

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/15/00542/FPA
FULL APPLICATION DESCRIPTION:	Construction of 10no. Dwellings
NAME OF APPLICANT:	Mr K Tallentire
ADDRESS:	Land Adjacent Fir Tree Inn, Durham Road, Wingate
ELECTORAL DIVISION:	Wingate
	Chris Baxter
CASE OFFICER:	Senior Planning Officer
	03000 263944
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DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site is a vacant parcel of land located adjacent to the Fir Tree Pub in Wingate. The site measures approximately 0.2 hectares in size. The site is surrounded by residential properties to the north, south and west. The residential property of Greenways is located to the north. Neighbouring property Hillcrest is located directly to the west. Neighbouring properties on Taylor Grove are located to the north west. Neighbouring properties on Durham Road are situated to the south opposite the adopted highway.

The Proposal

2. Planning permission is sought for residential development for 10 houses in total. All 10 properties are to be 4 bedroom dwellings, with a mix of semi-detached and linked units. There is a mix of two storey and two and a half storey properties. The two storey properties are proposed to be located on the south boundary adjacent to the highway. Each property has individual rear gardens as well as a parking space. 15 parking spaces are also included within the scheme.
3. The application is reported to the Planning Committee as it constitutes a major development.

PLANNING HISTORY

4. Outline permission was granted in 2005 for 4no. houses. In 2007 planning permission was granted for 7no. houses and this permission was extended in 2010. Currently the site does not have any valid planning permission.

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. *NPPF Part 1 – Building a Strong and Competitive Economy.* The Government attaches significant weight on the need to support economic growth through the planning system. Local Planning Authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century.
9. *NPPF Part 4 – Promoting Sustainable Transport.* Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
10. *NPPF Part 6 – Delivering a Wide Choice of High Quality Homes.* The Government advises Local Planning Authority's to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.
11. *NPPF Part 7 – Requiring Good Design.* 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.
12. *NPPF Part 8 – Promoting Healthy Communities.* The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
13. *NPPF Part 11 – Conserving and Enhancing the Natural Environment.* The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.

The above represents a summary of the NPPF considered most relevant the full text may be accessed at:

<http://www.communities.gov.uk/publications/planningandbuilding/nppf>

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 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.
16. *Policy 18* - Development which adversely affects a protected species or its habitat will only be approved where the reasons for development outweigh the value of the species or its habitat.
17. *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.
18. *Policy 36* - The design and layout of development should ensure good access and encourage alternative means of travel to the private car.
19. *Policy 37* - The design and layout of development should seek to minimise the level of parking provision (other than for cyclists and disabled people).
20. *Policy 66* - Developers will be required to make adequate provision for children's play space and outdoor recreation in relation to housing development of 10 or more dwellings. Provision may be secured elsewhere if it is inappropriate to make provision at the development site.
21. *Policy 67* – Housing development will be approved on previously developed sites within settlement boundaries of established towns and villages provided the proposal is appropriate in scale and character and does not conflict with specific policies relating to the settlement or the general policies of the plan.
22. *Policy 74* - Public Rights of Way will be improved, maintained and protected from development. Where development is considered acceptable, an appropriate landscaped alternative shall be provided.
23. *Policy 75* - Provision for cyclists and pedestrians will be reviewed to provide safe and convenient networks.
24. *Policy 77* - The Council will seek to encourage the improvement of the public transport service and the rail transport of freight in the district.

EMERGING POLICY:

25. Paragraph 216 of the NPPF says that 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. The County Durham Plan was submitted for Examination in Public in April 2014 and stage 1 of that Examination has been concluded.

However, the Inspector's Interim Report which followed, dated 18 February 2015, has raised issues in relation to the soundness of various elements of the plan. In the light of this, policies that may be relevant to an individual scheme and which are neither the subject of significant objection nor adverse comment in the Interim Report can carry limited weight. Those policies that have been subject to significant objection can carry only very limited weight. Equally, where policy has been amended, as set out in the Interim Report, then such amended policy can carry only very limited weight. Those policies that have been the subject of adverse comment in the interim report can carry no weight. Relevant policies and the weight to be afforded to them are discussed in the main body of the report.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

26. *Environment Agency* has.
27. *The Coal Authority* has not raised any objections.
28. *Northumbrian Water* has not raised any objections to the proposed development.
29. *Durham County Highways Authority* has not raised any objections to the proposed development.

INTERNAL CONSULTEE RESPONSES:

30. *County Drainage Team* has not raised any objections.
31. *County Tree Officer* has indicated that there are trees (including a tree covered by a tree preservation order) which will need to be protected during development.
32. *County Environmental Health (Noise and dust)* has not raised any objections in principle but has advised that a condition is imposed for noise attenuation details to be provided.
33. *County Environmental Health (Contaminated land)* has not raised any objections but has requested that conditions are attached to any permission requiring further investigation works on the site.
34. *County Ecology Section* has not raised any objections.

PUBLIC RESPONSES:

35. The application has been advertised in the local press and a site notice was posted. Neighbouring residents have also been notified in writing. No letters of representation have been received.

APPLICANTS STATEMENT:

36. The development of the Durham Road site will create a new residential scheme of 10 new homes on vacant land which was previously used as a quarry.
37. Prince Bishops Homes provides a wide range of quality properties to rent across County Durham and the North East of England and through our innovative rent to

buy scheme, Prince Bishop Homes help prospective purchasers into home ownership who would otherwise be unable to purchase their own home. The Prince Bishop Homes scheme is designed for those individuals who wish to purchase a home but cannot afford a mortgage or access funding. The scheme provides the opportunity for a purchaser to acquire the property after occupying the home for 4 years by giving a discount which can be used as a deposit when applying for a mortgage.

38. The new scheme will provide a range of 4 bedroom homes designed to meet the needs of growing families, close to the major transport links of Durham and the wider North East of England. Despite many challenges, the proposals for the site have been developed to create a scheme of high design quality which fits in to the local area and completes the development of the recently converted Fir Tree site.
39. The scheme will be delivered in partnership with Gus Robinson Developments, a locally based construction and housebuilding company with a proud tradition of delivering quality homes and for the training and development of its people. Gus Robinson Developments has been recognised nationally for its investment in the creation of new apprenticeships and development of its staff.

PLANNING CONSIDERATIONS AND ASSESSMENT

40. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of residential development of the site; highway and access issues; layout, design and visual amenity; residential amenity; section 106 contributions; and other issues.

Principle of residential development

41. This scheme proposes housing development on land that is located within the existing settlement boundary for Wingate. The proposed development therefore directly accords with policy 3 of the local plan which directs housing within the settlement of Wingate.
42. A key material consideration in determining this application should be the NPPF. A strategic policy objective of the NPPF is to support strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs. Local planning authorities are expected to boost significantly the supply of housing, consider housing applications in the context of the presumption in favour of sustainable development, and create sustainable, inclusive mixed communities in all areas both urban and rural. Housing should be in locations which offer a range of community facilities with good access to jobs, key services and infrastructure. Wingate has a good range of shops, services and public facilities which are all in suitable walking distance to the application site. On this basis the application site and the proposed development is considered to be sustainable and therefore in accordance with the sustainable principles of the NPPF.
43. The proposed development for housing is considered acceptable, as the residential scheme is located within the settlement boundaries for Wingate and would be sustainable development being within close walking distance to shops, services and

public facilities. The development would be in accordance with policy 3 of the local plan and the criteria detailed in the NPPF.

Highway and access issues

44. The layout of the estate has been designed so each property has a car parking space and this is an additional 5 visitor parking spaces. The access to the site is to be taken directly from Durham Road and it is considered that adequate visibility can be achieved at this access. County Durham Highways Authority have been consulted on the proposals and they have raised no concerns over the proposed parking provision or the access. It is therefore considered that the proposed scheme is acceptable in highway terms and highway safety would not be compromised.
45. The Highways Authority has noted that there are some existing speed humps on Durham Road which are located directly opposite the proposed access to the site. A revised traffic calming scheme along Durham Road, which would possibly involve the relocation of these speed humps, would need to be submitted prior to the properties being occupied. A condition is recommended accordingly.
46. Given the above, it is considered that the proposed development would not have an adverse impact on highway safety and the proposal would be in accordance with policies 36 and 37 of the local plan.

Layout, design and visual amenity

47. The existing site is currently vacant and does not contribute to the appearance of the street scene. The surrounding area is predominantly residential therefore the construction of residential properties would not look out of keeping. The properties along Durham Road are mainly two storey hipped roof dwellings. The proposed properties to be located on along the main road have been specifically designed as two storey hipped roof properties to match in with the existing houses along the street. The property on plot 1 originally had its main outlook facing east, with a gable elevation facing onto the main road. This house has been specifically designed to have a double frontage so the elevation onto the main road now has an active frontage with windows and a front door. It is considered that the properties along the front of the site have been designed well to ensure that they would not appear out of keeping with other houses in the area.
48. The neighbouring properties located within the site are to be two and half storey height. Given these properties would be within the site they would be partially screened by the properties located along the front of the site. The design of these properties is fairly standard modern designs and it is not considered they would appear unusual within the setting of the development.
49. Details submitted with the application indicate that the properties are to be constructed from facing brickwork, render and roof tiles. The specific type of materials has not been specified and a condition is recommended to ensure these details will be submitted. There is a mix of different type of materials in the street including brick and render. It is not considered that the proposed materials would appear out of keeping within the street scene.
50. There are existing trees on the site and the majority of these are to be retained. A landscaping scheme is also proposed which will mainly see planting along the south boundary of the site. This landscaping and planting will provide an attractive frontage to the site. No boundary treatment details have been submitted with the application and a condition is recommended for these details to be submitted.

51. Overall, it is considered that the proposed development would not appear intrusive within the surrounding streetscape and the design and layout of the properties and the estate would not have an adverse impact on the visual amenity of the surrounding area. The proposal is considered to be in accordance with policies 1, 35, 36 and 37 of the local plan.

Residential amenity

52. Internally within the site, the relationship between the proposed properties is acceptable as adequate separation distances are achieved between the dwellings. This would ensure that sufficient levels of privacy would be achieved for future occupiers of the new houses. Each new property would also have sufficient amounts of private rear garden amenity space. There are neighbouring properties located to the north and north east of the site which are sited over 21 metres from proposed properties. The neighbouring properties to the south are situated over 21 metres from proposed properties. The gable elevation of neighbouring property Hillcrest to the west is located 13 metres from proposed properties. These separation distances are considered acceptable and would ensure that adequate levels of privacy are maintained for existing residents. It is also considered given the positioning of the proposed properties and the orientation with surrounding dwellings, there would be no adverse overbearing or overshadowing issues created. It is considered that the proposed development would ensure neighbouring occupiers would not be detrimentally affected in terms of overbearing or overshadowing impacts or loss of privacy.

53. Environmental Management Contamination Officers have not raised any objections in principle to development on the site however they have indicated that further investigation works needs to be undertaken. These investigation works can be sought through a pre-commencement condition, and such a condition is recommended accordingly.

54. Environmental Management Noise Officers have also not raised any objections to the development in principle. It has been noted that the Fir Tree pub to the east of the site is currently undergoing conversion to a convenience store. As there are properties proposed to be built directly adjacent to the convenience store the Noise Officer has requested that a noise survey be undertaken. It is noted that the convenience store is only to be a small operation and not of a scale of a supermarket. There are also existing properties which surround the site of the convenience store which would experience any noise coming from the store. It is not considered appropriate in this instance for a noise survey to be required.

55. Overall, it is considered that the proposed development has been sensitively designed and would not have an adverse impact on the residential amenities of existing and future occupiers of the proposed properties and existing neighbouring dwellings. The development is considered to be in accordance with policies 1, 35, 36 and 37 of the local plan.

Section 106 contributions

56. As this is a major residential development of 10 houses, financial contributions are required towards other local functions and facilities within the vicinity of the site. A contribution of £5,000, based on the sum of £500 per dwelling, is therefore required towards the adequate provision for children's play space and outdoor recreation space in the electoral division of Wingate. These contributions are to be secured through a Section 106 legal agreement.

57. The above contributions would help to support and improve facilities within the surrounding locality for the benefit of occupiers of the additional properties and also existing residents of the local community and would be in accordance with policy 66 of the local plan and requirements detailed in the NPPF.

Other issues

58. The Coal Authority and Northumbrian Water have been consulted on the proposed application and no objections have been raised. The Council's Drainage Team have also not raised any objections to the proposed development.

59. The presence of a European Protected Species (EPS) is a material planning consideration. The Conservation of Habitats and Species Regulations 2010 have established a regime for dealing with derogations which involved the setting up of a licensing regime administered by Natural England. Under the requirements of the Regulations it is an offence to kill, injure or disturb the nesting or breeding places of protected species unless it is carried out with the benefit of a licence from Natural England.

60. Notwithstanding the licensing regime, the Local Planning Authority must discharge its duty under the regulations and also consider these tests when deciding whether to grant permission for a development which could harm an EPS. A Local Planning Authority failing to do so would be in breach of the regulations which requires all public bodies to have regard to the requirements of the Habitats Directive in the exercise of their functions.

61. The applicant has submitted a habitat survey which has been assessed by the Council's ecology officers. The survey has found that no protected species would be adversely affected by the proposed development, ecology officers concur with this conclusion although further information is requested. Given this, there is no requirement to obtain a licence from Natural England and therefore the granting of planning permission would not constitute a breach of the Conservation of Habitats and Species Regulations 2010. Notwithstanding the above, a condition is recommended which would ensure care is taken during construction in accordance with the recommendations in the submitted habitat survey. Subject to this mitigation, it is considered that the proposals would be in accordance with saved policy 18 of the Local Plan and part 11 of the NPPF.

62. The Environment Agency (EA) have not raised any concerns to the development in principle however they have raised objections as insufficient information has been submitted in relation to risk of pollution to controlled waters. The applicant has submitted information to overcome the objection and this information is currently with the EA for consideration.

CONCLUSION

63. The proposed development for housing is considered acceptable in principle. The residential scheme is located within the settlement boundaries for Wingate and would be sustainable development being within close walking distance to shops, services and public facilities. The development would be in accordance with policy 3 of the local plan and the criteria detailed in the NPPF.

64. The proposed development provides sufficient parking provision and a suitable access from the adopted highway of Durham Road. The County Highways Authority

have not raised any objections to the proposed development. Overall, the proposed development is considered acceptable in highway terms and would not adversely affect highway safety for pedestrians, vehicles or other highway users. The proposals would be in accordance with policies 36 and 37 of the local plan.

65. The proposed development would not appear intrusive within the surrounding streetscape and the design and layout of the properties and the estate would not have an adverse impact on the visual amenity of the surrounding area. The proposal is considered to be in accordance with policies 1, 35, 36 and 37 of the local plan.
66. The proposed development has been sensitively designed and would not have an adverse impact on the residential amenities of existing and future occupiers of the proposed properties and existing neighbouring dwellings. The development is considered to be in accordance with policies 1, 35, 36 and 37 of the local plan.
67. A number of improvements would also be facilitated within the surrounding area arising from developer contributions that would enhance sport and recreational provisions in the surrounding area. A developer contribution of £5,000 would be secured through a Section 106 legal agreement.
68. A detailed ecology survey has been submitted with the application and this survey has found that no protected species would be adversely affected by the proposed development, ecology officers concur with this conclusion. As such, it is considered that the proposed development would be in accordance with saved policy 18 of the District of Easington Local Plan and part 11 of the NPPF.

RECOMMENDATION

That Members **APPROVE** the application subject to the completion of a Section 106 Legal Agreement to secure the payment of £5,000 towards enhancements to sports provision and recreational areas in the locality; and 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 only in accordance with the approved plans and specifications contained within:

Plan Ref No.	Description	Date Received
14.18-101A	Site Location Plan	23/02/2015
14.018/103F	Proposed Site Plan	07/04/2015
14.018/104B	Proposed Landscaping Site Plan	25/03/2015
14.018/204A	4 Bed 2.5 Storey House Type B	23/02/2015
14.18/202D	Block 3 (Plots 7 & 8)	23/02/2015
14.18/203D	Block 1 (Plots 1 & 2)	23/02/2015
14.18/201C	Block 4 (Plots 9 & 10)	23/02/2015

Reason: To meet the objectives of saved Policies 1, 35 and 36 of the Easington District Local Plan and parts 1 and 4 of the NPPF.

3. No development shall commence until details of means of enclosures shall be submitted to and approved in writing by the Local planning authority. The development shall be undertaken in accordance with the approved details.

Reason: In the interests of the visual amenity of the area and to comply with policies 1 and 35 of the Easington District Local Plan.

4. Prior to the commencement of the development details of the surface treatment and construction of all hardsurfaced areas shall be submitted to and approved in writing by the Local planning authority. The development shall be undertaken in accordance with the approved details.

Reason: In the interests of the visual amenity of the area and to comply with policies 1 and 35 of the Easington District Local Plan.

5. 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 visual amenity of the area and to comply with policies 1 and 35 of the Easington District Local Plan.

6. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first available planting season following the practical completion of the development and any trees or plants which within a period of 5 years from the substantial completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of the visual amenity of the area and to comply with policies 1 and 35 of the Easington District Local Plan.

7. The development hereby approved shall be carried out in full accordance with all ecological mitigation measures, advice and recommendations within the Phase 1 Habitat Survey & Potential for Protected Species Survey prepared by All About Trees date issued 2nd March 2015.

Reason: To conserve protected species and their habitat in accordance with the objectives of saved Policy 18 of the Easington District Local Plan and part 11 of the NPPF.

8. Prior to any development commencing on site a scheme for revised traffic calming measures adjacent to the site on Durham Road must be submitted to and approved in writing by the Local Planning Authority. The approved scheme must be completed prior to the occupation of the first dwelling.

Reason: In the interest of highway safety and to comply with policies 36 and 37 of the Easington District Local Plan.

9. No development approved by this permission shall be commenced until:

- a) the application site has been subjected to a detailed site investigation report for the investigation and recording of contamination and has been submitted to and approved by the LPA;

- b) should contamination be found, detailed proposals for the removal, containment or otherwise rendering harmless such contamination (the 'contamination proposals') have been submitted to and approved by the LPA;
- c) for each part of the development, contamination proposals relevant to that part (or any part that would be affected by the development) shall be carried out either before or during such development;
- d) if during development works any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the contamination proposals then revised contamination proposals shall be submitted to the LPA; and
- e) if during development work, site contaminants are found in areas previously expected to be clean, then their remediation shall be carried out in line with the agreed contamination proposals.

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 risk to workers, neighbours and other offsite receptors in accordance with NPPF Part 11.

STATEMENT OF PROACTIVE ENGAGEMENT

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 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.

BACKGROUND PAPERS

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



Planning Services

**Construction of 10no. Dwellings at Land
Adjacent Fir Tree Inn, Durham Road,
Wingate Ref: DM/15/00542/FPA**

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**Date 11th February
2014**