

Item no.

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

Date: **14 March 2006**

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

05/763

PETERLEE PASSFIELD – Proposed Residential Development comprising 18 No. Houses, Nursery & Relocation of Playing Field at former ITEC Centre Burnhope Way, Peterlee for The North Blunts Partnership

Planning History

Application Site:

98/691 - Residential Development Outline - Approved

00/355 - Temporary Car park - Refused

00/487 - Temporary Car park (re-submission) – Refused

01/191 - Replacement Primary School and Nursery - Approved

Adjacent Site, North Blunts School Site:

01/192 – Proposed Retail park & Associated Road Improvements at Site of North Blunts School, Burnhope Way/Passfield Way, Peterlee - Approved.

Consultations

The application has been advertised in the local press, by site notices, and the neighbouring properties have been consulted.

Eight letters of representation have been received in relation to this application. Objections were raised to the application on the following grounds:

- The loss of the mature trees on the site. The trees on the northern and eastern boundaries of site form a significant landscape feature. The removal of the trees on the eastern boundary of the site will exacerbate drainage problems, which already affect residents living in Burnside Close.
- The proposed footway running to the north of the site adjacent to the rears of properties on Woodfield could become a problem area for anti-social behaviour such as dog fouling, drug use, youths congregating, which are already problems on the site. Instead this area could be adopted as a landscape corridor.
- There are concerns over who will use the proposed sports pitch and nursery. The proposed sports pitch could be abused if not properly managed.
- The proposed link houses are considered to be out of keeping with existing detached and semi-detached housing in the area. They will also have a detrimental effect on the residential amenities of residents living in properties situated on Woodfield by way of loss of outlook and privacy.
- The proposed Nursery would be better sited closer to the new college site to serve parents attending the college.
- Is there a need for the proposed junior sports pitch, which is to replace a pitch lost at North Blunts Junior School; Sports pitches are already provided on several other sites in Peterlee.
- The proposed development will result in an increase in traffic, exacerbating existing problems at the junction between Neville Road and Burnhope Way. Concerns have also been raised with regard to proposed parking provision at the nursery, any overflow would lead

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to on-street parking which would be unacceptable.

Environmental Health Officer comments:

- A contaminated land risk assessment should be carried out in relation to this proposal.

Tree Officer comments:

- The trees around this site are valuable asset to the local landscape, providing a habitat for local wildlife and a screen for the properties in Woodfield to the north and Burnside to the east. The tree species within this site are of a mixed age and species.
- I have received several adverse comments regarding the proposed new hoggin footpath, this area is already utilised by local youths who carry out anti-social behaviour, and is frequented by dog owners who tend to leave dog waste behind, and it is believed that the introduction of this path may cause further distress to the local residents of Woodfield. There is also concern that the root area of the existing trees will suffer during construction of the path; the evidence of such damage may only become evident several years later.
- The plan provided by the Developers states that 44 trees will be removed, however this is mis-leading as it is clear that approximately a further 31 trees will be removed from the south and east of the site.
- The Developers plan suggests a re-planting scheme as agreed with the Local Planning Authority, however our concern is that a loss of established semi-mature tree species will have a large impact on the areas and that replanting of these trees will not be a suitable option in this case unless the replacements were a substantial size and age. It is therefore recommended that a Tree Preservation Order be placed on the existing trees.

Countryside Officer comments:

- This development, if approved will result in the loss of a substantial number of mature trees. The proposed tree planting will take decades before it has enough landscape impact to compensate for the loss of the mature trees.
- The proposed hoggin footpath should be deleted from the design. This pathway will only serve to damage existing tree roots systems and the creation of a secluded alleyway will undoubtedly lead to anti-social behavioural problems.
- This section still maintain a strong objection to this development on the grounds that it will involve the loss of a substantial number of mature trees in an attractive area of Peterlee. Trees of this value should be seen as an asset and used to enhance a development rather than simply felled to get the most number of housing units on a site. I feel that the whole layout design is poor as it will lead to unacceptable tree loss, anti-social behaviour problems and the playing field will create unacceptable situation for residents from noise and through traffic.

Durham County Council, Planning Policy Comments:

- I note that the application site is allocated for housing, community uses, hotel or public house in the District Local Plan. The adopted County Durham Structure plan sets out strategic locations for new development. Policy 3 states that priority should be given to the provision of new development on site within or well related to the

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County's main towns, including Peterlee. This is central to implementing the Structure Plan's Strategy as well as to national policy. Policy 9 states that the principal locations for new housing development should be within or well related to the main towns and priority should be given to the redevelopment of derelict or redundant sites. As a principle the re-use of suitable redundant sites within the physical framework of towns will assist with regeneration and relieve the pressures for development in the countryside or on Greenfield sites. Since the application site is within Peterlee the proposal would accord with Structure Plan Policies 3 and 9.

Durham County Council, Highways Authority, comments:

- In principle no highway objections are raised. The proposed 9metres junction radii onto Neville Road are acceptable. The proposed junction will need to accommodate 4.5m x 90m sight visibility splays, which appear achievable. The car parking provision to the Nursery will need to be based on 1 space per 2 full time members of staff and 1 space per 50 pupils. The disabled persons spaces could be decreased to 2 in this situation if the creation of sufficient overall car parking was found to be a problem.

Sport England comments:

- Sport England objects to the proposal on grounds that the development will lead to the permanent loss of part of the existing playing field. However, following discussions between the case officer and Sport England regarding the history of the site, further comments are expected.

Northumbrian Water Comments:

- General comments relating to water supply, surface water and foul discharges. In principle no objections to the proposal.

Peterlee Town Council Comments:

- No observations or objections to make on the planning application.

Development Plan Policies

County Durham Structure Plan

- 1 General Principles of Development
- 3 The Location of New Development
- 9 Principal Locations for new Housing Development

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District of Easington Local Plan

- 1 General principles of development
- 10 Trees and Hedgerows
- 35 Design and Layout of Development
- 36 Design for access and the means of travel
- 37 Design for Parking
- 38 Designing out crime
- 66 Provision of outdoor playspace
- P8 Former ITEC Site, Neville Road

The proposal is considered to be broadly in keeping with the relevant development plan policies.

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Comment

Planning permission is sought for the erection of 18no. dwellings, a nursery building and the re-location of a playing field from the North Blunts School Site. The application site relates to the old ITEC site on Burnhope Way, situated close to Peterlee town centre. The former ITEC building has been cleared and the site has been grassed. The site, which includes the former car park and associated grounds serving the ITEC building, covers an area of 1.3hectares. Areas of mature planting bound the site to the north, west, and south. The application site slopes down to the Dene in the northwest corner. Residential properties are situated adjacent to the site: to the west on Burnside Close; to the north on Woodfield; and to the east on Neville Road.

This application is linked to the development of the North Blunts School Site situated to the southwest of the application site across Burnhope Way. The proposed school playing field and nursery are to replace facilities to be lost in the development of the North Blunts School Site as a retail park. The developer requires consent to construct a playing field and nursery prior to work commencing on the North Blunts Site.

The proposed access for the site is to be from Neville Road to the east of the application site. The proposed nursery building is to be sited adjacent to the western boundary of the application site next to Neville Road, parking is to be to the north of the building with vehicular access onto proposed access road for the development leading from Neville Road. The proposed playing field is to be a junior football pitch and is to be sited on the eastern side of the application site bounded by Burnhope Way to the south, Burnside Close to the East and Woodfield to the north. The proposed playing field is to replace one to be lost at the North Blunts School Site.

The proposed 18no. dwellings are to consist of 8no.two-storey semi-detached linked properties to be sited to the north of the proposed access road for the development, the properties are to be set back from the northern boundary of the application site and the existing residential properties situated on Woodfield. The application also includes the erection of 10no. 2 and 2½ storey detached properties to be sited between the proposed nursery building to the west and sports pitch to the east. The properties are to be sited on a cul-de-sac leading from the main access road for the development. The cul-de-sac will face onto the proposed link properties, and back onto Burnhope Way to the south.

The proposal involves the removal a large number of trees on the northern and eastern site boundaries, with some also to be removed from the southern boundary of the site adjacent to Burnhope Way. In total approximately 70 trees are to removed to make way for the development.

The proposed application is considered to be in keeping with the relevant Development Plan Policies. Durham County Council Planning policy officers are supportive of the application which they consider to accord fully with the relevant Structure Plan Policies and relevant National Planning Guidance.

The application site is allocated in the Easington District Local Plan for Housing. Policy P8 of the District Local Plan deals with the former ITEC

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Building which specifically deals with the former ITEC Site and states that:

1.3 hectares at the former Itec site, Neville Road is allocated for housing, community use (Class D1), hotel or public house, subject to:

- (i) the trees along the northern boundary of the site being retained and where that is not possible, replaced with suitable species; and,*
- (ii) access being provided from Neville Road*

The use of the site for retail purposes (class A1) will not be approved.

The proposal is considered to be in broad compliance with the relevant development plan policies. The application site represents one that is allocated for housing and community uses as proposed. The loss of trees on site is unfortunate, but necessary to allow the development as proposed, the developer has submitted a re-planting scheme to replace some of the lost trees.

Representations have been received objecting to the application from members of the public and objections have also been received from Easington Council Tree and Countryside Officers and Sport England. The main issues raised in the objections received relate to: the design of the proposed housing being out of character with the existing area and its impact on existing adjacent residents; the potential for traffic congestion around the site; the loss of the mature trees on the site to make way for the development; the provision of and future management of the proposed playing field; and existing and potential anti-social behavioural issues on the site.

The proposed housing is considered to be acceptable in terms of design and scale. The proposal is in accordance with the relevant development plan policies in relation to the design and layout of new residential development. Representations have been received objecting to the proposed linked houses stating that they are out of keeping with the existing housing in the area, and will have a detrimental effect on the amenities currently enjoyed by residents of Woodfield to the north of the application site. It is accepted that the surrounding area is characterised by detached and semi-detached properties, and therefore it is also accepted that the proposed linked properties do not adhere to the norm in terms of house type, however, this is no reason to recommend refusal of the planning application. The proposed link properties are acceptable in terms of design and scale, it is not considered that they will impact on the residential amenities currently enjoyed by occupants of Woodfield, they are to be set approximately 25metres from the rear elevation of the existing properties with a planting strip of 10metres proposed between the rear boundaries of the new existing and proposed dwellings.

Representations have also been received objecting to the proposal on the grounds that it will increase traffic congestion in the area and exacerbate existing problems on the junction between Neville Road and Burnhope Way. It is accepted that the proposed development will increase traffic in the area, however it is not considered that any increase in traffic will be excessive. Durham County Council, Highway Authority have been consulted and have no objections in principle to the scheme. The proposed access road for the development is in accordance

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with Development Plan Policies being from Neville Road, and is acceptable on highway grounds. The parking provision for the proposed Nursery is considered to be acceptable.

Easington Council's Tree and Countryside Officers have objected to the scheme on the grounds that it includes the removal of a large number of mature trees. Letters of representation have also been received relating to the loss of the trees on the site. The proposal involves the loss of approximately 70 trees to make way for the development. The trees to be lost mainly fall along the northern and eastern boundaries of the site. The relevant development plan policy relating to the site states that: "*the trees along the northern boundary of the site being retained and where that is not possible, replaced with suitable species*". It is considered that the loss of the trees on the site is acceptable in order to allow the development of the site, the different elements of the scheme are all necessary to facilitate the development, so it is not possible to omit one to ensure the retention of more of the existing trees. It is unfortunate that such a large number are to be lost, however it is considered that a re-planting scheme as suggested by the developer can ensure that a landscape feature is maintained along the northern boundary of the site, and further planting along the eastern and southern boundaries over time will overcome the loss of the existing trees. A re-planting scheme can be subject of a condition attached to any grant of planning permission to ensure the Local Planning Authority maintain control over what will be re-planted.

Sport England has objected to the scheme on the grounds that it will result in the loss of an existing playing field. However, it is not considered that this is the case; there is currently no playing field on the existing grassed site. The playing field proposed as part of this application is to replace one to be lost on the North Blunts School site, it is considered acceptable and is to fulfil a legal obligation linked to the construction of the Retail Park on the adjacent site. A condition can be attached to any grant of planning permission to ensure the proposed pitch is constructed to Sport England recommendations. Concerns have also been raised with regard to the management of the proposed sports pitch, it is understood by the Local Planning Authority that the proposed pitch is to be managed by Peterlee Town Council.

Representations have also been received relating to the existing anti-social behavioural issues on site: including dog fouling, youth congregation, and drug abuse. Objections have been received regarding the proposed development worsening these issues. The proposal includes the installation of a new footway to the north of the application site adjacent to the rear boundaries of existing properties on Woodfield and the proposed linked houses that form part of this application. It is feared that this proposed path will exacerbate the existing problems and create a thoroughfare for youths or drug users wishing to gain access to the Dene, and as a result cause a nuisance to local residents. It is accepted that this footway could also cause problems relating to the tree root systems that could cause long-term damage to the remaining trees on site. It is proposed that the footway be removed from the scheme and replaced with increased planting to create an enhanced landscape feature to screen the proposed development from the existing residential properties on Woodfield. A condition can be attached to the grant of planning permission requesting that an amended plan be submitted to show the removal of the proposed path from the scheme.

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Conclusions

In conclusion the proposal is considered to broadly accord with the relevant development plan policies. The application site is allocated in the development plan for this type of development; it is considered that a re-planting scheme can, over time, replace the trees to be lost to make way for the development. The development of this site including a playing field and nursery is required to enable development on the adjacent North Blunts School Site. The composition of the proposed development incorporating a nursery and playing field has been governed by legal requirements linked to other planning consents. Therefore on balance subject to the suggested conditions the application is considered to be acceptable.

Recommend

Conditional Approval (conditions to include: materials to be used to be agreed; means of enclosure to be agreed; landscaping scheme to be submitted and agreed by the Local Planning Authority; protection of trees during construction; parking scheme serving the Nursery to be implemented prior to occupation; street lighting; an amended plan is to be submitted showing the required visibility splay at the junction between the access road and Neville Road; an amended plan is to be submitted showing the proposed hoggin footpath at the north of the application site removed; sports pitch to be constructed to Sports England's specification.)

Reasons for recommendation

The application is considered to accord with Structure Plan Policies 1, 3 and 9. It is also considered to accord with District of Easington Local Plan Policies 1, 35, 36, 37, 38 and P8. No other material considerations outweigh the support for the proposals.

Decision Time

Over 8 weeks – due to additional information being requested.

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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