

Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	PL/5/2011/0215
FULL APPLICATION DESCRIPTION	BUNGALOW (RESUBMISSION)
NAME OF APPLICANT	MR C FARN
SITE ADDRESS	LAND REAR OF 1 GRANGE TERRACE, SHOTTON COLLIERY, DH6 2JP
ELECTORAL DIVISION	SHOTTON
CASE OFFICER	Barry Gavillet 0191 5274305 barry.gavillet@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSAL

Site:

1. This application site lies within the settlement boundary of Shotton and relates to an area of backland behind a terrace of houses, consisting of private garden areas separated from their parent dwellings by a narrow rear lane. As the site is currently used as the applicants private garden area it is classed as being greenfield land. The site is bounded by Shotton Primary School, Shotton Airfield and other residential gardens and garage buildings. The site area is approximately 382 square metres.

Proposal:

2. This application proposes a 2 bedroomed detached bungalow, an existing detached garage on site would be retained and utilised. The bungalow would be an S – shape and would be approximately 4.5 metres at its highest point. The bungalow would be constructed of brick and tile similar to that used on surrounding buildings and would have a small private garden area to the rear.
3. It should be noted that two applications for bungalows on this site have previously been refused. However, in support of this new application, the applicant has submitted information which explains that a bungalow is required for disability reasons as the two storey dwelling where he currently resides is unsuitable. It is noted that such information was not submitted in respect of either of the two previous applications. More information in relation to this is detailed below in the applicants statement.

4. This application is being reported to committee on the request of a County Councillor.

PLANNING HISTORY

PL/5/2010/0380 – Bungalow, Refused

PL/5/2010/0574 – Bungalow, Refused

PLANNING POLICY

5. NATIONAL POLICY:

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

Planning Policy Statement 3: Housing (PPS3) underpins the delivery of the Government's strategic housing policy objectives and our goal to ensure that everyone has the opportunity to live in a decent home, which they can afford in a community where they want to live.

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 PLANNING 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. Of particular relevance are the following policies:

Policy 2 - Seeks to embed sustainable criteria through out the development process and influence the way in which people take about where to live and work; how to travel; how to dispose of waste; and how to use energy and other natural resources efficiently.

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.

Policy 7 - 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 - Seeks to promote measures such as high quality design in all development and redevelopment and promoting development that is sympathetic to its surroundings.

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 it is a matter for each Planning Authority to decide how much weight can now be attached to this intention.

7. LOCAL PLAN POLICY:

District of Easington Local Plan

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.

Policy 3 - Development limits are defined on the proposal and the inset maps. Development outside 'settlement limits' will be regarded as development within the countryside. Such development will therefore not be approved unless allowed by other policies.

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.

Policy 36 - The design and layout of development should ensure good access and encourage alternative means of travel to the private car.

Policy 67 - Housing development will be approved on previously developed land within settlement boundaries of established towns or villages provided the proposal is of appropriate scale and character and does not conflict with other policies in the plan.

The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www.durham.gov.uk/Pages/Service.aspx?ServiceId=7534>

CONSULTATION AND PUBLICITY RESPONSES

8. STATUTORY RESPONSES:

Parish Council – no response

Northumbrian Water – no objections

9. INTERNAL CONSULTEE RESPONSES:

Highways Officer – no objections subject to conditions relating to road improvements and surface water

Environmental Health – contaminated land study required

Planning Policy – The proposal is contrary to PPS3 and local plan policy 67

10. PUBLIC RESPONSES:

The application has been advertised by way of a site notice and letters to individual residents. One letter of objection has been received. The main reasons for objection are:

- The application has been refused on two previous occasions
- The site should remain as a garden area for future occupants of 1 Grange Terrace
- Adverse impact on residential amenity
- Concerns regarding the access

11. APPLICANTS STATEMENT:

Mr Farn is registered disabled and his current two-storey property is unsuitable to meet his disability needs. To meet these disability needs Mr Farn urgently requires accommodation that will provide all his accommodations needs at ground floor level so he has no stairs to negotiate. The bungalow development sought in this planning application will meet Mr Farn's disability needs. Mr Farn has occupied his current house for over 22 years and does not wish to move from Shotton Colliery where he has both family and friends. Mr Farn has sought to find suitable single-storey accommodation in Shotton but has not been successful and the proposed redevelopment of the rear garden to provide a bungalow is the only means by which Mr Farn can secure the ground level accommodation that will meet his disability needs.

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=113993>. Officer analysis of the issues raised and discussion as to their relevance to the proposal and recommendation made is contained below

PLANNING CONSIDERATION AND ASSESSMENT

The main planning considerations relating to this application are the relevant planning policies, residential amenity and the needs of the applicant.

12. Planning Policy

The application site is located in the detached garden area of part of a terrace of houses which are separated from their gardens by a rear service lane, the site comprises the garden of the applicant's property.

Being part of existing residential properties, the garden areas were previously regarded as previously developed land, which designation would carry with it the presumption that housing development would be acceptable in principle, however the government has recently made changes to Planning Policy Statement 3 – Housing (PPS3), which removes private residential gardens from the definition of previously developed land and as such, the application site is greenfield land.

Government policy in PPS3 is to maximise the re-use of previously developed land, and requires a sequential approach to the identification of housing sites, which prioritises the development of previously developed land in urban areas. As the proposal relates to a Greenfield site it is not considered to accord with the advice contained within PPS3.

Policy 67 of the District of Easington Local Plan also advises that brownfield sites within settlement boundaries should be given preference over previously undeveloped sites. It is noted that there are other allocated and brownfield sites within Shotton such as land at Fleming Field and Windsor Place, which are suitable for residential development and are yet to be developed. As such it is considered that there are sequentially preferable sites within Shotton, which are suitable for residential development.

13. Residential Amenity

'Saved' policy 1 (viii) of the Local Plan requires new development "to safeguard the visual and general amenity of people living and working within the vicinity of the site". Similarly, 'saved' policy 35 (iv) requires new development to "have no serious adverse affect on the amenity of people living and working in the vicinity of the development site and the existing use of adjacent land or buildings in terms of privacy, visual intrusion, noise, other pollutants and traffic generation".

It is considered that the principle of the development of these garden areas is unacceptable in that the outlook from the new dwelling would be onto a rear lane and standards of residential amenity would be unsatisfactory. It is located on an area of backland, which is classed as being previously undeveloped therefore if this application were to be approved, it would set a precedent for the rest of the gardens along the back lane to also be developed. As such, it is considered that the proposal would have adverse impacts on residential amenity for future occupiers and would set an undesirable precedent.

14. Needs of the applicant

The determination of planning applications must be made in accordance with relevant planning policies unless material considerations indicate otherwise. In this instance, although there is sympathy with the applicant's circumstances regarding disability, the issues raised seldom outweigh the more general planning considerations. In addition, it is noted that at the time of compiling this report, there are both previously developed sites within Shotton Colliery that are sequentially preferable for residential development and bungalows available for sale on the open market.

With regard to the letter of objection, it is considered that the access is suitable as stated by the highways officer. However, it is agreed that the site should remain as a garden area which would ensure that there is no loss of amenity to existing and future residents.

CONCLUSION

15. The proposal constitutes an unsatisfactory form of backland development on Greenfield land where future occupiers of the property would have a poor outlook onto a back lane. There are suitable brownfield sites in Shotton including land at Fleming Field and Windsor Place which have yet to be developed and as such the development should be resisted. It is acknowledged that the applicant requires a bungalow due to his disability, however this is not considered to outweigh the strong policy conflict that the development would create.

RECOMMENDATION

16. Recommendation that the application is **REFUSED** for the following reasons

Reasons for Refusal

1. The proposal is considered to constitute an unsatisfactory form of development on a previously undeveloped area of backland which would fail to provide an adequate level of amenity for the future occupants of the proposed dwelling and would set an undesirable precedent. There are also brownfield sites within Shotton which have not been developed and alternative bungalow accommodation for sale on the open market. Therefore, the proposal is considered to be contrary to PPS3 and 'saved' policies 1, 35 and 67 of the former District of Easington Local Plan.

BACKGROUND PAPERS

- Submitted Application Forms and Plans.
- Design and Access Statement
- North East of England Plan Regional Spatial Strategy to 2021 (RSS) July 2008
- District of Easington Local Plan 2001
- Planning Policy Statements / Guidance, PPS1, PPS3
- Consultation Responses

