

Planning Services

COMMITTEE REPORT

AGENDA ITEM NUMBER: 3G

APPLICATION DETAILS

APPLICATION NO: 3/2010/0559

FULL APPLICATION DESCRIPTION: EXTENSION OF TIME OF PLANNING PERMISSION 3/2004/0733 FOR ELEVEN HOUSES ON FORMER GARAGE SITE

NAME OF APPLICANT: LEEHILL CONSTRUCTION LIMITED

ADDRESS: FORMER MILFORD GARAGE, SITE ROSEMOUNT ROAD, SOUTH CHURCH, BISHOP AUCKLAND, DL14 6SY

ELECTORAL DIVISION: COUNDON

CASE OFFICER: Chris Baxter
chris.baxter@durham.gov.uk
01388 761987

1.0 DESCRIPTION OF THE SITE AND PROPOSALS

- 1.1 **Proposals**
- 1.2 This application seeks an extension of time for planning permission 3/2004/0733 for the construction of 11 houses.
- 1.3 **Site**
- 1.4 The application site is the former SG Petch Garage site located on Rosemount Road at South Church in Bishop Auckland. The site was previously occupied by a petrol filling station and a car showroom; however, the site has now been cleared for a number of years. The site is bounded to the south and west by existing residential properties and the northern boundary is formed by Rosemount Road highway.
- 1.5 This application is reported to this committee as the original application was classed as a major.

2.0 PLANNING HISTORY

- 2.1 3/2004/0733 – Eleven houses on former garage site – Approved 17/03/2006.
-

3.0 PLANNING POLICY

3.1 NATIONAL POLICY:

- 3.2 **Planning Policy Statement 1: (PPS1) Delivering Sustainable Development** sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system.
- 3.3 **Planning Policy Statement 3: (PPS3) Housing** 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.
- 3.4 **Planning Policy Statement 22: (PPS22) Renewable Energy** – Sets out government policies for renewable energy. The guidance preceded the PPS1 Climate Change Supplement. The importance of renewable energy in delivering the Government's commitments on climate change is emphasised. Local planning authorities and developers should consider the opportunity for incorporating renewable energy projects in all new developments. Small scale renewable energy schemes utilising technologies such as solar panels, biomass heating, small scale wind turbines, photovoltaic cells and combined heat and power schemes can be incorporated both into new developments and some existing buildings.

3.5 REGIONAL POLICY:

- 3.6 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 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.

3.7 LOCAL PLAN POLICY:

- 3.8 The following policies from the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 are relevant in the consideration of this application:
- 3.9 **Policy GD1 (General Development Criteria):**
All new development and redevelopment within the District should be designed and built to a high standard and should contribute to the quality and built environment of the surrounding area.
- 3.10 **Policy H3 (Distribution of Development):**
New development will be directed to those towns and villages best able to support it. Within the limits to development of towns and villages, as shown on the Proposals Map, development will be allowed provided it meets the criteria set down in Policy GD1 and conforms to the other policies of this plan.
- 3.11 **Policy H22 (Community Benefit):**
On sites of 10 or more dwellings the local authority will seek to negotiate with developers a contribution, where appropriate, to the provision and subsequent
-

maintenance of related social, community and/or recreational facilities in the locality.

3.12 Policy H24 (Residential Design Criteria):

New residential developments and/or redevelopments will be approved provided they accord with the design criteria set out in the local plan.

3.13 Policy RL5 (Sport and Recreation Target):

For every 1 hectare of land developed or redeveloped for residential purposes, at least 1300 square metres of land should directly be made available on- or off-site for sporting or recreational use as part of the development or developers will be expected to make a contribution to the provision of such facilities, including changing rooms, by other agencies. Such land should be located and developed to accord with the provisions of proposal RL1. On sites under 1 hectare (24 dwellings) a proportion of this standard will be expected.

3.14 Policy T1 (General Policy – Highways):

All developments which generate additional traffic will be required to fulfil Policy GD1 and:

- i) provide adequate access to the developments;
- ii) not exceed the capacity of the local road network; and
- iii) be capable of access by public transport networks.

3.15 Policy BE17 (Areas of Archaeological Interest):

When development is proposed which affects areas of archaeological interest, an archaeological assessment will be required, before planning approval is given. Where possible the remains will be preserved in-situ.

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.planningportal.gov.uk/england/government/en/1020432881271.html> for national policies; <http://www2.sedgefield.gov.uk/planning/WVCindex.htm> for Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

4.0 CONSULTATION AND PUBLICITY RESPONSES

4.1 STATUTORY RESPONSES:

4.2 Durham County Council Highways: No objections were raised to the previous application subject to the imposition of conditions. These conditions are recommended should permission be granted for the extension of time.

4.3 Northumbrian Water: No objections raised to the previous application.

4.4 Environment Agency: No objections were raised to the previous application subject to the imposition of conditions. These conditions are recommended should permission be granted for the extension of time.

4.5 INTERNAL CONSULTEE RESPONSES:

4.6 Durham County Ecologist: The site has already been cleared, and has now been left standing vacant for the past few years. The site is therefore low risk for the presence of protected species. It is however noted that a mature hedgerow/trees form the eastern boundary of the site and it is strongly recommended that this be retained due to its biodiversity value as well as its importance as a screen to the new houses. It is also recommended that the houses be stood off from this hedgerow to ensure that it is not viewed as a nuisance by new residents of the proposed housing in terms of

overshadowing/shading out gardens/houses.

4.7 PUBLIC RESPONSES:

4.8 The application has been advertised on site, in the local press and neighbouring properties have been notified individually. One observation letter has been received prior to this report going to print. The contents of this letter are summarised below:

- a) The fencing around the site is not always secure and can be a trip hazard to passers by.
- b) Water is lying on the site.
- c) When raining the water is pouring out of the site on to the footpath. During the recent snowfall this was very dangerous.
- d) Could the site be tidied up as it's currently an eyesore?

4.9 The following points are in response to the comments raised above:

- a) The Planning Enforcement Officer has been in contact with the owner of the site to ensure that the site is secure with adequate fencing.
- b) The Planning Enforcement Officer has negotiated with the owner for the site to be adequately levelled to try and avoid any significant water lying on the site. It is inevitable and unavoidable, given the site is flat, that water will lie after periods of rain.
- c) It is considered that this would be unavoidable especially after extreme weather periods such as the recent heavy snowfall.
- d) The site is currently a construction site. The owner has undertaken steps to clear the site (i.e. removed machinery, levelled parts of the site). The Planning Enforcement Officer is regularly monitoring this site to ensure the site does not fall into a bad state.

5.0 APPLICANT'S STATEMENT

5.1 No statement has been received from the applicant.

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 Crook Area Office.

6.0 PLANNING CONSIDERATIONS AND ASSESSMENT

6.1 On the 1st October 2009, the Department for Community and Local Government brought into force legislation allowing the extension of implemented planning permissions via the Town and Country Planning (General Development Procedure) (Amendment No. 3) (England) Order 2009 (SI 2009 No. 2261). This measure has been introduced in order to make it easier for developers and local planning authorities to keep planning permissions alive for longer during the economic downturn so that they can more quickly be implemented when economic conditions improve. This procedure allows applicants to apply to the Local Planning Authority for a new planning permission to replace an existing permission which is in danger of lapsing, in order to obtain a longer period in which to begin the development.

6.2 Government guidance states that in current circumstances, local planning authorities should take a positive and constructive approach towards applications which improve the prospect of sustainable development being taken forward quickly. The development proposed in an application for extension will by definition have been judged to be acceptable in principle at an earlier date. While these applications should, of course, be determined in accordance with s.38(6) of the Planning and

Compulsory Purchase Act 2004, local planning authorities should, in making their decisions, focus their attention on development plan policies and other material considerations (including national policies on matters such as climate change) which may have changed significantly since the original grant of permission.

- 6.3 However, this process is not a rubber stamp. Local planning authorities may refuse applications to extend the time limit for permissions where changes in the development plan or other relevant material considerations indicate the proposal should no longer be treated favourably. Equally, the primary legislation with regards to the imposition of conditions remains unchanged meaning that members can apply different conditions to those originally attached if they so wish.
- 6.4 The circumstances that led to the original planning permission relating to this scheme have not significantly changed and the principle of development is therefore considered acceptable. The only material change in planning policy has been the introduction of Planning Policy Statement 22: Renewable Energy (PPS22) which places emphasis on the importance of renewable energy in delivering the Government's commitment on climate change. Given the introduction of PPS22, it is considered necessary and appropriate to introduce a condition asking for a scheme relating to CO2 reduction and energy efficiency. Subject to the imposition of a condition relating to CO2 reduction and energy efficiency it is considered acceptable to extend the time for planning permission 3/2007/0668.
- 6.5 It is noted that the previous planning permission was granted subject to a completed Section 106 legal agreement, requiring a contribution of £6,640 for the provision and maintenance of related social, community and/or recreational facilities in the locality. Should members be minded to grant planning permission, it is recommended that a new Section 106 legal agreement would have to be completed requiring the same commuted sum of £6,640 which would be for the provision and maintenance of related social, community and/or recreational facilities in the locality.

7.0 CONCLUSION

- 7.1 This proposal is to renew the planning permission 3/2004/0733 for the construction of 11 houses. The principle of development remains acceptable as there have been no significant changes in local, regional or national planning policy. Planning Policy Statement 22: Renewable Energy has been introduced since the previous application was approved. A condition relating to CO2 reduction and energy efficiency is therefore recommended accordingly.

8.0 RECOMMENDATION

- 8.1 That, subject to the completion of a Section 106 Agreement undertaking to pay a contribution for the provision and maintenance of related social, community and/or recreational facilities in the locality, planning permission be APPROVED subject to the following conditions:**

Conditions:

1. The development hereby approved shall be carried out in strict accordance with the following approved plans:

Plan Ref No.	Description	Date Received
1391 09 Rev A	Roof Plan and Site Plan	17/11/2004
1391 08	Elevations	08/09/2004
1391 07 Rev A	Second Floor Plans	17/11/2004
1391 06 Rev A	First Floor Plans	17/11/2004
1391 05 Rev A	Ground Floor Plans	17/11/2004

2. No development shall take place until samples of the materials to be used in the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
3. Notwithstanding the details shown on the proposed site layout plan the development shall incorporate the following:-
 - (a) the footway on the eastern side of Milford Meadows shall be widened to 1.8 metres for the entire frontage of the development;
 - (b) the junction between Milford Meadows and Rosemount Road shall be improved to provide a 6 metre radius;
 - (c) the existing accesses onto Rosemount Road shall be removed and the footway reinstated along the frontage of Rosemount Road;
 - (d) the internal road shall be a conventional access road with footways and the turning head shall be redesigned to have acceptable geometry.

Before the development is commenced revised details shall be submitted to and approved in writing by the local planning authority, and the development shall be completed in accordance with the approved details.

4. Development shall not begin until details of the surface treatment and construction of all hardsurfaced areas have been submitted to and approved in writing by the local planning authority, and the dwellings shall not be occupied until that work has been carried out in accordance with the approved details.
5. Development shall not begin until details of the existing and proposed site levels and the finished floor levels of the proposed dwellings and those of existing neighbouring dwelling houses have been submitted to and approved in writing by the local planning authority; and the works shall be completed in accordance with the approved details.
6. Before the development hereby approved is commenced a scheme of landscaping shall be submitted to and approved in writing by the local planning authority which shall include indications of all existing trees and hedgerows on the land, an arboriculturalist's report indicating essential tree works to be carried out, and details of trees and hedgerows to be retained, together with measures for their protection in the course of development.
7. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed, are severely damaged or

become seriously diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.

8. Before the development hereby approved is commenced details of the height, siting, appearance and construction of all means of enclosure to be erected upon the site shall be submitted to and approved in writing by the local planning authority, and the works shall be carried out in accordance with such approved details before the wellings hereby approved are first occupied. In addition the boundary wall forming the southern boundary of the site (marked brown) shall be retained in its current form.
9. Before the dwellings hereby approved are occupied the garages and hardstandings/drives shown on the approved plans shall be constructed to the satisfaction of the local planning authority and thereafter they shall be used and maintained in such a manner as to ensure their availability at all times for the parking of private motor vehicles.
10. The garages hereby approved shall not be used other than for the accommodation of private motor vehicles for purposes incidental to the enjoyment of the dwellinghouse; no trade or business shall be carried out therein.
11. No construction activities shall be carried out on the site on any Sunday or Bank Holiday or outside the hours of 8.00 a.m. to 6.00 p.m. Mondays to Fridays and 8.00 a.m. to 12 noon Saturdays.
12. No development approved by this planning permission shall be commenced until:
 - (a) A desktop study has been carried out which shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information. And using this information a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors has been provided.
 - (b) A site investigation has been designed for the site using the information obtained from the desktop study and any diagrammatical representations (Conceptual Model). This shall be submitted to and approved in writing by the local planning authority prior to that investigation being carried out on the site. The investigation must be comprehensive enough to enable:
 - a risk assessment to be undertaken relating to groundwater and surface waters associated on and off site that may be affected, and
 - refinement of the Conceptual Model, and
 - the development of a Method Statement detailing the remediation requirements.
 - (c) The site investigation has been undertaken in accordance with details approved in writing by the local planning authority and a risk assessment has been undertaken.
 - (d) A Method Statement detailing the remediation requirements, including measures to minimise the impact on ground and surface waters, using the

information obtained from the Site Investigation has been submitted to the local planning authority. This shall be approved in writing by the local planning authority prior to that remediation being carried out on the site.

The development of the site shall be carried out in accordance with the approved Method Statement.

13. If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise first agreed in writing by the local planning authority) shall be carried out until the developer has submitted to, and obtained written approval from the local planning authority for, an addendum to the Method Statement. This addendum to the Method Statement must detail how this unsuspected contamination shall be dealt with.
14. Upon completion of the remediation detailed in the Method Statement a report shall be submitted to the local planning authority that provides verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Further monitoring proposals and reporting shall also be detailed in the report.
15. No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the local planning authority. The drainage works shall be completed in accordance with the details and timetable agreed.
16. Obscure glazing of factor 3 or above shall be fitted to all windows in the gable elevations and thereafter the glazing shall be maintained as such.
17. Notwithstanding any information submitted, development shall not commence until a scheme demonstrating how CO2 reduction and energy efficiency measures will be incorporated into the approved development has been submitted to and approved in writing by the local planning authority. Thereafter the development shall be implemented and retained in accordance with the approved scheme.

Reasons:

1. To ensure that the external appearance of the development will not be detrimental to the visual amenities of the area. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
2. To ensure satisfactory access arrangements. In the interests of pedestrian and highway safety. In accordance with policies GD1 and T1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
3. To achieve a satisfactory standard of development. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
4. To ensure a satisfactory standard of development and to ensure that the development is not unduly prominent within the surrounding landscape. In accordance with policies GD1 and H24 of the Wear Valley District Local Plan as

amended by Saved and Expired Policies September 2007.

5. To enable the local planning authority to retain control over the landscaping of the site to secure a satisfactory standard of development and protection of existing trees and hedgerows. In accordance with policies GD1 and H24 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
6. To ensure the implementation of the approved landscape scheme within a reasonable time. In accordance with policies GD1 and H24 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
7. To achieve a satisfactory form of development. In accordance with policies GD1 and H24 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
8. In the interests of highway safety and the amenities of the occupiers of the proposed residential development. In accordance with policies GD1 and T1 of Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
9. To safeguard the amenities of the occupiers of the proposed residential development. In accordance with policies GD1 and T1 of Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
10. To safeguard the amenities of the occupiers of the proposed residential development. In accordance with policy GD1 of Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
11. To ensure that the proposed site investigations and remediation will not cause pollution of Controlled Waters. In accordance with policy GD1 of Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
12. To ensure that the development complies with approved details in the interests of protection of Controlled Waters. In accordance with policy GD1 of Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
13. To ensure that the development complies with approved details in the interests of protection of Controlled Waters. In accordance with policy GD1 of Wear Valley District Local Plan.
14. To protect Controlled Waters by ensuring that the remediated site has been reclaimed to an appropriate standard. In accordance with policy GD1 of Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
15. To prevent the increased risk of flooding. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
16. To prevent overlooking. In accordance with policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
17. In order to minimise energy consumption and to comply with the aims of Planning Policy Statement 22.

8.2 INFORMATIVE

8.3 It is recommended that the hedgerow/trees on the eastern boundary of the site is retained due to its biodiversity value as well as its importance as a screen to the new houses. It is also recommended that the houses be stood off from this hedgerow to ensure that it is not viewed as a nuisance by new residents of the proposed housing in terms of overshadowing/shading out gardens/houses.

9.0 REASONS FOR THE RECOMMENDATION

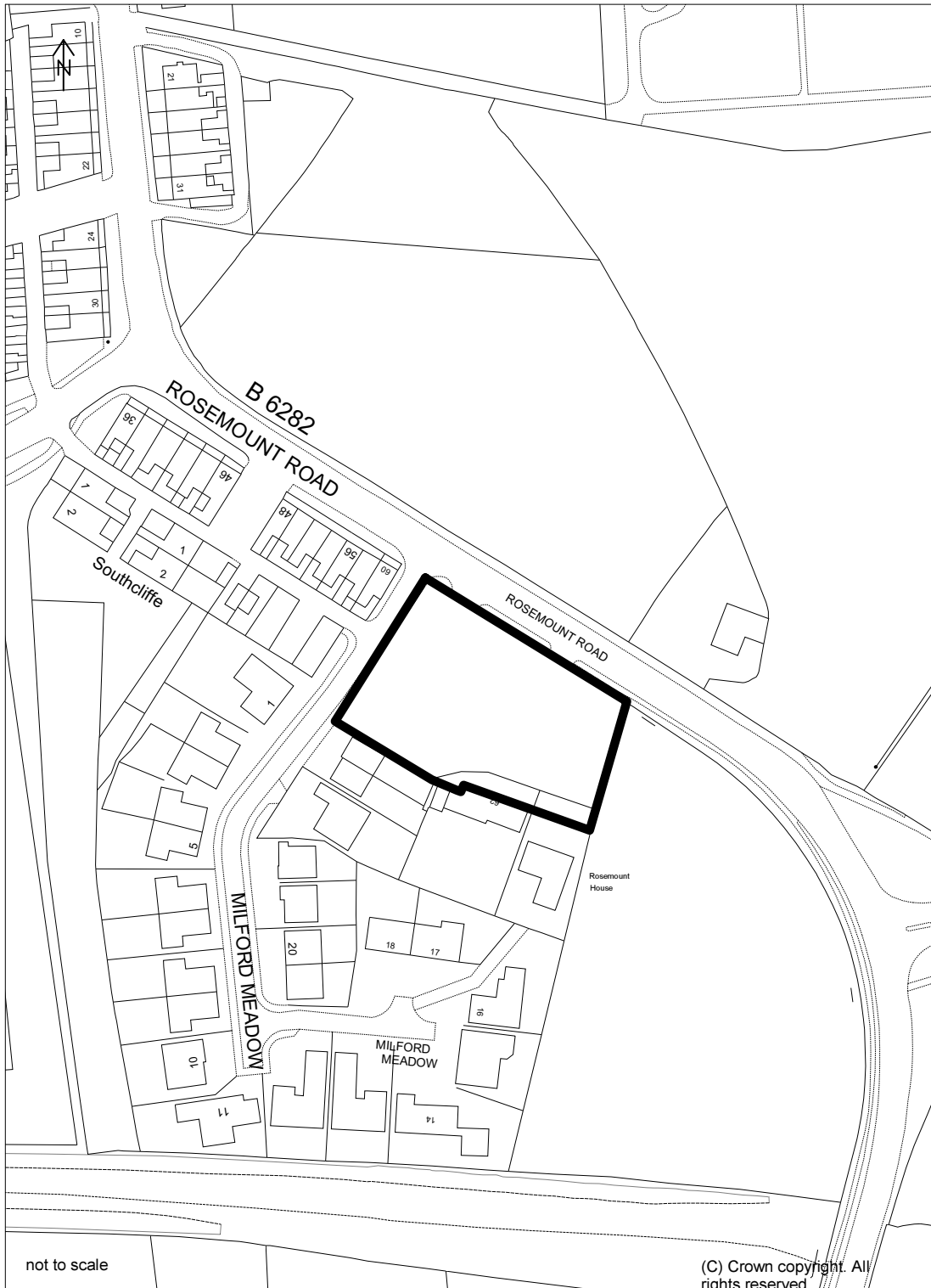
9.1 The only new material consideration which has arisen since the previous approval (3/2004/0733) is the introduction of Planning Policy Statement 22: Renewable Energy. The imposition of a condition relating to CO2 reduction and energy efficiency would meet the requirements of PPS22, therefore no objections are raised to the extension of time. The proposed development is considered to be in accordance with local, regional and national planning policies.

10.0 BACKGROUND PAPERS

- Submitted Application Forms and Plans
- Design and Access Statement
- Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007
- Planning Policy Statements/Guidance, PPS1, PPG2, PPS3, PPS5, PPS7, PPS9, PPS13, PPG16
- Consultation Responses
- Public Consultation Responses



3/2010/0559 - EXTENSION OF TIME OF PLANNING PERMISSION 3/2004/0733 FOR ELEVEN HOUSES ON FORMER GARAGE SITE AT FORMER MILFORD GARAGE SITE ROSEMOUNT ROAD, SOUTH CHURCH, BISHOP AUCKLAND FOR LEEHILL CONSTRUCTION LIMITED



not to scale

(C) Crown copyright. All rights reserved.
Produced by Durham County Council, Licence