

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	PL/5/2011/0315
FULL APPLICATION DESCRIPTION:	DEMOLITION OF EXISTING BUILDINGS & ERECTION OF 2 NO. DWELLINGS AND THE CREATION OF A DOG WALKER AMENITY AREA
NAME OF APPLICANT:	MR C & A CAMPBELL
ADDRESS:	LAND ADJACENT WEST VIEW MURTON
ELECTORAL DIVISION:	Murton
CASE OFFICER:	Laura Martin 03000261960 Laura.martin@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

Site:

1. The application site relates to an area of land previously utilised by the former District of Easington Council as a cleansing site. It is located adjacent to the Murton Cricket Club ground and to the rear of the properties on West View. The buildings associated with the cleansing depot have been redundant for a number of years and have fallen into a state of disrepair. The area of land also includes an access track which is unadopted and in the ownership of the applicant.

Proposal:

2. Full planning permission is sought for the erection of 2 No. dwellings at the site. The existing buildings at the site would be demolished and in their place a 4.8 metre asphalt road created. To the frontage a 1.6 metre wide footway would be created a dropped kerb to the proposed driveways. Both properties would have a single driveway with visitor car and cycle parking to the south of the application site. In order to protect the properties from the adjacent cricket ground a 12 metre high fine mesh fence would be proposed to the rear of the dwellings and their garden areas.
3. The two properties would have 4 bedrooms with associated living facilities. In addition a feature balcony would be erected to the rear to allow views over the cricket ground. A small area of open space would be retained for a dog walker's amenity area, which includes a park bench. Following the demolition of the buildings the rear of the premises on West View would be secured with a 1.8metre high timber fence.
4. The application is brought before members for your determination at the request of County Councillor Alan Napier. The application was previously heard by members in

2012, however on going negotiations between the applicant and the Authorities Asset and Property Management Section have taken place in relation to rights of access over the land.

PLANNING HISTORY

PLAN/2007/0677 2 Dwellings Refused 6 November 2007

07/108 House and 2 flats Refused April 2007

PLANNING POLICY

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 1 - The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.
9. Part 6 - To boost significantly the supply of housing, applications should be considered in the context of the presumption in favour of sustainable development.
10. 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.

LOCAL PLAN POLICY:

11. District of Easington Local Plan
12. 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.
13. 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.

14. 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.

EMERGING POLICY:

15. The emerging County Durham Plan is now in Pre-Submission Draft form, having been the subject of a recent 8 week public consultation, and is due for submission in Spring 2014, ahead of Examination in Public. In accordance with paragraph 216 of the NPPF, decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. To this end, the following policies contained in the Pre-Submission Draft are considered relevant to the determination of the application:

16. Policy 16- Sustainable design in the built environment

This policy addresses the built environment and aims to ensure that all new development (e.g. extensions, alterations, changes of use of existing buildings) in County Durham achieves high standards of sustainable design. Applications for major new development must be accompanied by a full Sustainability Statement demonstrating how proposals will make a positive contribution to the character and sustainability of County Durham. A relevant supporting Sustainability Statement may be required for other development which raises particular planning or sustainability issues. In doing so applications should reference the principles of BREEAM to measure the inherent sustainability of a project.

17. Policy 18- Local Amenity

Planning has an important role to play in making sure that new development does not have, and is not at risk from, adverse environmental effects. Ensuring a good standard of amenity for all existing and future occupants of land and buildings is a core planning principle of the NPPF. New and existing development should not contribute to, or be put at risk from, pollution or other sources of nuisance or intrusion which could adversely affect amenity. This policy outlines the considerations to be taken into account in determining planning applications to ensure that amenity is protected from a wide range of potential environmental impacts.

18. Policy 34- Type and Mix of housing

Within County Durham there is a need for a mix of homes of different types and tenures to meet the requirements of a range of household sizes, ages and incomes. There may also be an over or under-supply of a particular house type in an area. The 2013 Strategic Housing Market Assessment update (SHMA) identifies the need and demand for and the supply of specific types of housing in County Durham. The difference between the supply and demand identifies the imbalances in the housing stock by type (i.e. detached, semi-detached, terraced, etc.) and size (measured in number of bedrooms).

19. Policy 39- Landscape Character

The Durham landscape is one of enormous contrast and diversity. From its western boundary high in the summit ridges of the North Pennines, to the limestone cliffs of

the North Sea coast, remote moorlands and pastoral dales give way to fertile settled farmlands. This diversity is a product of both natural and human influences. The varied rocks, landforms and soils of the County and differences in climate between the exposed uplands and sheltered lowlands have influenced both the natural flora of the landscape and the way it has been populated, managed and exploited by its people over the centuries.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

20. Parish Council- Do not object to the development in principal, but have major concerns regarding rights of access over the application site, and are seeking separate legal advice in this regard.
21. Northumbria Water- raises no objections

INTERNAL CONSULTEE RESPONSES:

22. County Councillor Alan Napier- concerns expressed in relation to the right of access over the site, which has been in existence for a large number of years.
23. Highways Section- raises no objections
24. Planning Policy Team- Raises no objections but questions the usefulness of the dog walker's amenity area.
25. Tree Officer- raises no objections subject to appropriate conditions relating to tree protection measures.
26. Design Section- raises no objections subject to appropriate conditions relating to materials and window and door designs.
27. Environmental Health Section- raises no objections but request a Phase 2 Contaminated Land report following an assessment of the submitted information in this respect.
28. Asset and Property Management- Advise they are dealing separately in respect of restrictive covenants at the site and welcome the signing of the S106 agreement in relation to access over the site.
29. Public Rights of Way Officer- advised that there are no defined public rights of way at the site.

PUBLIC RESPONSES:

30. The proposal was advertised by means of a site notice and by letter to 13 neighbouring properties within the area. No letters of representation have been received in respect of the above development.

APPLICANTS STATEMENT:

31. We would like to state that we consider the development a significant improvement on the site in its current state. Throughout the development, we have strived to satisfy the concerns raised in: -

- a) the previously failed application in 2007 [ref PLAN/2007/0677] and;
 - b) the specific issues noted in the informal enquiry [ref: IE/5/2011/0013]
32. Furthermore, as well as providing an economically viable development, we have also taken pride in the submitted scheme and are very confident, should the proposal come to fruition, that it will provide both the end users and local community a very positive built solution.
33. With regard to a specific issue raised by others, we reiterated that it is our intention to maintain the land/development as a through road and that both the North and South boundaries will remain open. Though it is not an issue in the approval of this application, the drawings also clearly demonstrate this.

PLANNING CONSIDERATIONS AND ASSESSMENT

34. The main planning considerations in the determination of the planning application are:
- Principle of development
 - Impact upon residential amenity
 - Impact upon visual amenity
 - Access issues

Principle of development: -

35. As previously developed land within the Murton village boundary, the site falls to be considered as a 'brownfield windfall' site, whereon residential development would be acceptable in principle. Therefore the proposed development would be in accordance with both Policy 67 of the saved 'District of Easington Local Plan and the NPPF.
36. It should also be noted that since the two previous refusals at the site the scheme has been amended and the dwellings relocated as part of pre-application discussions, therefore in that respect the scheme before members differs greatly from the previous two refusals.

Impact upon residential amenity: -

37. Dwellings should be designed so that the occupants have a pleasant outlook from the main habitable rooms and to ensure that there is reasonable privacy a minimum of 21 metres should normally be provided between main elevations.
38. There is a minimum of 30 metres between the front elevations of the proposed dwellings and the rear of the properties situated on West View. This is far in excess of the guidelines established in the Local Plan and as such it is not considered that loss of privacy or overlooking would be an issue at the site. As previously noted the rear elevations of the property would have views over the cricket ground, and as such privacy distances would not be applicable. In respect of the amenities of the occupiers of the properties the dwellings have been designed with patio areas to the rear and garden areas to side, which would ensure that there was sufficient amenity space in association with properties of this scale. Therefore in this respect it is considered that the proposed development would be in compliance with Policy 35 of the Local plan.

Impact upon visual amenity: -

39. In respect of the proposed impact upon visual amenity it is considered that due to the existing structures, which are to be removed, and the proposed design of the two dwellings, that the current levels of amenity would either be preserved or enhanced at the site. As previously stated the redundant buildings have fell into a state of disrepair and have become an unsightly mark on the landscape. It is considered that their removal would enhance the rear aspect of West View and wider views from the recreation and cricket grounds. In addition the proposed properties have been sensitively designed to tie in with the existing dwellings on West View being of a similar size and footprint.
40. Furthermore to ensure a high quality of development is achieved conditions relating to materials and window and doors would be attached to any approval.

Access issues:-

41. Since the last planning committee at which this application was heard the applicant has been in discussions with the Authorities Asset and Property Management Section and has drawn up a legal agreement for persons and vehicles to pass and re-pass over the access route. Therefore subject to the signing of the S106 agreement in relation to access rights over the land this is not considered to be an issue at the site.

CONCLUSION

42. As a result it is therefore considered that the proposed dwellings would not give rise to adverse impact upon both the current levels of residential and visual amenity at the site. In respect of the access issues this would be dealt with via the signing of a S106 agreement between the interested parties.
43. Taking all relevant planning matters into account it is considered that the proposal is acceptable given that it accords with both national and local policy. It is therefore not considered that it would have a detrimental impact upon the amenities of the surrounding area or the wider setting more generally that would justify refusal of this application.

RECOMMENDATION

That the application be **APPROVED** subject to the following conditions and the signing of a S106 agreement in relation to access;

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.Arboricultural Impact Assessment dated 21 July 2011 compiled by Barry Anderson of Dendra Consulting Ltd, Design and Access Statement, Phase 1: Desk Top Study Report by Geo Environmental Engineering ref 2011-086 dated 18 July 2011, A-00 Rev

A, A-01, A-02 Rev B, A-03 Rev A, A-04 Rev A and A-05 all received 25 July 2011.

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. No construction work shall take place, nor any site cabins, materials or machinery be brought on site until all trees and hedges, indicated on the approved tree protection plan as to be retained, are protected by the erection of fencing, placed as indicated on the plan and comprising a vertical and horizontal framework of scaffolding, well braced to resist impacts, and supporting temporary welded mesh fencing panels or similar approved in accordance with BS.5837:2005. No operations whatsoever, no alterations of ground levels, and no storage of any materials are to take place inside the fences, and no work is to be done such as to affect any tree. No operations whatsoever, no alterations of ground levels, and no storage of any materials are to take place inside the fences, and no work is to be done such as to affect any tree. No underground services trenches or service runs shall be laid out in root protection areas, as defined on the Tree Constraints Plan.

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.

4. Notwithstanding any details of materials submitted with the application no development shall commence until details of the make, colour and texture of all 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.

5. Notwithstanding the details submitted with the application, prior to the commencement of development full details including plans at a scale of 1:20 and cross sections, of the proposed windows and doors shall be submitted to and approved in writing by the Local planning authority. The windows and doors shall be installed 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.

6. The development hereby permitted shall not be commenced until 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.

The works specified in the Reclamation Method Statement shall then be carried out in completed in accordance with the approved scheme.

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 NPPF Part 8.

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 in compliance with the requirement in the National Planning Policy Framework to promote the delivery of sustainable development.

BACKGROUND PAPERS

- Submitted Application Forms and Plans.
- Design and Access Statement
- District of Easington Local Plan 2001
- National Planning Policy Framework
- Consultation Responses



Planning Services

Proposed **DEMOLITION OF EXISTING BUILDINGS & ERECTION OF 2 NO. DWELLINGS AND THE CREATION OF A DOG WALKER AMENITY AREA** at **LAND ADJACENT WEST VIEW, MURTON PL/5/2011/0315**

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Comments

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