

# Item no.

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

Date: **27 February 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.

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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

### PLAN/2006/0554

**HORDEN (HORDEN SOUTH) – Development of 15 No. Private Apartments Together with Associated Works at Land at former Vicarage, Dene Terrace, Horden for Mr G. Edwards, Redwood Homes (North East)**

#### Planning History

05/243 – 11 No. Houses – Approved 29.6.2005

#### Consultations

The application has been advertised in the local press and by site notices. Neighbouring properties have also been consulted. One letter of representation was received in relation to this application. Concerns were raised regarding the proposed access to the development.

Easington District Council, Countryside Officer, comments:

- No comments.

Easington District Council, Tree Officer, comments:

- It is apparent that the trees on this site have been neglected in the past and they do not contribute to the local amenity value of the locality.
- I would not object to the felling of these tree species subject to suitable species being replanted.

Durham County Council, Highways Authority, comments:

- I would confirm that the planning layout is generally acceptable, subject to minor amendments. Subject to the applicant being in a position to dedicate the land for adoption currently presumed to be outside his ownership, amend the northern access radius to 10 metres, extend the internal road layout by 3 metres, carry out Section 278 Agreement Works, arrange the prohibition of driving Traffic Regulation Order and agree the amended access arrangements for the cemetery owners and the existing owners/residents of Dene Terrace; there would be no highway objections to the proposal.

Northumbrian Water, comments:

- Standard comments for information.

#### Development Plan Policies

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

ENV35 - Environmental Design: Impact of Development

ENV36 - Design for Access and the Means of Travel

ENV37 - Design for Parking

GEN01 - General Principles of Development

HOU66 - Provision of outdoor play space in new housing development

HOU67 - Windfall housing sites

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## Comment

Planning permission is sought for the erection of 15 no. Apartments on the Old Vicarage Site in Horden. The application site is situated to the rear of Dene Terrace, with vehicular access being from Yoden Way to the west. Planning permission has previously been granted for the erection of 11 no. Houses on this site (see relevant planning history). With regard to the previous planning history it is considered that the principle of residential development on this site has been agreed; therefore the issues to consider in relation to this application are the design, scale and spacing of the proposed apartments and the impact they may have on adjacent occupants.

The locality is made up of a mix of residential and commercial properties; with various ridge heights and designs evident. The application site lies adjacent to Horden's main shopping area, and therefore can be considered to represent a town centre location. A large area of public open space lies to the south of the application site.

The 15 no. Apartments are to be arranged in three separate blocks, two blocks of six and one block of three. The block of three apartments is to be sited on the northern part of the application site between existing properties on Dene Terrace to the west and Burdon House to the east. The two blocks of six apartments are to be sited on the south and southwestern boundaries of the application site. Vehicular access is to be from Yoden Way to the west of the application site; with a road to adoptable standard leading to the centre of the application site around which parking areas are proposed. The vehicular access proposed is to be the same as that previously approved for this site.

In principle the idea of apartments on this site is considered acceptable. National planning guidance relating to housing states that a mix of different house types within a locality should be accepted. Therefore although there are no other apartments in the surrounding area it is not considered that the uniqueness of the development would justify refusal. The application site is situated within the settlement boundary adjacent to Horden's main shopping area; it is therefore considered a suitable site for high(er) density housing.

The design and scale of the proposed apartments is also considered to be acceptable. Although the proposed blocks are to be three storeys in height, their construction including a low-pitched roof will mean that they are only marginally higher than adjacent properties. The block of three apartments between the existing properties on Dene Terrace and Burdon House fronting the Coast Road will improve the existing street scene, and although it will have a higher ridge than neighbouring properties it is to be set back on its plot, thus diminishing any effect it may have on the street scene. The two blocks of six apartments are to be sited on the southern part of the application site, away from any existing residential properties. The two blocks of six apartments will front the existing area of open space to the south of the application site.

In terms of spacing around the development the proposal is considered to be acceptable. Little amenity space is provided around the proposed apartment blocks, however the open aspect to the south of the application site onto which the majority of apartments will look will improve amenity for potential residents. With regard to the spacing between the proposed apartments, there are some concerns over the gap between blocks 1 and 2 on the southern

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boundary of the application site; the separation distance between the existing rear elevation of block one and gable of block two is 7 metres, which is substantially less than local plan guidelines. However in this instance the proposed apartments have been designed so that there are no windows on the gable of block 2 and that the windows that will look directly onto the gable of block 2 from block 1 is an obscure glazed bathroom. A kitchen window is also proposed in the gable of block 1 which will partly look onto the gable of block 2 however its main aspect will be into the centre of the application site onto the access road and parking area. The separation between the two apartments in this instance is considered acceptable; improved amenity spacing has been achieved around the development by decreasing the distance between these blocks. The parking provision and general spacing around the development is considered to be acceptable, furthermore due to the siting of the proposed apartments it is not considered that there will be any detrimental effects on the occupants of adjacent properties by way of loss of light, privacy or by way of overlooking.

One letter of representation has been received in relation to this application. Concerns have been raised relating to the vehicular access for the development and in particular the impact on the existing access for residents on Dene Terrace. The proposed vehicular access is as previously approved and therefore this is not considered sufficient to warrant refusal of the application. Durham County Highways Authority have confirmed that they will have no objections to the scheme providing the applicant makes various minor amendments. It is proposed that a condition be attached to the grant of planning permission to request an amended site plan showing revised access arrangements in keeping with the Highway Authority comments.

The final scheme is the result of negotiations with the applicants, principally to achieve an improved layout. The applicants have entered into a section 106 agreement in lieu of open space provision on the site: the agreement has been signed by both parties.

## **Conclusion**

Subject to the suggested conditions planning permission should be granted. The proposed development will result in the re-use of a currently vacant site, to the benefit of the character of the area and existing street scene.

**Recommend:** Approval subject to the following conditions: time limit, materials, means of enclosure, contaminated land, landscaping, revised access arrangements, in accordance with amended plan received on 06.12.2007.

## **Reason for recommendation**

The proposal is considered to be in accordance with the Statutory Development Plan policies, in particular Policies 1, 35, 36 and 66 of the District of Easington Local Plan, and there are no material considerations which outweigh the support for the proposals.

**Decision time** Over 13 weeks. Target missed due to amendments required.

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## **PLAN/2006/0833**

**SEAHAM (SEAHAM NORTH) - House at Plot 11 East Shore Village (Self Build Area), Seaham for Design Build Develop.**

### **Planning History**

Outline permission for redevelopment of Vane Tempest Colliery site granted in 1999.

### **Consultations**

A site notice has been posted and local residents consulted. An objection has been received from a local resident raising the following issues :

- Building is too close leading to loss of privacy, outlook and sunlight.

County Highway Authority – No objections.

Town Council – No comments received.

### **Development Plan Policies**

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

GEN01 - General Principles of Development  
Policy 35 – Amenity and design.

### **Comment**

This application relates to the erection of a 2/3 storey house on one of the remaining self build plots on East Shore Village Seaham.

This particular plot backs onto properties on Derwent Close which at this point have quite short rear gardens (6 metres) and concerns of overlooking have been expressed by a resident .

The original scheme had a separation distance between main elevations of between 12 and 19 metres, well under the Local Plan guidelines of 21 metres. A revised scheme has now been submitted indicating a relocated dwelling with the number of habitable rooms at first floor level on the rear elevation of the house reduced to one and the separation distances now between 18 and 21 metres.

It is considered that whilst the guidelines are not wholly achieved, the separation distance is now sufficient to reduce any loss of amenity to adjacent residents to a minimum. Furthermore, the layout and dimensions of this plot are such that it would be difficult to move the building further away from the rear boundary and still achieve an appropriate form of development in relation to the adjacent plots. This combined with the reduction of overlooking

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habitable rooms results in a development which is now considered acceptable in planning terms.

**Recommend** Approval subject to the following conditions:  
External materials, amended plans .

## **Reason for recommendation**

The application is in compliance with the relevant Statutory Development Plan policies, in particular Policies 1 and 35 of the District of Easington Local Plan, and there are no material considerations which outweigh the support for the proposal.

## **Decision time**

15 weeks – Target not achieved due to amended plans being required and consideration by Panel.

## **PLAN/2006/0882**

**HASWELL(HASWELL & SHOTTON) - Residential Development (Outline) at Land North of Lorinda Cottage 8 Front Street West, Haswell for Mrs D.Greaves.**

## **Planning History**

None

## **Consultations**

Parish Council: No response.  
DCC Highways: Initial objection withdrawn on basis of no vehicle access to B1280.  
Northumbrian Water: No response.  
Naural England: No response at time of report preparation.  
EDC Landscape: No response at time of report preparation.  
Neighbours: No response.  
Site/Press Notices: No response at time of report preparation.

## **Development Plan Policies**

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

ENV03 - Protection of the Countryside  
GEN01 - General Principles of Development  
HA02 - Land north of the Abattoir  
HOU67 - Windfall housing sites

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## **Comment**

This application site lies at the northern end of Haswell, to the north of High Lane and on the west side of Front Street/Salters Lane. It extends to some 0.05 of a hectare and currently comprises an open area of land with a small outhouse which is within the curtilage of a residential property known as Lorinda Cottage. The site falls to be considered as a brownfield windfall site.

An outline planning permission was granted in September 2006 for the residential development of the adjoining land to the south, which actually contains Lorinda Cottage, and the applicant now wishes to include this land within the overall development site.

As far as the District of Easington Local Plan is concerned, policy Ha2 limits the type of development to be allowed on this and the adjoining land to minor extensions or alterations to the abattoir, the former Co-op store (since demolished) and the existing Lorinda Cottage. The application, therefore, has to be treated as a departure from the development plan. However, the preamble to the policy recognises that the comprehensive development of the land would have the advantage of defining the northern edge of the village but, at the time the Local Plan was prepared, it seemed unlikely that that could happen because of the mixed and unknown ownerships of the various parts of the site. It is, therefore, considered that the proposal should be treated as an acceptable departure from the Local Plan, being in accordance with policy 67, which permits residential development on brownfield windfall sites.

While the applicants have provided a drawing showing how two houses might be arranged on this site, this is not part of the formal application which is, therefore, essentially an application for approval in principle. It is considered that this is an acceptable way to proceed so that a comprehensive form of development can be designed covering the wider area of land, with relevant matters being covered by conditions attached to the granting of an outline permission. One of these matters is the provision of vehicular access to the site, which the Highway Authority has said should be via the adjacent development rather than directly to the B1280, Front Street.

The normal publicity procedures have been carried out and no responses have been received at the time this report was prepared. However, the press notice period for the receipt of representations does not expire until 9 March 2007. The application's eight weeks consideration period expires before the Panel's next meeting. So, in order to prevent the application going out of time, it is considered expedient to recommend that the Panel should resolve that it is minded to grant outline planning permission with the conditions set out below, but that the decision notice should not be issued until the publicity period has expired and on the basis that no significant objections are received in the intervening period.

## **Recommend:**

1. That the Panel is minded to grant outline planning permission subject to the following conditions: reserved matters including layout, no vehicular access to B1280, mitigation for protected species, housing density.



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2. That authority to determine the application at the end of the press publicity period shall be delegated to the Head of Planning and Building Control Services, as long as no significant objections have been received.

## **Reason for recommendation**

The proposal is considered to be in accordance with the Statutory Development Plan and the following related policies; 1, 3, 67 and Ha2 of the District of Easington Local Plan.

**Decision time**                      5 weeks (target met)

## **PLAN/2006/0908**

### **MURTON (MURTON WEST) – Proposed 6 No. Houses and 4 No. Apartments at Murton House Farm, The Village, Murton for Mirrored Leisure Ltd**

#### **Planning History**

04/0814 – Convert buildings to three dwellings – Approved January 2005.  
06/0558 – Planning permission issued in September 2006 for six houses and four apartments, as currently proposed. It was subsequently discovered to have been incorrectly issued under delegated powers, and without the necessary publicity having been carried out. The applicants were advised of the risk of legal challenge to that decision, and have submitted this current application to enable the Council to determine the application through the appropriate procedures.

#### **Consultations**

A press notice has been published, a site notice posted and local residents have been informed.

A letter has been received from the adjacent occupier objecting to the proposal, and raising the following issues:

- supports the approved barn conversions
- considers the site to be Greenfield as it was recently used for keeping livestock
- the previous planning permission was incorrectly dealt with and issued
- new development should not be allowed on greenfield land
- the access is in an unsafe position, and the additional traffic would create hazards
- the front doors are too close to the footpath and visitors are likely to park on the main road
- the rear of the block of six dwellings would overlook the main bedroom window, causing privacy problems
- both front and rear blocks would be too close to the bungalow, causing serious overshadowing, with the rear building only three metres from a bedroom window
- the proposal would overlook and overshadow the war memorial and land opposite

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- the architecture is unsympathetic to this ancient and rural village
- existing empty houses in Murton are not selling.

A second letter considers that this proposal should be rejected as it is not in keeping with the layout of Murton Village, and suggests the consultation period should be extended because of difficulties in viewing the plans.

Six pre-printed letters have been received, objecting on the basis that the development is not in keeping with the rest of the village and is unsympathetic to the existing architecture and layout.

Parish Council – Concerns over the likely increase in traffic on this busy road.

Highway Authority – No objections to the proposals.

Environmental Health – Contaminated land risk assessment should be carried out.

Northumbrian Water – No objections.

Design and Conservation Officer - considers the layout and scale to be appropriate, but has some concerns about individual design features. These issues were taken up with the applicants. They have since submitted an amended front elevation and indicated that other design issues are being considered.

## **Development Plan Policies**

### *District of Easington Local Plan*

GEN01 - General Principles of Development  
Policy 35 – Design and layout  
Policy 70 – Reuse of buildings.  
Policy 67 – Development within settlements.

## **Comment**

This application was deferred at the previous meeting of the Development Control and Regulatory Panel for further consideration of highway matters. The application relates to the demolition of a number of disused outbuildings on this village centre site, and the erection of six houses and four apartments. An identical planning application to this was approved under delegated powers in September 2006 – (see below).

This site was the subject of a proposal to convert the buildings to three dwellings in 2004. Planning permission was granted with conditions in January 2005.

In 2006 a planning application was submitted to clear the site and erect 10 units of accommodation. Planning permission was granted under delegated powers in September 2006, however subsequent to that decision it was noted that proper publicity of the application was not carried out, possibly jeopardising the validity of the decision. Accordingly it was therefore decided to seek a fresh application from the developers with a view to issuing a “safe” decision based on correct procedures being followed.

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The current proposal is identical to the earlier scheme, and all formal and statutory publicity and consultation has been carried out.

Regarding the Greenfield/brownfield status of the site, information has been produced by the applicants as to the previous and current use of the site, and whilst not conclusive, does indicate that the site could be considered as brownfield and the development would therefore accord with Policy 67 of the Easington Local Plan. The adjacent occupier has disputed this, however, indicating that the site was recently used for the keeping of livestock. In any event, officers are satisfied that the proposed development will positively contribute to the character of the locality and will be a visual improvement to the street scene compared to the existing somewhat plain structures. Such considerations may be seen to outweigh any doubts on the status of the site.

The development itself consists of a grouping of two and three storey dwellings formed around a courtyard with some units immediately fronting the Village. Access will be as now, and shared with an agricultural use to the rear. External materials will be brick and concrete tile.

The highway authority have secured amendments to the access layout and turning head and are now satisfied that the development, whilst representing an increase in traffic at this location, will not be likely to cause road safety issues sufficient to warrant objecting to the proposals.

As indicated above, this application was considered at the last meeting of the Development Control and Regulatory Panel, held on 6 February 2007. An objector raised an issue of a report on traffic calming which was due to be considered by Durham County Council. As it was considered that this could have a bearing on the highway assessment of the proposals, it was resolved to defer a decision pending further investigation and consideration of the matter.

The report relates to proposals for traffic calming measures on the B1285 in Murton, at Vicarage Terrace and Station Road. The two locations were chosen because speed surveys had demonstrated that a significant number of vehicles were travelling in excess of the 30 mph speed limit at those points. The proposals involve creating 'pinch points', a narrowing of the road so that only one vehicle can pass through at a time. Additional road markings and signage would also be provided. These proposals were considered by Durham County Council's Highways Committee on 14 February 2007, and were approved. The locations identified for the pinch points are approximately 130 metres west of the application site, and approximately 400 metres to the east.

The further views of the County Council's Highways Officer have been sought. He considers that in view of the locations chosen, it can be presumed that excessive vehicle speeds are not associated with the location of the application site access. In addition, he considers that the installation of the traffic calming measures should have a positive effect on vehicle speeds along this section of the B1285, including in front of the application site.

Immediately to the west of the site is a detached bungalow, which will be directly affected by the development. The applicants have taken into account the reduced height of this dwelling and have accordingly reduced the ridge height of the new dwelling immediately adjacent at the front. To the rear of the bungalow, a new garage block with apartment over is proposed. This will be

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visually quite dominant when seen from the bungalow bedroom, kitchen and garden, however, there already exist a number of unattractive buildings forming the mutual boundary, together with an unsightly boundary wall/fence immediately outside the bedroom window and it is considered that whilst some loss of natural light will occur, it will be compensated for by the replacement buildings which will improve the appearance of the local environment.

A number of concerns have been raised by local residents and the Parish Council. The Highway Authority has assessed the proposal in terms of access and highway safety, and considered the development to be acceptable, particularly taking into account the traffic calming measures approved recently. Concerns have been raised about the development not being in keeping, however, the Design and Conservation Officer considers the proposal to be generally acceptable for this prominent site. Whilst the issue of whether the site is Greenfield or brownfield is not clear-cut it is considered that the proposals would result in an improvement on the character and appearance of the existing development, and are thus acceptable. The potential impact on the adjacent bungalow has been taken into account, and whilst there would be some overshadowing, this is not considered to be sufficient to justify a refusal of planning permission. The concern about impact on privacy is also considered not to be a significant issue, given the relative positions of the two properties which should minimise the likelihood of overlooking.

The Design and Conservation Officer does not consider that the setting of the war memorial would be adversely affected. The issue of existing empty houses is a matter for the applicants to consider, and would not form the basis of refusal. In terms of consultations, the application has been properly publicised by means of press and site notices and individual letters, and there is not considered to be any justification for extending the consultation period.

Taking all relevant matters into account, it is considered that the proposals are appropriate in terms of layout and access, with consideration being given to some design issues. The proposals are considered to represent an acceptable form of development which would improve the appearance of this prominent main road site, and which does not have a serious adverse impact on adjacent occupiers to justify refusal of planning permission. It is further considered by the Highway Authority that implementation of the approved traffic calming measures should have a positive impact on vehicle speeds in the vicinity of the application site access. On this basis, the proposals are considered to be acceptable.

**Recommend** Approval – subject to the following conditions:  
materials, boundary enclosures, landscaping,  
contaminated land, amended design.

## **Reason for Recommendation :**

The proposal are considered to represent an acceptable form of development which would improve the character and appearance of the site, in accordance with relevant development plan policies, particularly Policies 1, 35 and 67 of the District of Easington Local Plan.

**Decision Time :** 10 weeks – 13 week target achieved.

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## **PLAN/2006/0919**

**SEAHAM (DAWDON) - 14 No. Dwellings at Land At Embleton Street, Seaham for Mr J. Harley**

### **Planning History**

None Relevant.

### **Consultations**

The application has been advertised by site and press notices, and letters to adjacent residents. No letters of representation have been received in relation to this application.

Easington District Council, Regeneration Officer, comments:

- From a Regeneration perspective the application can be supported as the proposal will offer an improvement for the community in Dawdon.

Easington District Council, Countryside Officer, comments:

- No objections from a Countryside point of view.

Durham County Council, Highways Authority, comments:

- In principle there are no highway objections to the proposal, the proposed access is acceptable. Concerns have been raised relating to kerb/footway works to Queen Alexandra Road and Embleton Street and a sight visibility splay affecting cars leaving Embleton Street onto Queen Alexandra Road.

Northumbrian Water, comments:

- Standard advice for the developers.

### **Development Plan Policies**

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

ENV35 - Environmental Design: Impact of Development

ENV36 - Design for Access and the Means of Travel

ENV37 - Design for Parking

GEN01 - General Principles of Development

HOU66 - Provision of outdoor play space in new housing development

HOU67 - Windfall housing sites

S04 - Dawdon housing improvements

### **Comment**

This application relates to the erection of 14 two-storey houses on land adjacent to Queen Alexandra Road and Embleton Street in Dawdon. The site comprises an area of 0.18 hectares of vacant grassed land formerly the site of Dawdon County Primary School.

The proposed properties are to be terraced houses with three bedrooms set over three floors. Six properties are to front Queen Alexandra Road and nine

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are to front onto the area of public open space to the south west of the application site. Vehicular access will be from Embleton Street with parking to the rear of the properties. A visitor parking area is to be provided adjacent to the Youth and Community Centre.

The locality is characterised by two-storey terraced properties. It is considered that the design and form of the proposed dwellings will be in keeping with the surrounding area.

A section 106 agreement will be necessary relating to the provision of off-site play/open space facilities. The applicant has confirmed that he is willing to enter into a relevant legal agreement. Any undue delay in completing this agreement, however, may result in the expiry of the time period for determining the application.

The proposed access to the site is considered acceptable, the Highway Authority have confirmed that they are happy with the proposal subject to some minor alterations that can be dealt with as part of a condition.

Easington District Council Regeneration Officer is supportive of the proposal, which will improve the community in Dawdon.

## **Conclusion**

The proposal is considered to be acceptable. The development of the site will lead to the use of a currently vacant site to the benefit of the local community. The proposed houses are in keeping with the character of the area and will offer an improvement on the existing street scene. Subject to the suggested conditions the proposed development is considered acceptable, unless there is an excessive delay in completing the legal agreement.

## **Recommend**

1. That Members be minded to approve the application subject to the completion of a Section 106 Agreement relating to off site open space provision, and subject to the following conditions: Materials, means of enclosure, revised highways details, landscaping; and that delegated authority be given to the Head of Planning and Building Control Services to issue the decision on satisfactory completion of the Section 106 Agreement.

**or**

2. That Members be minded to refuse the application if a satisfactory Section 106 Agreement relating to off site open space provision is not agreed by the application expiry date of 20 March 2007, for the following reason: contrary to Policy 66 of the Local Plan; and that delegated authority be given to Head of Planning and Building Control Services to issue a decision by the expiry date identified.

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## **Reason for recommendation**

1. The proposal is considered to be in accordance with the Statutory Development Plan policies, in particular Policies 1, 35, 36, 37, 66, 67 and S4 of the District of Easington Local Plan.
2. The proposals fail to provide the required open space/play facilities in accordance with Policy 66 of the District of Easington Local Plan.

**Decision time**            13 week target will be achieved.

## **PLAN/2007/0014**

**SEAHAM (DENESIDE) - Environmental Improvements Including new Footpaths at Deneside School Allotments Site, Graham Way, Seaham for Seaham Town Council**

### **Planning History**

No recent planning history on this site.

### **Consultations**

A site notice has been posted and local residents consulted. A letter of objection has been received supported by ten Weymouth Drive signatories and nine members of the Deneside Allotment Association. The following issues have been raised :

- The existing pathway is misused by local youths who regularly conduct anti social behaviour in the area such as drinking alcohol, drug taking, intimidation of local residents and motorcycle riding along the path.
- Improving access to the area will encourage the above behaviour to increase, resulting in a further deterioration in the amenities of local residents.
- Cycle barrier should be located at the ends of the footpath to avoid people congregating in an isolated position.

Dalton le Dale Parish Council – Support the concerns expressed by the local residents and are also concerned about the loss of wildlife habitat that the existing allotment site currently provides.

County Highway Authority – No objections.

### **Development Plan Policies**

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

ENV35 - Environmental Design: Impact of Development.  
GEN01 - General Principles of Development  
REC90 - Protection and provision of outdoor sports facilities  
REC92 - Protection of amenity open space  
S20 - Small landscaping scheme

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S25 - Safeguarding open space/play areas  
TAC47 - Footpaths and other public rights of way

## **Comment**

The site comprises of an overgrown former allotment site and access pathway between Graham Way and Deneside adjacent the open grassed area on Graham Way Seaham.

Housing lies to the east and west and active allotments lie to the north; cleared residential land, earmarked for redevelopment lies to the north west.

It is proposed to clear and grass the derelict area and improve the footpath links in and around the site. The existing connecting footpath will be widened to 1.8 metres and surfaced with a grey aggregate; improved barriers will be installed to deter vehicular access. Tree planting and mounding of the grassed area will also be carried out.

The applicants state that approaches were made to them by local residents to improve the disused allotment area to discourage anti social behaviour, and to amalgamate the area into the existing open space alongside Graham Way. This is clearly at odds with the comments received from local residents to this planning application.

The consideration of anti social behaviour is a material planning consideration, for example opening a hot food takeaway near to dwellings may often result in people congregating nearby and causing disturbance to residents.

This proposal is intended to reduce such problems through improving the local environment by making it more accessible to the general public and therefore unattractive to people undertaking anti social behaviour. In addition the proposed works will result in a visually improved environment compared to the existing situation.

On balance therefore it is considered that the proposed works will be likely to have the effect of discouraging anti social behaviour and will positively enhance the character of the area by introducing a landscaped area and improving the footpath network in the locality.

**Recommend**                      Approval

## **Reason for recommendation :**

The proposed development is in accordance with the Statutory Development Plan, in particular Policies 1 and 35 of the District of Easington Local Plan, and there are no material considerations which outweigh the support for the proposals.

**Decision time** 7 weeks – Target achieved.



# Item no.

## **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