

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/15/02384/FPA
FULL APPLICATION DESCRIPTION:	Construction of 12 no. dwellings with associated parking, access landscaping and alteration to bus shelter.
NAME OF APPLICANT:	Mr C Hogan
ADDRESS:	Land opposite St Pauls Church, Commercial Street, Trimdon Station
ELECTORAL DIVISION:	Trimdon and Thornley
CASE OFFICER:	Barry Gavillet, Senior Planning Officer, barry.gavillet@durham.gov.uk 03000 261958

DESCRIPTION OF THE SITE AND PROPOSALS

Site:

1. This site lies within the settlement boundary of Trimdon on a brownfield site at the junction of Commercial Street and Rodwell Street and extends to an area of approximately 0.13 ha. The existing site is cleared of the original buildings which were demolished approximately 8 years ago and the site has remained undeveloped due to the economic downturn. Previous uses on the site included a Presbyterian Church on the southern corner with two storey flat-roofed shop units, car parking, delivery yard and enclosed outbuildings which were accessed from the rear lane to the north of the site. The existing buildings had become vandalised and were unsuitable for conversion hence the decision to demolish with a view to develop the site for housing.
2. The site is surrounded by residential properties, commercial and retail units and a church. A bus stop with regular services is also located to the front of the site.

Proposal:

3. This proposal seeks planning permission for 12 two bedroomed and three bedroomed (room in the roof) starter homes each with a parking space and a private rear garden, two additional parking spaces would be provided for visitors. The dwellings would be accessed from a parking court to the frontage and rear lane.
4. The houses would be built using facing red brick, with contrasting brick and cast stone detailing and door canopies for visual interest. The dwellings would be enclosed at the rear by 1.8m high close boarded timber fencing with lockable, gated access.
5. This application is being reported to committee as it is classed as a major application.

PLANNING HISTORY

6. 8 dwellings were approved on the site in 2007, this approval has now expired.

PLANNING POLICY

NATIONAL POLICY:

7. *Part 1* - The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.
8. *Part 4* - Transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. Smarter use of technologies can reduce the need to travel. The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. However, the Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas.
9. *Part 6* - To boost significantly the supply of housing, applications should be considered in the context of the presumption in favour of sustainable development.
10. *Part 7* - The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
11. *Part 8* - 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.
12. *Part 10* - Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development.

LOCAL PLAN POLICY:

District of Easington Local Plan

13. *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.
14. *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.

15. *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.
16. *Policy 36* - The design and layout of development should ensure good access and encourage alternative means of travel to the private car.
17. *Policy 37* - The design and layout of development should seek to minimise the level of parking provision (other than for cyclists and disabled people).
18. *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.
19. *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

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 and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 18 February 2015, however that report was Quashed by the High Court following a successful Judicial Review challenge by the Council. As part of the High Court Order, the Council has withdrawn the CDP from examination. In the light of this, policies of the CDP can no longer carry any weight at the present time.

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:

21. Trimdon Parish Council are broadly in favour of the proposals but wish to ensure that highways matters are fully considered.
22. Northumbrian Water have no objections subject to a condition requiring a foul and surface water drainage.

INTERNAL CONSULTEE RESPONSES:

23. Highways Officers have no objections to the proposals subject to a condition requiring details of the bus shelter relocation.

PUBLIC RESPONSES:

24. None received.

APPLICANTS STATEMENT:

25. The existing buildings had become vandalised and were unsuitable for adaptation hence the decision to demolish with a view to develop the site for housing. Ongoing anti-social behaviour is an issue particularly around the existing bus stop. This opportunity will provide better security and allow the provision of much needed starter homes in the centre of Trimdon Colliery.
26. The existing bus stop shelter, presently set into the front boundary of the site, provides a concealed area which is unsupervised. A new cantilevered canopy is proposed to replace the existing shelter to enable the boundary to follow the existing pavement line providing a more open aspect discouraging anti-social behaviour and provide better sightlines from the junction allowing the front garden area to the houses to be soft landscaped enclosed by a low timber fence in keeping with the adjacent housing fencing..
27. The proposal is to build 12no. 2 bedroomed and 3 bedroomed [room in the roof] starter homes each with a parking space and an accessible private rear garden, each with water butt and whirly-gig clothes dryer for residents' amenity accessed from the parking court to the frontage and the back lane. 2 additional parking spaces have been provided for visitors with additional existing on-street parking for visitors available.
28. The houses will be brick built chosen to blend sympathetically with their location, with contrasting brick/ cast stone detailing and door canopies for visual interest. The simple roof lines and set backs to the façade create a courtyard for parking which is well supervised and secure. 1.8m high close boarded timber fencing enclose the rear gardens with lockable, gated access to provide quiet, secure spaces for families with clothes drying space, hard standing for recycling and green bins together with rainwater butts for garden watering reducing potable water use.
29. Previous discussions with Council Planning and Highway Officers set the principles for development and confirmed that the rear lane is private providing private rear accesses to the rear gardens which will be gated to prevent unauthorised access for better security.
30. The construction will be designed using a 'fabric first' approach using high levels of insulation, weather-stripping, air tightness and efficient ventilation, backed up with water saving taps, high efficiency boilers and thermostatically controlled space heating to further reduce energy consumption, lowering running costs and making sure the houses are warm and comfortable.
31. Dere Street Homes and Durham Council first identified the site as suitable for residential re-development for social housing in 2008. The development of housing on this site brings investment into Trimdon Colliery for the betterment of the village.

32. Conclusion:

The provision of 12 new starter homes in the centre of Trimdon Colliery:

- provides much needed housing with private garden spaces and in-curtilage parking for young families and older people seeking to downsize from larger properties, while staying in the village close to family and their support network,
- improves the existing bus stop arrangement,
- overcomes a number of ongoing anti-social behaviour problems, identified by local ward councillors,
- has been designed using Secured By Design principles to provide better security for residents and people using the improved bus stop close to local services and facilities, making the centre of Trimdon Colliery more attractive to ongoing inward investment and improvement.

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://82.113.161.89/WAM/showCaseFile.do?action=show&appType=planning&appNumber=10/00955/FPA>

PLANNING CONSIDERATIONS AND ASSESSMENT

33. 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 development, design and layout and highways issues.

Principle of the development

34. The key planning policy issues arising from this proposal which require due consideration in the determination of the application are the sustainability of the location and degree of accordance with existing policies and the National Planning Policy Framework. It should be noted however, that existing local plan policies relating to settlement boundaries are now out of date and therefore the NPPF carries more weight.

35. The former District Council considered that housing development should normally only be approved on sites within the towns and villages of the former District, this is reflected in the saved Local Plan Policies along with the emerging County Durham Plan and the National Planning Policy Framework. There are a number of reasons for this; mainly that new development within the settlements helps to maintain the compact and coherent urban form, which is most appropriate for the support of shops, community facilities and public services and which promotes sustainable forms of development.

36. Policy 67 of the Local Plan states that housing development will be approved on previously developed sites within settlement boundaries of established towns and villages. The application site is brownfield, it has very good access to local shops, public transport links and community facilities, and on this basis officers consider the site to be in a sustainable location within the settlement boundary. It is therefore considered that the proposal is wholly in accordance with policy 67 of the Local Plan.

37. In addition to the existing Local Plan the NPPF is most relevant to the consideration of this proposal being the most up to date planning policy framework. At the heart of

the NPPF is 'the presumption in favour of sustainable development'. In terms of pursuing sustainable development the NPPF sets out positive improvements to be sought which includes improving the conditions in which people live, work, travel and take leisure; and widening the choice of high quality homes.

38. It is considered that the development of the land in question has the potential to deliver these improvements. In addition to the above, the NPPF encourages the reuse of brownfield land such as this application site and saved Policy 3 of the District of Easington Local Plan advises that development within settlement boundaries such as proposed should be favoured over development in the countryside. The proposed development site is considered to be a highly sustainable location for residential development given its location in Trimdon with good access to community facilities such as schools, healthcare provision, shops and public transport links.
39. Overall the proposals are considered to be in accordance with both the saved policies in the District of Easington Local Plan and the National Planning Policy Framework and are therefore acceptable in principle.

Design and layout

40. Policy 35 of the Easington Local Plan requires that development should reflect the scale and character of adjacent buildings and the area generally, provide adequate open space, appropriate landscape features and screening, and not be visually intrusive. Policy 1 reflects this in that development should be of a high standard of design and landscaping which relates well to the natural and built features of the site, the surrounding area and adjacent land uses. National guidance expects due regard to be had to the protection of the local environment.
41. In addition, policies 1 and 35 aim to safeguard the general amenity of people living and working within the vicinity of the site and the existing use of adjacent land or buildings in terms of privacy, visual intrusion, noise or other pollutants.
42. In terms of the impact on the amenity of existing residents who surround the site, the distancing standards as set out in the District of Easington Local Plan are adhered to in all instances. These standards state that a minimum of 21 metres between main elevations facing each other and 13.5 metres between main elevations and gables should be achieved in order to ensure there are no adverse impacts in terms of overlooking, loss of privacy, loss of light or overshadowing. In terms of the privacy distances between dwellings either within or surrounding the proposed site there are no instances where these standards are not met.
43. As noted earlier in the report, the proposed two storey dwellings would be traditional in design and would be constructed with brick and concrete tiled roofs. Various types of boundary enclosures would be used including timber close boarded fencing and landscaping would be planted throughout the development.
44. Overall, it is considered that the proposals would lead to a good quality housing scheme on what is now a derelict site. On balance having regards to part 7 of the NPPF and the most applicable Policies of the District of Easington Local Plan officers raise no objections to the application having regards to design and layout.

Highways Issues

45. Highways officers have been consulted on the scheme and have confirmed that the level of car parking provision on site is adequate. However officers initially objected

to the means of access stating that the proposed visibility splays were inadequate. In order to justify these visibility splays the applicant commissioned a vehicle speed survey to the front of the site, which confirmed average vehicle speeds of 26mph northbound and 28.2mph southbound. Officers have assessed the vehicle speed survey and have now confirmed that the proposed visibility splays at the access points are acceptable.

46. As stated earlier in the report a bus stop and shelter is located directly outside of the site. Highways officers have stated that this shelter must be relocated slightly in order to avoid conflict with the proposed development. Therefore a condition would be required to ensure the appropriate relocation of the bus stop.

47. On the basis of the above it is considered that the proposals are in accordance with part 4 of the National Planning Policy Framework and saved Policies 36 and 37 of the District of Easington Local Plan.

Section 106 contribution

48. Saved policy 66 of the District of Easington Local Plan states that 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. On this basis the applicant has agreed to make a financial contribution of £6000 towards the provision or improvement of offsite recreation in the electoral division of Trimdon and Thornley.

CONCLUSION

49. The National Planning Policy Framework advises that there should be a presumption in favor of sustainable development such as this proposal which is within the settlement of Trimdon, on a brownfield site and close to local facilities and transport links. Officers consider that the development does constitute sustainable development, the key theme running through the NPPF and that the development is in accordance with the saved policies in the District of Easington Local Plan. In addition, the scheme would enhance the street scene in this prominent part of Trimdon which is currently a derelict site.

RECOMMENDATION

That the application be **APPROVED** subject to the following conditions and subject to the entering into of a Section 106 legal agreement to secure the provision of:

£6,000 contribution toward enhancement or provision of play facilities in the Trimdon and Thornley Electoral Division.

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:

Location plan 855/loc
Rudby 2B House Plans and Elevations 855/Rudby/001
Rudby 3B House Plans and Elevations 855/RudbyRR/001
Site layout plan 855/114 Rev C
Site Survey 855/Surv
Boundary treatment Fence/Wall details 1005/2/102 A
Materials Schedule received 13/10/2015

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. Development shall not commence until a detailed scheme for the disposal of foul and surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall take place in accordance with the approved details.

Reason: To prevent the increased risk of flooding from any sources in accordance with part 10 of the NPPF.

4. Development shall not commence until a detailed scheme for the relocation of the adjacent bus stop on Commercial Street has been submitted to and approved in writing by the Local Planning Authority. The bus stop shall be relocated in accordance with the approved scheme before commencement of the development.

Reason: In the interests of highway safety in accordance with saved policy 36 of the District of Easington Local Plan and part 4 of the NPPF.

5. No development shall take place until a site investigation and Desk top Study has been carried out in accordance with Part IIA of The Environmental Protection Act 1990. The results of the site investigation shall be submitted and approved in writing by the local planning authority. As a minimum requirement, the Desk Top Study should include the following information in relation to the study site:

- Historic Land Use
- Former contaminative site uses
- Typical contaminants from former industrial uses
- Watercourses, major underground aquifers, water source protection zones, at or close to the site
- Ground water, perched ground water
- Adjacent land uses and their historical land use, and potential to affect the study site
- All former holes in the ground on or close to the study site

If the desk top study determines there is no historical land use which may cause contamination of the site, no further action is required in relation to the contaminated land risk assessment. If any historical land use which may cause contamination of the site is found from the desk top study site investigation, a 'Phase 2 Report' will be required as detailed below.

Phase 2 Report

A further report shall be submitted to and approved in writing by the local planning authority. This report shall take into consideration the relevant aspects of the desk top study and discuss remediation measures in accordance with appropriate legislative guidance notes. If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures

for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority

Phase 3 – Validation Report

After remediation measures are implemented at the site, a final validation statement shall be submitted in accordance with the remediation recommendations of the above 'Phase 2' report.

Reason: To ensure that the application site is safe for the approved development, as required by paragraph 121 of the National Planning Policy Framework and in accordance with saved Policy 1 of the Easington District Local Plan and part 11 of the NPPF.

STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at its decision to approve the application has, without prejudice to a fair and objective assessment of the proposals, issues raised and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF. (Statement in accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015

BACKGROUND PAPERS

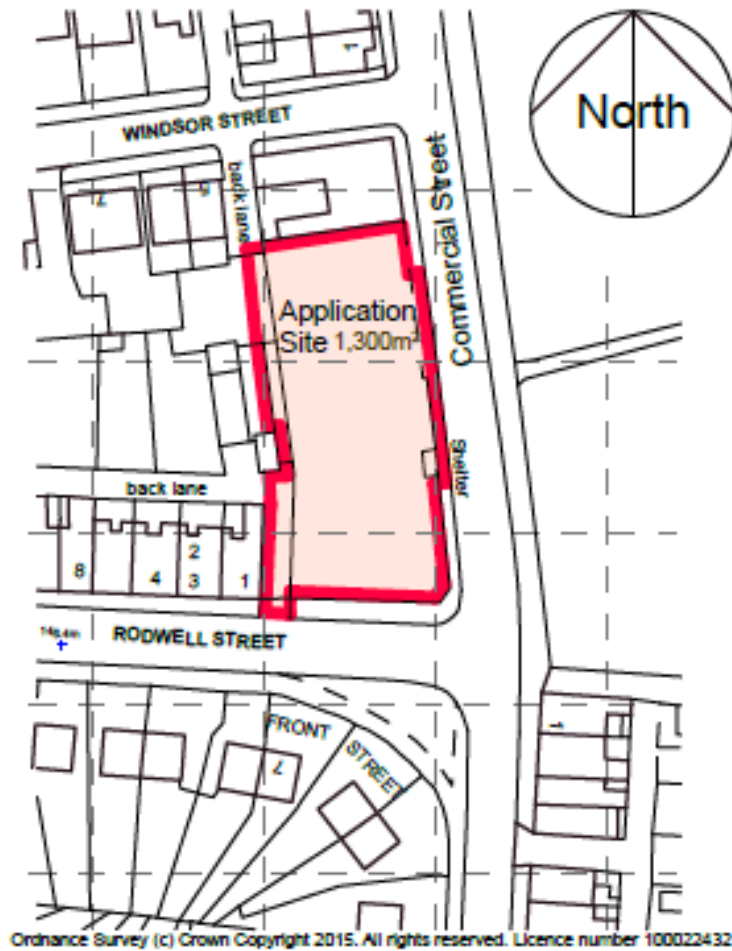
Submitted application form, plans supporting documents and subsequent information provided by the applicant.

The National Planning Policy Framework (2012)

National Planning Practice Guidance Notes

Statutory, internal and public consultation responses

District of Easington Local Plan



Planning Services

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12 no. dwellings

Comments

Date January 2016