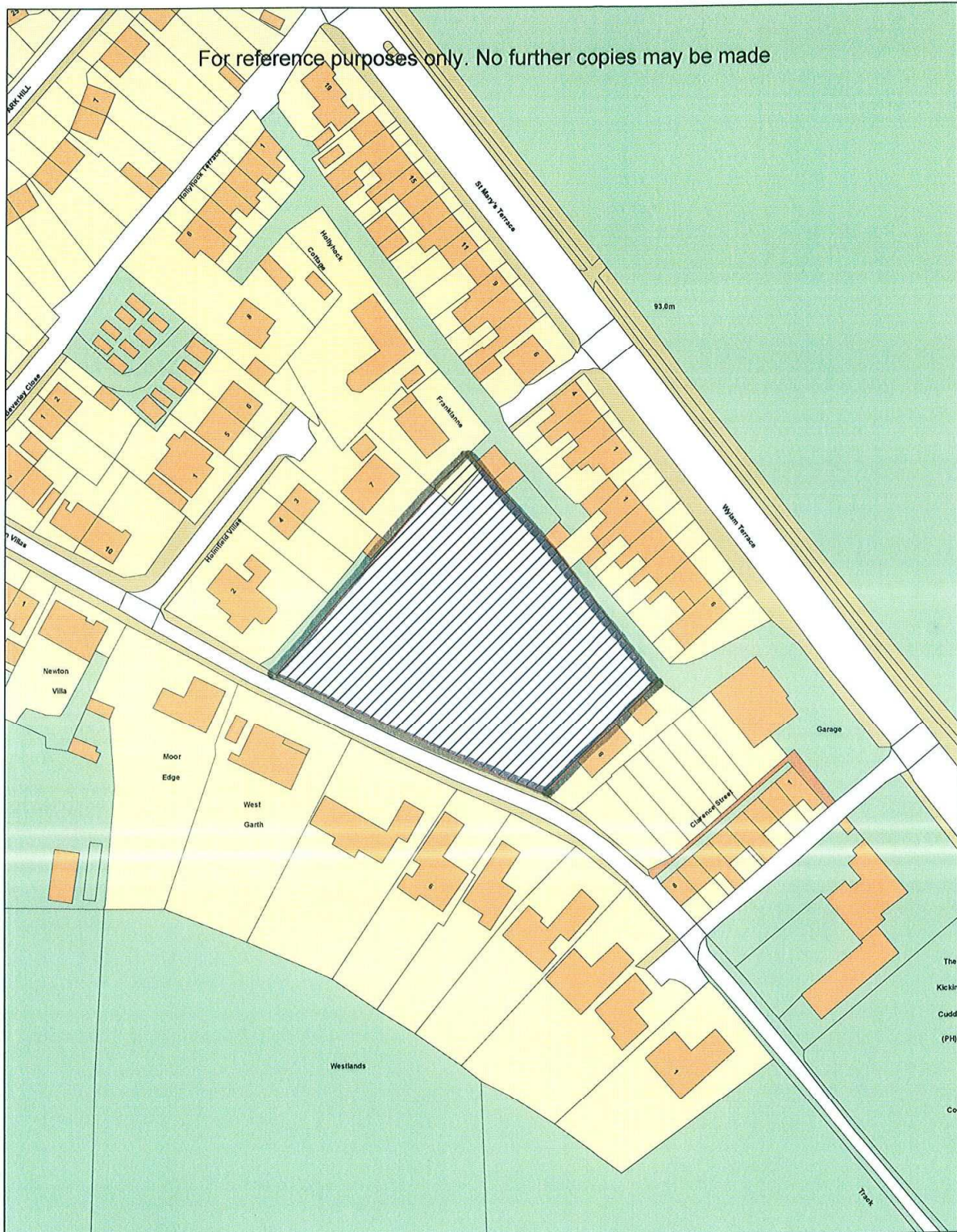
Responses from Highway Authority and Northumbrian Water Limited

Internal responses from Planning Policy Section and Ecology Section

Public Consultation Response



For reference purposes only. No further copies may be made



 Durham County Council	Planning Services		4/11/127/FPA Land Off Wylam Terrace, Coxhoe		
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