

Item no.

Report to: **Development Control and Regulatory Panel**

Date: **30 August 2005**

Report of: **Head of Planning and Building Control Services**

Subject: **Applications under the Town and Country Planning Acts
Town and Country Planning Act 1990
Planning (Listed Buildings and Conservation Areas) Act 1990**

Ward: **All**

A INTRODUCTION

Members are advised that in preparing the attached report full consultation responses are not presented. Care is taken to ensure that principal issues of all relevant responses are incorporated into the report. Notwithstanding this Members are invited to view all submitted plans and consultation responses prior to the Panel meeting by contacting the Head of Planning and Building Control Services.

The Easington Local Plan was adopted by the District of Easington on 28th December 2001. Together with the Durham County Structure Plan it is a material consideration in the determination of planning applications. All relevant policies have been taken into account in making recommendations in this report. A view as to whether the proposals generally accord with policies is identified in the relevant section.

Section 54A of the 1990 Town & Country Planning Act (as amended) requires the Local Planning Authority to have regard to the development plan policies when they are relevant to an application and hence are a material consideration. Where such policies are material to a proposal, section 54A requires the application to be determined in accordance with the Development Plan policies unless material considerations indicate otherwise.

The recommendations contained in this report have been made taking into account all material planning considerations including any representations received and Government guidance in Planning Policy Guidance Notes and Circulars. Consideration has been given to whether proposals cause harm to interests of acknowledged importance.

Members attention is drawn to information now provided in respect of time taken to determine applications. Following each recommendation a determination time is provided based on a decision at this Panel. Where a decision time exceeds the 8 week target a reason for this is given in brackets.

In considering the applications and preparing the report the District of Easington has fully taken into account the duties imposed on Local Planning Authorities by the Human Rights Act 2000. In particular, regard has been given to Articles 6, 7, and 8, the First Protocol and Section 6. Where specific issues of compliance with this legislation have been raised these are dealt with within each report.

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B SPEAKING AT THE PANEL

The District Council is one of the few Councils in the country who allows verbal representations when decisions on planning applications are being made. The Panel has to balance listening to views with the efficient conduct of the business of the Panel. The following procedures have therefore been agreed. These procedures will be adhered to in respect of the items within this report. Members of the public will also be expected to follow these both in their own interests and that of other users of the service.

1. The Planning Officer will present his report.
2. Objectors and supporters will be given the opportunity to speak. Five minutes will be given to each speaker. If there is more than one speaker upon an issue, the District Council recommends the appointment of a spokesperson and that speakers register their request prior to the Panel meeting.
3. After registered speakers have had their say the Chair of the Panel will ask if there is any other member of the public who wishes to speak. Those who do may be allowed to speak. The Chair of the Panel will exercise discretion in this regard. Where the number of speakers or the repetitive nature of the points that may be raised may impact on the other business of the Panel then the Chair will restrict the number of speakers and progress the matter.
4. The applicant or representative may then speak for a duration of up to five minutes.
5. At the discretion of the Chair, objectors or supporters or applicants may ask officers questions then may be asked questions by Members and Officers
6. The Members of the Panel will then finally debate and determine the application with the assistance of officers if required.

C RISK ASSESSMENT

A risk assessment has been carried out in respect of individual cases. Overall, it is concluded that any risks to the Council, for example relating to an appeal being lost and costs awarded against the Council, are low, provided that decisions are made in accordance with recommendations. Risks will increase when decisions are made contrary to recommendations, and the degree will vary depending on the particular case.

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D GENERAL APPLICATIONS

03/350 SEAHAM NORTH - Proposed Calf Shed at Ryhope Dene for Mr Akenhead – amendment to plans for increased height

Planning History

Planning permission granted for calf shed in July 2003. Amended position agreed in June 2004.

Consultations

No consultations have been undertaken on this latest amendment.

Development Plan Policies

County Durham Structure Plan

- 1 general principles of development
- 5 green belt
- 6 protection of openness of greenbelt

District of Easington Local Plan

- 1 general principles of development
- 5 control of development in greenbelt
- 35 design and layout of development
- 56 agricultural and forestry development in countryside

The proposal does not accord with the aims of the above policies.

Comment

A planning application was submitted in May 2003 for a calf shed at Ryhope Dene. The site lies to the north of Seaham, adjacent to the District boundary. The proposal was for a building to be constructed in brick and blockwork with a pvc coated sheeted roof. Initially the building was shown positioned adjacent to the western boundary of the site, but following negotiations, it was reduced in size and relocated to the north western corner of the land. Subsequently, the existence of a gas pipeline in the north western corner of the site required the relocation of the building near to the southern boundary, and this was duly agreed in June 2004.

The development has been under construction for a lengthy period of time, and currently the four outer walls have been built. Unauthorised openings have been blocked up following a request by officers. As a result of a site inspection in May 2005, it was noted that the building as constructed was higher than the size shown on the approved plans. Specifically, the height to eaves level at the front and rear measures 2.9 metres on the plans, but the walls as built reach a height of 3.8 metres. This results in a difference of 0.9 metres.

The applicants were advised that such an increase in height was not acceptable in planning terms, due to the location of the building in the designated Green Belt and its prominent position adjacent to the

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southern boundary. They were asked to reduce the height accordingly. However, they have submitted a revised plan showing the increased height, and would like this to be formally considered as an amendment to the approved plans. The information provided with the revised plans indicates that the increase in height is required to provide a part mezzanine floor within the building, above the ground floor, to provide additional storage space for equipment and animal feed.

It is acknowledged that the applicants may have identified a need for additional storage. However, the building is prominently located in the Green Belt. It is considered that an increase in height of 0.9 metres, as implemented, would increase the prominence of the completed building to an unacceptable degree. As a result, it is considered that there would be an unacceptable adverse effect on the appearance of the development and on the character and appearance of the area generally.

On the basis of the above, it is considered that the increase in height of 0.9 metres is not acceptable as an amendment to the approved scheme, and that the existing walls should be reduced to the approved height as soon as practicable.

Recommend that the requested increase in height is not accepted as an amendment to the approved plans, and that the walls as built are reduced to the approved height within a period of three weeks from notification of this decision, or such other period as may be agreed with the Local Planning Authority.

Reason for recommendation - not applicable.

Decision Time - not applicable.

05/431

MURTON EAST – Substitution of house types and increase of apartments from 3 to 4 storey at plots 13-19, 26-30, 42-45, 48-50, 90-92, 104-117, 121-127 at land north of Murton Street (Thomas Brothers site), Murton for G. Wimpey NE Ltd.

Planning History

2004 – A planning application (04/97) for 76 houses on part of the current planning application site was submitted. This application represented a residential development on the western half of the site. The Council was keen to see a comprehensive development, of a high quality, upon that site. This application was withdrawn following discussion between Planning Officers and the developer.

2004 – A planning application (04/743) for a residential development comprising 136 Dwellings was approved on 31/03/2005

Consultations

The application has been advertised by site notices and the neighbouring properties have been notified by letter.

No representations have been received.

Durham County Council, Highways Authority:

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- The house types substitutions are acceptable along with the increase in the apartments from 3 to 4 storey.

Durham County Council, Design Officer, comments:

- I refer to the application to increase the height of the two apartment blocks from 3 storeys to 4 storeys as an amendment to the approved scheme ref. 04/743.
- I am not aware of any development of this scale within Easington District so there are no policies or case studies to help form a judgement. However I have the following observations that would lead me to consider that the proposal is acceptable.
- The site is a self contained one on the edge of the built up area so that there is no immediate built context that would dictate a particular height
- The site is within a broad landscape with higher land around so that the buildings will be absorbed by the background
- The roof design is an interesting one with varied heights and slopes so that it will not have a monolithic appearance.
- The buildings are graduated in height leading up to these 2 blocks at the entrance so there is justification in design terms for making these blocks taller than the rest.

Easington District Council, Environmental Health Unit: No comments:

Development Plan Policies

County Durham Structure Plan

- 2 Managing demand for transport
- 9 Strategic Locations for new housing
- 17 Housing in the Countryside

District of Easington Local Plan

- 1 General principles of development
- 13 Watercourses
- 35 Impact of Development
- 66 Provision of outdoor play space in new housing development
- M8 Thomas Brothers Site.

The proposal is not considered to conflict with the above policies.

Comment

The proposal is for the following substitutions of house types on the housing estate that was granted full planning permission in March this year:

- Plots 13-19 – The substitution of two blocks of terraces of the Ludlow and Goodwood (both 3 bed) type to two blocks of terraces of the Grainger (3 bed) and Linden (3 bed)
- Plots 26-30 – The substitution of a terrace of the Ludlow and Goodwood (both 3 bed) type to a terrace of the Graffton (3 bed) and Lincoln (3 bed).

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- Plots 42-45 – The substitution of terrace of four of the Ludlow and Goodwood (both 3 bed) type to the Grainger (3 bed) and Linden (3 bed).
- Plots 48–50 – The substitution of a terrace of three of the Ludlow and Goodwood (both 3 bed) type to the Lincoln (3 bed) and Grainger (3 bed).
- Plots 90-92 – the substitution of a terrace of three of the Ludlow and Goodwood (both 3 bed) type to the Grafton (3 bed) and the Lincoln (3 bed).
- Plots 104–117 – The substitution of two terraces of three houses of the Ludlow and Goodwood (both 3 bed) type to two terraces of three houses of the Lincoln (3 bed) and Grafton (3 bed).
- Plots 121–127 – The substitution of three blocks of terraces of the Ludlow and Goodwood (both 3 bed) type to three blocks of terraces of the Linden (3 bed) and Grainger (3 bed).
- The increase of the two three storey apartment blocks to four storey. These apartment blocks will retain the same footprint and roof design, the difference being that there is an additional storey inserted.

The substitution of the three bed house types from the Ludlow and Goodwood (which are both three bedroom) to the Lincoln, Grafton and Grainger types (also all three bedroom) are considered acceptable. The overall massing, footprint and position of the substituted house types remain the same as those previously approved.

The substituted house types are not considered to have an undue impact upon amenity, as the changes are essentially to the design and appearance of the house types.

When planning application 04/743 was determined, the apartment blocks were of 12 dwellings each (showing three apartments on each floor). The applicant erroneously submitted drawings of three storey height blocks (illustrating 9 dwellings in each block). Application 04/743 was determined on the basis of the submitted drawings showing three storey blocks. The submitted plans should have been 4 storey (bringing the total number of apartments up to 12). There is therefore no increase in the actual numbers of dwellings on the site and the apartment blocks have been submitted with this application to regularise the situation.

The housing estate consists of a mix of two and three storey houses. An urban frontage has been created along Murton Street with the apartment blocks forming an entrance feature into the housing estate.

The apartment blocks have three storey terraces at either side to the east and the west along Murton Street. Therefore the height of the houses steps up by one storey at either side to the main entrance. The additional storey therefore emphasises the entrance feature.

The application site is prominent and can be seen from the roads leading up to Dalton Park. The comments of the Design Section at Durham County Council do not raise any objection to the four storey element and state that they will be visually absorbed into the higher landscape to the rear. The Design Section have also commented that there is no immediate built context that would dictate a particular height.

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It is considered that the four storey blocks of apartments show a confidence by developers in Murton and illustrate the success of the regeneration in the District generally.

Given that the heights of the dwellings fronting Murton Street increase from two and three storey up to the four storey blocks, it is considered that this relates to the overall integral design of the housing estate.

The substitution of house types and the increase of the apartment block by one storey are not considered to have an impact upon amenity and the proposal is recommended for approval.

Recommend Conditional approval (materials)

Reason for recommendation

The proposal is considered to be in accordance with local plan policies, particularly policies 1, 35, and M8 of the District of Easington Local Plan.

Decision Time

Over 8 weeks – target missed due to Council recess.

05/468

EASINGTON VILLAGE AND SOUTH HETTON - Proposed Two Storey Rear Extension, Garage & Conservatory (Resubmission) at 87 Charters Crescent, South Hetton for Mr Sinclair

Planning History

04/978 - Planning permission refused on 24 December 2004 for two storey rear extension, garage and conservatory, on grounds of adverse impact on adjacent residential properties and the appearance of the area.

Consultations

The Highway Authority were initially concerned that the applicant may not have access rights from the rear private track to the proposed garage. Following correspondence, they have accepted the applicant's assurance that he has the necessary access rights, and have withdrawn their objections.

The Parish Council objects on the basis that there appears to be no authorised access for the garage: fears that the applicant may intend to carry out car repairs on the site; and that the condition of the premises gives cause for concern.

Adjacent and nearby residents have been consulted, without response.

Development Plan Policies

District of Easington Local Plan

- 1 general principles
- 35 design and layout of development
- 73 extensions/alterations to dwellings

The proposal is considered to conflict with the above policies.

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Comment

The application site is a semi detached house located at the end of a row of houses within a residential estate. There is a private access track to the rear, separated from the boundary of the property by a grassed strip of land.

The house currently has a small single storey rear offshoot. This would be replaced by a two storey rear extension to provide a kitchen and garage at ground level and a bedroom and bathroom above. A conservatory would also be constructed on the rear of the house, between the new extension and the side boundary with the adjoining property. The two storey extension would measure 9.4 metres in length and 4 metres in width, and would be built in matching brickwork with a slate roof. The conservatory would measure 3.2 metres wide and 2.7 metres long, and would be fitted with obscure glazing on the boundary line. As part of the proposals, the garden would be extended into the grassed strip of land to the rear. Access to the garage would be obtained from the private track at the rear.

This application is a resubmission of the previous proposals which were refused planning permission in December 2004. At that time, the applicant was advised of the Council's concerns prior to determining the application, and was advised to consider reducing the size of both the extension and conservatory to comply with Council design guidelines and reduce the impact on neighbouring properties. No amendments were received, and the application was duly refused under delegated powers. The current submission differs only in the size of the conservatory, which has been reduced from 4 metres in length to 2.7 metres. This is still larger than the recommended length of 2.4 metres, and the two storey extension remains unchanged.

The planning concerns remain the same as with the previous application. The two storey extension is considered to be overlarge and out of scale with the property and the area generally, and would adversely affect the neighbouring property due to overshadowing and an overbearing impact, despite being at the other side of the garden. In addition, the conservatory does not comply with the design guidelines in the Local Plan, and is also considered to adversely affect the neighbouring property due to overbearing impact and visual intrusion.

In terms of consultation responses, whilst the applicant has not provided documentary evidence of access rights, the Highway Authority is satisfied with his assurances on this matter and have not objected. Should any other landowner wish to challenge the position, this would be a private legal matter between the two parties. With reference to the Parish Council's other concerns, the application is being considered as a private garage, and there is no evidence of proposed car repairs. If this situation should arise in the future, the matter would need to be investigated and appropriate action taken. The condition of the property is not a material planning consideration, and cannot be taken into account in considering a proposed extension.

Taking all relevant matters into account, it is considered that both the two storey extension and the conservatory are unduly large. As a result of their scale, design and location, they are considered to have an adverse impact on both the adjacent property and the area in general.

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Accordingly, the proposals are considered to be unacceptable. Given that the Highway Authority has no objection to the access arrangements, however, it is not considered appropriate to refuse planning permission based on lack of proven access rights.

Recommend Refusal for the following reason:

The proposals, by reason of their scale, design and location, would have an adverse impact on adjacent residential properties in terms of unacceptable visual intrusion, loss of light and overbearing impact, and would have a detrimental effect on the appearance of the area, contrary to Policies 1, 35 and 73 of the District of Easington Local Plan.

Decision Time 12 weeks (target not achieved due to negotiations and Council recess).

05/515

THORNLEY AND WHEATLEY HILL – Proposed Dormer Bungalow in garden of Garden Lodge, Thornley for Mr & Mrs Gott

Planning History

05/14 - Double garage approved 4th March 2005.

On adjacent field – Outline application for residential development refused 27th February 2003.

Consultation Responses

Local residents were consulted and a site notice posted – A petition from 27 residents has been submitted objecting to the application together with 5 other letters of objection raising the following issues :

- Land is outside village boundary and therefore contrary to the Local Plan.
- Precedent will be set for development of adjacent field.
- Other brownfield sites available in the village.
- Loss of view of countryside.
- Loss of attractive field (See note below).

The applicant has submitted the following comments:

- Objectors live some 125 metres from the site and will not be affected by it.
- Application is not in the field but in my garden.
- Loss of view will not be an issue as a double garage has already been approved and sitting rooms of affected properties are facing away from the site.

Environmental Health Officer – Request contaminated land report.

Highway Authority – Concerns over car parking.

Northumbrian Water Authority – No objections.

Development Plan Policies

District of Easington Local Plan

1 General Principles of development

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- 35 Design and layout of development
- 67 Housing development
- 68 Housing in the countryside.

Comments

For clarification this application relates to the erection of a single dwelling in the **side garden** of Garden Lodge, not in the adjacent field that was the subject of a refusal in 2003. Many of the objection letters relate to the development of the field rather than the garden land.

A further complication is that the village boundary as shown in the Local Plan excludes the whole of Garden Lodge and its garden yet includes part of the open field to the rear.

Officers consider that there was an earlier drafting error that was not corrected and it is considered reasonable to assume that had the error been identified then the settlement boundary would have been amended to exclude the field to the rear and include Garden Lodge. For the purposes of this report therefore it will be assumed that the proposal complies with Policy 67 of the Local Plan as being development on previously developed land within settlement boundaries.

The proposal itself is similar in design to Garden Lodge adjacent and will not therefore appear out of context with its surroundings.

Whilst there is limited lateral space on the site the front and rear gardens are quite generous and there are no gable windows to Garden Lodge which would otherwise suffer from loss of light from the proposal.

Access to the site will be as approved for the double garage earlier this year.

In response to objectors' concerns, the land is within the existing garden of the property. As a result, this would qualify as brownfield land, and development would not establish a precedent for the adjacent field. There would be no loss of attractive field, loss of view is not a material planning consideration on which refusal of planning permission could be based, but in any event the proposal only occupies a relatively small area of land immediately adjacent to the existing bungalow.

Taking all relevant matters into account, the proposal is considered to constitute an acceptable form of development which reflects the scale and character of adjacent development, and would not establish a precedent for further development of the adjacent field.

Recommend Conditional approval (materials and contaminated land)

Decision time 9 weeks – target not achieved due to objections received and Council Summer Recess.

Reason for Recommendation

The development is considered to comply with the relevant Local Plan policies, in particular nos. 1, 35 and 67, and would not cause material harm to the amenities of local residents or the character of the locality.

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05/520

MURTON WEST - Proposed Erection of Conservatory at Front of Dwellinghouse at 54 Short Grove, Murton for Mr & Mrs A H Maw

Planning History

Informal advice only prior to the submission of this application, giving Policy constraints, together with design guidance.

Consultations

The Parish Council has been consulted, without response by the due date.

The application has been given publicity to nearby occupants of property and no representations have been received in response. However, the applicants have submitted a petition of support for the proposal, signed by 15 adjacent and nearby residents indicating no objection to the conservatory.

Development Plan Policies

District of Easington Local Plan

- 1 general principles of development
- 35 design and layout of development
- 73 extensions and/or alterations to dwellinghouses

Comment

The application proposes a conservatory on the front (south) elevation of this two storey semi-detached dwelling. The proposed structure is rectangular in form measuring 5.5 x 2.5 metres and 2.54 metres in height; the proposal also includes a dwarf wall around the front garden. The applicant's property is part of a small group of mostly open fronted dwellings facing onto an amenity open space.

The applicant has previously been informed about the design guidelines for extensions at the front of dwellings, which form part of the adopted Local Plan, and the amount of projection which would receive approval is 1.5 metres. The applicant is adamant that this would not meet the needs of his house and proposes 2.5 metres. However, there are visual considerations as well as a potential issue of residential amenity. The applicant has also intimated that if this application is approved there are others nearby wanting to carry out a similar development.

Policy 35 of the Local Plan deals with the impact of development and states that a proposal should have no serious impact on the amenity of people living nearby; in addition it is important that all extensions respect the scale and character of the existing building and its relationship to the street scene. Policy 73 refers to extensions and/or alterations to dwellings and has similar criteria based considerations.

The Council's Local Plan guidelines seek to limit front extensions to a maximum of 1.5 metres deep, and this limit is considered to be appropriate in this case. It is considered that the larger projection of 2.5 metres as proposed would adversely affect the adjacent property in terms of visual intrusion, loss of light and overbearing impact, as well as

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appearing over large in the street scene. It could also establish a precedent for other similar extensions in the surrounding area.

It is acknowledged that neighbours in the vicinity have offered no objections to the proposal. However, it is considered that this does not justify a departure from the design guidelines. Taking all relevant matters into account, the proposal is considered to be unacceptable due to adverse effects on neighbours and the street scene.

Recommend Refusal for the following reason:

The proposal, by reason of its scale, design and location, would have an adverse impact on adjacent residential properties in terms of visual intrusion, loss of light and overbearing impact and would have a detrimental effect on the appearance of the area, contrary to Policies 1, 35 and 73 of the District of Easington Local Plan.

Decision Time 9 weeks – Summer recess meant longer period than usual between Panel Meetings.

E Background Papers

The following background papers have been used in the compilation of this report.

Durham County Structure Plan
Adopted Easington District Local Plan
Deposit Draft Version Easington District Local Plan
Inspector's Report on Public Inquiry
Planning Policy Guidance Notes
DETR Circulars
Individual application forms, certificates, plans and consultation responses
Previous Appeal Decisions



Graeme Reed
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