

# Item no.

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

Date: **20 September 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 28<sup>th</sup> 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

**05/82 SEAHAM HARBOUR – Residential development (outline) at land south of Foundry Road and north of Ropery Walk, Seaham for Modus (Seaham) Ltd.**

### **Planning History**

98/753 - Mixed development including food & non food retail, housing, petrol filling station & assoc parking. Approved 14/04/1999.

05/244 - Residential Development comprising 55 Houses. Undecided.

Application 98/753 involved a larger application site that incorporated this planning application site.

### **Consultations**

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

No representations have been received from the public.

East Durham Business Service: No objections.

Durham County Council, Highways Authority, salient comments summarised as:

- The northern curved boundary red line appears to be the limit to the realignment of Foundry Road., associated with the proposed retail development (05/81) to which I have lodged a highway objection.
- Subject to my concerns regarding my objection to application 05/81, I would request that the main Type 3 Minor Estate Access Road and footways be located on the realigned Foundry Road. This is made on the assumption that the development will cater for 30 to 50 dwellings.
- I would request that a pedestrian footpath link be created from the residential development onto Ropery Walk, to cater for children attending the junior/Infant schools to the south of the site. I would not want to see any vehicle links onto Ropery Walk.
- I must lodge a highway objection to this application until such time as the issues relating to the realignment of Foundry Road have been addressed.

Case Officer comments:

The highway issues relating to the adjacent retail development (05/81) were resolved and the application was granted full planning permission by the Extraordinary Full Council on 28 July 2005.

Easington District Council, Environmental Health Unit, comments:

- A contaminated land risk assessment should be carried out.
- The adjacent retail development may have high frequency reverse alarms on delivery vehicles. The proposed houses which would be adjacent to the retail yards should be fitted with acoustic glazing so the occupants do not suffer sleep disturbance due to night time traffic activity.

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Easington District Council, landscape unit, salient comments summarised as:

- Suggest a landscape buffer strip comprising of trees and shrubs, be established along the perimeter of the application site in particular adjacent to Ropery Walk and the diverted Foundry Road.
- Detailed landscaping scheme should be provided including specification relating to ground preparation, planting methods, species, numbers, densities and maintenance.
- Details of the means of enclosure should be provided.

Easington District Council, Regeneration and Partnerships Unit, salient comments summarised as:

- I have no objection in principle.
- The proposed town centre scheme proposes to take part of the allocated housing/playing field land to accommodate the major food retailer store and associated parking. This will have a significant impact upon the residential scheme. I have reservations that the two will be mutually compatible.
- The residential site integrates with the area immediately adjacent to it, namely Lord Street.

Northumbrian Water: No objections. Advise the developer to make early contact with them.

Seaham Town Council, salient comments summarised as:

The Town Council fully supports these proposals from Seaham (Modus) Ltd.

Durham County Council, Planning Policy Unit, salient comments summarised as:

- Policy 9 of the County Structure Plan requires that principle location for new housing should be well related to main towns including Seaham. Priority should be given to re-use of derelict or redundant sites.
- This is in a main town and allocated for housing (Policy S10) and involves the use of previously developed land. The proposal accords with Policy 9.
- The design of the site should be complimentary to the mixed use scheme on the adjacent site.
- Structure Plan policy 2 states that the location of new development should have regard to the potential for minimising day to day travel needs and convenient and efficient access by a choice of transport modes, including public transport, walking and cycling.
- The Council needs to satisfy itself that the proposal meets Structure Plan Policies 43 and 44a which require that development should ensure that pedestrian, cycle and public transport accessibility measures are incorporated as an integral part of the design and layout.

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## **Development Plan Policies**

### *County Durham Structure Plan*

9 Strategic Locations for new housing

### *District of Easington Local Plan*

1 General principles of development  
35 Impact of Development  
66 Provision of outdoor play space in new housing development  
S10 West of Foundry Road.

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

## **Comment**

This application has been submitted in outline only with all matters reserved.

The assessment of this application falls into four principal areas:

1. The principle of residential development.
2. The amenity impact of the development.
3. The highway issues.
4. Public Open Space contribution.

These will be taken in turn:

### **The principle of residential development**

The site is within the settlement boundary as identified on the District Local Plan Proposals Map. Policy S.10 of the Local plan states: "1.5 hectares of land west of Foundry Road is allocated for housing and playing fields." The proposed playing fields were included in the policy to compensate for those lost in the relocation of the docks. However the playing fields were provided at Dawdon Hill Farm, making their requirement on the application site redundant. Therefore the general principle of housing on all of the application site is considered acceptable, as the playing fields have been provided elsewhere in Seaham.

### **The amenity impact of the dwellings.**

The application has been submitted in outline only with all matters reserved. If the Council are minded to approve this application a separate Reserved Matters application can be made to the Council dealing with the design, external appearance, means of access and landscaping of the housing. The amenity impact of the proposal can then be assessed at the reserved matters stage.

### **The Highway Issues.**

The comments of the Highway Authority relate to the Foundry Road. It should be noted that the highway Authority withdrew their objections to the realignment of Foundry Road during the assessment of application 05/81 (for the retail development). As already stated, all matters are reserved and therefore a thorough assessment of the highway issues can be undertaken during the assessment of the Reserved Matters application.

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## **Public open space.**

Policy 66 (Provision of outdoor play space in new housing development) requires new housing development of more than 10 dwellings to make provision for public open space. The Reserved Matters application will have details of any open space provided. Alternatively the Council may consider entering into a Section 106 agreement for the contribution of a sum of money in lieu of on site public open space for the enhancement of adjacent public open space or environmental improvements. However as all matters are reserved this issue is of relevance for the Reserved Matters application.

Although the proposal is technically a departure from the Local Plan because of the requirement of the playing field, it is considered that as the playing field is now no longer required, the element of Policy S.10 is outdated and the proposal therefore represents an acceptable departure from the Local Plan. The size of application site means that the application does not have to be deferred to the Government Office for the North East as a departure that the Council is minded to approve as it falls below the thresholds set out in the Departure Regulations.

## **Summary**

The general principle of residential development upon the site is considered acceptable, and as the playing fields have been provided at Dawdon Hill Farm, the whole of Policy S.10 site for housing is considered acceptable.

**Recommend** Conditional Outline Approval (contaminated land investigation).

**Decision Time** Over 13 weeks – target missed due to need to wait for the assessment of application 05/81 and the highway issues relating to Foundry Road.

## **Reason for recommendation**

The proposal is considered to be an acceptable departure from the Local Plan policy S.10 and in accordance with local plan policies, particularly policies 1, and 35 of the District of Easington Local Plan.

**05/223**

**SEAHAM NORTH – Proposed 3 No. Houses (outline) at Hall Farm, Lord Byrons Walk, Seaham for SPD Construction.**

## **Planning History**

No relevant planning history.

## **Consultations**

The Parish Council has been consulted without response.

The applicant's agent has been involved in negotiations with Durham County Council's Highway engineers following initial comments.

Durham County Council's Design and Conservation Officer has objected to the proposed development.

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The Council's Environmental Health team has confirmed that a site specific risk assessment should be carried out with regard to possible contamination of the land.

The Council's Landscape team have confirmed that there are a number of mature trees on the site and that the applicant should provide a tree survey indicating species, size, spread etc.

The application has been advertised through the publication of a press notice, posting a site notice and direct mailing to properties in the vicinity of the site. One letter of representation has been received. The main concerns of which are:

- Is there a need for 3 additional houses as there will eventually be 800 executive houses on the Vane Tempest site;
- It is a greenfield site;
- The line of vision of the proposed access onto a busy lane is restricted given that its use has grown with the development of Vane Tempest and in the future the new cemetery;
- The lane is used by commuters at rush hour, by children walking to school and weekend traffic is exacerbated by the car boot sale on the sea front; and
- The site is within the green belt.

## Development Plan Policies

### *County Durham Structure Plan*

- 1 general principles
- 9 locational criteria for new housing

### *Easington District Local Plan*

- 1 development principles
- 7 areas of high landscape value
- 35 design and layout of development
- 67 windfall housing sites
- S22 Seaham Hall and grounds

## Comment

The site, which is indicated as being 0.2 hectares, is situated on Lord Byrons Walk to the north of Seaham Hall. The site is currently used as a paddock area and has a number of mature trees.

The application is in outline and proposes residential development of the site, with all details except means of access to be determined by a reserved matters application.

The site is located within the settlement boundary of Seaham, as defined by the District of Easington 2001 and is directly to the north of Seaham Hall. There is no planning history for the site, therefore it would seem that it has only been used for agricultural purposes.

The Council recognises that the best means of maintaining the Hall, its associated buildings and the grounds is to ensure that they remain in active or economic use. Given sensitive design and location, proposals

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for the re-use or extension of the existing buildings to such uses should contribute positively to the preservation or enhancement of the area. In order to protect the character of the area development within the grounds of the hall will only be appropriate where there is a proven need and where it is directly associated with the permitted use of the hall. Policy S22 therefore states that development within the grounds of Seaham Hall will only be approved where it is appropriate in scale and character and (i) it is proven to be necessary and directly associated with the use of the hall; (ii) it would not detract from the setting of the listed building; and (iii) it would not detract from the character of the area of high landscape value.

The applicant/agent has given no justification as to how the proposed development is necessary or directly associated with the Hall, other than any development on the site could be made available to the owners or staff of the Hall, but it is not proven to be necessary.

It is also considered that the proposed development would have a adverse impact on the character of the area of high landscape value (AHLV) and is therefore contrary to policy S22 and policy 7. Policy 7 states that any development likely to adversely affect the character, quality or appearance of those AHLVs will only be permitted if it meets a need that outweighs the value of the landscape and there is no alternative location within the county. Again the applicant/agent has not proven any need for the proposed development.

In order to achieve access to the site a section of the boundary wall would have to be demolished and realigned. Durham County's Design and Conservation Officer has strong objection to the demolition of wall for the following reasons:

- 1 It is the boundary wall to Seaham Hall a grade II listed building and although it is no longer in the same ownership, this does not detract from its association with the Hall;
- 2 Byrons Walk is a local landmark of historical significance. The wall defines and gives character to this stretch of road;
- 3 Any re-alignment of the road will open up the road, increasing the width of the footpath and removing the slight curvature that prevents views straight through. This will significant alter its character; and
- 4 The wall itself is a good stone wall with distinctive stone copings and even without its historical associations has architectural merit. The patina of age would be lost in the rebuilding.

The County's Officer is also concerned that the layout of houses on the site is not sympathetic to the alignment at Hall Farm adjacent.

Government planning guidance contained within Planning Policy Guidance note 3 – Housing (PPG3) outlines the Government's approach to the development of land for housing. This guidance is material to the consideration of the current proposal and requires that brownfield or previously developed sites are developed prior to the development of greenfield or previously undeveloped land.

Annexe C of PPG3 provides definitions of previously developed and previously undeveloped land. On this basis, previously developed land is classed as being 'that which is or was occupied by a permanent structure (excluding agricultural or forestry buildings)'. Therefore the site must be classed as a greenfield site.



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This advise is carried forward into Policy 67 of the District of Easington Local Plan which states that housing development will be approved on previously developed site within settlement boundaries. As outlined above the land is considered to be greenfield.

In summary it is considered that the proposal constitutes an unacceptable development which cannot be justified and does not meet the requirements of PPG3 or Policies 1, 7, 35, 67 and S22 of the Easington District Local Plan.

**Recommend** Refusal on the following grounds:

The proposed development by virtue of its nature, location and design is contrary to Policies 1, 7, 35, 67 and S22 of the Easington District Local Plan.

**Decision time:** 25 weeks (delay due to negotiations with applicant/agent)

**05/244**

**SEAHAM HARBOUR – Residential development comprising 55 houses at Foundry Road, Seaham for Modus Homes**

## **Planning History**

98/753 - Mixed development including food & non food retail, housing, petrol filling station & assoc parking. Approved 14/04/1999.

05/244 - Residential Development comprising 55 Houses. Undecided.

Application 98/753 involved a larger application site that incorporated this planning application site.

## **Consultations**

The application has been advertised by site notices, press notices and the neighbouring properties have been notified by letter. A reconsultation has also been carried out on the amended layout.

One representation has been received and the salient comments have been summarised as:

- Policy S10 states that 1.5 hectares of land allocated for houses and playing fields to replace the playing fields that were used to relocate the dock warehouses.
- The submission makes no provision for the playing fields or make any reference to provision of land adjacent to the site for the replacement playing fields.
- The council could enter into a Section 106 agreement where money can be paid for the provision of play space elsewhere. However agreements are usually related to playing areas not playing fields. The use of a Section 106 agreement would not secure replacement playing fields in a convenient location close to Seaham Ropery Walk School.
- The proposal does not meet the requirements of Policy S.10.
- The realignment of Foundry Road will remove land that my family and I have used for parking for over three decades and with the

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lack of off street parking will add to the problem of congestion on already over parked streets.

- The proposal has insufficient resident/visitor parking and any overspill into the surrounding streets will add to the existing local traffic and parking problems.
- The proposal will generate traffic and impact on local highway and pedestrian safety in the area.
- Until accurate traffic flow forecasts regarding the combined impact of this application and the retail application, are submitted, the application should be deferred. If it is not forthcoming, the application should be refused.
- Paragraph 21.39 of the Local Plan states that access to the site should be taken from Foundry Road, yet it is proposed to take access via Adolphus Place.

Case Officer comments:

The highway issues relating to the adjacent retail development (05/81) were resolved and the application was granted full planning permission by the Extraordinary Full Council on 28 July 2005.

East Durham Business Service:

Durham County Council, Highways Authority: Makes several recommendations to the layout of the proposal from a highways perspective and objects to the application until the issues surrounding the realignment of Foundry Road are resolved.

Easington District Council, Environmental Health Unit, comments:

- The applicant should consider orientation of the proposed properties and assess whether noise from the adjacent proposed ASDA will cause potential noise nuisance. If so the applicant should include within the house specification acoustic measures such as house orientation.
- A contaminated land risk assessment should be carried out.

Easington District Council, landscape unit, salient comments summarised as:

- The proposal does not afford opportunity for desirable peripheral landscaping.
- Within the estate landscaping should be provided wherever possible.
- The applicant should provide a detailed landscaping scheme and information relating to the means of enclosure to the dwellings adjacent to Foundry Road and Ropery Walk.

Easington District Council, Regeneration and Partnerships Unit, salient comments summarised as:

- There should be another pedestrian access through the site to create more synergy between this development and the new shopping mall, Church Street and Dawdon.
- Dawdon area of Seaham suffers from poor access to the town centre as a result of the railway line.

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Northumbrian Water: No objections. Advise the developer to make early contact with them.

Durham County Council, Planning Policy Unit salient comments summarised as:

- A residential scheme in this location would accord with Policy 9 of the Structure Plan.
- The District Council will need to satisfy itself that the design and layout takes into account the locality and particularly the proposed retail development.
- The District Council will need to satisfy itself that the proposal meets Structure Plan Policies 43 and 44A which require that new development should ensure pedestrian, cycle and public transport accessibility measures should be incorporated as an integral part of the design.

## **On the amended application:**

Durham County Council, Planning Policy Unit salient comments summarised as:

- With regard to the amendments made, these proposals do not raise any strategic planning policy issues.

Easington District Council, landscape unit, salient comments summarised as:

- I consider the landscaping to be unsatisfactory.
- The layout does not afford opportunity for desirable peripheral landscaping.
- If the layout is approved, there is considerable opportunity for low/medium height shrub planting in the south east corner.
- The length of the gardens into the footpath link off Ropery Walk could be reduced to provide for shrub planting.
- The applicant should provide a detailed landscaping scheme and means of enclosure.

Durham County Council, Highways Authority salient comments awaited.

## **Development Plan Policies**

### *County Durham Structure Plan*

10 Strategic Locations for new housing

### *District of Easington Local Plan*

1 General principles of development

35 Impact of Development

67 Provision of outdoor play space in new housing development

S10 West of Foundry Road.

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

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## **Comment**

The application has been submitted in full for 55 houses that will be situated on the site of the former dock warehouse buildings to the south of the proposed new retail development recently granted full planning permission by the Council.

The houses will be a mixture of two and three storey town houses and will be a range of terraces and semi detached dwellings.

The assessment of this application falls into four principal areas:

1. The principle of residential development.
2. The amenity impact of the development.
3. The highway issues.
4. Public Open Space contribution.

These will be taken in turn:

### **The principle of residential development**

The site is within the settlement boundary as identified on the District Local Plan Proposals Map. Policy S.10 of the Local plan states: "1.5 hectares of land west of Foundry Road is allocated for housing and playing fields." The proposed playing fields were included in the policy to compensate for those lost in the relocation of the docks. However the playing fields were provided at Dawdon Hill Farm, making their requirement on the application site redundant. Therefore the general principle of housing on all the application site is considered acceptable, as the playing fields have been provided elsewhere in Seaham.

### **The amenity impact of the dwellings.**

The proposal has been amended to meet the highway and the privacy distances as set out in Appendix 6 (Further planning guidance: Design and Layout of Residential Development). It is considered that the proposal meets these distances.

The application site is an unusually shaped one and therefore the design and layout of the houses is considered to be an acceptable layout to meet the site constraints and the above requirements.

The housing will also bring a residential use onto a site that it currently vacant and detracting from the amenity of the area. It will also assist in the regeneration of the area by developing the remaining part of the relocated dock warehouses.

The application site is bordered by housing and a school to the west and south and that the proposed housing will be an acceptable land use adjacent to the existing housing and school. To the north and east will be the new shopping centre and super market. The proposed houses that are adjacent to Foundry Road can contain measures to reduce any disturbance caused by the shopping centre, such as acoustic glazing. Furthermore, when the shopping centre was granted planning permission, several conditions were applied to that permission to minimise possible disturbance caused by the supermarket and shopping centre such as the use of public address systems, the restriction of delivery vehicles from waiting along Foundry Road etc.

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Therefore it is considered that there are appropriate conditions in place with regard to the shopping centre that will ease any noise and disturbance it may have on the proposed housing.

The comments of the Council's Landscaping Unit can be dealt with by way of a condition, if Members are minded to approve this application.

## **The Highway Issues.**

Following the comments of the highway authority, the applicants have amended the scheme to take the highway concerns into account. The revised layout has been sent to the Highway Authority and their response has not yet been received. It is anticipated that the applicant has incorporated all the highway concerns into the revised details. The comments of the Highway Authority will be reported verbally at the Panel, and if any further amendments are required by the highway authority, it is anticipated that these can be dealt with by way of a condition.

## **Public open space.**

Policy 66 (Provision of outdoor play space in new housing development) requires new housing development of more than 10 dwellings to make provision for public open space.

The submitted plans do not show any public open space being provided as part of the development. However the developer has initially agreed, if Members are minded to approve the development, that a financial contribution be made for general environmental improvements and/or the enhancement of existing public open space in the vicinity, in lieu of on site open space provision at £500 per dwelling.

This approach has been used by the Council on a number of occasions and it is considered acceptable as it alleviates any potential Policy 66 objection to the application.

Although the proposal is technically a departure from the Local Plan because of the requirement of the playing field, it is considered that as the playing field is now no longer required, the element of Policy S.10 is outdated and the proposal therefore represents an acceptable departure from the Local Plan. The size of application site means that the application does not have to be deferred to the Government Office for the North East as a departure that the Council is minded to approve as it falls below the thresholds set out in the Departure Regulations.

## **Summary**

The general principle of residential development upon the site is considered acceptable and the proposal is considered to be an acceptable departure from the Local Plan policy. A recommendation or approval, subject to a Section 106, is given.

## **Recommend**

Conditional approval (Conditions relating to sample of materials, means of enclosure, contaminated land, noise survey and noise mitigation measures, landscaping,) on receipt of an acceptable legal undertaking for the provision of £27,500 for environmental improvements and/or enhancement of adjacent public open space. That the decision then be delegated to the Head of Planning and Building Control to issue the decision.

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**Decision Time** Over 13 weeks – target missed due to need to wait for the assessment of application 05/81 and the highway issues relating to Foundry Road.

## **Reason for recommendation**

The proposal is considered to be an acceptable departure from the Local Plan policy S.10 and in accordance with local plan policies, particularly policies 1, and 35 of the District of Easington Local Plan.

**05/541**

**SEAHAM HARBOUR – Proposed scout hall and angling club at land adjacent to public house, South Crescent, Seaham for Modus (Seaham) Ltd**

## **Planning History**

No recent relevant planning history.

## **Consultations**

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

No representations have been received from local residents.

Easington District Council, Environmental Health have no objections.

Easington District Council, Landscaping Unit, comments:

- No objections. In the event that the built structure defining the northern boundary of the application site be demolished, the applicant should provide details of the proposed means of enclosure.

Durham County Council, Conservation officer, salient comments summarised as:

- I consider that this site provides an excellent solution and succeeds both in satisfying the users of these buildings and also in providing some good townscape within the conservation area.
- In design terms the buildings reflect the era of building in Seaham and will sit well with the rest of the town.
- In townscape terms I consider that this proposal would make a positive contribution to the conservation area,
- It would provide a setting for Sylvia's Bar, the oldest building in Seaham, which currently stands isolated in the street.
- It would create a street frontage giving definition to South Crescent, which is currently an open car park.
- It will provide a backdrop to the car park so that the space is defined and partly concealed. I would like the applicants to agree to natural slate for the roof as part of the application so that there is no room to negotiate an inferior product later.
- Suggests conditions relating to materials, car park enclosure details to be agreed.

Durham County Council, Highway Authority, salient comments summarised as:

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- The front of the Scout Hall will need to be set back from the public footway for rain water pipes and gullies. Rain water will not be permitted to run over the footway.
- The soffit /fascia boards should be set back and not overhang the existing footway.
- The proposal would appear to lose 43 parking spaces. The applicant should carry out a car park survey to identify spare capacity for the displaced spaces.
- There is an ornate double sided entry type street lighting column which will need to be amended or possibly replaced. A public seat will need to be replaced.

Durham County Council, Highway Authority, (on the amendments):  
Comments awaiting.

## **Development Plan Policies**

### *District of Easington Local Plan*

- 1 General principles of development
- 22 Conservation Areas
- 35 Impact of Development
- 36 Design for access
- 89 Development of new or improved community buildings

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

## **Comment**

As a result of the proposed retail development and ASDA supermarket, recently granted planning permission, the scout club and the angling club whose buildings are currently on the site of the proposed retail development and ASDA, need to be relocated to another site in Seaham.

The application is for a two storey semi-detached type building that will be situated adjacent to Sylvia's public house on South Terrace, between the pub and the Barclays Bank. The application site is currently used as a car park.

The building will echo the design of the existing scout hut building, situated directly opposite the application site. The design of the building will be two storey with brick and render.

The application site is within the settlement boundary and on previously developed land: the car park.

Policy 89 lists criteria against which community, sport and/or leisure buildings will be determined.

Criterion 1 is that it does not affect the amenity, character and appearance of the area. The proposal is for a two storey building that will join Sylvia's Public house. The end gable of the public house is blank and the remaining area of the application site is bordered by car parking with South Terrace to the front.

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As can be seen from the comments of the Conservation Officer, the proposal is considered to sit well with the town and create a frontage to South Terrace. This is considered to enhance the character of Seaham Conservation Area by reinstating a building that is on the footprint of an original building that stood on the site. The proposal is therefore considered to be in accordance with Policy 22 (Conservation Areas).

Criterion 2 of Policy 89 states that the proposal has no serious adverse impact upon the amenity of people living and working in the vicinity of the site and the existing use of adjacent land or buildings in terms of privacy, visual intrusion, noise, other pollutants and traffic generation.

The proposal is adjacent to a public house, which has associated activity from customers late into the evenings. The rest of the proposal is isolated from other uses by the car park. The proposal is therefore not considered to have an impact on the amity of the area.

Criterion 3 states that the proposal makes provision for access and parking in accord with Policy 36 (Design for access) and criterion 4 is that it can be served by public transport provision.

The proposal will be next to the new bus stops that will be installed as part of the shopping centre application. The proposal is also within the town centre of Seaham which provides for opportunities to reach it by car, foot and public transport.

The Highways Authority have request a car park survey to look at the impact the loss of the existing car parking spaces will have on the town. Notwithstanding the request for a car park survey, the adjacent shopping centre, recently granted planning permission, will bring an addition 355 parking spaces to Seaham and also six new bus stops. The introduction of bus stops in the locality should make using the bus as an attractive alternative to the private car.

The applicant is currently undertaking the car park survey and it is hoped that the results of this survey will be presented to Members at the Panel.

The proposal is considered to enhance the character of the Seaham Conservation Area by reintroducing a street scene to part of the town where the previous buildings have been demolished. Subject to there being no adverse impact as a result of the car park survey, the proposal is considered to be in accordance with local plan policy and a recommendation for approval is given.

**Recommend** Conditional approval (conditions relating to materials, enclosure details to be agreed, details of the relocation of the street furniture).

**Decision Time** More than 8 weeks, target missed due to Panel cycles.

## **Reason for recommendation**

The proposal is considered to accord with Policies 1, 22, 35, 36 and 89 of the District of Easington Local Plan



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05/581

**MURTON EAST – 3 houses at Old Church Hall, Knaresborough Road, Murton for Holy Trinity Church**

## **Planning History**

None

## **Consultations**

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

No representations have been received from the public.

Easington District Council, Environmental Health Unit, comments:

- The applicant should provide acoustic glazing to the windows facing the public house to prevent unwanted noise to their properties.

Easington District Council, Landscaping Unit, salient comments summarised as:

- The proposal involves the removal of two trees and there is concern that the proposal will result in the eventual loss of nearly all the trees on the site.
- The trees are protected by Tree Preservation Order 12 and contribute to the tree cover in an attractive part of Murton.
- The excavation and construction of driveways will result in substantial root damage to the trees, this level of damage will almost certainly result in the eventual death of the trees.
- Object to this application on the tree loss.

Durham County Council, Highways Authority, salient comments summarised as:

- The side lane to the west is narrow and would benefit from the creation of a 1.5 metres wide footway to adoption standards.
- A 3 metre radius junction should be created on the north west corner of the site. The dwellings will need to be relocated to accommodate this.
- The creation of a 1.5 metre footway will mean that the existing access which is part of the existing highway will not need to be stopped up.
- The applicant may wish to discuss the relocation of the existing bus stop adjacent to the driveway of the existing

## **Development Plan Policies**

*County Durham Structure Plan*

11 Strategic Locations for new housing

*District of Easington Local Plan*

1 General principles of development  
11 Protection of trees and hedgerows  
35 Impact of Development  
67 Windfall Housing

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The proposal is considered to conflict with the above policies.

## **Comment**

The proposal is for three dwellings that will be two story on the northern elevation facing Knaresborough Road and three storey to the south elevation as there is a difference in the height of the application site. The site is currently occupied by a church hall.

The general principle of housing on the site is considered acceptable against the criteria set out in Policy 67. The site is considered as previously developed land as it houses the church hall and is also within the settlement boundary.

However, notwithstanding the above, the site is covered by a Tree Preservation Order 12. The proposal involves the removal of one of the protected trees through the proposed creation of a driveway serving one of the dwellings. Another proposed driveway will be constructed within one metre of two other protected trees. As can be seen from the comments from the Council's Landscaping Unit, there is concern that the excavation and construction of the driveway within one metre of the protected trees will result in their eventual loss.

Policy 11 (Protection of trees and hedgerows) states that the topping, lopping and felling of trees which are the subject of a tree preservation order or are located within conservation areas will only be approved where necessary for the purposes of woodland management and where that management does not seriously damage amenity and nature conservation interests, or where the trees are considered to be dangerous. Where permission is given to fell trees replacement planting will be required if deemed appropriate.

The policy does not allow for the removal of protected trees to facilitate housing and therefore the proposal is clearly contrary to Policy 11. The loss of the protected trees is considered to harm the visual amenity of this part of Murton where the trees contribute to the locality.

As such the proposal is considered contrary to the provisions of Policy 11 as it will result in the loss of one tree and the construction of the driveways will potentially result in the loss of a further two trees. A recommendation for refusal is given.

## **Summary**

Whilst the general principle of residential development is acceptable, the proposal will result in the loss of protected trees and will harm the visual amenity of this part of Murton.

## **Recommend**

Refusal for the following reason:

The proposal will result in the loss of a tree protected by Tree Preservation Order 12 and the construction of the driveways to serve the dwellings will be likely to result in the loss of additional protected trees. As such, the proposal is considered contrary to Policy 11 of the District of Easington Local Plan which only permits the removal of protected trees where it is necessary for woodland management or where the trees are considered to be dangerous.

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**Decision Time** Target missed by 7 days due to Panel cycle.

05/614

## **SEATON NORTH – Water Storage Tank and Shed (Retrospective) at Sharpley Springs Golf Course, Seaton for Mr S A Weightman**

### **Planning History**

05/255 - New Golf Course, clubhouse and hotel – application decision pending. The water storage tank the subject of this application was part of the above proposals but in a different location, to the east.

### **Consultation Responses**

A site notice has been posted and local residents have been informed. At the time of drafting this report no written comments have been received – ( 2<sup>nd</sup> September was the target date for comments).

In July of this year the adjacent residents wrote to this Authority informing us of the newly erected water tank in a location other than that implied on the submitted plans for the Golf Course which has yet to be decided.

At that time they made the following comments :

- The water tank is close to their property and there is concern that the tank may rupture and damage their property.
- The structure is visually intrusive and could be relocated to a more sensitive location.

The Parish Council have not commented.  
The Highway Authority have no objections.

### **Development Plan Policies**

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- 1 General Principles of development
- 35 Design and layout of development
- 57 Agricultural Diversification.

### **Comments**

This is a retrospective application for the erection of a water storage tank of just under 100,000 litres to supply the irrigation lakes on the proposed golf course. It measures some 7.4 metres in diameter and 2.3 metres high set upon a concrete base.

The tank is constructed from curved steel walls and roof painted a dark green colour. The adjacent small pump room is constructed from sectional concrete, again coloured dark green.

The structure is located some 7 metres from the boundary of an adjacent dwelling – some 31 metres from the existing dwelling itself and some 18 metres from the nearest wall of a proposed house extension recently granted planning permission.

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The boundary between the dwelling and the water tank consists of a mixture of evergreen and deciduous bushes and trees. It is proposed to surround the tank with additional landscaping/screening.

The structure is seen from a distance as one approaches the site along the B1404 from the east but is not a visually dominating feature. It is otherwise hidden from public view.

In planning terms it is considered that bearing in mind the size and design of the water tank, together with its distance from habitable rooms of adjacent dwellings and the intervening existing and proposed landscaping, it will not cause material harm to the amenities of local residents to a degree sufficient to warrant the refusal of planning permission.

Whilst the structure will be seen from adjacent properties, it will be likely to be within the context of a landscaped golf course and individual landscaping for the water tank.

In view of the above therefore it is considered that the development will not cause material harm to the amenities of the locality or residents living nearby and is acceptable in planning terms.

**Recommend**            Conditional approval (Landscaping)

**Decision time**        8 weeks – target achieved.

## **Reason for recommendation**

The development is considered to accord with the relevant Policies within the Easington Local Plan and not harm the amenities of local residents.

**05/629**

**WINGATE – Amended details to previously approved barn conversion/rebuilding at Unit 1, Deaf Hill Farm, Trimdon for Mr and Mrs I Harper**

## **Planning History**

95/428 - Conversion of barns to four dwellings – Approved.

00/428 – Conversion/rebuilding of barn to create dwelling – approved 01/12/00.

## **Consultation Responses**

A site notice has been posted and local residents have been informed.

An adjacent resident has objected to the amended details raising the following issues :

- Dormer windows are out of character with the remaining buildings – roof lights as approved are more appropriate.
- Dormer windows overlook habitable rooms resulting in loss of privacy.

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- The extension is one metre higher than on the approved plans, resulting in loss of privacy from overlooking.

The Parish Council have not commented.

## Development Plan Policies

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- 1 General Principles of development
- 35 Design and layout of development
- 70 Conversion of buildings in the countryside.

## Comments

This retrospective application relates to the alteration to certain details of a barn conversion/rebuilding approved in December 2000. Other units in the farm complex have already been completed and occupied, however this unit, number 1, was suffering from structural defects and work commenced only recently on the rebuilding of the structure.

Policy 70 of the Local Plan aims to encourage the conversion of sound rural buildings to residential dwellings providing their original character is retained as far as possible. Clearly in this instance the barn in question has been rebuilt and is essentially a new dwelling, however it is considered that the details of the rebuilt dwelling should in this case reflect the character of the original barn as if it were converted. The character of unit 1 was one of a simple design with no interruptions to the roofline – as is the case with other converted units in the complex.

The building also included a hipped extension at its western end, which was also completely rebuilt. A new garage wing was approved at the eastern end of the building.

The building as constructed varies from the approved plans in two main ways :

1. Four dormer windows have been introduced to the south roof slope.
2. The rebuilt hipped extension is about one metre higher than shown on the approved plans, and furthermore, those submitted with the current application.

The insertion of dormer windows in this instance is considered to be contrary to the aims of Policy 70 of the Local Plan. The inclusion of such visually dominating features within the context of other buildings nearby is considered to be out of character and contrary to the aim of preserving the agricultural appearance of the converted and rebuilt buildings within this complex.

Furthermore the new dormers overlook, (albeit obliquely), the garden and some habitable rooms of the adjacent dwelling known as Blackthorne House, resulting in loss of privacy that otherwise would not occur should roof lights be used as approved.

Whilst the height of the hipped roofed extension is approximately one metre more than approved, it is not considered to detrimentally affect the

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privacy or other amenities of adjacent residents in view of the intervening fence, or harm the appearance of the building.

**Recommend** Refusal for the following reasons:

1. The dormer windows, by virtue of their design, are considered to be an alien feature out of context with the prevailing character of the original agricultural building and those recently converted nearby, whose rooflines were simple in form, uninterrupted by extensions or other additions. The proposal is considered to be contrary to Policy 70 of the District of Easington Local Plan.
2. The dormer windows, by virtue of their situation close to and overlooking the adjacent residential property, are considered to result in an unacceptable loss of privacy to occupiers of that property, detrimental to their amenity and contrary to Policy 35 of the District of Easington Local Plan.

**Decision time** 9 weeks – target not achieved due to Council summer recess.

## **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**  
**Head of Planning and Building Control**