

# Item no.

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

Date: **4 April 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 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

05/665

**SEAHAM NORTH (SEATON WITH SLINGLEY) – Paintball business and associated earth mounds and structures and car park at land south of Sharpley Hall Farm for Mr I Weightman.**

### Revised Plans

Members may recall considering this application at the 22<sup>nd</sup> November 2005 Meeting when it was resolved to defer making a decision on the proposal until revised plans had been submitted relating to the following:

- Access to the site
- Appearance/location of the shelter building
- Appearance of the car park
- Improved site landscaping

Revised plans were submitted and on 3<sup>rd</sup> March 2006 local residents were reconsulted, forwarded copies of the revised plans and asked to comment by the agenda deadline of 22<sup>nd</sup> March 2006.

The nearest neighbouring resident has, at the time of writing, confirmed that he will not be able to forward his comments on the revised plans in time for publication of the agenda, they will therefore be presented verbally at the Meeting.

The original report that follows has been amended in part to reflect the latest information received by officers.

### Planning History

03/917 – Change of use to paintball operation with associated car park and structures – approved December 2003.

04/379 – Resubmission of above – withdrawn June 2004.

### Consultations

A Site Notice has been posted and local residents have been consulted. As a result of the *original* consultation individual letters were received from one local resident raising the following issues :

- Noise from the guns and customers during use of the facility.
- Excessive opening times leading to disturbance.
- Large numbers of customers will use the site at any one time, exacerbating the above and resulting in road safety problems.
- Noisy guard dogs at night.

A local resident has made the following further comments on the overall application :

*1. We have had a preliminary meeting with the Applicant and they point blank refused to move the buildings, participant arena access and car park to the rear of the site. Upon reviewing the original planning*

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*permission the building is a **temporary movable structure** and therefore we cannot understand why there is so much of a big issue.*

*We do however note that the size of the office at the front of the site that has been passed is much smaller than the actual building currently erected on site. Does the new application cover the increase in size of the building and the fact that it is a permanent structure?*

*2. There is also a permanent toilet on site near the office. From memory we cannot recall whether this was in the original application, nor whether it is on the present application. Please confirm.*

*3. Our clients view is that **"He does not want to see it, and he does not want to hear it"**. It is fair to say that as long as access to the paintball site is from the front of the property, our client will continue to see a scene from "Braveheart" as the fighters charge into the arena and then retreat from it at the end of their session. If access were obtained from the back of the site to the arena (and as stated above the toilet and office and parking moved there also) the site would be tolerable.*

*4. From Ward Hadaway we have received a planting schedule and proposal for mounding. Via yourself we received a copy letter from WH and a "sight line" plan. We are at a loss to how the sight line plan has been prepared from ground and first floor of our clients property as the applicant or their agents have never requested access to prepare the same.*

*5. Since the last meeting of the Planning Committee when this application was considered, we have evidence which will be presented at the meeting to show large numbers of participants, far in excess of the numbers predicted by the applicant together with a crammed car park - again with numbers far exceeding estimates put to EDC. We are extremely concerned regarding the enforcability of the planning conditions that may be attached to the permission if granted and therefore would re-state our points at 1,2 and 3 above.*

*6. If the Committee were minded to agree to the proposals what time limits would be put on the permission for erection of the mounds as we do not believe the applicant would be minded to halt his business in what is almost peak season to facilitate the completion of the same. If time limits were put on what enforcement provisions would be realistically considered and at what time?*

The Highway Authority have no objections providing the access improvements are carried out in accordance with the specifications shown on the submitted plans.

The Environmental Health Officer has no objections providing the activities are kept behind and below the mounded landform in order to prevent unwanted sound going beyond the site boundary. No amplified sound should be used as part of the activity and the business should not operate before 9am.

The Parish Council have not commented.

The Landscape Officer has commented as follows :

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- Earth Mounding is of a satisfactory height and reflects the surrounding topography.
- Mobile structures on site are in the main not visible from public viewpoints.
- Additional planting has been agreed with the applicant and should be made a condition of the permission.

## **Development Plan Policies**

### *County Durham Structure Plan*

- 1 General Principles of development
- 4 The countryside
- 52 Tourism and Recreation.

### *District of Easington Local Plan*

- 1 General Principles of development
- 3 Protection of the Countryside
- 35 Design and layout of development
- 36 Design for access and means of travel
- 57 Diversification of farmland
- 86 Countryside recreation

The development is considered to be in accordance with the above policies.

## **Comments**

### Site description and its operation

This application seeks to regularise the existing paintball operation which is taking place on 1.2 hectares of land south of the B1404 road, 1¾ miles west of Seaton village. The land was previously used on a seasonal basis for pick-your-own-strawberries. The playing area utilises a former strawberry field, and the existing car park and access serving the former strawberry business (as well as a small fishing lake) is utilised.

The original approval comprised a single playing area with an area screened by planted maize, with a timber shelter for participants and car parking area for 6 cars. It was intended that temporary props would be used such as straw bales and camouflage netting, as well as planted maize. The current proposal is for a more prominent appearance and more intensive use of the site, involving props made from various materials including timber, metal, fibreglass and stone, earth mounds several metres in height around the playing area, a breeze block shelter and motorcycle parking area. Most of the works have already been carried out without planning permission, and timber props have been used to create a 'wild west' village within the playing area. The proposed operating hours are from 10.00am to 7.00pm.

The applicant has submitted a supporting letter, parts of which are reproduced as follows:

*"Access to the site is per our previous proposals. Included with this submission is a detailed plan indicating provision for 14 car parking spaces set out in a fashion behind an existing hedge line. Also provided*

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*is a turning area for possible use by a bus when transporting larger numbers and recreational parties. The car parking and turning area is to be consolidated as a gravel/whinstone surface.*

*Consent was previously obtained for a timber structure on site. The structure now currently constructed is a timber and breezeblock structure. The applicant, having given consideration to ongoing problems of security on site, felt that a timber-clad, breezeblock shelter would be more suitable. The shelter is of a similar appearance as that previously approved under the previously referenced planning permission.*

*Ongoing problems were experienced in relation to security of the site as regards drug users. There was once a caravan stationed on site and it was broken into almost every night. Hypodermic needles were left lying around the site. This more secure shelter will provide a greater level of security, making it more difficult to penetrate. In this rural location where 24 hour surveillance is not possible, this is an appropriate answer to address such concerns.*

*Detailed plans of the shelter are provided for your consideration. Officers will note that the shelter is marginally bigger than that previously approved.*

*The shelter will be used precisely for the use to which its description is given. It will act as a shelter, and a place to take lunch as well as provision of a toilet facility. The shelter also acts to store equipment utilised with the paintball activities. As referenced in original communications, paintball activities require the use of compressed air. Compressed air is used as this is a more suitably environmentally friendly product. A compressor is kept on site to charge the air cylinders which, in turn, charge the guns at the end of each game.*

*The shelter will also be used to store equipment associated with the activities.*

*Operating hours are still proposed to be as per the planning approval granted until 7.00pm in the evening. There will be a period of closing up after this time where activity ceases, equipment is stored, and people leave the site.*

*It is expected that between 50 and 70 people will use the facility at any one time. Continuous guidance and supervision is always required. This will be provided by paintball marshals at a ratio of one marshal per 10 players.*

*The nature of the operation is that block bookings are taken and one party utilises the whole site for either or both a morning and afternoon period. The comings and goings in relation to the site are not continuous. Movements will be in early morning and late morning periods, and/or the early afternoon and late afternoon periods. It is also anticipated as has happened up until this point in time, that some parties will come to the site in a bus. The issue in relation to the intensification of the use of the site and the numbers involved, should not be a consideration in relation to consideration of the planning application, simply because the size or scale of the operation will dictate the feasibility, viability and comfortable use of the site. Assertions have been made by an objector that up to 100 people at any one point in time have been utilising the operation. This is incorrect. Whilst it is*

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*acknowledged that parties have come to the site in a bus or two buses, those buses are not full and rather the physical nature of the operations limits the impact of its presence.*

*Ward Hadaway – (the Agents for the applicants) - are of the opinion that the numbers of parties on site could not be controlled with reference to the original consent. No specific condition was imposed on the original approval limiting the number of persons at site. This is a material consideration in your determination.*

*Mounding has been created on site by movement of earth from the centre of the playing area to the perimeter of the play area. This has created boundary mounds which were of initial concern to the Local Planning Authority. Having met Mr Alan Dobie on site, advice was consequently sought from the Authority's landscape consultant, Mr Walter Kelly. A copy of his comments is within the Council's files. In particular, we would refer you to Mr Kelly's commentary under the paragraph of his memorandum of the 28<sup>th</sup> August 2004 relating to earth mounding. In his opinion as a professional environmental designer, the height of the earth mounding current to the site is satisfactory and reflects the topography of the surrounding landscape. Notwithstanding this, further advice has been sought and given where at significant levels of landscaping and mitigation measures are now proposed. The appended plans indicate planting schemes which will assist in assimilating the development proposals into the landscape.*

*The props are of a temporary nature and entirely portable. Not one of the structures has been concreted into the ground with the use of foundations. They are of a size and weight which would indicate that it is questionable as to whether they are defined as 'development' at all. An examination of the Development Control Practice volumes quite clearly indicates that structures of this kind are not development. However, the use of the land and what they give rise to is development. Axonometric sketches are supplied indicating their nature and extent. No other specific scale plans are provided of the structures given the fact that they are portable, and not legally considered to be development. However, the Authority would be invited to impose appropriate conditions with respect to the movement of the structures on site, their final levels and their final positions.*

*From a professional perspective the concerns of the objectors and the Authority are understood. However, we must refer to the original consent given by the Authority, the limitations of such and the perceived impacts of that operation. It must be remembered that the original consents although not involving earth mounding nor indeed the presence of the number of props on site, had no specific limitations in relation to the same. There is no condition imposed on the planning approval limiting the numbers who could use the site, and following on from our discussion as regards whether props are development, it would be impossible for the Authority to control the nature and implementation of such things as rubber tyres, pyramids, timber, props and any other vehicle that would assist or add to the use of the site under the previous consent. Taking this further, if the mounding had not been created, and if the central section had not been dug out, all such props would have been extremely visible. Indeed, they would have had such a presence that the objector would have felt very much more aggrieved than he currently does. In addition, and perhaps even more importantly, the use of the site, in terms of the use of air pressured guns and the shouting*

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*and screeching of users, would have been in the open and would have had far greater impact on all concerned. It is hoped that both the Authority and the objector fully acknowledge such, and understand that the mounding and screening serves to protect the amenity of the locality and the resident.*

*Local Authority Environmental Health Officers have visited the site and assessed the issue of noise and can confirm that the mounding protects the amenity of local residents in this regard and that no statutory nuisance exists."*

The proposal will employ up to eight people on a part time basis including a site manager, marshals, reception and maintenance staff.

It should be noted that permitted development rights in the Town and Country Planning (General Permitted Development) Order 1995 allows land to be used for up to 28 days per year for the paintballing activity without planning permission. These rights apply to the use of the land and do not permit building and engineering operations such as the timber shelter and earth mounds.

## Policy considerations

Planning Policy Guidance Note 17 (Sport and Recreation) advises that proposals for farm diversification involving sports and recreational activities should be given favourable consideration if sited with care and sensitivity to its rural location (paragraph 26). Planning Policy Guidance Note 7 (The Countryside) also encourages recreational activity in rural areas, particularly as part of farm diversification.

As a recreational facility and farm diversification project the proposal is supported in principle by policies 57 and 86 of the District of Easington Local Plan, provided it meets various criteria, including avoiding serious adverse impact upon amenity. The acceptability of the application consequently depends upon the particular impacts it is likely to have on the local area. The main planning issues are considered to be visual impact, noise and transport implications.

## Visual impact

The Council's landscape consultant has advised that the proposal is satisfactory, subject to the landscaping requirements suggested in relation to the previously submitted planning application. The earth mounds are currently visually intrusive, because they appear as artificial engineering works in the countryside unrelated to the existing landform. In addition, some of the timber structures in the play area are partially visible, as the height of the earth mounds varies.

Site inspection reveals that the structures are visible from the first floor windows of nearby residents contrary to the claims of the applicants – see above. In addition the site is open to view from an infrequently used lane to the north west of the site, which is now proposed as the access road to the golf course clubhouse and will thus become regularly used when that development is carried out.

A full landscaping scheme, including the raising of the northern most embankment, is required to address these issues, and a planning condition can be imposed with respect to this. Landscaping on top and



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sides of the mounds, other than grass, is considered too unnatural, and instead, trees would need to be planted beside the earth mounds to soften their appearance and blend them into the countryside. The main visual problem is the partial appearance of the props above the height of the earth mounds, and their prominence from local resident's viewpoints and potential users of the proposed nearby golf course.

The reason given for the breeze-block construction of the shelter is security for the air compressor and to prevent people breaking in and using the building for the purposes of drug-taking. As the shelter will be clad in timber, the visual appearance is considered acceptable, taking into account the increase in size from that originally approved.

## Noise and disturbance

The Council's Environmental Health Unit is satisfied with the proposals and has not requested a noise survey. The proposal is situated over 100 metres from the nearest housing at Sharpley Hall Farm, across the B1404. During trial runs at the site, despite the distance and screening provided by the earth mounds, the neighbours can detect the sound of paintballs being fired. As this sound would be heard in the daytime across a classified road carrying 60 mph traffic, this is not considered to result in a significant increase in noise levels sufficient to refuse the application. However, given that traffic noise levels will inevitably drop in the evening, which is a time when people can expect to enjoy the use of their dwelling houses without disturbance, the operation of the site beyond 7.00pm is considered unacceptable. The potential disturbance in the evening is considered to relate to the screams and shouts of competitors and car doors slamming, which can have an adverse impact on amenity when background noise is low. It is therefore recommended that planning approval should only be granted subject to a condition to restrict operating hours to between 10.00am and 7.00pm.

The applicant has stated that the expected number of vehicles visiting the site during a normal working day (excluding staff) is six. This is considered to be an underestimate, given the extent of the playing area, the number of staff and the likelihood of organisations and groups of people block-booking and facilities. It is considered important for the Council to retain some control of the numbers of visitors using the site, to control the overall levels of noise, disturbance and general commercial intrusion at weekends, which could potentially harm the residential amenities of the houses overlooking the site. In the circumstances, limiting visitor numbers to 50 per day, unless otherwise agreed with the Council, is considered a reasonable limit, which takes account of the applicant's proposal to provide fourteen car parking spaces, whilst also taking a realistic view of the potential of the site to attract people from a wide catchment area.

## Traffic

The applicants have claimed that the former pick-your-own-strawberries venture received up to 80 cars a day at the height of the picking season. The proposal has consequently been assessed as a one which replaces an existing commercial use of the site which already attracted car-borne visitors. The Highways Authority is satisfied with the access and parking arrangements.

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## Comments on Revised Plans

The applicants have submitted a revised landscaping scheme which seeks to achieve the following :

- Reduce the visual impact of the portable structures on local residents,
- Reduce the visual impact of the car park and shelter on local residents,
- Amend the access route to the paintball area.

The revised scheme introduces a new mounded area to the front of the site which has the effect of shielding the relocated car park area from direct public view and realigning the access to the paintball area so as to avoid customers walking on elevated land and being able to see into local residents' gardens.

The height of the existing perimeter mound would be increased and landscaped so as to shield the paintball portable structures from direct view from local residents' property. The applicants undertook a levels survey using a scope from a known datum point to establish the relevant heights of structures in the locality. Apart from the above, a coach turning area is introduced on site to avoid the need for coaches to drop customers off on the public highway.

It is considered that the above measures address Members' concerns expressed at the earlier Meeting and satisfactorily reduce any detrimental effects the paintball business may have on local residents to an acceptable and reasonable degree, subject to the conditions suggested at the previous Panel meeting and agreed by the applicant's agent.

## Conclusion

In view of the information detailed above, it is considered that the proposed development will not cause serious harm to matters of acknowledged importance. The proposal broadly conforms with established National and Local planning policies. The visual impact, whilst not minor in scale in terms of the mounding, is nevertheless considered acceptable in the context of this rural location and will be further improved with additional landscaping. Noise and disturbance to local residents is not considered to be sufficient to warrant refusing permission in view of the physical separation and increased landscaping measures, and traffic generation is not considered to be a significant problem in view of the previous land use as a "pick your own" facility and the details submitted with the application, which have been approved by the Highway Authority. Accordingly, the proposal is considered to be acceptable, subject to conditions to control the appearance and operation of the business. In respect of the increased mounding, it is considered appropriate to require this to be implemented within two months of planning permission being granted.

**Recommend** Conditional approval (landscaping work; number of participants, hours of operation; on site car parking provision; operation of the site, location of portable structures, amplified music)

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**Decision Time** 7.5 months - (target not achieved due to negotiations and to enable local residents sufficient time to study and comment on the proposals)

## Reasons for recommendation

The proposal constitutes an acceptable form of development in this rural location, that will provide a leisure facility and employment opportunities without significant adverse impacts on the amenities of the area or its residents.

**05/889**

**MURTON WEST – Proposed Erection of Dwellinghouse (Outline)(Resubmission) on Land East of Postgate Chase, Church Lane, Murton for Mr A Jones**

## Planning History

95/633 - House and access (outline): Approved 01/96.

98/651 - Renewal of outline permission for house and access : Approved 12/98

99/807 - House and detached garage and access : Approved 10/99 (These three applications all refer to the existing dwelling known as 'Postgate Chase'.)

05/372 - Proposed House (Outline) : Refused 06/05.

## Consultations

Parish Council - concern over vehicular access on busy road.

DCC Highways - require reduction in height of existing boundary wall, the location of the new vehicle access to the site to be reserved for later approval and the provision of an in-curtilage vehicle turning facility.

DCC Conservation Officer – no response at the time of the report.

EDC Landscape Unit - no objections.

EDC Environmental Health Unit - contaminated land risk assessment needed.

Northumbrian Water - details of water supply and sewerage requirements; existing public sewer across site.

Press & Site Notices & neighbour notifications - 41-name (25 properties) petition of objection referring to the site being too small, detriment to amenity and visual setting of war memorial; dangerous access; diversion of sewer likely to cause unnecessary disruption.

## Development Plan Policies

### *District of Easington Local Plan*

- 1 General Principles of Development
- 24 Protection of Listed Buildings
- 35 Design and Layout of Development
- 36 Access
- 67 Windfall Housing Sites

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## M3 Visual Amenity of Murton War Memorial

### Comments

This report was included on the agenda for the Panel's meeting on 21 February 2006 but was withdrawn because notification was received that the Murton War Memorial had become a 'listed building' only days before the Panel were due to consider the application. It became necessary to carry out an additional publicity procedure as a result of the listing.

The application site comprises the eastern part of the piece of land currently occupied by the house known as "Postgate Chase", directly opposite the war memorial in Church Lane, Murton. As such, it falls to be considered as a "brownfield windfall site" on which housing development is acceptable in principle.

The immediate area around this site in this part of Church Lane is characterised by substantial dwellings in quite large plots of land, typically extending to 500 square metres. The application plot amounts to some 400 square metres. A previous application for a similar proposal on this site was refused in June 2005 basically because the plot was only some 250 square metres but the applicant has decided to increase the plot size by demolishing the conservatory on the side of 'Postgate Chase' to enable the western boundary of the plot to be closer to the existing house.

The plot is now large enough to accommodate a dwelling of a similar size to many of those on nearby plots while providing a reasonable amount of amenity space. The spacing and privacy guidelines contained in the Local Plan are achievable except the provision of 10.5 metres from the rear elevation of the house as shown on the submitted plan to the boundary where only some 4 metres can be achieved. This dimension, however, is essentially the same as at the existing 'Postgate Chase' and a larger space at the side of the proposed house would provide an adequate garden/amenity area commensurate with the size of the proposed house and in keeping with much of the surrounding area. It is therefore considered that the proposed erection of a house on this site would be in accordance with the policies contained in the District of Easington Local Plan.

During the consideration of the application, it has come to light that there is a sewer running across the front of the site which places constraints on the development of the site. The applicant has decided that he is prepared to have the sewer diverted and has made a marginal amendment to the proposed siting of the house in order to facilitate the implementation of his proposal.

The Highways Authority has made a number of comments relating to the provision of a satisfactory access from the site to Church Lane. These are set out in the "consultations" section of this report and the applicant has agreed to comply with conditions reflecting those requirements.

Murton Parish Council have expressed "concerns.... over the vehicular access to this proposed house..." but the Highway Authority advice indicates that the proposed access can be acceptably designed and positioned as long as suitable sight lines are provided.

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A petition of objection to the proposal has been received from local residents. This petition contains 41 names and relates to 25 properties, 13 of which are reasonably close to the application site. The petitioners' points of objection (summarised) are:

- i) that the increase in the size of the site in comparison to that in the previously refused application still does not provide an adequately sized house plot in this location;
- ii) that the reasons for refusal of the previous application still apply to this proposal;
- iii) that the increase in traffic on Church Lane and the dangerous position of the proposed vehicular access to/from the site are likely to make the proposed access fail to "meet highway regulations".
- iv) that there does not appear to be a sufficient increase in the size of the application site compared with that in the previously refused application to accommodate a vehicle turning facility within the site; and
- v) that the 're-directing of major drains.... will involve major work and will cause unnecessary disruption to other local occupiers.'

The matter of the increase in the size of the plot from 250 square metres to 400 square metres has been covered earlier in this report as has the consultation reply from the Highway Authority. While the diversion of the sewer across the site will, of course, involve some inconvenience to local residents, it is not considered to be a problem of such proportions as to merit the refusal of an otherwise acceptable planning application.

The very recent listing of the Murton War Memorial has been taken into consideration and it is not felt that the erection of a suitably designed dwellinghouse on this site would adversely affect the setting of the listed building.

Taking all relevant matters into account, therefore, including the objections received, the proposal is considered to be acceptable.

**Recommend** Conditional approval (Standard outline conditions; details of access; internal reversing facility; contaminated land assessment; no windows to replace conservatory at "Postgate Chase")

## **Reason for Recommendation**

The development accords with current planning policy guidance including Local Plan policies 1, 24, 35, 67 and M3 and is not considered to be unacceptable in terms of the amenities of people living in the vicinity of the site.

**Decision time** 20 weeks (target not achieved – delayed due to installation of new computer system, need to reconsult after amendment; and the need for additional statutory publicity following the 'listing' of Murton War Memorial immediately prior to the Panel meeting on 21 February 2006).

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2005/0928

**HUTTON HENRY (CASTLE EDEN) - House at Land adjacent Ivy Cottage, Castle Eden for Mr K Birks**

## **Planning History**

93/604 – Post Office and Shop with associated car parking and living accommodation – Refused.

02/177 – House – Approved.

## **Consultations**

The application has been advertised by press and site notices and the neighbouring properties have been consulted. Three letters of representation have been received in relation to this application. Objections have been made to the application on the following grounds:

- The impact on residential amenities currently enjoyed by neighbouring occupants.
- The impact on mature trees on the site.
- Highway Safety issues relating to the access to the site, and parking provision for the neighbouring property Ivy Cottage.
- The proposed dwelling is out of character with the area and current street scene, and particularly the adjacent neighbouring property Ivy Cottage.

Easington District Council, Tree Officer comments:

No objections to the proposed scheme subject to the following conditions:

- The trees should be protected by secure fencing especially to preserve the root zones as in accordance with current British Standards 5837:2005 "Trees in relation to Construction". This fencing must be secured by scaffolding posts and kept in situ to protect the root protection area
- There should be no materials building or otherwise located within 10 metres of the trees / fenced off area or mixing of cement within this area.
- There should not be any fires lit on the site where flames can extend within 5 metres of foliage, branches of trunk

Durham County Council, Conservation Officer, comments:

The site has a history, firstly about the principle of allowing a building on this site and secondly about design. The Inspector for the Local Plan dealt with both issues; he said that a dwelling was acceptable here but that the design should reflect the character of Castle Eden. The design of the proposed dwelling closely reflects the plans approved in 2002. I consider that the application can be approved with conditions:

- Samples of the natural slate and the brick to be approved.
- Details of the bargeboard to be agreed.
- Windows on the front elevation to be timber-sliding sash to be set in reveal as shown on the drawing.
- Rooflights to be of the conservation type and sit within the slope of the roof. Windows to have a vertical emphasis.

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Durham County Council, Highways Authority, comments:

- Subject to the relocation of the bus shelter, the construction of 2.1metres wide footway to adoption standard, the creation of a vehicular access and the creation of 2.4m x 120 metres sight visibility splays in both directions, I would not have any highway objections to this planning application.

Castle Eden Parish Council Comments:

- The proposed planning proposal will be an overdevelopment of the site.
- Concern is expressed in relation to access, which would lead onto a 40mph busy road. It is opposite to the Golf Club access route to the Golf Club car park.
- Concern is with the apparent disregard of recommendations made by the Government Inspector specifically to this part of Castle Eden. Ivy Cottage itself has historic connections with the village but also the terrace known as the Factory is recognised by the County Council and listed as an example of a limestone building. A building of this size on this plot and also design does not reflect in any way the recommendations made by the Government Inspector. The Parish Council would therefore ask that a complete review of the application is made before determination.
- Planning on this road B1281 has in the past been refused by Durham County Council Highways section.

Castle Eden Society comments:

- The hazardous entrance to Castle Eden Golf Club car park is situated on the opposite side of the road to the proposed access for the development.
- The proposed dwelling is not in keeping with the relevant development plan policies or the comments made by the Inspector for the Local Plan. The proposal would not meet the requirements of the relevant development plan policies: at two and a half storeys and six bedrooms it is totally out of proportion with the existing bungalow and is certainly not “modest” and is not a Bungalow in keeping with the adjacent property Ivy Cottage. It represents a very urban design in a rural conservation site and is sited close to a row of listed cottages on the opposite side of the road. In this particular location the proposed house could not be considered to “preserve or enhance” the character of Castle Eden Conservation Area.
- The development would require the loss of mature trees within the conservation area.

## **Development Plan Policies**

### *County Durham Structure Plan*

- 1 General Principles of Development
- 65 protection of Character of Conservation Areas
- =

### *District of Easington Local Plan*

- 1 General principles of development

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- 10 Trees and Hedgerows
- 22 Preservation and Enhancement of Conservation Areas
- 35 Impact of Development
- 36 Design for Parking
- C1 Requirement that development proposals in Castle Eden preserve or enhance the character of the village
- C5A Allocation of Land for 1no. dwelling.

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

## **Comment**

The application seeks planning permission for the erection of a two-storey six bedroomed dwelling house with detached double garage to the rear on a parcel of land immediately west of Ivy Cottage in Castle Eden. The site is screened by existing mature landscaping when viewed from the west and the south and in part by the existing Ivy Cottage bungalow from the east. To the north lies the Castle Eden and Peterlee Golf Clubhouse and car park. The site lies within the Castle Eden Conservation Area.

This application represents a similar scheme to that approved by the Council in June 2002 (see relevant planning history). Planning permission was granted for a two-storey four bedroomed property with a detached garage to the rear. The current application shares the same footprint as the approved dwelling, and the proposed access to the development is to be as originally approved. The differences between the two proposals relate to the design of the proposed dwelling, and the size of the proposed garage. The current application relates to a two-storey dwelling with a ridge height of 10.0metres, the previous application was for a property with a ridge height of 9.5metres. The current proposal incorporates six bedrooms, as opposed to the four incorporated in the previously approved application; these extra rooms are to be sited in the roof space of the property, with rooflight windows proposed to the rear/south. Other differences relate to changes in the design of the proposed dwelling; for example the current application incorporates bay windows at the front of the property whereas these were not included in the previously approved application. The other difference between the approved application and the proposal relates to the size of the proposed garage; the previously approved application gave permission for a single detached garage to the rear, the current application includes the erection of a double detached garage to the rear of proposed property.

With regard to the previous Planning Approval on this site, it is considered that the Council has accepted the principle of a two-storey dwelling in this location. It is therefore considered that the main issues to assess in determining this application are the design of the proposed dwelling, and the impact of the proposal over and above any impact accepted under the previous application on the residents of neighbouring properties.

Planning Policy Guidance Note 15: Planning and the Historic Environment, is of importance in this case. The document essentially advises that the planning system should seek to preserve the character and appearance of conservation areas and that any development proposed for any conservation area should preserve or enhance the character of that particular area. New developments should be of the



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highest quality and should be sensitively designed and sited. The general thrust of this established national guidance has been followed through the relevant District of Easington Local Plan Policies. Policy 22 establishes a general presumption that all development proposals for conservation areas should preserve or enhance the character of that particular area. Policy C1 specifically states that development proposals for Castle Eden should preserve or enhance the character and appearance of the village and take into account wherever relevant the setting of any listed buildings.

The application site is one of several sites, which have been allocated, in the District of Easington local Plan as being suitable for residential development within Castle Eden. This has been established through policy C5a that allocates the land for one dwelling.

Several objections have been received in relation to this application. The principal objectors being Castle Eden Parish Council and Castle Eden Society, disputing the fact that the application could be seen to be in accordance with the Development Plan Policies and the reasoning behind the Planning Inspectorates decision to allocate the site for one dwelling. These objections were discussed in the report relating to the previously approved application for development of this site. As previously stated the principle of a two-storey dwelling on this site has been set by the previous planning approval, and therefore it is not considered that these objections are relevant in this case.

Objections have also been received from the occupants of Ivy Cottage on the grounds that the proposed dwelling would overpower the adjacent residential property, and affect the privacy of the adjacent resident.

In terms of assessing this proposal officers consider that in design terms, and the impact the proposal would have upon the street scene, it is not necessarily considered a disadvantage that the proposal would screen Ivy Cottage, particularly when viewed from the west. Ivy Cottage is of no particular architectural merit and does not contribute to the character of the Castle Eden Conservation Area. Accordingly, the proposals will not restrict views of a prominent complimentary building and indeed it could be argued that they could help to screen a non-conforming building with a more appropriate form of development.

With reference to the impact upon the residential amenities currently enjoyed by Ivy Cottage, it is considered that the current proposals will not lead to any significant additional reduction in daylight entering Ivy Cottage over or above that accepted under the previous application. The increase in ridge height between the proposals of 0.5m is not considered to affect the residential amenities of neighbouring occupants sufficiently to warrant refusal of the application. However, there is concern relating to loss of privacy for the occupants of Ivy Cottage, the current proposal includes the insertion of three windows into the eastern elevation facing Ivy Cottage. The windows are to serve two 1<sup>st</sup> floor bathrooms, and a 2<sup>nd</sup> floor bedroom, the impact of these windows on the adjacent occupiers in terms of loss of privacy can be overcome by the use of obscure glazing. It is proposed that a condition be attached to a grant of planning permission to ensure the use of obscure glazing to protect the privacy of the neighbouring occupants.

Objections have also been received relating to the impact upon the adjacent Listed Building, The Factory, and the impact of the development

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on the character of Castle Eden Conservation Area. The proposal attempts to follow the established traditional detached family dwelling house typical of Castle Eden properties, and includes such design features as two pane window openings, decorative eave boards, and the provision of finials to ridge. It is envisaged that externally the dwelling will be faced with slate and dark red multi-brick. In relation to the impact of the proposal on the Listed Building, it is not considered that the proposals would be viewed in conjunction with the adjacent Factory buildings sufficient to conclude that they have an impact on the setting of a Listed Building. Durham County Council's Design and Conservation Officer considers that the proposal is in keeping with the character of the Castle Eden Conservation Area, and has recommended conditional approval of the scheme. The conditions suggested relate to the materials, and design features being agreed with the Local Planning Authority prior to construction.

Concerns have also been raised by the occupants of Ivy Cottage relating to the access for the site. The proposed access for the application site is proposed to be as agreed as part of the previously approved application. Durham County Council, Highways Authority have been consulted on the application, and have recommended conditional approval of the scheme. The conditions suggested relate to the re-location of the existing bus shelter situated adjacent to the public highway at the front of the site, in keeping with the required visibility splay to serve the proposed access. The re-location of the bus shelter will be in keeping with the agreement reached under the previously approved application.

The District of Easington, Tree Officer has been consulted on this application. There is a group of mature trees in the southeast corner of the application site, these are not to be affected by the proposed development, however it is considered that they should be protected during the construction work. The Tree Officer has recommended a conditional approval to the scheme with conditions relating to the protection of the existing trees on site; it is proposed that regular site visits are carried out during the construction process, if planning permission is granted, to ensure protection of the trees.

## **Conclusions**

The principle of the development of a 2-storey detached dwelling on this site has been established by the previous planning approval in 2002. The main considerations relating to the current application relate to the proposed changes to the scheme, and how these affect the impact of the property on the character of the Castle Eden Conservation Area and the residential amenities currently enjoyed by neighbouring occupants. In both respects the proposal is considered to be acceptable, it is considered that the proposed dwelling will have no detrimental effects beyond those accepted under the previous grant of planning permission. The proposal is therefore considered to accord with the relevant development plan policies, and to be acceptable subject to the suggested conditions.

## **Recommend**

Conditional Approval (conditions relating to realignment of bus shelter in accordance with approved plans prior to commencement of development, external materials to be agreed, means of enclosure to be agreed, landscaping scheme to be submitted and approved, existing trees on site to be

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protected during construction of the development, the use of obscure glazing on windows in the eastern elevation of the property.)

**Decision Time** Over 8 weeks – due to amended plans being requested and publicity requirements

**2005/0953**

**THORNLEY & WHEATLEY HILL (WHEATLEY HILL) - Conversion to 2 Flats at West House, Gable Terrace, Wheatley Hill for New Life Corporation Ltd**

## **Planning History**

There is no history of planning applications relating to this application site. There is a current application for a residential development on the land to the rear of West House. This is considered to be a separate application, and is not linked to the proposed conversion of West House. West House has, however, been the subject of enforcement action to secure improvements to the appearance of the site.

## **Consultations**

The application has been advertised by site notices and the neighbouring properties have been consulted. Thirty two letters of representation were received relating to this application. Objections were raised on the following grounds:

- There is no need for flats in Wheatley Hill, the council has previously provided flats at Peterlee Cottages and Shinwell Terrace, which have latterly been converted into Bungalows.
- The proposed conversion will mean a greater density of people and vehicles using the area, which will increase congestion at the road junction between Gable Terrace and Woodlands Avenue, an already busy road junction.
- This area of Wheatley Hill already has a high rate of anti-social behaviour, a development of this type (as opposed to conventional houses and bungalows) may well lead to a rise in this type of behaviour.

Easington District Council, Countryside Officer, comments:

- I can confirm that I have no objection in principle to this development however as the building has been unoccupied for so long I would recommend that a Risk Assessment bat survey is undertaken by an ecological consultant. The house itself appears to be in reasonable condition with few entrance points that bats could use but the loft area should still be inspected for use by bats.
- As I would consider the house and development to be low/medium risk to bats and total demolition is not proposed I do not consider that a full survey is required in this instance. A Risk Assessment should suffice, however if bats are found to be using the property then an application to DEFRA will be required before work can proceed on site. The results of the Risk Assessment should be made known to the District Council and English Nature. Should the application be amended to propose demolition of the house then a

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full bat survey by a suitably experienced ecological consultant will be required.

Durham County Council, Highways Authority, comments:

- In principle there are no highways objections to the conversion of this property into 2 flats.

Wheatley Hill Parish Council, comments:

- There is no demand in Wheatley Hill for this type of accommodation. In the past flats have been demolished due to the lack of demand.
- West House is directly on a junction and does not have adequate parking for 2 flats, therefore creating a road safety problem.
- Vehicular access is difficult and there is concern that problems will occur during the conversion and thereafter.

## **Development Plan Policies**

*County Durham Structure Plan*

1 General Principles of Development

=

*District of Easington Local Plan*

1 General principles of development

35 Impact of Development

36 Design for Parking

67 Windfall Housing Sites

73 Alterations and Extensions to Dwelling houses

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

## **Comment**

Planning permission is sought for the conversion of a single dwelling house to form two self-contained flats. The application relates to a two-storey detached dwelling situated on Gable Terrace in Wheatley Hill. The property is currently vacant, and has fallen into a state of disrepair.

The proposal is considered to be in accordance with the relevant development plan policies. The proposal will result in a currently vacant property being brought back into use. It is considered that the application site in its current state of repair is a blight on the existing street scene to the detriment of visual amenity. It is therefore considered that the proposed conversion of the existing property will have a positive effect on the character of the street scene and surrounding area in terms of visual amenity.

Wheatley Hill Parish Council has objected to the application. Also several letters of representation have been received in relation to this application. Objections have been raised relating to type of property proposed, increased congestion around the site, and the exacerbation of existing anti-social behavioural problems in the area.

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The type of property proposed was a concern raised in the representations received. The proposal is for the sub-division of the existing property to form two flats. Although the existing area is predominantly characterised by semi-detached and detached properties, the proposed flats are not considered out of character. The proposal relates to the conversion of an existing property with minimal exterior changes proposed, and the proposed uses of the properties as individual residential units is considered to accord with the use of the neighbouring properties in the area.

Increased congestion around the application site was a concern raised in the representations received. The sub-division of the existing single property may result in increased activity around the property. However, each flat is to be served by an in curtilage car parking space, which will provide off-road parking for the occupiers of the proposed flats. Durham County Council, Highways Authority have been consulted on the application and have no objections to the scheme.

Concerns relating to the proposed development exacerbating the existing anti-social behavioural problems in the area were also received in relation to the application. This is not a material consideration in assessing the planning merits of this application.

The Council's Countryside Officer has raised concerns relating to the possibility that bats may be using the property. A Risk Assessment Bat Survey has been requested from the applicant, the findings will be reported to the Panel prior to consideration of the application.

## **Conclusions**

The proposal is considered to accord with the relevant development plan policies, it will result in a currently vacant property that has fallen into a state of disrepair being brought back into use. The proposed re-use of the property will be to the benefit of the street scene and character of the area. It is not considered that the proposed conversion will have any negative effects on the current residential occupiers of adjacent properties. Taking all relevant matters into account, including the objections received, the proposal is considered to be acceptable.

**Recommend**            Conditional Approval (Conditions to Include: Materials, Means of Enclosure, Landscaping Scheme, Parking Provision)

## **Reason for Recommendation**

The proposal is considered to accord with the relevant development plan policies, in particular policy 1 of the Durham County Structure Plan and policies 1, 35 and 36 of the District of Easington Local plan.

**Decision Time**        Over 8 weeks – Due to publicity requirements.

**2005/0962**

**PETERLEE PASSFIELD – Proposed Two Storey Side Extension at 4 Naworth Court, Peterlee for Mr P Irwin**

This application is being reported to the Panel as the applicant is an Officer of this Authority.

# Item no.

## **Planning History**

01/993, erection of conservatory at rear, approved 29.11.2001.

## **Consultations**

The Town Council have been consulted and have no objections.

Durham County Highways – comments about vehicle standing space at front but no objections received.

Occupants of dwellings in the immediate vicinity of the application site have been notified and no representations have been received as a consequence.

## **Development Plan Policies**

### *District of Easington Local Plan*

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

## **Comments**

The proposed development is on the eastern side and site of a detached garage of a detached two storey dwellinghouse in a short cul de sac off Gleaston Court in the south west of Peterlee. The proposal is to erect a two storey side extension to be wholly within the curtilage of the property and leaving a gap with no.5 Naworth Court of some 1.3 metres. The extended accommodation provides for storage and utility room areas, together with a games room on the ground floor and an additional bedroom with en-suite facility and a large wardrobe at first floor level. External materials are proposed to match the existing brickwork and roofing tiles and this will be satisfactory. The side elevation of no.5 does not have any window openings and since the proposed gable elevation fits with the side of the neighbours house there will be no adverse impact for amenities enjoyed by them. The County Highways officer has made comment about the loss of the garage but has concluded that there is sufficient driveway space to accommodate two vehicles and therefore has not objected to the proposal.

The proposal is considered to be acceptable.

**Recommend**            Unconditional approval

## **Reason for recommendation**

The proposal complies with policies 1, 35 and 73 of the Local Plan.

**Decision time**        13 weeks (target not achieved due to workloads and the need to report the proposal to a Panel meeting.)

# Item no.

2005/0967

**HASWELL & SHOTTON (SHOTTON COLLIERY) – Proposed Erection of 17.5 metres High Telecommunications Monopole Mast and Ancillary Works at Peterlee Parachute Centre, Shotton Airfield, Shotton Colliery for Hutchison 3G UK Limited**

## **Planning History**

None relevant.

## **Consultations**

Parish Council - no response.

DCC Highways - no objections; rights of way must not be obstructed during construction works.

Neighbours/Site Notice – one objection from a former resident of Shotton who intends to return soon – concerns about effect on the airfield and its operations.

## **Development Plan Policies**

*District of Easington Local Plan*

- 1 General Principles of Development
- 35 Design and Layout of Development
- 82 Control of Large Telecommunications Development

## **Comment**

This proposal is for the erection of a 17.5 metres high slimline monopole mast with three shrouded antennae, one 300mm disc antenna and two radio equipment cabinets of dimensions 1.75m x 0.95m x 1.5m high and 0.82 x 0.45 x 1.16m high respectively. The site is located at the north-east corner of the Shotton Colliery Industrial Estate alongside the service road into Shotton Airfield.

The applicants are operators of an electronic communications network and need this installation to provide coverage to the Shotton Colliery area. They have considered fourteen potential sites in the area and have concluded that this particular site provides the optimum environmental and network solution, taking into account the feasibility of the acquisition, building and maintenance of the site.

In visual terms, the site is in an area of backland adjacent to a 10m high industrial shed, where it will be relatively innocuous, some 100 metres from the nearest residential properties (with allotments between) and 120 metres from Front Street. The nearest part of Shotton Primary School is over 250 metres away to the west. The siting, therefore, appears to be appropriate for this type of development.

As noted in the 'Consultations' section of this report, only one objection to this proposal has been received. The objector raised a number of enquiries relating to the possible effect of the proposal on the operation and activities of Shotton Airfield. Those matters have all been satisfactorily addressed by the airfield's Director and at the time of preparing this report it is not known whether the objector wishes his objection to stand. However, none of the concerns relate to matters which would be material to the recommendation on this application.

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Taking all relevant matters into account the proposal is considered to be acceptable.

**Recommendation** Unconditional approval

## **Reason for Recommendation**

The proposal accords with the Statutory Development Plan, in particular, policies 1, 35 and 82 of the District of Easington Local Plan.

**Decision Time** 15 weeks (delayed by installation of new computer system and related backlogs of work)

**2005/0968 HUTTON HENRY (MONK HESLEDEN) – Proposed Residential Development of 17 Dwellings at High Farm, High Hesleden for J O Brewis and Sons**

## **Planning History**

There have been no previous planning applications on this site.

## **Consultations**

The application was advertised in the press as a departure from the Local Plan and a site notice was displayed and local residents informed.

At the time of drafting this report there have been 11 individual letters of objection/concern submitted. The following issues have been raised

- Proposed site is outside village boundary.
- Proposal is over development at 17 dwellings.
- Traffic generation from 17 too much.
- Conflicts with the Local Plan.
- If permitted a precedent will be set for other similar proposals.
- Claims of the farm causing “problems” unfounded.
- Problems of any untidiness can be addressed by the Council.
- No amenities in the village therefore people will have to travel more by car.

County Highway Authority – Raises the following issues :

No objection in principle providing certain conditions relating to visibility splays and footpath widths are complied with.

Easington Planning Policy Team object on the following grounds :

- There is 1.6 hectares of allocated housing land available at Hesleden – contrary to the claim of the applicant.
- Section 215 Notice can address any untidy land problems.
- Site is defined as Greenfield and is therefore not considered acceptable for development before previously developed sites.

Countryside Officer – Bat survey should be carried out before permission is granted.



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Environmental Health Officer – Contaminated land survey should be undertaken.

Environment Agency – No objections.

## **Development Plan Policies**

### *District of Easington Local Plan*

- 1 General Principles of development
- 35 Amenity
- 36 Access/parking
- 67 Previously developed land.

## **Comments**

This outline application is for some 17 dwellings located on approximately 0.5 hectares of agricultural land/buildings located with the built up part of High Hesleden, at High Hesleden Farm.

The applicant has submitted a supporting statement which is summarised as follows :

### ***The Development Plan***

*The site is located within the village limits to developments.*

*The village itself is identified as a rural village where housing should be limited to small scale developments appropriate in scale, character and form with the existing village. The application is considered to accord with this policy guidance.*

*It is also of note that there is effectively, no sites currently identified or available for housing development in the southern sector of the District.*

*As agricultural buildings, PPS 3 – Housing identifies the site as 'greenfield', despite it being located centrally in Front Street, at the heart of the village.*

*Notwithstanding this definition of a 'greenfield site', it is relevant to note that not all Authorities adhere to this definition. Certain Authorities have already resolved to give special consideration to the re-use/redevelopment of such important groups of buildings which contribute to the overall form of the village.*

### ***Sustainability***

*In terms of the 'sustainability' of the site, given that the village itself falls within the 'rural' category, development of the site effectively ticks only one 'box' – the sites location within the limits to development at the heart of the village. However it is of relevance to note that due to their physical condition, the buildings have now effectively been made redundant, and the decision has been taken by their owners not to invest further in their upkeep. All future investment in building for the agricultural business will occur at the Sheraton Steading. As a consequence, the sites imminent non-use will very quickly result in the village having a ruin at its core.*

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## ***Future use of the site for agricultural purposes***

*As stated above, due to their physical condition, the buildings on the application site are no longer worthy of repair, and the decision has been taken by their owners not to invest further in their upkeep. Their on-site replacement makes no economic logic. They have therefore now effectively been made redundant, and all further investment in building for the business will take place at the Sheraton steading. This group of farm buildings is therefore effectively redundant.*

## ***Existing Amenity/highway issues***

*The present location of the farm group at the centre of the village creates a number of problems which are summarised as follows:*

- Noise nuisance from farm machinery starting up early in the morning and returning late into the evening, particularly at harvesting time*
- Complaints regularly received in respect of noise and dust from the existing corn drier*
- Storage of straw bales close to existing housing and the ready supply of food in the farmyard causing vermin problems*
- Existing cattle sheds produce odour problems, particularly at cleaning times*
- 40ft wagons vehicles attracted to the site create highway problems in Front Street due to the fact that the site cannot accommodate the required turning facilities. Reversing is therefore required, or vehicles park on the highway to load and unload.*
- Traffic from the existing farm creating highway problems from mud on the road.*

## ***Long term impact of the site***

*Given the site's location at the heart of the village, any prolonged non-use of the site would adversely impact on the amenity of the village. At present the buildings fronting onto Front Street are already in extremely poor physical condition, making their conversion clearly questionable. Any long-term non-use would result in a ruin. Such a consequence can be avoided, but only if reality is allowed to take its place in the consideration of the future use of the site. It is asserted that nothing is to be gained by ignoring the fact that the site will deteriorate very quickly unless an alternative use of the site is approved.*

*With regard to alternative uses for the site, due to the potential for noise and traffic nuisance created, officers have informally advised that light industrial/warehouse business uses on the site would not be supported. Given the site's close relationship with adjacent housing, it is therefore difficult to suggest any other non-residential use which would be considered acceptable.*

## ***Design Matters***

*Before the application was submitted, pre-application discussions were undertaken which confirmed that the sketch layout proposed satisfied the requirements of Durham County Council's Design Group, which advises the district on design matters generally. The sketch layout submitted, which follows that originally proposed for the redevelopment of the site by the County's Design Team, and if developed, would result in a residential development which was appropriate in scale, character and form to the existing village. Any suggestion that the development is too large in scale totally ignores economic reality, ignores the structural*

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*weaknesses of the village form, and the loss of amenity which would occur if the need for the site's redevelopment is delayed in the interests of satisfying a theoretical numbers game in terms of the housing need for this sector of the District. In addition to the proposed development, the applicant is willing to offer to sign a Sec 106 Agreement to:*

- *give the Authority a strip of existing agricultural land immediately north of the site for the creation of a tree shelter to define the edge of this section of the village;*
- *to prevent agricultural buildings being located along the northern edge of the village in the future, and*
- *remove **all existing agricultural buildings** from the farmstead of High Farm.*

*Having regard to the foregoing, and the need to secure a long term solution to the future use of this important centrally located site, the proposal for a small, carefully designed group of housing on the site is recommended to the Authority, the owners of the farm, the applicants, would welcome discussions with both officers and Members, with the aim of progressing this application to a satisfactory conclusion in the interests of both the applicants and the village as a whole.*

The applicant accepts that the application site is a "Greenfield" site as defined in PPS 3 – Housing. That being the case the merits of the application have to be decided bearing in mind its conflict with Local Plan housing policy which favours the development of Brownfield sites before Greenfield sites, in line with PPG 3 – Housing paragraphs 32 and 33.

The applicant claims that there are "no sites currently identified or available for housing development in the southern sector of the District". Officers have identified at least one residentially allocated site of 1.5 hectares in Hesleden, about one mile to the west. It is therefore considered that the Hesleden site should be developed before the High Hesleden site.

In terms of sustainability, the planning system aims to support existing communities by channelling new development where there are facilities and services to support them. High Hesleden has very few such facilities and the main settlements are suffering from decline and viability problems. To develop on the scale as now proposed in High Hesleden would be likely to undermine these objectives.

The applicant considers that the existing farm activities are causing problems within the local environment, however officers are not aware of any locally generated complaints about the farm business, indeed the submitted letters have shown *support* for the existing business, and such a business should be expected in a village such as High Hesleden.

Whilst there may be some benefits to local residents from the redeveloping of the site, it is considered that the scale of the proposals are such that the form and character of the village would be detrimentally affected to an unacceptable degree if permitted.

The support given to the design of the sketch layout by Durham County Council is based on architectural principles and not the broader planning policies relating to housing development.

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Planning Policy Statement No. 1 (PPS 1) requires that sustainable development is the core principle underpinning planning which should include environmental, social and economic objectives. Residential development should be located where it can be supported by adequate infrastructure and amenities, with good access to jobs and services.

In view of the above therefore it is considered that the proposed development should not be supported and planning permission refused.

**Recommend** Refusal for the following reasons:

1. The proposed development, by virtue of its scale, form and location would have a detrimental effect on the character of the locality and the amenities of local residents, and on the character of this part of the village, introducing a relatively large number of dwellings into a small settlement in a backland location. The impact of the increase in pedestrian and vehicular traffic in this location will have an unacceptable impact on the amenities of local residents, contrary to Policies 1, 35 and 36 of the District of Easington Local Plan.
2. The proposed development is considered to be contrary to planning policies which aim to direct such development towards areas where it can be supported by adequate amenities and infrastructure, with good access to jobs and services. In view of the above the development is considered to be contrary to Policies 1, 35 and 67 of the District of Easington Local Plan.

**Decision time** 12 Weeks – target not achieved due to waiting for press publicity expiry and applicant request for panel consideration.

**2006/0025 HASWELL AND SHOTTON (SHOTTON COLLIERY) – Two Storey Rear Extension at 12 Salters Lane, Shotton Colliery (Resubmitted application) for Mr D Harris**

## **Planning History**

05/406 - Two storey rear extension, approved 01.07.2005.

## **Consultations**

The Parish Council have been consulted without response.

Neighbours at 11, 13 and 14 Salters Lane were notified about the application and an objection has been received from no.11 which is the adjoining house to the south of the application site.

## **Development Plan Policies**

*District of Easington Local Plan*

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

# Item no.

## Comments

This is a resubmitted application following the above approval where the approved details were being built larger than the plan for which permission had been granted. The works were put in abeyance pending the outcome of this further application.

The application site is at the rear of a semi-detached dwelling which has a kitchen offshoot at the rear adjoining a similar offshoot on the adjoining dwelling, no.11 Salters Lane. At the rear of each offshoot there are small storage buildings and small back gardens.

The plans submitted for the rear extension involves the removal of the kitchen extension and storage building with the new 2 storey extension constructed off the main rear wall of the house. The first approval (application 05/406) was for an extension 2.541 metres out from the rear wall but as being built when the Council intervened the measurement had increased to 3.741 metres. By this time the extension was at the base of first floor. The applicant had submitted amended plans for the larger extension but only to the Building Regulations Section.

The resubmitted application proposed that the rear extension should be 3.741 metres at first floor level as well. From a planning viewpoint this was considered unsatisfactory and it was subsequently put to the applicant that the first floor should revert to the previously approved dimension. This has resulted in an amended plan showing the first floor stepped in by 0.9 metre, making a projection of 2.841 metres at first floor; the ground floor would be retained as constructed thus far, with a tiled/pitched roof taking up the difference.

The objector and other consultees have been re-notified and a further letter of objection has been received from no.11: This reiterates earlier points of objection, i.e. the roof, fascia and guttering overhanging that property and likely to cause problems if a two storey extension was desired there, together with maintenance problems for the applicants' property. It should be possible however for a 'box' gutter to be installed which would remove any overhang on the adjoining property.

There is also concern about the effect on daylighting to a bedroom on the first floor of no.11 and the kitchen window. The bedroom is the more relevant since it is approximately 750mm away from the wall of the extension, however it must be borne in mind that this extension is on the north side of the objectors' house.

In policy terms the application falls to be considered principally under Policies 35 and 73 of the Local Plan. With regard to policy 35 the proposal is considered appropriate in scale and character and the visual relationship with the host dwelling and the other relevant criteria in this policy relates to effect on residential amenity, which tends to be a subjective judgement. If the proposal is assessed on the basis of a similar extension at ground level and a habitable room window in the same location the permitted amount of extension would be approximately 2.75 metres, only marginally less than what is shown on the revised first floor plan. In this context, the proposal is not considered to have sufficient adverse impact on the neighbour's property to justify refusal of planning permission.

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Policy 73 has similar criteria and thus is a matter of judgement as to how good or bad an extension will be for an adjoining occupant.

Overall, taking into account the relationship with the adjacent property, the proposal is considered to be acceptable.

**Recommend** Conditional approval, subject to details of guttering on the south facing elevation and treatment of the area on the boundary.

## **Reason for recommendation**

Although it could be argued that the proposal is marginally contrary to design guidance advice/policy, it is considered that the proposal does not warrant refusal.

**Decision time** 9 weeks (delay due to negotiations with Agent and dealing with objectors concerns).

**06/0050**

## **MURTON WEST - Change of use of land to community gardens and associated buildings on land to the rear of Davison Crescent, Murton for Mr J Naylor**

This application is brought before Panel as the applicant is related to a Member of this Council.

## **Planning History**

04/560 - Community Gardens and associated meeting building - approved 2nd September 2004 for a temporary period.

## **Consultations**

The Parish Council have been consulted without response.

Durham County Council acting as Highways authority have been consulted and have no objections to the proposed development.

The application has been advertised by way of site notice and individual letters to nearby residents. At the time of preparing this report no objections had been received.

## **Development Plan Policies**

### *County Durham Structure Plan*

- 1 general principles of development
- 4 the countryside

### *District of Easington Local Plan*

- 1 general principles of development
- 3 protection of the countryside
- 31 Urban fringe improvements
- 32 Community woodlands
- 35 design and layout of development

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86 countryside recreation

The proposed development is in accordance with the above policies.

## Comments

This application proposes to continue on a permanent basis the change the use of the land to the rear of Davison Crescent from allotments to community gardens and the erection of a building for the gardeners to use for potting plants, having a break and for monthly meetings.

The earlier permission was temporary to enable this Authority to assess the impact of the development on the amenities of local residents. Officers are not aware of any problems arising as a result of the development and there have been no objections received in relation to the current application.

The earlier change of use was very similar to the original use on the site therefore the character and appearance of the land and the impact on the amenity of people living and working in the area was minimal.

In summary the proposed use and associated building is in keeping with the surrounding area and has a minimal impact on the nearby residents. The proposed development is in keeping with the existing use on the site and will not have an adverse impact on the character and appearance of the surrounding area. The proposed development is therefore in accordance with policies in the District of Easington Local Plan and it is considered that a permanent permission can now be granted.

The previous temporary permission was granted subject to time limits on the operating hours of the building, as a result of concerns of the Panel. As no complaints or objections have been received, it is not considered necessary to impose such a condition on the current application.

**Recommend** Unconditional approval

**Decision time** 8 weeks (Target not achieved due to need to be determined by Panel).

## Reason for recommendation

The proposed change of use of the land to community gardens and the associated building is in accordance with Policies in the District of Easington Local Plan, in particular Policies 1 and 35.

**2006/0069**

## **BLACKHALLS (MONK HESLEDEN) – Proposed Bathroom Extension at rear of 2 Shaftesbury Crescent, Blackhall Colliery for Ms C Lines**

This application is being reported to the Panel as the applicant is an Officer of this Authority.

## Planning History

No relevant history.

## Consultations

The Parish Council have been consulted without response.

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Occupants of dwellings in the immediate vicinity of the application site have been notified and no representations have been received as a consequence.

## Development Plan Policies

### *District of Easington Local Plan*

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

## Comments

There is little scope for adding to these properties and this form of extension is common in the locality of the application site. The site is on the boundary with no. 4 Shaftesbury Crescent where the proposed extension measures 3.8 metres from the rear elevation of the bungalow to the boundary with the back lane and 2.8 metres in width. The proposed extension requires the demolition of a small external storage building which adjoins one similar at no.4. The site is on the southern side of the dwelling and is adjacent to a kitchen window in the neighbouring property, some 0.9 metres away and the proposal is to provide improved bathroom/w.c. facilities together with improvements to the kitchen area. The site is already occupied in part by an existing building and in the circumstances it is considered that the extension will have only a marginally different impact for the kitchen window in no.4 and is considered acceptable. The proposed external treatment is for rendering to the walls in a colour to match the existing dwelling, this is a cream finish and is considered appropriate.

**Recommend** Unconditional approval

## Reason for recommendation

The proposal substantially complies with policies 1, 35 and 73 of the District of Easington Local Plan.

**Decision time** 7 weeks (target achieved).

**2006/0087**

**HUTTON HENRY (CASTLE EDEN) – Proposed Erection of 15 metres high Telecommunications Monopole with Equipment Cabinets and 2.1 metres high Palisade Fence at Greenacres Lane, Turf Farm, New Winning, Castle Eden for T-Mobile (UK) Ltd**

## Planning History

None relevant.

## Consultations

Parish Council - no objections.  
DCC Highways - no objections.  
DoE Environmental Health – no objections.  
DoE Countryside Officer – great crested newt breeding pond nearby.  
Neighbours have been consulted and a site notice displayed, without response.



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## Development Plan Policies

### *District of Easington Local Plan*

- Policy 1      General Principles of Development
- Policy 35     Design and Layout of Development
- Policy 82     Control of Large Telecommunications Development

## Comment

This proposal is “permitted development” as defined in Part 24 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order, 1995 and falls into the “prior approval” procedure, being a “ground-based mast of up to and including 15 metres in height”. Therefore, the principle of the proposal is not open to question; the only matters under consideration are the siting and appearance of the development and whether the Council should seek to control either of these aspects of the proposal.

The proposal consists of the erection of a 15 metres high slimline monopole, two equipment cabinets (dimensions 1.3m x 0.925m x 1.643m high and 0.5m x 0.6m x 1.22m high respectively) all contained within a 6.3m x 5.5m compound of 2.1m high palisade fencing. The site itself is located in an inconspicuous position among existing buildings, behind the Durham County Council Depot (as viewed from the Castle Eden to Durham road, A181), to the west of Eden Nurseries. Only some 6 metres of the simple, slimline pole will be visible above the buildings. No objections have been received in response to the usual consultation and notification procedures, although it has been identified by the Council’s Countryside Officer that the site is close to a great crested newt breeding pond. While this is not a matter which can be considered in this particular type of application, the applicants have been asked to contact English Nature in order to ensure that no detrimental effect is caused to the newts’ habitat.

As mentioned earlier, this proposal constitutes “permitted development”. There are no reasons to suggest that either the siting or appearance of the development should be subjected to further control.

**Recommend**            Permitted development – no prior approval of siting or appearance required.

## Reason for Recommendation

The proposal accords with policies 1, 35 and 82 of the District of Easington Local Plan.

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

**2006/0090**

**MURTON EAST – Proposed Change of Use of Three Units from Food and Drink Use to Factory Retail Outlet at Dalton Park, Murton.**

## Planning History

Dalton Park is a factory outlet retail development to the east of Murton, adjacent to the A19. The original planning application was approved by the Secretary of State following a public inquiry, and was subject to a

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limit of 9,300 square metres (100,000 sq ft) of factory outlet shopping. The development as built provides 150,000 sq ft (13,935 sq m) of total floorspace. By varying planning conditions by agreement with the Council, the factory outlet retail floorspace was increased to 121,000 sq ft (11,241 sq m).

Subsequently, planning permission was granted by the Council in March 2004 for change of use of a further three units to A1 uses (factory outlet retail) from the allocated use of A3 (food and drink). The total increase in retail floorspace as a result was 307 square metres, or 3305 square feet. This was considered to involve a relatively minor increase in the factory outlet retail floorspace of the overall development, taking the total to 124,305 square feet (11,548 sq m).

In August 2004 a further application was received to convert two vacant units to factory outlet retailing from A3 use, and to extend the floorspace of three existing retail units. This was approved by Full Council last November.

In May 2005 Full Council approved the conversion of five further units from A3 use to factory outlet retailing.

The overall retail floorspace now stands at 12,680 sq m.

## **Consultations**

A site notice has been posted and the application advertised in the press. No comments have been received from nearby shop occupiers.

Durham County Council as Planning Authority remains of the view that the level of retail floorspace within this major out of town shopping centre materially conflicts with policy. They note that the proposal represents a further increase on the final agreed floorspace, in addition to the 7% increase resulting from the previous applications for this site. They consider that cumulatively, this is a significant increase in the amount of floorspace originally conditioned by the Secretary of State, and that the cumulative impact is such that overall, it is likely that a new retail impact assessment would be required. They consider that the applicant has not properly addressed government guidance on retail proposals in out-of-centre locations. Their comments have been forwarded to the applicants whose response in turn has been sent on to the County Council. Any further responses in this regard will be reported verbally at the Meeting.

Durham County Council as Highway Authority have no objections to the proposals.

The Council's Principal Regeneration Officer has no objections to the proposal.

East Durham Business Service has no objection to the proposals.

## **Development Plan Policies**

*Durham County Structure Plan*

Policy 1      General Principles

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## *District of Easington Local Plan*

Policy 1 General Principles  
Policy 35 Amenity  
Policy 103 Small local shops

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

### **Comments**

This application relates to the change of use of vacant units 7, 78 and 82 at the Factory Outlet shopping centre at Dalton Park Centre, Murton, to factory retail outlet use. This will represent a total of 413 square metres. They are part of a number of units that were earmarked for food and drink use when the original application was approved.

The applicants have submitted a Planning and Retail Assessment document which is the same as that submitted earlier last year. They do not feel it necessary to update that assessment.

The Assessment concludes that there is a need for more retail floorspace at the site, and that due to the nature of factory outlet shopping, it is not appropriate to consider other town centre sites. It goes on to say that even if it were seen to conflict with the development plan, the regenerative benefits of such development at Dalton Park would outweigh any such considerations. Employment and income generation together with social inclusion are seen as the main benefits of the proposed development.

In support of the current proposal, the applicants indicate the fundamental importance of ensuring an adequate amount of retail floorspace for long-term customer attraction. They consider that the proposal would contribute to the regeneration benefits of the Dalton Park scheme, with consumer benefits for local residents as well as enhanced employment opportunities. The applicants consider that the proposal would accord with Structure Plan and Local Plan policies, and the diversion of trade from other centres would be negligible. They conclude that the proposal would reinforce the attractiveness of the centre and make it more efficient in retaining the considerable amount of expenditure on comparison goods that is lost from the local area.

The applicants indicate that best endeavours have been made to seek catering retailers for the vacant units, but without success. They consider the development has reached maximum exposure in terms of A3 uses, and any further such establishments may impact adversely on existing A3 traders. They feel there is a gap in the tenant line-up for a formal restaurant facility, but cannot provide evening access necessary for the success of such a use. The applicants indicate they will continue to seek further A3 interest and monitor demand from the market place.

In planning terms, the proposal needs to be considered in the context of national strategic and local plan policies, as well as adjacent occupiers and the Dalton Park development as a whole. The Dalton Park scheme was originally approved by the Secretary of State as a significant regeneration proposal which would be complementary to the other retail provision in the District. He considered it to be consistent with Structure Plan regeneration strategy. The intention of restricting the scale and type

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of retailing was to limit competition and ensure that the roles of town and local shopping centres would be maintained. The development has been very successful since opening, and has attracted significant numbers of visitors to the area, as well as providing a facility for the residents of the District. The current Government approach to retail development is embodied in Planning Policy Statement 6 : Planning for Town Centres (PPS6). Only recently adopted, it is relevant to consider the advice in relation to the current proposal. PPS6 advises that planning applications for retail development, including extensions to existing facilities, should be assessed in the context of:

- (i) the need for development;
- (ii) that the development is of appropriate scale;
- (iii) that there are no more central sites for the development;
- (iv) that there are no unacceptable impacts on existing centres;
- (v) and that locations are accessible.

The advice is that a development should satisfy all these considerations, but there may be exceptions where the overall weight of evidence justifies favourable consideration even where the development performs poorly against one or more of the considerations.

Relevant local issues, and other material considerations should also be considered. The various considerations will be dealt with in turn:

- (i) need must be assessed for any out-of-centre retail proposal;
- (ii) the maximum scale of a development in particular centres may be set out in the development plan. If this is not the case (as with the current proposal), a number of factors will be applied.
- (iii) the sequential approach to site selection should be applied to sites not in existing town centres, with evidence of why sequentially preferable sites are not appropriate in terms of availability, suitability and viability;
- (iv) impact assessments should be undertaken where out-of-centre development is proposed, with reference to vitality and viability of existing centre;
- (v) developments should be accessible by a choice of means of transport.

In terms of the current proposal, it is considered that the applicants have not provided significant evidence of need, or applied the sequential approach to site selection. However, the scale of development is considered to be appropriate in the context of the existing development, and the centre is accessible by a choice of means of transport, including public transport and pedestrians. Furthermore, as the proposal is for factory outlet shopping, it is considered unlikely that the retailers would choose to locate elsewhere, preferring instead to occupy units within the established factory outlet centre. It is also considered relevant to take account of local issues, in this case the establishment and continuing success of the Dalton Park development. It is considered that the proposal would contribute towards this.

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Durham County Council as Planning Authority have studied the submissions of the applicants, but maintain that a more detailed retail assessment is required.

With regard to the need for a further Retail Impact Assessment, an assessment of the likely impact of the development on other sub-regional shopping centres accompanied the original application in 1998. A second assessment was submitted in November 2000 to support an application for a larger centre at Dalton Park which was subsequently withdrawn. Both assessments concluded that Dalton Park would have little impact on other shopping centres although the Inspector at the Inquiry into the original application attached little weight to the retail impact assessments when evaluating the effect of the proposal on the vitality and viability of the nearby town centres. Given the small amount of additional retail floorspace now proposed and the large amount of floorspace already trading in the sub-region, it is considered reasonable to conclude that a further detailed Retail Impact Assessment would not assist in the determination of this application.

Even when considering the cumulative impact of all the additional retail floorspace since the factory outlet centre opened, the applicant makes reference to the second retail assessment in identifying only a small trade diversion and minimal retail impact. These conclusions are considered to be reasonable and, given the small scale of retail floorspace now proposed, sufficient evidence to conclude that a new Retail Impact Assessment is not required.

The Inspector at the Dalton Park Inquiry did express concern that the new centre would be likely to have an impact on the future of Peterlee. This has not materialised over the period since the Centre has opened it is therefore concluded that the scale of the proposal is insufficient to require a new Retail Impact Assessment or sufficient to raise concerns over the vitality and viability of Peterlee Town Centre.

The additional factory outlet retail floorspace already agreed has helped contribute to the success of the scheme, and it is considered that a further 413 sq metres, beyond the recent increase of 676 square metres, would continue to build upon this success. It is further considered that such an increase would not significantly affect the trade of other shopping facilities in the District, if restricted to factory outlet retailing. The proposals would also be complementary to adjacent and nearby uses within the centre, and it is considered that adjacent units would not be adversely affected by the proposals.

The concerns of Durham County Council are noted. It is considered, however, that the increase in retail floorspace currently proposed, taking into account the previous increases, would not require a new Retail Impact Assessment at this stage.

On the basis of the above, the proposal is considered to be acceptable.

**Recommend** Conditional Approval (subject to a condition restricting the use to factory outlet retailing, in line with the original planning permission granted by the Secretary of State).

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

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## Reason for recommendation

The proposal complies with the relevant development plan policies and is acceptable having regard to all material planning considerations.

**2006/0094**

## **MURTON WEST – Proposed Toilet Block at Sandhills, Rear Davison Crescent, Murton for Mr J Naylor**

This application is brought before Panel as the applicant is related to a Member of this Council.

## Planning History

04/560 - Community gardens and associated community building, approved 2 September 2004.

## Consultations

The Parish Council has been consulted without response. The Environmental Health Officer has not commented.

Neighbours have been consulted without response.

## Development Plan Policies

### *District of Easington Local Plan*

- 1 General principles of development
- 3 Protection of the countryside
- 34 Allotments and garage sites

## Comment

The proposal involves development of a toilet block on an allotment site now in use as community gardens. The site is located to the north of Murton, just outside the settlement boundary.

The proposal measures 2.8 x 3.5 metres with a flat roof, and would be constructed in blockwork. It is a minor facility required in connection with the use of the site, and is a sufficient distance from the nearest residential properties so as not to adversely affect amenity.

Taking all relevant matters into account, the proposal is considered to be acceptable.

**Recommend** Unconditional approval.

## Reason for recommendation

The proposal is appropriate in terms of scale and use in connection with the community gardens and accords with the District of Easington Local Plan, in particular Policies 1, 3 and 34.

**Decision Time** 8 weeks (target achieved).

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2006/0098

## **WINGATE – Proposed Replacement Dwelling (outline - resubmission) at Former Wellfield House, Moor Lane, Wingate for Mr D Graham**

### **Planning History**

Planning permission was refused for outline permission to develop a house and garage on this site under delegated powers in November 2005. The current application is a re-submission of this previously refused scheme.

Planning Permission for housing was also refused in 1973 on this site.

### **Consultations**

The application has been advertised by site notices and in the press. No representations have been received.

Environmental Health comments:

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

Durham County Council

- Object to the proposal on the grounds that it will conflict with Structure Plan Policies 9 and 14 because of the application sites isolated location in the countryside outside a town or village.

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

- Raises no objections to the scheme, however advises that there are Rights of Way in the area.

The Environment Agency has no objections to the proposed development but wishes to make the following comments:

- The foul drainage system should be sited so as not to cause pollution of any watercourse, well, borehole, spring or groundwater.
- The applicant should be made aware that the application site is within 250m of 2 closed landfill sites. The responsibility of safe development and secure occupancy of the site rests with the developer. As a precautionary measure the planning authority may require that a hazard investigation is carried out prior to development.

### **Development Plan Policies**

#### *County Durham Structure Plan*

- 1 General Principles of Development
- 7 Housing Requirements
- 9 Locational Criteria for New Housing
- 14 Housing in the Countryside=

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#### *District of Easington Local Plan*

- 1 General principles of development
- 35 Impact of Development

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- 36 Access and Means of Travel
- 44 Development on or Near Land Fill Sites
- 68 Housing Development in the Countryside
- 69 Rural Workers Dwellings

The proposal is considered to conflict with the relevant development plan policies.

## **Comment**

The proposal is for Outline Planning Permission for the erection of a Detached House. This application deals purely with the principle of development on this site. The siting, design of the dwellings, means of access and landscaping of the site are reserved and would be subject to a subsequent application if planning permission were to be granted.

The proposal is for outline permission for the erection of a detached dwelling house on a 0.288 hectare piece of land situated to the south of Moor Lane, Wingate. A house has previously been situated on this site, the property known as Wellfield House was demolished in the late 1960's or early 1970's. The application site currently relates to a vacant grassed site within the open countryside. A concrete base and rubble remains from the previous development, recent earth works on site have further exposed the remains of the previous dwelling.

The application site has previously been used as the site of a single dwelling house. However, since the property was demolished approximately 35 years ago, the site has been unused. It has been established in the courts that the demolition of a building upon which the use of land relies, removes any use rights pertaining. Therefore there is no legal basis to argue for a dwelling on this land, and any permission must rely on the planning merits of the case.

The application site is located to the east of Wingate Village, and is situated away from the existing settlement limits as outlined on the District of Easington Local Plan Proposals Map. The application site is therefore considered to be in the countryside.

Planning Policy Statement 7: Sustainable Development in Rural Areas is the national planning guidance relating to development in the countryside. PPS7 states that Local Planning authorities should strictly control new house building in the countryside, away from established settlements or from areas allocated for housing in development plans. It continues by making it clear that isolated new houses in the countryside will require special justification for planning permission to be granted. The requirement for special justification can relate to the essential need for a worker to live permanently at or near their place of work in the countryside, or to the exceptional quality and innovative nature of the design of a proposed dwelling. The proposal is not considered to accord with the advice contained within Planning Policy Statement 7: Sustainable Development in Rural Areas.

Planning Policy Guidance Note 3: Housing is the national planning guidance relating to housing development. Government policy PPG3 is to maximise the re-use of previously developed land, and requires a sequential approach to the identification of housing sites, which prioritises previously developed land in urban areas. As the proposal



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relates to a site outside the settlement limits as outlined in the Local Plan it is not considered to accord with the advice contained within Planning Policy Guidance Note 3: Housing.

County Durham Structure Plan Policy No.9 deals with the locational criteria relating to new housing, it requires that the principal locations for new housing should be well related to the main towns. Furthermore, County Durham Structure Plan policy No.14 deals with Housing in the Countryside and states “new housing development should be allowed in the open countryside only where there is an essential full time agricultural or forestry employment justification”. The applicant has provided no justification for the proposed development. Durham County Council have objected to the application on the grounds that the proposed development would conflict with Structure Plan Policies Nos. 9 and 14 because of its isolated location in the countryside outside a town or village and because no agricultural justification for the proposed dwelling has been offered.

The District of Easington Local Plan Policy 68 deals with Housing in the Countryside. It states, “other than provided for in policies 60 (re-use of dwellings in the countryside), 69 (rural workers dwellings) and 70 (re-use and adaptation of buildings in the countryside for residential use) housing development in the countryside will not be approved. This proposal represents a new-build in the countryside and does not include the conversion of any existing structure; furthermore, the applicant in relation to this proposal has identified no agricultural need. It is therefore considered that the proposal is contrary to the relevant development plan policies.

Durham County Council, Highways Authority have been consulted in relation to this application; no highway objections are raised to the proposal.

Easington District Council, Environmental Health Officers, have suggested that a contaminated land risk assessment should be a condition of any grant of planning application.

The Environment Agency has suggested that a landfill gas risk assessment should be a condition of any grant of planning application.

## **Conclusion**

It is considered that the proposed development is contrary to the relevant national policy guidance, and the relevant development plan policies. The application relates to a site situated outside the existing settlement boundaries. The applicant has provided no agricultural justification to show a need for the proposed dwelling, and as the proposal is only for outline consent no special justification in terms of innovative/quality design has been put forward. The proposed development if allowed would result in an isolated dwelling in the countryside, which could act as a precedent for future developments on comparable sites across the district.

**Recommend**            Refusal for the following reason:

The proposal represents a new dwelling within the open countryside, outside the existing settlement boundaries. In the absence of any agricultural or similar justification of need, the proposal is considered to

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be contrary to policies 9 and 14 of the Durham County Structure Plan and policies 1, 67, 68, and 69 of the District of Easington Local Plan.

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

## **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



**Graeme Reed**  
**Head of Planning and Building Control**