

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/15/01747/FPA
FULL APPLICATION DESCRIPTION:	Dwellinghouse
NAME OF APPLICANT:	Mr M Lawson
ADDRESS:	Land Rear of 2 Seaside Lane South, Easington, Peterlee, SR8 3PN
ELECTORAL DIVISION:	Easington
	Laura Eden
CASE OFFICER:	laura.eden@durham.gov.uk 03000 263980

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site is greenfield land located within an established residential area within the settlement limits for Easington Colliery. Immediately adjacent to the site are garden plots presumably associated with properties located within Seaside Lane South. To the south and east are newly constructed modern residential developments, to the west is a former community centre that has recently been converted to a residential dwelling and to the north lies Seaside Lane South which mainly comprises of terraced residential properties however there are some interspersed commercial ventures.

The Proposal

2. The application seeks full planning permission for the erection of a three bedroomed, 2.5 storey dwelling measuring a maximum of 5.85m in width by 11.25 in length. The pitched roof of the dwelling would measure 9m to ridge height and 5m to eaves height. It is proposed that the property would be built from red facing brickwork with grey mortar, a tiled roof and white UPVC doubled glazed units.
3. The property would front out onto Welfare Close, benefiting from a landscaped front garden. To the rear it is proposed there would be some private amenity space and provision for three off-street car parking spaces with access gained off the rear lane to Seaside Lane South.
4. The application is brought before members at the request of Councillor Boyes on grounds of highways access and parking issues.

PLANNING HISTORY

5. Nothing relevant to the actual development site although there have been recent approvals for larger housing developments to the south and east of the site.

PLANNING POLICY

NATIONAL POLICY

National Planning Policy Framework

6. 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
7. 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'
8. In accordance with paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policy will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight. The relevance of this issue is discussed, where appropriate, in the assessment section of the report below
9. The following elements of the NPPF are considered relevant to this proposal
10. Part 4 – Promoting Sustainable Transport. Transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives
11. Part 6 – Delivering a Wide Choice of High Quality Homes. To boost significantly the supply of housing, applications should be considered in the context of the presumption in favour of sustainable development
12. 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
13. 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.
14. 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, minimising impacts on biodiversity and providing net gains where possible; preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and

remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

LOCAL PLAN POLICY

Easington Local Plan

15. 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.
16. 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.
17. Policy 36 - The design and layout of development should ensure good access and encourage alternative means of travel to the private car.
18. 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.

RELEVANT EMERGING POLICY

The County Durham Plan

19. In considering this proposal due regard should be had to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act (2004) which requires that proposals be determined in accordance with the statutory development plan, unless other material considerations indicate otherwise. In respect to this part of County Durham the statutory development plan currently comprises the 'saved' elements of the City of Durham Local Plan that are consistent with the National Planning Policy Framework (NPPF). Due regard should also be had to relevant parts of the National Planning Policy Framework (NPPF) and national Planning Practice Guidance (PPG) as a material consideration. In conjunction with these material considerations regard should also continue to be had to the most up to date relevant evidence base.
20. 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 in the development management process.

21. In light of the above it is considered appropriate to draw attention to the relevant components of the emerging Plan in this report to which a degree of weight can be attached. However, the weight that can be attributed to these emerging policies is of such a limited level that it should not be the overriding decisive factor in the decision making process.
22. Policy 1 (Sustainable Development) – States that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.
23. Policy 15 (Development on Unallocated Sites) – States that all development on sites that are not allocated in the County Durham Plan will be permitted provided the development is appropriate in scale, design and location; does not result in the loss of a settlement last community building or facility; is compatible with and does not prejudice any intended use of adjacent sites; and would not involve development in the countryside that does not meet the criteria defined in Policy 35.
24. Policy 18 (Local Amenity) – Seeks to protect the amenity of people living and/or working in the vicinity of a proposed development in terms of noise, vibration, odour, dust, fumes and other emissions, light pollution, overlooking, visual intrusion, visual dominance, loss of light or loss of privacy.
25. Policy 48 (Delivering Sustainable Transport) – All development shall deliver sustainable travel by delivering, accommodating and facilitating investment in sustainable modes of transport; providing appropriate, well designed, permeable and direct routes for all modes of transport; and ensuring that any vehicular traffic generated by new development can be safely accommodated.

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.cartoplus.co.uk/durham/text/00cont.htm>.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

26. Northumbrian Water Limited – No comment to make at this stage

INTERNAL CONSULTEE RESPONSES:

27. Contaminated Land - No requirement for contaminated land condition
28. Highways – No objection
29. Environmental Health – Recommend condition in relation to hours of construction
30. Trees – No objection

PUBLIC RESPONSES:

31. The application has been publicised by way of a site notice in addition to individual notification letters to neighbouring residents. A letter of objection has been received from the Parish Council, a 25 signature petition and five individual letters of objection have been received raising concerns relating to:

- The principle of development
- Highways concerns
- Loss of amenity space
- Impact on the adjacent gardens in terms of loss of light
- Impact on wildlife
- Covenants on the land potentially restricting the erection of buildings

APPLICANTS STATEMENT:

The applicant wanted to develop the existing site, which was formerly used as an allotment garden but had become disused and had laid dormant over several years to be a worthy family home. A number of these allotments now have been built upon to form new residences. It is the clients intention to build a new family home on this parcel of land to breathe new life into the area, the house will be a decent size 3 Bedroom family home with a private garden to the rear and 3 car parking spaces, to alleviate any 'on street' parking. Every care was taken into consideration when designing the property to ensure that it wasn't just speculatively built to sell on. A pre-submission application was made and the Planning officers comments were implemented into the design now presented. The design brief was particularly family oriented with the 'living' areas overseeing the garden, and also:

- To create a modern high specification, low cost energy efficient house matching and reflective of the vernacular architecture of the area.
- The new house is in keeping with work previously carried out in the surrounding area.
- To create an 'off street' parking area.
- To create and utilise a rear garden area for family use.

The design has been carefully and thoroughly considered to compliment the clients wish for this family house and to make the best use of a parcel of vacant land.

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 online

PLANNING CONSIDERATIONS AND ASSESSMENT

32. As identified in Section 38(6) of the Planning and Compulsory Purchase Act 2004, the key consideration in the determination of a planning application is the development plan. Applications should be determined in accordance with the development plan unless material considerations indicate otherwise. However the NPPF provides that where relevant policies in a development plan are absent, silent or out-of-date, a presumption in favour of sustainable development should apply.
33. The main considerations in regard to this application are the principle of the development, residential amenity, visual amenity, loss of open space and highway matters

Principle of Development

34. The application site is located within the settlement limits for Easington Colliery, as defined by the Easington Local Plan Proposals Map. Saved Policy 67 of the Local Plan sets out that small scale residential developments will be acceptable within these settlement limits provided the site is classed as previously developed land.
35. In accordance with paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policies will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight. In this respect it is considered that the general approach of Policy 67 in terms of directing development to settlements best able to support it is consistent with the NPPF and the promotion of sustainable patterns of development. While the NPPF does promote the use of previously developed land there has been a shift to an assessment of the overall sustainability of a site, and the development of greenfield sites, including garden curtilages, is not precluded.
36. In assessing the sustainability of the site, it is considered that it performs particularly well, being located within walking distance of the services, amenities and employment sites while being in close proximity to public transport networks. Future residents would therefore have ready access to these facilities without the need to utilise the private motor car.
37. Overall it is considered that the proposed development is located in a sustainable location. Although part of the dwelling would represent development on a Greenfield Site, in conflict with saved policy 67, in principle the location of the proposed residential development is acceptable, following appraisal against relevant national policies. The relevant local plan policy is considered to be out of date given its inconsistency with more up to date policy contained within the NPPF which applies a presumption in favour of sustainable development. On this basis the principle of development is acceptable.

Residential Amenity

38. In terms of neighbouring amenity policy 35 of the local plan aims to ensure that developments have no serious adverse effect on the amenity of people living and working in the vicinity of the development site and the existing use of land or buildings in terms of privacy, visual intrusion, noise, other pollutants and traffic generation. The policy is in accordance with the NPPF as it too seeks to secure a good standard of amenity for all existing and future occupants of land and buildings. Policy 18 of the emerging plan is concerned with residential amenity however it only carries limited weight.
39. Distancing standards outlined in the local plan recommend that a minimum of 21 metres is achieved between opposing elevations containing habitable windows. These distances are achieved between the proposed dwelling and opposing properties to both the north and south of the site. As a result it is not considered that the proposal would give rise to any significant adverse impact on residential amenity in terms of overlooking.
40. A number of objections have been received in relation to the current proposal mainly concerned with how the development would impact on the adjacent garden/allotment plots particularly the one that lies to the west of the site which benefits from polytunnels, greenhouses etc. Whilst it is acknowledged that there will be some overshadowing to the gardens as a result of the proposed dwelling this would be limited to certain times of the day. The dwelling is regarded by objectors as being excessive in terms of its footprint or scale being 11.25 metres long compared to a site length of 29 metres. Whilst the concerns of residents are appreciated and duly

noted it is not considered that overshadowing would occur to an extent that would justify refusal of the current application.

Visual Amenity and Loss of Open Space

41. The NPPF and in particular Section 7 deals with good design as it requires proposals to respect neighbouring properties and the local area more generally. At a local level Policy 35 of the Easington Local Plan requires the design and layout of developments to reflect the scale and character of adjacent buildings and the area generally, particularly in terms of site coverage, height, roof style, detailed design and materials.
42. The surrounding area is predominantly residential in nature comprised of a variety of different housing types that have various forms, styles and massing with no predominant theme to replicate. The private allotment/garden area is not considered to have any significant function or visual importance with regard to the character of the area given it is fully enclosed by a 1.8m high fence and currently lies overgrown and untidy. In this sense it is not considered to represent 'open' space in the context of Policy 92 of the Easington Local Plan.
43. The property design is largely reflective of the more modern properties that have been built in the surrounding area albeit on this occasion accommodation is proposed in the roof space. This has made the overall height of the build somewhat higher than neighbouring properties albeit not significantly. The application forms state that materials would be used to replicate those of the six dwellings constructed to the east however this would be secured by means of a condition. Overall the development is considered to result in a visual improvement to the current land conditions.

Highways

44. The principle of residential development served by the adopted rear lane_ to Seaside Lane South and Welfare Close has been accepted in relation to six dwellings that were constructed to the east of the site following approval of application 02/0475 and more recently the approval of 24 houses and flats to the south of the site granted consent as part of 5/PL/2009/0029. The dwelling proposed as part of this application would seek to gain vehicular access off the rear lane serving Seaside Lane South. The property would benefit from off-street parking capable of accommodating three motor vehicles which would be deemed to comply with Durham County Council's Residential Car Parking Standards. On this basis the proposals would be deemed to be acceptable from a highways point of view therefore no objection has been raised by colleagues in the highways section.
45. It is noted that concerns have been raised by local residents about highway safety concerns with regards to the congested nature of the rear lane. Although their concerns are appreciated and duly noted officers do not consider that there is a highway safety issue in relation to the application.

Other Issues

46. The site is not at risk of flooding and surface water drainage will be subject to the requirements of Building Regulations.
47. The Contaminated Land Officer has assessed the available information and historical maps and has confirmed there is no requirement for a land contamination condition.
48. The tree officer has assessed the proposal. He notes that the land is overgrown with common weeds. There are no substantial tree species on or adjacent to the site only

self-seeded small tree species or associated shrubs such as common elder. On this basis individual tree preservation orders would not be warranted and therefore the tree officer offers no objection to the scheme. An informative is proposed in relation to bats and birds given that vegetation is proposed to be removed.

49. An informative is proposed to advise the Applicant of their responsibility in respect of noise, dust and construction hours. Building work is a temporary inconvenience and would not be a reason to withhold planning consent.
50. Issues surrounding covenants are a legal matter outside the remit of the planning system. It would be the developer's responsibility to ensure they had all the necessary consents in place prior to commencing building work.

CONCLUSION

51. In conclusion, the location of the proposed development is considered sustainable as it is well related to the existing settlement. It is considered that the site has the potential to be developed without causing an adverse impact to residential and visual amenity in addition to highway safety. It is considered that all other matters can be dealt with by means of Conditions and Informatives. As a result, it is considered that the proposal is in accordance with the intentions of National Planning Policy Framework. Although there is some conflict with policy 67 of the local plan it would be considered to be a minor departure that is justified by the presumption in favour of sustainable developed adopted by the NPPF. Whilst objectors' concerns are appreciated and duly noted it is not considered they would amount to reasons to refuse planning consent.

RECOMMENDATION

That the application be **APPROVED** 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 in strict accordance with the following approved documents. Application Form, drg. no. EX/001, drg. no. PPL/001 and drg. no. PPL/002 all received 04/06/2015, contaminated land risk screening assessment received 12/06/2015, drg. no BR/009 received 24/06/2015.
Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with saved Policies 1, 35 and 67 of the Easington Local Plan.
3. Notwithstanding any details of materials submitted with the application no development shall commence until samples of the external 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, 35 and 67 of the Easington Local Plan. Required to be pre-commencement as construction matters must be agreed prior to development commencing.

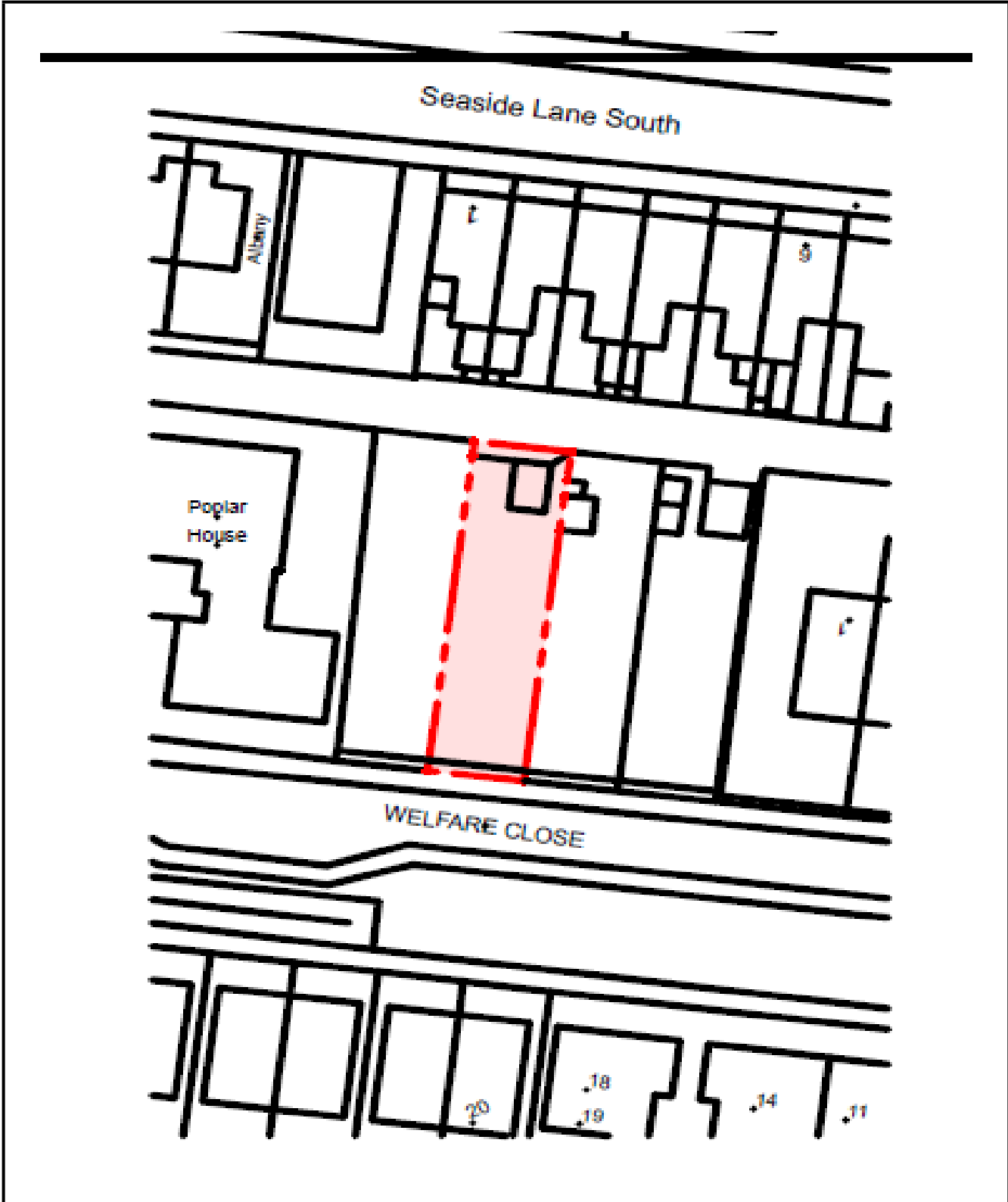
4. Prior to the commencement of the development, details of means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. The enclosures shall be constructed in accordance with the approved details prior to the occupation of the dwelling.
Reason: In the interests of the visual amenity of the area and to comply with saved Policies 1 and 35 of the Easington Local Plan. Required to be pre-commencement as construction matters must be agreed prior to development commencing.
5. 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 appearance of the area and to comply with saved policies 1 and 35 of the District of Easington Local Plan. Required to be pre-commencement as construction matters must be agreed prior to development commencing.

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

BACKGROUND PAPERS

- Submitted Application Forms and Drawings
- Contaminated Land Screening Assessment
- National Planning Policy Framework
- Easington Local Plan 2001
- Emerging County Durham Plan
- Consultation Responses



Planning Services

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Dwellinghouse
Land Rear of 2 Seaside Lane South,
Easington, Peterlee, SR8 3PN

Comments

Date. 8 September 2015

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