

Planning Services

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
SITE ADDRESS	LAND ADJACENT WEST VIEW, MURTON
ELECTORAL DIVISION	Murton
CASE OFFICER	Laura Martin 0191 5274612 laura.martin@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSAL

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 fell 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.

PLANNING HISTORY

PLAN/2007/0677 2 Dwellings Refused 6 November 2007

07/108 House and 2 flats Refused April 2007

PLANNING POLICY

5 NATIONAL POLICY:

Planning Policy Statement 1 (PPS1) sets out the Government's 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 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 6 - Plans, strategies and programmes should support and incorporate the locational strategy to maximise the major assets and opportunities available in the North East and to regenerate those areas affected by social, economic and environmental problems.

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.

Policy 24 - Refers to the need to concentrate the majority of the Region's new development within the defined urban areas, and the need to utilise previously developed land wherever possible.

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 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 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- 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.

Northumbria Water- raises no objections

9 INTERNAL CONSULTEE RESPONSES:

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.

Highways Section- raises no objections

Planning Policy Team- Raises no objections but questions the usefulness of the dog walker's amenity area.

Tree Officer- raises no objections subject to appropriate conditions relating to tree protection measures.

Design Section- raises no objections subject to appropriate conditions relating to materials and window and door designs.

Environmental Health Section- raises no objections but request a Phase 2 Contaminated Land report following an assessment of the submitted information in this respect.

Asset and Property Management- no comments received.

Public Rights of Way Officer- advised that there are no defined public rights of way at the site.

10 PUBLIC RESPONSES:

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.

11 APPLICANTS STATEMENT:

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] earlier this year.

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.

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.

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=114889> 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 in the determination of the planning application are

- Principle of development
- Impact upon residential amenity
- Impact upon visual amenity
- Access issues

12 Principle of development: -

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 Planning Policy Statements 1 and 3.

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.

13 Impact upon residential amenity: -

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.

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.

14 Impact upon visual amenity: -

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.

Furthermore to ensure a high quality of development is achieved conditions relating to materials and window and doors would be attached to any approval.

15 Access issues

The access issues, which the Parish Council and County Councillor Napier have referred to, are matters, which cannot be afforded any weight in the determination of the planning application. They are separate legal issues, which cannot be taken into account in the determination of the application. In the case of claimed public rights of way, there is a separate statutory procedure (Modification Order application) for such claims to be determined and in the case of any claimed private rights of way, this is a private law matter to be resolved between the landowners. Therefore in this respect the issue of access rights over the site are not a material planning consideration and the application must be judged upon its merits alone.

CONCLUSION

- 16 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 is private legal matter, which would be for interested parties to pursue and should not be taken into account in the determination of the application.
- 17 Taking all relevant planning matters into account it is considered that the proposal is acceptable given that it accords with both national, regional 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

- 18 That the application be **APPROVED** subject to the following conditions;

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; 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:
 - a) A desk-top study is carried out to identify and evaluate all potential sources of contamination and the impacts on land and/or controlled waters, relevant to the site. The desk-top study shall establish a 'conceptual site model' and identify all plausible pollutant linkages. Furthermore, the assessment shall set objectives for intrusive site investigation works/Quantitative Risk Assessment (or state if none required). Two copies of the study shall be submitted to and approved in writing by the Local Planning Authority if identified as being required following the completion of the desk-top study.
 - b) The application site has been subjected to a detailed scheme for the investigation and recording of contamination, and remediation objectives have been determined through risk assessment, and agreed in writing with the Local Planning Authority.
 - c) 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 Planning Policy Statement 23 - Planning and Pollution Control.

REASONS FOR THE RECOMMENDATION

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

DISTRICT OF EASINGTON LOCAL PLAN	ENV35 - Environmental Design: Impact of Development
DISTRICT OF EASINGTON LOCAL PLAN	GEN01 - General Principles of Development
DISTRICT OF EASINGTON LOCAL PLAN	HOU67 - Windfall housing sites
PLANNING POLICY STATEMENT/GUIDANCE	PPS1 - Delivering Sustainable Development
PLANNING POLICY STATEMENT/GUIDANCE	PPS3 - Housing
REGIONAL SPATIAL STRATEGY	Policy 2 - (Sustainable Development)
REGIONAL SPATIAL STRATEGY	Policy 24 - (Delivering Sustainable Communities)
PLANNING POLICY STATEMENT/GUIDANCE	Policy 4 - (Sequential Approach)
PLANNING POLICY STATEMENT/GUIDANCE	Policy 6 - (Locational Strategy)
REGIONAL SPATIAL STRATEGY	Policy 7 - (Connectivity and Accessibility)
REGIONAL SPATIAL STRATEGY	Policy 8 - (Protecting and Enhancing the Environment)
2. In particular the development was considered acceptable having regard to consideration of issues of visual and residential amenity and access issues
3. The stated grounds of objection concerning access rights and rights of way were not considered sufficient to lead to reasons to refuse the application as they are not material planning considerations and are a separate legal matter for the interested parties to pursue.

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, PPG2, PPS3, PPS7, PPS9, PPS13, PPG15, PPG16
- Consultation Responses

