

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	DM/15/03463/FPA
FULL APPLICATION DESCRIPTION:	Demolition of existing NHS Clinic and erection of 6 new dwellings with parking, boundary enclosures, landscaping and associated work (amended plan).
NAME OF APPLICANT:	Mr Peter Armstrong
ADDRESS:	Oaklea School Clinic, Salters Lane, Wingate.
ELECTORAL DIVISION:	Wingate
CASE OFFICER:	Susan Hyde, Planning Officer 03000 263960 susan.hyde@durham .gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

1.0 Site: The application site is located within the northern part of Wingate and consists of a large two storey building that was formerly an NHS clinic with associated parking to the rear. To the north of this site is a landscaped green space with mature trees that have the benefit of a Tree Preservation Order. The application site also includes part of this land. The site lies within an established residential area in Wingate and there are residential properties to the west, south and east and dwellings to the north beyond the open amenity land.

2.0 PROPOSAL: The application proposes 6 two and a half storey town houses with bedrooms in the roof space in the form of a detached dwelling and a terrace of five dwellings. Five 3 bedroom houses are proposed and one 4 bedroom house. The siting involves the detached dwelling being located on the site of the former clinic and the terraced row located to the north and partly built on the area of public open space.

3.0 The application has been amended during the course of this application to reduce the development encroaching as far into the area of public open space. In addition the plans have been amended to retain two mature trees that have the benefit of a tree preservation order. All trees with the benefit of a tree preservation order are now retained. Vehicular access and parking for the dwellings are proposed between the properties, from the main road at the front of the site.

4.0 The application is considered at committee at the request of Cllr Taylor on the grounds that he was concerned about the design of the properties, the impact on the area of open space and the impact on the trees that are protected with a tree preservation order.

PLANNING HISTORY

5.0 Pre application on the proposed conversion of the Oaklea School Clinic in to apartments and the potential to demolish the existing Clinic and re build on the site.

6.0 Planning application DM/15/00768/FPA was refused planning consent under delegated powers for 7 dwellings on the site.

PLANNING POLICY

NATIONAL POLICY

7.0 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.

8.0 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' .

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.

9.0 The following elements of the NPPF are considered relevant to this proposal;

10.0 NPPF 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.

11.0 NPPF 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.

12.0 NPPF Part 6 - To boost significantly the supply of housing, applications should be considered in the context of the presumption in favour of sustainable development.

13.0 NPPF 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.

14.0 NPPF 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.

15.0 NPPF 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.

16.0 NPPF Part 11 - The planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests and soils; recognising the wider benefits of ecosystem services; minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures; 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.

County Durham Plan

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 15 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.

LOCAL PLAN POLICY:

17.0 District of Easington Local Plan

Policy 1- Due regard will be had to the development plan when determining planning applications. Account will be taken as to whether the proposed development accords with sustainable development principles while benefiting the community and local economy. The location, design and layout will also need to accord with saved policies 3, 7, 14-18, 22 and 35-38.

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

Policy 11 – Seeks to protect trees with a Tree Preservation Order

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.

Policy 35 - The design and layout of development should consider energy conservation and efficient use of energy, reflect the scale and character of adjacent buildings, provide adequate open space and have no serious adverse effect on the amenity of neighbouring residents or occupiers.

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

Policy 37 - The design and layout of development should seek to minimise the level of parking provision (other than for cyclists and disabled people).

Policy 67 Generally support the development of housing on previously developed land in the settlement boundary.

Policy 75 - Provision for cyclists and pedestrians will be reviewed to provide safe and convenient networks.

Policy 77 - The Council will seek to encourage the improvement of the public transport service and the rail transport of freight in the district.

Policy 92 – Seeks to protect amenity open space unless developing a small part to enable the enhancement of the remaining land.

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:

18.0 County Highway Officer – Raises no objection to the amended layout

INTERNAL CONSULTEE RESPONSES:

20.0 Landscape Architect – Raises concerns about the impact of the houses on the open space and the trees.

21.0 Landscape Tree Officer – A tree preservation order was confirmed on the 20th June 2014 on the mature trees on the site. The tree officer has confirmed that the development can be undertaken without affecting the root protection area of the protected trees and requires the development to be undertaken in accordance with the applicants updated tree report.

22.0 County Councils Drainage Officer – Raises no objection subject to conditions about the drainage hierarchy and an informative about setting the floor level at 150mm above ground level.

23.0 County Ecologist – Raises no objection but requires the mitigation identified in the bat risk assessment to be conditioned if planning consent is granted.

24.0 Rights of Way – Raises no objection

25.0 Environmental Health Officers – Raised no objection subject to informatives about minimizing noise and disturbance to local residents during demolition and construction.

PUBLIC RESPONSES:

26.0 Neighbour notifications in the form of letters were sent to neighbouring properties and site notices were erected.

27.0 1 letter of objection on behalf of residents on Burdon Crescent, Fourways Court, Salters Lane and Granby Terrace to the amended plan. The letter acknowledges the improvements the amended plan has made but considers there are still outstanding issues relating to:

28.0 Residents would like additional tree and shrub planting on the open space area.

29.0 Residents would like restrictions on the green to prevent children using the green as a playground and requests signs are erected on the green. The residents note that there are a lot of elderly residents in the area and they wish to continue enjoying the pleasant amenity of the green.

30.0 Parking is an existing problem and residents have requested that Burdon Crescent / Fourways Court is altered to become a private road for residents only.

31.0 The Green will be given to the County Council as a gift.

32.0 The applicant has turned the clinic into an eyesore and dumping ground

33.0 The path in front of the houses is too close to the trees and also removes more of the green into the applicant's development.

34.0 Residents request the green is fenced off during the development of the site.

35.0 Wingate Parish Council initially raised concerns about the application but have withdrawn their concerns following the receipt of the amended plan.

37.0 Cllr Taylor has raised concern that the proposed town houses would not be in keeping with the other residential properties in the area, that the green space has been available for over 50 years and should be protected and that several trees in the area are covered with TPO's.

APPLICANTS STATEMENT:

38.0 As applicants, are pleased to say that after nearly 2 years of working with and listening to the planners, including amending our scheme for a second submission, now believe that this application falls in line with planning laws and has the full support of the planners and delegates involved. We have also listened to the residents, compromised and amended the scheme where necessary to now have full support from the Parish Council too.

39.0 The current state of the existing clinic, which we have been advised to demolish due to the extent of renovation works needed, does not provide an inviting entrance to the Village. Our development will create a more pleasurable view. All trees adjacent to the clinic will be kept, along with retaining over 90% of the green space. We believe this will be an enhancement.

40.0 We are not a big builder, we are local people with several family members currently living in Wingate who are also in support of these new homes. I want to assure you these homes will be built with quality and care and in our view be a positive addition to the village of Wingate.

PLANNING CONSIDERATIONS AND ASSESSMENT

41.0 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 relevant considerations are the principle of the development, highways issues, loss of protected trees, impact on the amenity space, impact on the character and appearance of the area, ecology and flood risk and the concerns raised by residents and the Parish Council.

43.0 Principle of the development

44.0 The key planning policy issues relate to the sustainability of the location, and degree of accordance with the existing policies of the adopted Local Plan. In this case the proposal is to demolish the existing building which is currently closed and was previously a medical centre. A replacement medical centre has opened in Wingate and as such the building is no longer required to provide for this community facility. The building is not listed and is not considered to be a non-designated heritage asset and as such there is no objection to the demolition of this building. Currently there is a clearly defined curtilage with the building which provides the building and parking area. A redevelopment of this space would be considered to be on previously developed land and in accordance with Policy 67 of the Local Plan.

45.0 The submitted application also includes part of the land that is amenity space which forms a well maintained green with mature trees and planting. Policy 92 of the Easington Local Plan seeks to protect amenity open space unless developing a small part to enable the enhancement of the remaining land. In this case the applicant has put forward the offer to protect this area by a Legal Agreement.

46.0 The amended plan has reduced the land that is proposed to be developed of the green and has retained the two mature trees that benefit from a tree preservation order. The retention of the trees and the reduction of the area of the green to be developed is now considered by Planning Officers and the County Landscape Architect to protect the visual amenity of the land. This is discussed below in more depth.

Access and Parking

47.0 The County Highway Officer raises no objection to the application and considers the parking provision for 11 car parking spaces for the 7 properties is considered satisfactory. This provision is in accordance with Durham County Councils Car Parking Standards. The Highway Officer has also carefully assessed the proposed junction into the development estate and considers it complies with Manual for Streets Guidance for a 30mph road such as North Road and hence is acceptable.

Impact on Protected Trees

48.0 The amenity space has the benefit of mature trees that are protected by a Tree Preservation Order that was served in June 2014 with support of local residents and no objections to the order. Policy 11 of the Local Plan seeks to protect trees that have the benefit of tree preservation orders. Not all trees on the application site were protected in June 2014 – and the two trees to the rear of the car park have now been felled.

49.0 The application has been amended to retain the existing two mature trees closest to the development site that have the benefit of a TPO. The County Council tree officer has carefully assessed the submitted tree report and amended plans and considers that the development including the pedestrian path to the front of the properties will not detrimentally affect the health of the protected trees.

Impact on the open amenity space.

50.0 The area of open amenity space is located at the northern end of the village and is sited adjacent to North Road which forms the main access road through the village. A seated bus stop is located within the site. The County Councils Landscape Architect considers the site is an area of particular character and high visual amenity value. Mature trees on the site and within the public open space to the north contribute substantially to the 'village green' qualities of the area that has a complex landform sloping down to the east.

51.0 Policy 92 of the Local Plan seeks to protect the amenity space unless developing a small part to enhance the remainder of the site. In this case the land is in private ownership and the applicant had offered to gift the remainder of this site either to the County Council or to the Parish Council if consent is granted for the development, to retain the land as open amenity space for residents. Following lengthy discussions the amenity space will be gifted to the Local Planning Authority and the County Council will continue to maintain the land.

52.0 The County Councils Technical & Service Development Manager has commented that under the open space adoption policy the County Council would normally require a developer to pay a commuted sum based on 15 years maintenance costs and to transfer the land into the County Councils ownership (this mainly applies to open space associated with new housing developments). However the policy also provides discretion to look at each site on a case by case basis. Given that Durham County Council and the former District of Easington have maintained the area of land in question for many years, and it is a piece of open space with a high amenity value the Technical and Service Manager would be in agreement to taking on the open space for ongoing maintenance, without payment of a commuted sum, subject to the land being transferred into Durham County Council ownership (with the current owner paying associated legal costs). The applicant has requested that the transfer of the land ownership would occur after the occupation of the second property to allow access onto the land whilst the build is undertaken. The Legal Agreement would reflect this request.

53.0 Officers consider that the amended plan, which reduces the amount of the open space that is developed, retains the protected trees. The Legal Agreement that gifts the land to the County Council would then allow the future retention of the land as open space would outweigh the harm from developing a small part of this open space and be compliant with Policy 92 of the Local Plan.

54.0 Paragraph 74 of the NPPF states that existing open space should not be built on unless the loss resulting from the proposed development would be replaced by equivalent or better provision. Officers consider that securing the open space that is now in private ownership for open space for the benefit of the community justifies the small area of the open space to be developed in accordance with Paragraph 74 of the NPPF.

Impact of the dwellings on the character and amenity of the area.

55.0 This area of Wingate is characterised by two storey predominantly former local authority semi-detached dwellings. Such houses are located on Burdon Crescent to the north and east and North Road to the west. To the south is a vernacular terraced row of two storey dwellings.

56.0 The proposed development is for 2 and a half storey town houses. The amended plans altered the height of the detached dwelling to match the eaves height adjacent to the existing terraced dwelling on North Road so that the dwelling relates to the height in the street scene. In addition bay windows are a design feature on the properties which again is a local design feature on the adjacent terraced row of properties on North Road.

57.0 Saved policy 35 of the Local Plan requires the design and layout of development 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. Similarly, Part 7 of the NPPF dealing with good design requires that developments should use streetscapes and buildings to create attractive places, and respond to local character and history and reflect the identity of local surroundings. The proposals introduce a different design of property into the street scene. However the siting looking onto the green with the terraced properties stepping down in height to reflect the change in levels on the green is considered to be a good design solution. In addition the design of the terraced row turns the corner onto North Road with this house being double fronted onto the area of open space and North Road to be in keeping with the street scene. The design features such as bay windows, full door surrounds, heads and cills on windows provide a distinctive design which is carried through on all the properties. As such the scale, design and materials of the properties are considered to introduce an attractive modern development of town houses into this area of Wingate. In addition the layout of the development meets the minimum window to window distances required in the space about dwellings policy.

The development is located to meet the window to window distances

Ecology

58.0 The applicant has submitted a bat risk assessment with the application that has identified that there is a low risk of bats and proposing a mitigation strategy if consent is granted for the development. The County Ecologist has raised no objection to the proposal.

Drainage / Flood Risk

59.0 The application site is not located in an area identified for flooding and the County Councils Drainage Engineer has raised no objection to the application and requested the usual conditions regarding the hierarchy of drainage of the site if consent is granted for the development.

Comments on the objectors concerns.

60.0 Residents raised the issue that they would like additional tree and shrub planting on the open space area. This request does not relate to the development site that is the subject of this application and is not required to make the development acceptable. The County Councils Landscape Architect and Tree Officer has considered this request and recommended that two additional trees could be accommodated on the Green in a layout that would enhance the Green. The applicant has considered this request and has agreed to the two additional trees. This is reflected in the conditions. The offer of the two trees is a voluntary offer from the applicant and is not a matter that can be given any material weight to it in the determination of the planning application.

61.0 Residents would like restrictions on the green to prevent children using the green as a playground and requests signs are erected on the green. The residents note that there are a lot of elderly residents in the area and they wish to continue enjoying the pleasant amenity of the green. The applicant has responded that they are not aware of the need for any restrictions on the use of the Green and can see no reason that use of the Green will change in the future.

62.0 Parking is an existing problem and residents have requested that Burdon Crescent / Fourways Court is altered to become a private road for residents only. The roads are adopted highways and it would be for the County Council to consider any restrictions on parking on these roads. The resident's representative has been provided with contact details for the relevant Council Highway Officer to pursue this request.

63.0 The Green will be given to the County Council as a gift. This is proposed by the applicant and forms the basis of the Legal Agreement.

64.0 The applicant has turned the clinic into an eyesore and dumping ground. The applicant has secured the empty building by boarding up the windows. The applicant has confirmed that they have not degraded the area of open space in any way.

65.0 The path in front of the houses is too close to the trees and also removes more of the green into the applicant's development. As explained above the County Tree Officer has confirmed that the development can be undertaken without detrimentally affecting the health of the trees.

66.0 Residents request the green is fenced off during the development of the site. The trees on the area of open space will be protected in the County Councils usual way whilst development is being undertaken on the site. However Officers do not consider that fencing off the whole area of open space is necessary or reasonable for the proposed development to be undertaken.

CONCLUSION

67.0 The application site for six dwellings is on land within the settlement of Wingate that is on previously developed land. The small area of land that extends into the area of open space has been reduced in the amended plan to retain the two mature trees that have the benefit of a tree preservation order. In compensation for the loss of this small amount of open space the applicant has agreed to a legal agreement to gift the land to Durham County Council.

68.0 The materials, design and massing of the proposed dwellings are considered to be complementary to the street scene in Wingate. The proposal is considered to respect residential amenity and adequate parking and safe access can be achieved.

The proposal is therefore considered to be acceptable and in accordance with local plan and NPPF policies subject to conditions and a Legal Agreement.

69.0 The proposed terms of the Legal Agreement are to transfer the ownership of the open space land to Durham County Council before the occupation of the second property.

RECOMMENDATION

That the application be approved subject to the successful completion of a legal agreement 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 shall be undertaken in strict accordance with the following amended plans received on the 6th January 2016.

Drawing no, 818 - 02 d site plan
Drawing no, 818 - 04 b floor plans
Drawing no, 818 - 03a block plan

Drawing no, 818 - 05 b block plan elevation
Drawing no, 818 - 06a - site section
Drawing no, 818 - 08 d hard landscaping
Drawing no, 818 - 09 Percentage of development
Drawing no, 818 - 07a means of enclosure

In addition to the updated tree report received on the 6th January 2016 and the Design and Access Report, and Bat Risk Report.

Reason: To ensure a satisfactory standard of development in accordance with Policies 1,3,11,18,35,36,37,67,75,77 and 92 of the District of Easington Local Plan 2001.

3. Before the development commences samples of the walling and roof material shall be submitted to the Local Planning Authority and approved in writing. The development shall then be constructed in the approved materials.

Reason: In the interests of visual amenity in accordance with Policy 1 of the District of Easington Local Plan 2001.

4. Before the development is occupied a 100 x 150 mm flush pre-cast concrete channel block shall be installed between the existing public highway and the private car parking court and shall be retained as such thereafter.

Reason: In the interests of highway safety in accordance with Policies 1 and 36 of the District of Easington Local Plan 2001.

5. Before the development commences a Phase 1 Preliminary Risk Assessment (Desk Top Study) - carried out by competent person(s), to identify and evaluate all potential sources and impacts on land and/or groundwater contamination relevant to the site shall be submitted to the Local Planning Authority and approved in writing. The development shall then be undertaken in accordance with the approved details.

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.

6. The development shall be undertaken in accordance with the updated tree report received on the 6th January 2016 and the fencing to protect the mature trees specified in the report shall be implemented before development commences and retained on site until the substantial completion of the development.

Reason: In the interests of visual amenity and to protect the health of mature trees that have the benefit of a Tree Preservation Order in accordance with Policy 11 of the District of Easington Local Plan 2001.

7. Before the development commences full details of the location and species of two trees that shall be of a size of Extra Heavy Standards (girth 16/18cm) that shall be container grown, underground guyed, irrigation system fitted trees shall be submitted to the Local Planning Authority and approved in writing. The trees shall be located on the existing area of open space (preferably opposite the existing semi-detached houses).

Reason: In the interests of visual amenity and in accordance with the applicants email of the 18th of January 2016 in accordance with Policy 92 of the District of Easington Local Plan 2001.

8. Before the development commences details of the management of the site for demolition shall be submitted to the Local Planning Authority and approved in writing. These details shall include hours of operation, access to the site and storage of materials. The demolition of the site shall then be undertaken in accordance with the agreed details.

Reason: In the interests of visual amenity and residential amenity in accordance with Policy 11, 92 and 1 of the District of Easington Local Plan 2001.

9. Before the development begins details of the management of the site for the construction of the dwellings shall be submitted to the Local Planning Authority and approved in writing. These details shall include the hours of operation, the storage of materials and any access or use of the area of open space. These details shall be submitted to the Local Planning Authority and approved in writing. The development shall then be carried out in accordance with the approved details.

Reason: In the interests of visual amenity and residential amenity in accordance with Policy 11, 92 and 1 of the District of Easington Local Plan 2001.

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

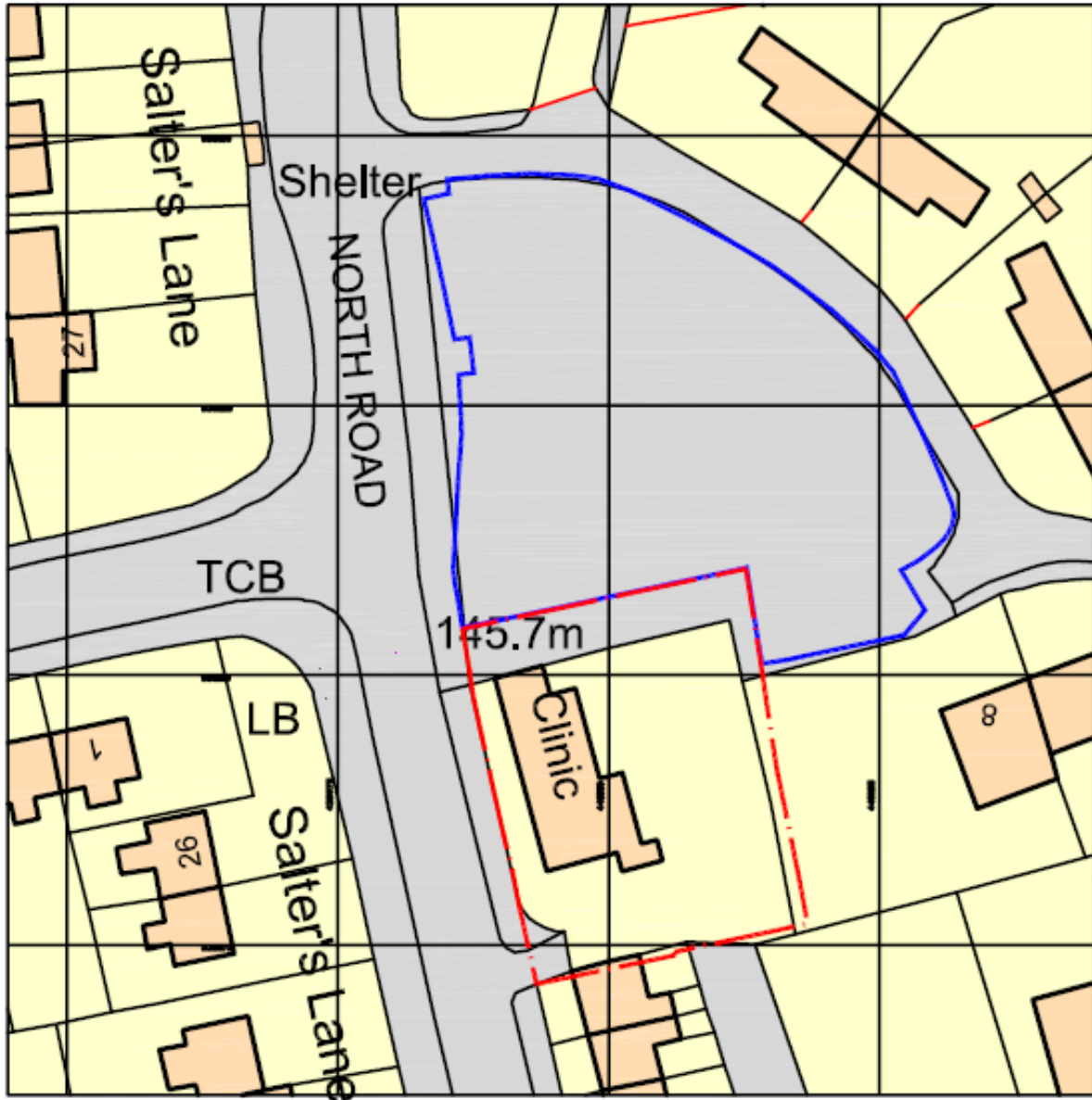
Submitted application forms, plans supporting documents and subsequent information provided by the applicant.

The National Planning Policy Framework (2012)

National Planning Practice Guidance Notes

District of Easington Local Plan 2001

Statutory, internal and public consultation responses



Planning Services

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Demolition of existing NHS Clinic and erection of 6 new dwellings with parking, boundary enclosures, landscaping and associated work (amended plan).

Comments

Date. 09 February 2016

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