

Planning Services

COMMITTEE REPORT

AGENDA ITEM NUMBER:

APPLICATION DETAILS

APPLICATION NO:	PL/5/2010/0220
FULL APPLICATION DESCRIPTION	CHANGE OF USE FROM PUBLIC HOUSE TO 2 NO. DWELLINGS AND ASSOCIATED ALTERATIONS AND EXTENSIONS
NAME OF APPLICANT	PUNCH TAVERNS LTD
SITE ADDRESS	ROYAL GEORGE, THE VILLAGE, OLD SHOTTON, PETERLEE SR8 2ND
ELECTORAL DIVISION	PETERLEE WEST
CASE OFFICER	Grant Folley 0191 5274322 grant.folley@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSAL

- 1 The property subject to this application is currently in use as a Public House. The Royal George inn is a 2-storey public house with a white render finish, situated at the end of The Green (a cul-de-sac). The property has a single storey extension to the south of the main building, which provides a small dining area for the public house. Located to the north of the property, with sole access off The Green is a car park with space for approximately 4 no. vehicles, on-street parking is also available on the public highway adjacent to the public house.
- 2 The Royal George is situated in a predominantly residential area in the village of Old Shotton, situated on the western edge of Peterlee. Residential properties bound the premises to the east, west and south, an area of public open space is sited to the north. The Royal George Inn is approximately 50 metres from the A19, which runs to the west of Peterlee.
- 3 Planning permission is sought for the conversion of the existing building to form two residential dwellings. The proposed conversion works will include the removal of the existing single storey extension sited on the southern side of the public house, and the erection of extensions to the side and the rear of the existing property.
- 4 This application was reported to the last meeting of the Area Planning Committee on the 20th July 2010, when it was resolved to defer a decision to allow further time for submission of representations.

- 5 The application is reported to the planning committee due to an objection from Peterlee Town Council.

PLANNING HISTORY

None relevant.

PLANNING POLICY

6 NATIONAL POLICY:

Planning Policy Statement 1: Delivering Sustainable Development sets out the Governments overarching planning policies on the delivery of sustainable development through the planning System.

Planning Policy Statement 3: Housing (PPS3) underpins the delivery of the Government's strategic housing policy objectives and our goal to ensure that everyone has the opportunity to live in a decent home, which they can afford in a community where they want to live.

Planning Policy Statement 4: Planning for Sustainable Economic Development proposes a responsive and flexible approach to planning which provides sufficient employment land and makes better use of market information. The PPS is designed to establish a national planning policy framework for economic development at regional, sub-regional and local levels for both urban and rural areas.

The above represents a summary of those policies considered most relevant. The full text can be accessed at: <http://www.communities.gov.uk/planningandbuilding/planning/planningpolicyguidance/planningpolicystatements>

7 LOCAL PLAN POLICY:

District of Easington Local Plan

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

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

Policy 96 - Outside of Seaham and Peterlee, conversion or redevelopment resulting in the loss of a community facility will only be allowed where the facility is no longer viable, there is no significant demand, or equivalent facilities are accessible and available or would be made available.

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.easingtonlocalplan.org.uk/>

CONSULTATION AND PUBLICITY RESPONSES

8 STATUTORY RESPONSES:

Peterlee Town Council – The Town Council wish to object on behalf of local residents. They have been advised through local members that local people are unhappy to lose their local public house, and feel that this will not safeguard neighbouring residential amenities but erode them. The change of use from a public house to residential dwellings is one which should be resisted as a loss of a successful business.

9 INTERNAL CONSULTEE RESPONSES:

Planning Policy – The proposal is in line with national guidance in the sense that the site location is readily accessible via public transport and local services and facilities are accessible. Saved policy 96 would be the appropriate local plan policy to assess the proposal; it seeks to safeguard such community facilities. However this policy only applies outside the towns of Peterlee and Seaham. Also the application of Policy 96 to prevent such a change of use is conditional on there not being ‘...equivalent and accessible alternative facilities’ available nearby. In this case it is noted that another public house also operates in the locality, which appears to be a more viable business. It is not considered that there are any robust grounds upon which to oppose the proposed change of use, given the planning policy context.

Highways Authority – The proposals to create 2 no. residential dwellings from the existing public house are generally acceptable from a highways perspective.

Environmental Health – No objections to the proposed conversion. Suggested conditions in relation to controlling hours of construction in order to protect the amenity of adjacent residents.

10 PUBLIC RESPONSES:

A site notice has advertised the planning application and neighbour consultation letters have also been sent. One letter of representation has been received in relation to this application. Objections have been raised on the following grounds:

- It is in the interest of the wider community now and in the future to protect The Royal George as a valuable community facility.
- The Local Community would be better served by the retention of the Royal George rather than the creation of 2 no. dwellings.
- It is considered that Policy 96 of the District of Easington Local plan is relevant in this case, as it not considered that Old Shotton should be included as part of Peterlee.
- It is considered that the Royal George offers a different type of Public House to that found elsewhere in Peterlee, and that it should be preserved to serve the needs of different sections of the community.

A petition containing signatures of 289 local residents accompanied the letter of representation. The petition stated that the undersigned are opposed to the change of use of the Royal George Public House as proposed under the current planning application.

Following the report of the planning application to the previous planning committee on the 20th July 2010, a further letter has been received from Grahame Morris MP. The MP has noted that local residents have campaigned relentlessly to retain the Royal George as a

public house and are opposed to the proposed development of the site. Furthermore the MP has noted that the most recent beer and pub association report highlights that thirty-nine pubs are closing every week, and considers that it is essential that more is done to support local pubs through these difficult times. CAMRA's own research shows that eighty-four percent of people believe a pub is as essential to village life as a shop or post office. The MP wishes to add his support to retain the Royal George in its current form and trusts that his comments will be taken into consideration by the planning committee.

11 APPLICANTS STATEMENT:

Punch Taverns recognise the view of the Town Council and local residents regarding concerns about the closure of the public house. However, the business has suffered significant downturn in trade over recent years.

In terms of trade performance the applicant has reported the following beer sales; 227 barrels in 2006/2007, 193 barrels in 2007/2008, 107 barrels in 2008/2009 and 66 barrels in 2009/2010. The 2009/2010 figures shows that there has been a 71% drop in sales over three years and a 50% drop over the past twelve months. By any measure, this shows the pub business has severely struggled to a level where the business is no longer viable, hence the decision by Punch Taverns to explore alternative uses before the pub closes. The key reasons for this poor performance have been the inability of the Royal George to adapt to a modern public house and strong local competition from the neighbouring Black Bull, which was refurbished in 2007 and has strong competitive prices, extensive food offering and good external facilities.

In terms of the Town Council comments seeking to safeguard residential amenities, the locality is very well provided for in terms of accessibility to public houses. In addition to The Black Bull, there are the Hearts of Oak and Oaklands nearby and other pubs in Peterlee. It is therefore clear that whilst the proposal would reduce choice there would remain adequate alternatives in the locality to meet community needs. This proposal therefore fully complies with Local plan Policy 96 which actually only protects pubs in rural areas, as well as paragraphs 14, 16, and 27 of PPS1 and Policy EC13 pf PPS4.

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <http://planning.easington.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=109221>. Officer analysis of the issues raised and discussion as to their relevance to the proposal and recommendation made is contained below

PLANNING CONSIDERATION AND ASSESSMENT

The proposal involves the change of use of an existing public house to form two dwellinghouses. The main issues to consider in determining this application relate to the impact the loss of the public house will have on the locality and the impact the proposed building works will have on the character of the property and adjacent residents.

12 Loss of Community Facility

Policy 96 of the Local Plan is the most relevant development plan policy as it deals with proposals that through conversion or redevelopment would result in the loss of a community facility such as a public house. The policy states that permission would only be granted where it can be demonstrated that the premises are no longer financially viable, that there is no specific demand for the facilities within the area or there are similar facilities accessible in the vicinity. However, the policy specifically relates to properties situated outside the towns of Seaham and Peterlee as outlined on the District of Easington Local Plan Proposals Map. The pub subject of this application is situated within the village of Old

Shotton, which is included within the settlement boundary of Peterlee on the Proposals Map. The village of Old Shotton is considered to share many of its community facilities with the larger town of Peterlee.

The applicant has submitted information in support of the application to demonstrate that the pub has seen a significant downturn in trade in recent years. The applicant has also argued that the existing pub is not a viable business as it has a limited customer base, and is poorly located with limited scope for change to adapt to more contemporary drinking and entertainment aspirations as a means of attracting new customers, which would be needed for the public house to survive as a viable business.

Alongside the arguments put forward in support of the application, representations against the development have also been received from the local MP, Peterlee Town Council and local residents. Objections have been raised to the loss of the public house as it is considered that the Royal George offers a different type of Public House to that found elsewhere in Peterlee; and that it should be preserved to serve the needs of different sections of the community.

The arguments put forward against the proposed change of use are acknowledged, the Royal George does appear to be a different type of pub to others situated within the locality and therefore it is likely that it serves a different section of the community. However, the differences in types of public house are not a planning consideration, as such it is not considered that there is any planning policy reason to refuse planning permission for the proposed change of use; if planning permission is granted, a number of different public houses will still be available to residents of Old Shotton and the wider town of Peterlee.

13 Principle of the Residential use and Impact of Building Works

It is considered that residential use is acceptable in this particular location given that the former public house is situated in an established residential area. It is not considered that residential use of the premises would have a detrimental impact upon the amenities of the surrounding area or the wider setting that would justify refusal of this application.

The proposed change of use will involve some building works at the property. These will include the demolition of an existing single storey extension on the southern side of the property and the erection of modest side and rear extensions. It is considered that the proposed additions will be in keeping with the existing property and street scene. Furthermore, the proposed removal of the existing single storey extension to the side of the property will have a positive effect on the appearance of property and street scene and will reduce the bulk of the existing building.

It is not considered that the proposed change of use or building works will have any negative effects upon the amenity of adjacent residents. The loss of the public house and reduction in size of the building as proposed, may actually have a positive effect on the amenity of residents who live closest to the property by removing a potential source of late night noise and disturbance.

The access and parking arrangements for proposed dwellings are considered to be acceptable; the Highways Authority has raised no objections.

CONCLUSION

- 14 The current application relates to an existing public house situated within the village of Old Shotton on the western edge of the town of Peterlee. Both residents of the village of Old Shotton and the town of Peterlee are considered to have access to a range of community facilities, including a number of public houses. The proposal would not lead to the loss of a community facility that is so important as to warrant refusal of planning permission.
- 15 The objections received from the Town Council and local residents are not considered to be sufficient to warrant refusal of the application. Due to the pub's location in the village of Old Shotton within the wider town of Peterlee, Local Plan Policy 96 would not justify refusal of planning permission.
- 16 The proposed change of use is considered to be in keeping with the character of the area. The proposed building works will not have any detrimental effects upon the occupants of neighbouring property or the character of the existing property or street scene.

RECOMMENDATION

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

Conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby approved shall be carried out in strict accordance with the following approved plans unless otherwise agreed in writing with the Local Planning Authority. Plan References: Location Plan, Topographical Survey (10145 TOPO), Measured Building (10145 FP), Elevations and Sections (10145 ELE), Public House Conversion Proposed Plans and Elevations (5321/02) - date received 11/05/2010. Amended Plan: Public House Conversion Proposed Site Layout (5321/03 Rev A) - date received 14/06/2010.
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.

REASONS FOR THE RECOMMENDATION

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

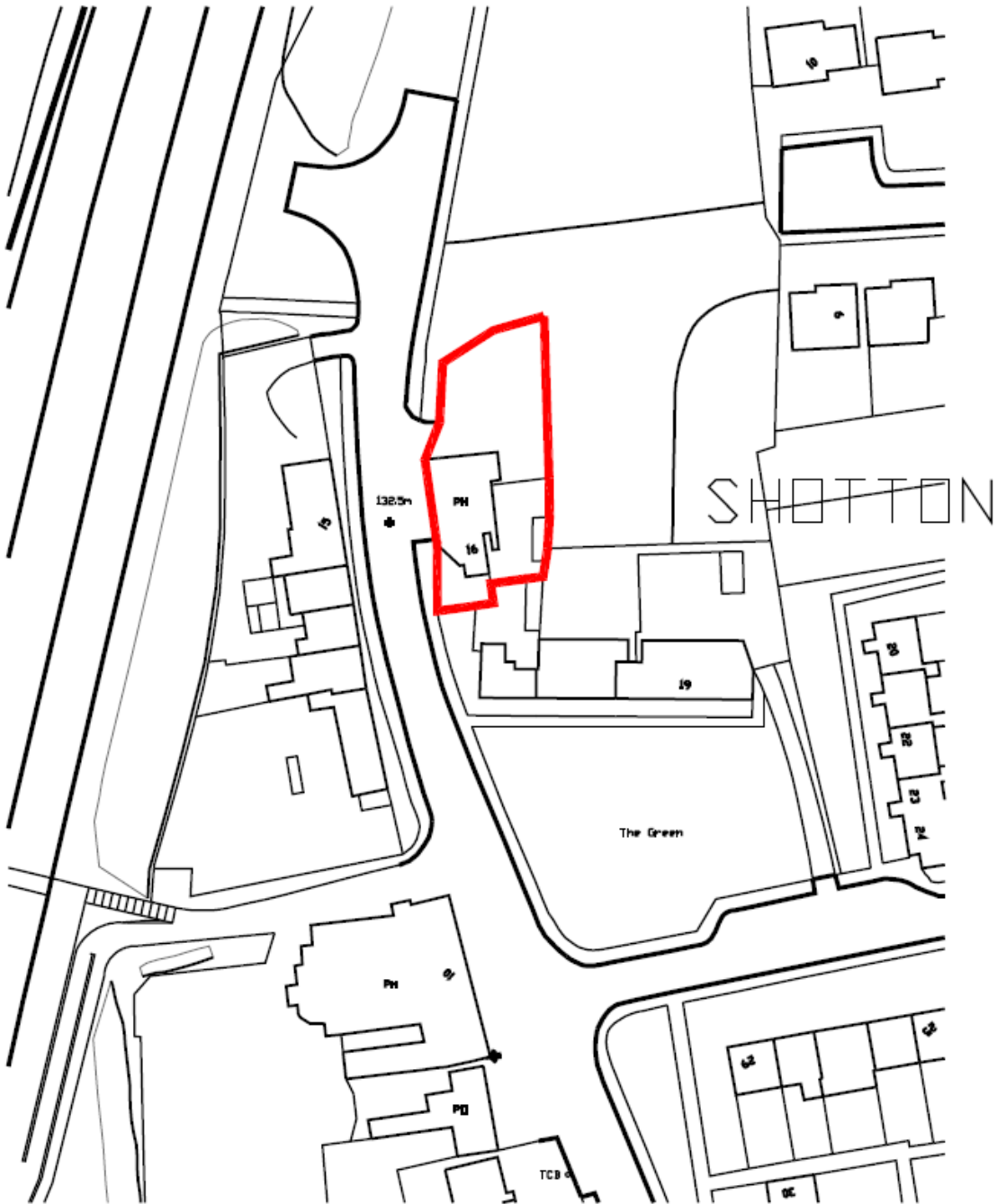
DISTRICT OF EASINGTON LOCAL PLAN
DISTRICT OF EASINGTON LOCAL PLAN
PLANNING POLICY STATEMENT/GUIDANCE
PLANNING POLICY STATEMENT/GUIDANCE
DISTRICT OF EASINGTON LOCAL PLAN

ENV35 - Environmental Design: Impact of Development
GEN01 - General Principles of Development
PPS1 - Delivering Sustainable Development
PPS3 - Housing
REC96 - Protection of community facilities

2. In particular the development was considered acceptable having regard to consideration of issues of the loss of the public house and the impact on the street scene and adjacent occupants.
3. The stated grounds of objection concerning the loss of the public house and its associated community benefits are not considered sufficient to warrant refusal of the application. The relevant planning policy supports the proposed change of use and existing public houses will remain within the locality.

BACKGROUND PAPERS

- Submitted Application Forms and Plans.
- Design and Access Statement
- District of Easington Local Plan 2001
- Planning Policy Statements / Guidance, PPS1, PPG2, PPS3, PPS7, PPS9, PPS13, PPG15, PPG16
- Consultation Responses



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Planning Services

COMMITTEE REPORT

AGENDA ITEM NUMBER:

APPLICATION DETAILS

APPLICATION NO:	PL/5/2010/0317
FULL APPLICATION DESCRIPTION	SUBSTITUTION OF HOUSE TYPES
NAME OF APPLICANT	DUNELM HOMES
SITE ADDRESS	WOODS TERRACE AND CHURCH STREET, MURTON
ELECTORAL DIVISION	MURTON
CASE OFFICER	Grant Folley 0191 5274322 grant.folley@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSAL

- 1 The current application site relates to an area of land situated in the south-western corner of a larger development site. The development site as a whole comprises some 1.25 hectares of land lying to the east of Woods Terrace, north of the B1285 and west of Church Street North. The original consent granted planning permission for the erection of 42 detached/semi detached and terraced dwellings, (2, 3 and 4 Beds) together with 26 two bed apartments, 8 of which were to be located above a block of 4 retail units, each of 56 square metres; the proposed apartments and retail units were to front onto Woods Terrace. The buildings were to be a mix of 2 and 3 storeys in height.
- 2 The current planning application proposes various changes to the approved scheme; it is proposed to remove the proposed 4 no. retail units fronting Woods Terrace and the 26 no. apartments and 4 no. three bed roomed houses, and to replace these buildings with two-storey residential dwellings. The replacement dwellings are to be provided in a range of four house types and will provide 2 and 3 bed roomed accommodation. As a result of the proposed changes the housing numbers will actually decrease by 8 no. dwellings .
- 3 Information has been provided by the applicant, which demonstrates that a local estate agent had marketed the originally proposed retail units for in excess of a year, but that no viable interested parties came forward in that time. The lack of interest in the retail units has partly necessitated the currently proposed amendments to the approved scheme.

- 4 The layout of the development remains largely unchanged, with the new dwellings sited on the previous footprints of the retail units and apartments.
- 5 The highways and pavements have already been approved as part of the original planning applications on the site and remained unchanged through the first house type substitution application (approved 2009). As a result of the currently proposed changes amendments have been made to the proposed parking provision, with spaces being provided to the rear of the proposed houses to ensure the houses front directly onto Woods Terrace.
- 6 The proposal is being reported to committee as it relates to fourteen dwellings, and thus constitutes a major application.

PLANNING HISTORY

PLAN/2006/0699 - Residential, Retail and Community use (Outline) - Approved 16/01/07.
PLAN/2007/0349 – Residential and Commercial Use (Reserved Matters) – Approved 07/08/2007

PLANNING POLICY

7 NATIONAL POLICY:

Planning Policy Statement 1 (PPS1) sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system.

Planning Policy Statement 3: Housing (PPS3) underpins the delivery of the Government's strategic housing policy objectives and our goal to ensure that everyone has the opportunity to live in a decent home, which they can afford in a community where they want to live.

PPS4 - Planning for Sustainable Economic Growth: Planning for Sustainable Economic Development proposes a responsive and flexible approach to planning which provides sufficient employment land and makes better use of market information. The PPS is designed to establish a national planning policy framework for economic development at regional, sub-regional and local levels for both urban and rural areas.

The above represents a summary of those policies considered most relevant. The full text can be accessed at: <http://www.communities.gov.uk/planningandbuilding/planning/planningpolicyguidance/planningpolicystatements>

8 LOCAL PLAN POLICY:

District of Easington Local Plan

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

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

Policy 102 - New retail development will be approved within or on the edge of specified local centres provided it does not affect the amenity and character of the area, will not adversely affect local amenity and accord with policies 36 and 37.

Policy M07 - 1.5 ha of land west of The Avenue is allocated for a car park and housing, shopping or open space.

Policy M12 - Defines the area of the local shopping centre for Murton.

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.easingtonlocalplan.org.uk/>

CONSULTATION AND PUBLICITY RESPONSES

9 STATUTORY RESPONSES:

No comments received.

10 INTERNAL CONSULTEE RESPONSES:

Planning Policy Officer:

- The substitution of house types will result in the loss of previously approved retail units in the area defined as the local retail centre for Murton.
- The application should be considered against policy EC13 of PPS4 and the Retail Study prepared as evidence base for the County Durham Plan. Policy EC13 seeks to protect local village centres, the impact of the loss of retail units should therefore be considered in terms of the offer currently available in Murton and the efforts that have been undertaken to find occupiers for the proposed units.
- The retail study, whilst principally assessing the main town and consequently addressing Seaham in this regard, considered that the retail centre at Murton performs an important 'top-up' role for the community in convenience shopping.

Highways Authority Officer: Following discussions and receipt of an amendment layout plan during the application process, which addressed initial concerns over the car parking provision, no highway objections are raised to the scheme.

11 PUBLIC RESPONSES:

The application has been advertised in the local press and by a site notice erected on the site. Neighbour consultation letters have also been sent. No letters of representation have been received in relation to this application.

12 APPLICANTS STATEMENT:

The proposal to amend the development layout allows housing being demanded by purchasers to be built and marketed. Demand for and value of flats is not now sustainable. The retail units have been marketed without success since the first submission was approved. The proposal maintains a quality development against Woods Terrace and provides a featureful presence onto this prominent corner in Murton.

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <http://planning.easington.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=109886> Officer analysis of the issues raised and discussion as to their relevance to the proposal and recommendation made is contained below

PLANNING CONSIDERATION AND ASSESSMENT

Planning permission is sought for the substitution of house types on a recently approved planning application, as such the principle of development is considered to have already been accepted.

The main issues to consider in determining this application are the impact the loss of the approved retail units would have on the vitality and viability of the local shopping area, and whether the proposed changes are acceptable in terms of design and the effect they will have on the residential amenity for future occupants. Open Space provision will also be considered.

13 Loss of Retail Units

The substitution of house types will result in the loss of previously approved retail units in the area defined as the local retail centre for Murton. The application should be considered against policy EC13 of PPS4 and the Retail Study prepared as evidence base for the County Durham Plan. Policy EC13 seeks to protect local village centres, the impact of the loss of retail units should therefore be considered in terms of the offer currently available in Murton and the efforts that have been undertaken to find occupiers for the proposed units. The retail study, whilst principally assessing the main towns and consequently addressing Seaham in this regard, considered that the retail centre at Murton performs an important 'top-up' role for the community in convenience shopping

The existing local retail centre of Murton provides a range of different services including convenience shopping, a doctor's surgery and pharmacy, a post office, hot food takeaways and other retail units. The Local Planning Authority has recently approved the change of use of retail units at the southern end of Woods Terrace, adjacent to the current application site, from retail to residential. Planning permission was granted as the retail units had been vacant for some time and had begun to fall into a state of disrepair.

In relation to the current planning application, information has been submitted by the applicant to demonstrate that there was little interest in the proposed retail units following a local marketing exercise. It is not considered that the loss of the approved, but as yet unconstructed retail units would have any negative effects on the vitality or viability of Woods terrace as a local shopping centre. In fact it is considered that by allowing the proposed amendments the development will be completed to the benefit of the visual amenity of the area and the Woods Terrace street scene. It could also serve to encourage the take-up of existing vacant units to meet any demand for retail or commercial premises rather than have new units occupied at the expense of others.

14 Design

The proposed dwellings will be similar to others recently constructed on the development site. In principle the proposed dwellings are considered to be in keeping with the locality and recently constructed dwellings on the remaining development site. The houses will front directly onto Woods Terrace and have a positive effect on the existing street scene to the benefit of the character as a whole.

15 Residential Amenity

The proposed changes to the house type do not impact on the layout of the development as approved; each individual dwelling is essentially in the same position as originally approved. Therefore it is not considered that the proposed changes would have any detrimental effects in terms of privacy or amenity space for future residents of the proposed dwellings or existing occupiers of adjacent residential properties.

16 Open Space Provision

Saved policy 66 of the District of Easington Local Plan states that developers should provide adequate recreation space in relation to new housing developments of 10 or more dwellings. Where it is inappropriate to make provision within the development site, it may be necessary to secure provision elsewhere. The current proposal does not include any

open space provision. However, the original planning application on this site was subject to a S.106 Legal Agreement, which secured a financial payment in lieu of open space provision on the site. The council has already received the payment required through the S.106. As such there is no requirement to secure any further payment from the developer in relation to open space with regard to the current proposal.

CONCLUSION

- 17 The proposed substitution of house types is considered to accord with the relevant development plan policies. The loss of the retail units will not have a significant detrimental effect on vitality or viability of Woods terrace as a local shopping centre. The proposed changes in terms of design and scale are in keeping with the previous approval on the site, and will not impact on the residential amenity of future residents.

RECOMMENDATION

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

Conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby approved shall be carried out in strict accordance with the following approved plans unless otherwise agreed in writing with the Local Planning Authority. Plan References; Location Plan, The Ely - Planning Drawings (EL-Std-00), The Ripon - Planning Drawings (RI-Std-00), The Ripon - Planning Drawings Artstone (RI-ArtS-00), The Lincoln - Planning Drawings Artstone (LN-ArtS-00), The Larch - Planning Drawings (LA_non Std-01), Wood Terrace, Murton - Proposed Street Elevations (SE_01), Woods terrace, Murton - Existing Site Plan (EX_01) - all received 02/07/2010. Amended Plan: Woods Terrace, Murton - Proposed Site Layout (PL_01 Rev. B) - received 17/08/2010.
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.
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 to which they relate.
5. Within one month of the commencement of the development, or other such time period as may be agreed in writing with the Local planning authority, a detailed landscaping scheme shall be submitted to, and approved in writing by, the Local planning authority. No tree shall be felled or hedge removed until the landscape scheme, including any replacement tree and hedge planting, is approved as above. The landscape scheme shall include accurate plan based details of the following: Trees, hedges and shrubs scheduled for retention. Details of hard and soft landscaping including planting species, sizes, layout, densities, numbers. Details of

planting procedures or specification. Finished topsoil levels and depths. Details of temporary topsoil and subsoil storage provision. Seeded or turf areas, habitat creation areas and details etc. Details of land and surface drainage. The establishment maintenance regime, including watering, rabbit protection, tree stakes, guards etc. The local planning authority shall be notified in advance of the start on site date and the completion date of all external works. Trees, hedges and shrubs shall not be removed without agreement within five years.

6. All planting, seeding or turfing and habitat creation in the approved details of the landscaping scheme shall be carried out in the first available planting season following the practical completion of the development. Any approved replacement tree or hedge planting shall be carried out within 12 months of felling and removals of existing trees and hedges. Any trees or plants which die, fail to flourish or are removed within a period of 5 years from the substantial completion of the development shall be replaced in the next planting season with others of similar size and species, unless the planning authority gives written consent to any variation. Replacements will be subject to the same conditions.

REASONS FOR THE RECOMMENDATION

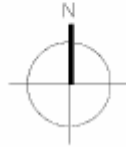
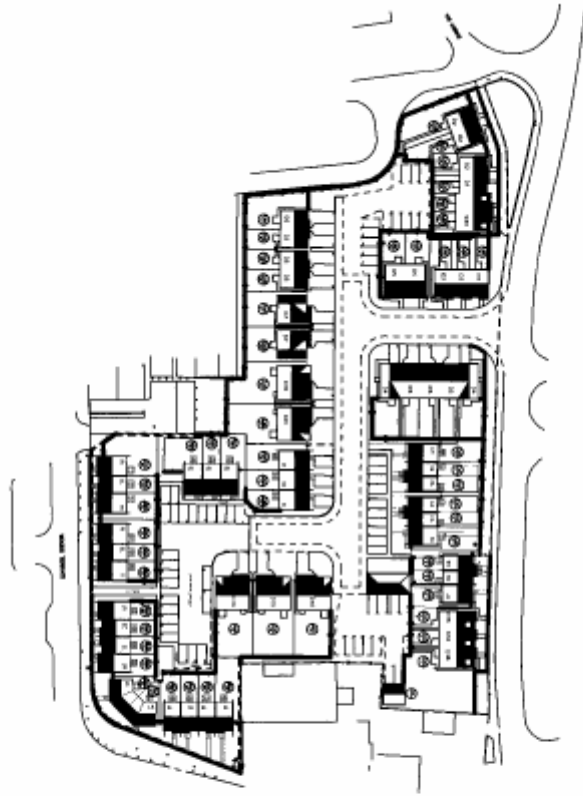
1. The development was considered acceptable having regard to the following development plan policies:

DISTRICT OF EASINGTON LOCAL PLAN	ENV35 - Environmental Design: Impact of Development
DISTRICT OF EASINGTON LOCAL PLAN	GEN01 - General Principles of Development
DISTRICT OF EASINGTON LOCAL PLAN	M07 - West of the Avenue
DISTRICT OF EASINGTON LOCAL PLAN	M12 - Local shopping centre
PLANNING POLICY STATEMENT/GUIDANCE	PPS1 - Delivering Sustainable Development
PLANNING POLICY STATEMENT/GUIDANCE	PPS3 - Housing
PLANNING POLICY STATEMENT/GUIDANCE	PPS4 - Planning for Sustainable Economic Growth
DISTRICT OF EASINGTON LOCAL PLAN	SHO102 - Local and neighbourhood shopping centres

2. In particular the development was considered acceptable having regard to consideration of issues of the sites location, and the design and scale of development.

BACKGROUND PAPERS

- Submitted Application Forms and Plans.
- Design and Access Statement
- North East of England Plan Regional Spatial Strategy to 2021 (RSS) July 2008
- District of Easington Local Plan 2001
- Planning Policy Statements / Guidance, PPS1, PPG2, PPS3, PPS7, PPS9, PPS13, PPG15, PPG16
- Consultation Responses



Planning Services

COMMITTEE REPORT

AGENDA ITEM NUMBER:

APPLICATION DETAILS

APPLICATION NO:	PL/5/2010/0318
FULL APPLICATION DESCRIPTION	SUBSTITUTION OF HOUSE TYPES
NAME OF APPLICANT	DUNELM HOMES
SITE ADDRESS	PLOTS 27-30, 33-38 & 45-48 FOUNDRY ROAD, SEAHAM
ELECTORAL DIVISION	DAWDON
CASE OFFICER	Grant Folley 0191 5274322 grant.folley@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSAL

- 1 The application relates to a current construction site situated within Seaham. Planning permission was approved in November 2005 for the development of the site to form 54 no. houses (see relevant planning history). The current application specifically relates to plots 27-30, 33-38 and 45-48 of the scheme, which are situated in the south east corner of the application site.
- 2 Planning permission is currently sought to change the design of 14 of the approved dwellings. The applicant has stated the changes are required due to the current market conditions, and the need to make the site more viable. The proposed changes involve a reduction in the size and height of the proposed dwellings from three-storey three and four bedroomed properties, to two-storey two and three bedroomed properties. The proposed changes to house types have resulted in minor changes to the parking arrangements for the site.
- 3 The proposal is being reported to committee as it relates to fourteen dwellings, and this constitutes a major application.

PLANNING HISTORY

05/244 – Residential Development comprising 54 no. houses – Approved 16.11.2005
PLAN/2008/0078 - Substitution of House Types - Approved 18.03.2008
PL/5/2010/0319 - Non- Material Amendment - Elevational Changes - Approved 30.07.2010

PLANNING POLICY

4 NATIONAL POLICY:

Planning Policy Statement 1 (PPS1) sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system.

Planning Policy Statement 3: Housing (PPS3) underpins the delivery of the Government's strategic housing policy objectives and our goal to ensure that everyone has the opportunity to live in a decent home, which they can afford in a community where they want to live.

The above represents a summary of those policies considered most relevant. The full text can be accessed at: <http://www.communities.gov.uk/planningandbuilding/planning/planningpolicyguidance/planningpolicystatements>

5 LOCAL PLAN POLICY:

District of Easington Local Plan

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

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

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.easingtonlocalplan.org.uk/>

CONSULTATION AND PUBLICITY RESPONSES

6 STATUTORY RESPONSES:

Northumbrian Water – No objection to this proposal.

7 INTERNAL CONSULTEE RESPONSES:

Planning Policy Officer – There are no policy implications of the proposed substitution of house types in this development.

8 PUBLIC RESPONSES:

The application has been advertised in the local press and by a site notice erected on the site. Neighbour consultation letters have also been sent. No letters of representation have been received in relation to this application.

9 APPLICANTS STATEMENT:

The site was purchased from the original developer in receivership. The part completed dwellings in phase one have been successfully marketed and sold and completed. The original developer had already installed the sub structures up to DPC and as such limits the design options for Phase 2. On the whole the original house designs have been maintained with internal floor layout amendments and slight elevational changes to suit market condition. The three storey house types have been reduced to two storey for this same reason, to suit market demands. Materials and elevational treatments will match those of phase creating a coherent development.

PLANNING CONSIDERATION AND ASSESSMENT

Planning permission is sought for the substitution of house types on a recently approved planning application, as such the principle of development is considered to have already been accepted. The main issues to consider in determining this application are whether the proposed changes are acceptable in terms of design and the effect the changes will have on residential amenity for future occupants. Open Space will also be considered.

10 Design

The changes to the houses involve the reduction in height of the proposed dwellings from three storeys to two. The proposed dwellings will be similar to others recently constructed on the development site. In principle the proposed dwellings are considered to be in keeping with the locality and recently constructed dwellings on the remaining development site.

11 Residential Amenity

The proposed changes to the house type do not impact on the layout of the development as approved, each individual dwelling is essentially in the same position as originally approved. Therefore it is not considered that the proposed changes would have any detrimental effects in terms of privacy or amenity space for future residents of the proposed dwellings or existing occupiers of adjacent residential properties.

12 Affordable Housing

The District of Easington Affordable Housing policy Statement requires affordable housing to be provided in developments of 15 houses or more. There was no requirement for affordable housing in relation to the previous application on this site, as the decision pre-dated the affordable housing requirement. As the current application only deals with fourteen of the originally approved dwellings there is no requirement for affordable housing in relation to the current application.

13 Open Space Provision

Saved policy 66 of the District of Easington Local Plan states that developers should provide adequate recreation space in relation to new housing developments of 10 or more dwellings. Where it is inappropriate to make provision within the development site, it may be necessary to secure provision elsewhere. The current proposal does not include any open space provision. However, the original planning application on this site was subject to a S.106 Legal Agreement, which secured a financial payment in lieu of open space provision on the site. The council has already received the payment required through the S.106. As such there is no requirement to secure any further payment from the developer in relation to open space with regard to the current proposal.

CONCLUSION

14 The proposed substitution of house type is considered to accord with the relevant development plan policies. The proposed changes in terms of design and scale are in keeping with the previous approval on the site, and will not impact on the residential amenity of future residents.

RECOMMENDATION

15 That the application be **APPROVED** subject to the following conditions;

Conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby approved shall be carried out in strict accordance with the following approved plans unless otherwise agreed in writing with the Local Planning Authority. Plan References; Existing House Type E, Existing House Type K, Proposed House Type E, Proposed House Type K - all received 2nd July 2010. Site Layout Plan Amended Parking Provision - received 18th July 2010.
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.
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 to which they relate.
5. Within one month of the commencement of the development, or other such time period as may be agreed in writing with the Local planning authority, a detailed landscaping scheme shall be submitted to, and approved in writing by, the Local planning authority. No tree shall be felled or hedge removed until the landscape scheme, including any replacement tree and hedge planting, is approved as above. The landscape scheme shall include accurate plan based details of the following: Trees, hedges and shrubs scheduled for retention. Details of hard and soft landscaping including planting species, sizes, layout, densities, numbers. Details of planting procedures or specification. Finished topsoil levels and depths. Details of temporary topsoil and subsoil storage provision. Seeded or turf areas, habitat creation areas and details etc. Details of land and surface drainage. The establishment maintenance regime, including watering, rabbit protection, tree stakes, guards etc. The local planning authority shall be notified in advance of the start on site date and the completion date of all external works. Trees, hedges and shrubs shall not be removed without agreement within five years.
6. All planting, seeding or turfing and habitat creation in the approved details of the landscaping scheme shall be carried out in the first available planting season following the practical completion of the development. Any approved replacement tree or hedge planting shall be carried out within 12 months of felling and removals of existing trees and hedges. Any trees or plants which die, fail to flourish or are removed within a period of 5 years from the substantial completion of the development shall be replaced in the next planting season with others of similar size and species, unless the planning authority gives written consent to any variation. Replacements will be subject to the same conditions.

REASONS FOR THE RECOMMENDATION

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

DISTRICT OF EASINGTON LOCAL PLAN	ENV35 - Environmental Design: Impact of Development
DISTRICT OF EASINGTON LOCAL PLAN	GEN01 - General Principles of Development
PLANNING POLICY STATEMENT/GUIDANCE	PPS1 - Delivering Sustainable Development
PLANNING POLICY STATEMENT/GUIDANCE	PPS3 - Housing

2. In particular the development was considered acceptable having regard to consideration of issues of design, scale of development and impact on adjacent residents.

BACKGROUND PAPERS

- Submitted Application Forms and Plans.
- Design and Access Statement
- North East of England Plan Regional Spatial Strategy to 2021 (RSS) July 2008
- District of Easington Local Plan 2001
- Planning Policy Statements / Guidance, PPS1, PPG2, PPS3, PPS7, PPS9, PPS13, PPG15, PPG16
- Consultation Responses



Planning Services

COMMITTEE REPORT

AGENDA ITEM NUMBER:

APPLICATION DETAILS

APPLICATION NO:	PL/5/2010/0359
FULL APPLICATION DESCRIPTION	INCREASE IN HEIGHT OF EXTENSION (RETROSPECTIVE) (RESUBMISSION)
NAME OF APPLICANT	MR G CRAMMEN
SITE ADDRESS	WEEMS FARM, MICKLE HILL ROAD, HESLEDEN TS27 4PY
ELECTORAL DIVISION	BLACKHALLS
CASE OFFICER	Laura Eden 0191 5274613 laura.eden@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSAL

SITE:

- 1 The application site relates to Weems Farm, which lies on the eastern edge of Hesleden outside of the settlement boundary and is therefore classed as being in the countryside. The site is located on the southern side of the road linking the former colliery village to High Hesleden further to the east.
- 2 The site is highly visible in views from the surrounding countryside, which is relatively flat and open in nature with little natural screening.

THE DEVELOPMENT:

- 3 Retrospective planning permission is sought for the increase in height and length of the building.
- 4 Planning permission was originally granted on 18 January 2008 for a granny flat extension to Weems Farm. It was subsequently noted that the extension as completed did not appear to have been constructed in accordance with the approved plans. The matter was investigated further where it was found that the extension was approximately 1.3 metres higher than the original approval and approximately 1.2 metres longer. This application seeks to regularise the unauthorised works.
- 5 The current application represents a resubmission of a previously refused application to regularise the retrospective works, determined in accordance with the scheme of delegation. The applicant has requested that the application is reported to the Planning Committee for further consideration, and this has been supported by the

local County Councillor, Councillor Crute. In the supporting statement, submitted with the application, the agent has indicated the applicant's willingness to undertake the repainting of the external render or to provide a partial or full brick skin to the main elevation if the planning department feel it would overcome the concerns raised in the previous application.

PLANNING HISTORY

PL/5/2010/0006 – Increase in height of extension refused 03/03/2010
PLAN/2007/0782 - Extension to provide granny flat approved 18/01/2008
PLAN/2006/0167 - Double garage refused 04/06/2006

PLANNING POLICY

6 NATIONAL POLICY:

Planning Policy Statement 1: Delivering Sustainable Development sets out the Governments overarching planning policies on the delivery of sustainable development through the planning System.

The above represents a summary of those policies considered most relevant. The full text can be accessed at: <http://www.communities.gov.uk/planningandbuilding/planning/planningpolicyguidance/planningpolicystatements>

7 LOCAL PLAN POLICY:

District of Easington Local Plan

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

Policy 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 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 73 - Extensions or alterations to existing dwellings, requiring planning permission, will be approved provided that there are no serious adverse effects on neighbouring residents, the proposal is in keeping with the scale and character of the building and the proposal does not prejudice road safety or result in the loss of off street parking.

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.easingtonlocalplan.org.uk/>

CONSULTATION AND PUBLICITY RESPONSES

8 STATUTORY RESPONSES:

Parish Council - No response

9 INTERNAL CONSULTEE RESPONSES:

Design - The extension by virtue of its excessive size, scale, height and massing detracts from the character and appearance of the original building, has a significant detrimental visual impact upon the surrounding dwellings and is visually dominant within the open countryside. Consequently this department feels they are unable to support this application.

10 PUBLIC RESPONSES:

The application was advertised by means of neighbour notification letters – No responses have been received, however the agent has submitted five letters of support from neighbours that were submitted with the previous application Ref. PL/5/2010/0006. These state that the extension is attractive and is well designed improving the surrounding area.

11 APPLICANTS STATEMENT:

The Applicant acknowledges the extension as constructed is taller than that originally approved by the local planning authority in January 2008, but until contacted by the Council's Enforcement Officer was unaware the original approved drawings had subsequently been altered in the drawings submitted for building regulations approval. The amendment to the drawings submitted for building regulations approval incorporated details raising the height of the eaves of the new extension in order to accommodate the cross-ridge linking the existing house to the new extension with the effect of increasing the ridge of the new extension above the approved height.

The Applicant has sought to remedy this matter having already submitted an earlier retrospective planning application to regularise the altered extension however notwithstanding the fact this earlier retrospective planning application received 5 letters of support from local neighbours all of whom considered and stated the enlarged extension is attractive, is well designed and constructed and improves the appearance of the area this was not supported by the local planning officer and the application was refused under the Council's scheme of delegation.

The Applicant is not in a financial position to undertake the necessary major reconstruction work required to return the extension to the original height approved but following discussions with the local planning officer has offered in the current re-submission to undertake the re-painting of the existing external white render finish with a darker colour or alternatively to clad the main east facing elevation of the extension with a partial or full brick skin as a means to mitigate the impact of the appearance of the current extension to the satisfaction of the local planning authority.

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <http://planning.easington.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=110365> Officer analysis of the issues raised and discussion as to their relevance to the proposal and recommendation made is contained below

PLANNING CONSIDERATION AND ASSESSMENT

The main considerations relevant to this application are;

- o Development history
- o Design
- o Wider impact of the proposal
- o Retrospective nature of development

12 Development history

The application site lies outside of the settlement boundary as defined for Hesleden, therefore development here will be construed to be in the open countryside and will

generally be resisted unless specifically allowed by other policies. In relation to householder development the main policies relevant to the application are 1, 35 and 73 of the Local Plan. These will be examined in more detail later in the report.

Due to the location of the site, the development is highly visible in views from the surrounding countryside, which is relatively flat and open in nature with little natural screening. Any development within this area therefore has the potential to be prominent.

This current application seeks to regularise works that were originally examined under PLAN/2007/0782 that sought permission to construct a domestic extension to the existing house at Weems Farm to form a Granny Flat. Originally the extension was proposed to be two-storeys in height and incorporate a pitched roof to match the existing house. Although the height of the eaves of the granny flat was proposed to be slightly higher than the eaves of the original property by 0.3metres, the ridge height was intended to be lower than the corresponding ridge by some 0.4metres. This was to ensure that the building appeared subservient to not only the host dwelling but also to the adjacent properties. The development in that form was considered to be acceptable. The extension has however been built approximately 1.3 metres higher than the original approval and approximately 1.2 metres longer.

13 Design

Durham County Council will seek to resist an extension contrary to the intentions of the Adopted Local Plan and which it considers to have an adverse and detrimental impact upon the amenities of the surrounding area.

Policy 73, relating to extensions and/or alterations to dwelling houses and in particular part ii) states that a proposal will only be approved if it is in keeping with the scale and character of the building itself and the area more generally in terms of site coverage, height, roof style, detailed design and materials.

In this respect the original proposal was considered to accord with these intentions as it was considered to be subservient to the host dwelling and the area more generally. The resubmission however does raise some concerns especially in relation to the height of the extension. The current application seeks to increase the height of the approved extension by 1.3 metres and the length by 1.2 metres. The works have resulted in the extension's ridge and eaves heights being significantly greater than those of the original property. Although the additional length of the building is not considered to have as significant an impact upon the visual environment when compared to the effects caused by the increased height, the cumulative impact of these two deviations from the original approval does add to the extension's overall bulk and prominence within the relatively open landscape.

Generally extensions should be subservient to the original building to give clear definition between the old and new elements and to allow for the historic development of a property to be illustrated. The size, scale and design of the original building should dictate the form of any proposed addition. Ideally the ridge and eaves should be lower than those of the original building to maintain the building's architectural integrity. By virtue of its size, scale and massing the approved extension fails to achieve these aims.

Policy 35: Impact of Development states that extensions to existing buildings should also be designed to reflect the scale and character of adjacent buildings and the area generally. The plans submitted with the original approval showed the extension being of a comparable height to the neighbouring dwellings however the situation on site is substantially different. The extension is significantly higher than the adjacent properties therefore by virtue of its size and massing creates an excessive form of development within the area. As such it

does not reflect the local scale, therefore being out of character with adjacent dwellings contrary to the intentions of Policy 35.

As a result, it is considered that the extension does unduly harm the character and appearance of the host dwelling and its rural setting and as such creates an undesirable precedent for the surrounding area.

In the supporting statement the agent has indicated the applicant's willingness to undertake the repainting of the external render or to provide a partial or full brick skin to the main elevation if the planning department feel it would overcome the concerns raised in the previous application. In response to this, the Council's Design Officer considers there are potential problems if alternative colours and claddings are used to try and mitigate the visual impact of the development. Concerns are raised that the introduction of brick cladding or a darker colour render could result in an apparent increase in the mass and height of the overall complex of buildings. This could draw greater attention to the silhouette, giving the development a more urban feel.

14 Wider impact of the proposal

In wider terms due to the buildings size, scale and position on the edge of the site and within the surrounding landscape, which is relatively flat and where there is little natural screening, the extension is highly visible in the surrounding views where it visually dominates the skyline and towers above the other buildings within the site. Consequently it is considered that the increase in the size of the extension has a detrimental impact on the open countryside.

15 Retrospective nature of development

It is acknowledged that this application has been submitted retrospectively. However, planning legislation allows for the submission of a retrospective planning application, and such development must be considered upon its own merits. Whether it is retrospective, is not a material planning consideration for the Planning Authority to consider. In these circumstances, refusal of planning permission would lead to consideration of enforcement action if the applicant does not voluntarily alter the development to comply with the approved scheme. This would involve at least partial demolition and rebuilding to rectify the increase in height, if the increased footprint is considered acceptable.

CONCLUSION

16 In conclusion, the increase in the size of the development beyond the approved dimensions, and in particular the height, is considered to have a serious adverse impact on the appearance of this group of buildings and the wider countryside. The impact is exacerbated by the prominent and isolated location away from the built-up area of Hesleden, with views from various directions. Furthermore, the adverse effects are considered to be sufficiently serious to justify refusal of retrospective planning permission and, if necessary, enforcement action to secure compliance with the approved scheme. It is not considered that the suggested application of cladding or a different coloured render would overcome the concerns sufficient to lead to a recommendation of approval.

RECOMMENDATION

17 That the application be **REFUSED** for the following reason;

The development, by virtue of its excessive size, scale, height and massing constitutes an incongruous and prominent feature that is not in keeping with the scale and character of the host dwelling. The development is visually obtrusive, adversely affecting the character and appearance of its immediate surroundings and the surrounding countryside and, as such, is contrary to Policies 1, 35 and 73 of the District of Easington Local Plan.

REASONS FOR THE RECOMMENDATION

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

DISTRICT OF EASINGTON LOCAL PLAN	ENV03 - Protection of the Countryside
DISTRICT OF EASINGTON LOCAL PLAN	ENV35 - Environmental Design: Impact of Development
DISTRICT OF EASINGTON LOCAL PLAN	GEN01 - General Principles of Development
DISTRICT OF EASINGTON LOCAL PLAN	HOU73 - Extensions and/or alterations to dwellinghouses
PLANNING POLICY STATEMENT/GUIDANCE	PPS1 - Delivering Sustainable Development

BACKGROUND PAPERS

- Submitted Application Forms and Plans.
- Design and Access Statement
- District of Easington Local Plan 2001
- Planning Policy Statements / Guidance, PPS1
- Consultation Responses

