

# Item no.

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

Date: **16 January 2007**

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.

# Item no.

## **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.

## D GENERAL APPLICATIONS

### PLAN/2006/0798

#### **SHOTTON (HASWELL & SHOTTON) – Proposed Conversion of Garage/Store to Dwelling at Fleming Field Farm, Shotton Colliery for Mrs E Wreford**

##### **Planning History**

None on this site but a number of adjacent buildings have been converted to residential use over the past three to four years.

##### **Consultations**

A site notice was posted and local residents were consulted. Comments have been received from two local residents raising the following issues –

- Loss of privacy and encroachment into living space.
- Over development of the site.
- Congested access in the locality.
- Road access to site is in need of repair.

Structural Engineers – Building can be converted with some rebuilding and underpinning of the foundations.

Durham Wildlife Trust – No objections providing adequate safeguards take place during building works.

Environmental Health – Contaminated land risk assessment required.

County Highways – No objections to the proposals.

Landscape Officer – No objection to measures relating to protected species.

Natural England – No objections to the proposals.

Durham Bat Group – Suggest additional mitigation conditions to protect bats from disturbance.

##### **Development Plan Policies**

###### *District of Easington Local Plan*

ENV03 - Protection of the Countryside  
GEN01 - General Principles of Development  
ENV35 – Amenity  
HOU70 – Conversion of rural buildings.

##### **Comment**

This is an application to convert a whitewashed brick built outbuilding into a single residential dwelling.

# Item no.

The building was once a small cottage but is now used as a garage and for agricultural storage. It is a two storey structure and it is intended to contain all the accommodation within the existing building without any extensions. Most of the existing openings are to be used in the conversion.

A structural survey confirms the building is capable of being converted.

This building is the last one remaining in the farmyard – over the past five years the three other buildings nearby have been converted to residential use.

The site is accessed via a private road which serves a number of properties and which it is intended to improve when development is complete.

An area of land some 40 metres by 20 metres is to be given over to the new dwelling, land that was formerly occupied by other farm buildings.

The application is considered to accord with policy 70 of the Local Plan as the conversion does not harm the character of the building or its locality.

Whilst in planning policy terms the proposed conversion is considered acceptable, there are issues relating to residential amenity that have been raised by local residents that require consideration.

Loss of privacy – The proposed conversion forms the boundary with the adjacent converted property and concern over loss of privacy has been expressed, however there are no windows facing over the existing garden area and any first floor side facing windows are at a very oblique angle to the neighbouring garden.

Over development of the site – The proposal is for a self contained two bedroomed dwelling with its own large garden and car parking area. The access will be shared with other properties nearby but the Highway Authority do not object to the likely increase in traffic. Officers are of the opinion that the low intensity of the proposed use would be unlikely to cause harm to amenity sufficient to warrant refusing planning permission.

Access to the site – Vehicles and pedestrians visiting the adjacent property will pass directly in front of habitable room windows of the proposed conversion. Such conflicts can give rise to loss of amenity to residents from noise and disturbance, however in this instance, in view of the juxtaposition of the two properties and the likely light levels of vehicular and pedestrian movement, it is considered that the problems would not be sufficient to cause significant loss of amenity.

Condition of the access road – Whilst the Highway Authority do not object to the state of the access to the site, it is considered reasonable to attach a condition to any permission for conversion that the road be brought up to a reasonable standard before development takes place.

In conclusion it is considered that whilst there are some planning issues of concern relating to this proposal, they are not considered to be of sufficient weight to warrant refusing planning permission.

**Recommend** Approval subject to the following conditions: External materials, boundary treatment, restriction of further extensions, access road surface improvement.

# Item no.

## **Reason for recommendation**

The proposed development accords with the relevant planning policies referred to above.

**Decision time**            10 weeks – target not achieved due to revised plans being requested and local objections necessitating the application having to be determined by the Panel.

## **PLAN/2006/0826**

**SEAHAM (SEAHAM HARBOUR) – Proposed 19 No. Houses (Resubmission) at Former Factory, Dene House Road, Seaham for Cosalt PLC**

### **Planning History**

Alterations to factory approved 1998.

Outline application for 25 houses – refused permission September 2006 on access and residential amenity grounds.

### **Consultations**

A site notice has been posted, a press notice issued and local residents consulted. Two residents have commented raising the following relevant planning issues –

- Existing boundary fences should be retained.

Town Council – No comments received.

Highway Authority – No objections.

Environmental Health – Contaminated land report required.

Northumbrian Water – No objections.

Landscape Officer – Requests survey of buildings for protected species.

### **Development Plan Policies**

*District of Easington Local Plan*

GEN01 - General Principles of Development

HOU66 - Provision of outdoor play space in new housing development

Policy 35 – Amenity

Policy 36 – Access to development

# Item no.

## **Comment**

This is a revised outline application to redevelop a 0.5 hectare disused factory site within the Denehouse Road residential area of Seaham with 19 houses. Siting of the dwellings and access to the site have been stated as being matters to consider at this stage.

A previous application for 25 dwellings was refused recently on access, spacing and amenity standards. This revised application has addressed all these issues and is now generally considered to be acceptable in planning terms.

The site comprises a disused factory and office building set within a residential area off Dene House Road. The buildings date from the 1950s and are not considered to be of any architectural merit. It is considered that comprehensive redevelopment of the site is appropriate in planning terms, providing spacing between existing and proposed dwellings is in line with the guidelines contained within the Local Plan.

The submitted plans indicate that there will be appropriate space between proposed and existing dwellings on adjacent land and that the access arrangements to the site are now acceptable, as confirmed by the Highway Authority.

Regarding concerns over boundary fencing by local residents, such details will be covered at the detailed planning stage when issues of neighbour's amenities will be fully taken into account.

The issue of protected species survey and mitigation is still being discussed with the applicants at the time of preparing this report, and the Panel will be updated accordingly.

**Recommendation** Approval subject to the following conditions: Details of design, materials, landscaping, access, precise layout, protected species and contaminated land.

## **Reason for recommendation**

The proposals are considered to comply with the relevant planning policies referred to above.

**Decision time** 10 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**  
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