

Item no.

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

Date: **13 December 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

05/729

WINGATE (TRIMDON FOUNDRY) – Proposed Residential Development at Cinnamon Drive, Trimdon for George Wimpey N.E. Ltd

Planning History

A number of residential applications were approved prior to 1989 but since then the following applications are relevant :

- 89/447 – 14 retirement bungalows on part of site approved October 1989
- 89/740 – 8 dwellings on part of site approved February 1990
- 04/578 – 7 dwellings on part of site withdrawn November 2005.

Consultation Responses

Environment Agency – No objection subject to a satisfactory flood risk assessment.

Environmental Health Officer – Contaminated land risk assessment required.

Countryside Officer – No objections providing rear hedgerow is retained.

Parish Council – Concern over number of dwellings and their effect on the local sewerage system and road network. Possible impact on the local school capacity.

Highway Authority – Has requested amended plans – comments awaited at time of drafting.

County Archaeologist – Requests site evaluation condition be imposed.

A number of local residents have commented raising the following issues:

- Support proposal as it will improve appearance of the area and reduce problems of vandalism etc.
- Scheme will benefit the area helping local businesses.
- Attractive scheme will bring in new families.
- No retirement bungalows as in previous scheme
- Loss of privacy to bungalow from overlooking
- Large scale of new houses compared to existing bungalows.
- Loss of open space provision
- New road will cause estate congestion
- Extra traffic will cause congestion in locality.
- Sewerage facilities will need upgrading.

Development Plan Policies

County Durham Structure Plan

- 1 General Principles of development
- 9 Brownfield land

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District of Easington Local Plan

- 1 General Principles of development
- 35 Design and layout of development
- 66 Childrens play space
- 67 Housing development

Comments

This application relates to the erection of 71 houses on a 2 hectare area of unused land in the centre of Trimdon Station. It is expected that open space will be provided via a financial contribution towards off site facilities in accordance with established practices, in this case a Planning Obligation to be agreed before development takes place.

The site has had the benefit of planning permissions in the past but these have never been taken up, although the site lies within the settlement boundary of Trimdon Station.

The site slopes up from the highway with the access running between existing road frontage dwellings up to a pair of bungalows at the top of the site and a nursing home and its associated car parking. A small and underused group of allotments is situated within the site to the east.

It is intended to develop the site with mainly 3, 4 and 5 bedroomed detached two-storey dwellings plus a number of terraced three storey units, mainly at the lower front part of the site.

Apart from the natural slope of the site adding visual interest to the development, the inclusion of a varied road layout and three storey dwellings will have the effect of avoiding the somewhat monotonous appearance that some housing estates exhibit. A comprehensive landscaping scheme will also enhance the above.

There are a number of issues relating to overlooking of and separation from existing properties on Foundry Mews which will be likely to result in some adjustment to the layout, and the highway authority have yet to comment on the amended road layout plans at the time of drafting, however it is considered that overall the scheme is acceptable and will not be detrimental to the character of the locality or the amenities of local residents.

Regarding the objections raised by a local resident, the following comments are made:

- Whilst no retirement bungalows are proposed on this site, the Local Plan makes it clear that the Council cannot control the supply of such accommodation, and can only determine such issues on planning grounds and not on the basis of levels of supply.
- There is a substantial offset between the existing bungalows and the proposed dwellings and some 8 metres of separation, gable to gable, therefore it is considered that there will not be any substantial loss of amenity in this instance sufficient to warrant changes to this part of the layout. Also the degree of separation will help reduce the impact of the difference of scale between the

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existing and proposed dwellings. The Council's privacy and amenity standards are achieved between all the proposed dwellings, throughout the estate.

- Open space will be provided via an off site planning obligation from the developers if permission is granted.
- The Highway Authority are generally happy with the proposals and do not consider traffic levels or circulation to be a problem.
- No objections have been received from statutory undertakers to the sewage disposal implications of the development.

Overall it is considered the development is acceptable in planning terms subject to the receipt of acceptable amended plans to alleviate overlooking, a satisfactory flood risk assessment result and the satisfactory completion of a Section 106 Agreement to provide off site children's play space/open space.

Recommend That subject to the completion of a Section 106 Agreement relating to open space provision and a satisfactory flood risk assessment, the development be approved subject to conditions relating to landscaping, contaminated land assessment, archaeological site evaluation

Reason for recommendation

The development accords with current planning policy guidance including local plan policies 1, 35, 66 and 67 and does not harm the amenities of local residents and will positively contribute to the character and vitality of the locality.

Decision time 13 weeks – target achieved.

05/843

SEAHAM DAWDON – Change of Use from Retail to Taxi Booking Office (Retrospective) at 136B Princess Road Seaham for W Kennedy

Planning History

None.

Consultations

The Town Council object for the following reasons:

1. This neighbourhood is predominantly residential. The Town Council do not believe that the development proposed by the applicant will be conducive to normal residential/living conditions for people living in this locality.
2. We believe that the number of vehicles parking up and subsequently moving off and then coming back to the office will result in considerable disruption and loss of residential amenity for local people.
3. We believe that the development will generate substantial additional noise with opening and closing doors of vehicles, engines revving and so on, which again would be to the detriment of local people living in this area.

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4. In addition there is, in this locality, an acute shortage of available car parking spaces. Such a proposal would take up quite a significant amount of car parking provision which again would be detrimental to the amenities of local people and may indeed result in road safety difficulties, particularly in close proximity to the school.

Licensing Enforcement Officer – Will grant a permanent licence if planning permission is granted.

Highway Authority – No objections to the proposed level of use.

Economic Development Officer – No objections.

Environmental Health Officer – No objections

Seven letters from local residents have commented raising the following planning issues :

- Congestion caused from taxis parked in area.
- Noise from taxi drivers talking and using cars.
- Increased traffic causing road safety problems.
- Lack of on street parking for other businesses nearby.
- Loss of privacy from taxis parking near windows.

Development Plan Policies

District of Easington Local Plan

- 1 General Principles of development
- 35 Amenity
- 36 Access/parking
- 63 Taxi businesses.

Comments

This retrospective application relates to the operation of a Taxi hire business within a mixed retail and residential area within the built up part of Seaham.

The previous use of the building was retail and there are a number of similar uses nearby such as a newsagents, a pram retailer and dental practice, as well as a substantial school.

The operation of a Taxi business is considered in the context of Policy 63 of the Local Plan. In this instance the effect on the vitality and viability of the shopping area needs to be considered as does the impact of the use in terms of noise, disturbance and traffic hazards in the locality.

In view of the location of the premises outside the main shopping area of Seaham, this type of use is not considered to be detrimental to the overall vitality of the town centre but a use to be reasonably expected to be present in an edge of town location.

The details of the current taxi business have been described as follows –

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- 2 Hackney Cabs operated from taxi ranks and taken to the drivers homes at night.
- 1 eight-seater taxi private hire vehicle which is taken to the applicants house at night.
- 1 private hire taxi used in the evenings and parked at drivers house.
- 1 Private hire taxi parked on site usually near the school.

The Environmental Health Officer does not consider it appropriate to restrict the hours of operation as taxi firms tend to function 24 hours a day as a matter of course. Any noise nuisance issues can be controlled via the licensing authority.

The concerns of local residents and businesses are noted, however, the Highway Authority does not consider the operation to cause sufficient additional congestion to warrant refusing planning permission and the irregular frequency of problems experienced by local residents is not considered sufficiently imposing to warrant a refusal of planning permission.

In the context of the existing uses in the locality, it is considered that the impact of the proposed use does not have a significantly adverse effect on local residents and businesses as to warrant a refusal of planning permission in this instance.

Recommend Conditional approval (operation of a taxi hire business specifically as described in the application particulars)

Decision time 7 weeks – target achieved.

Reason for recommendation

The development accords with current planning policy guidance including local plan policies 1, 35, 36 and 63 and does not harm the amenities of local residents or businesses.

E Background Papers

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

Durham County Structure Plan
District of Easington Local Plan
Planning Policy Guidance Notes
Planning Policy Statements
Regional Spatial Strategy
DETR Circulars
Individual application forms, certificates, plans and consultation responses
Previous Appeal Decisions



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