

# Item no.

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

Date: **29 May 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.

## D GENERAL APPLICATIONS

### PLAN/2006/0748

#### **THORNLEY (THORNLEY & WHEATLEY HILL) – Proposed Change of Use from Open Space to Storage of Fairground Equipment and Erection of Boundary Wall at 2 Fairview, Thornley for Mr K Turner**

##### **Planning History**

99/493 – Use of Land as Fairground Equipment, Storage Compound, Positioning of Residential Caravans and Erection of Wall. (This development relates to the adjacent land to the west.)

##### **Consultations**

A site notice has advertised the application and neighbouring properties have been consulted. No letters of representation have been received in relation to this application.

Easington District Council, Tree Officer, comments:

- There are no trees affected by this application and therefore this section has no objections to the proposal.

Easington District Council, Environmental Health, comments:

- Hours of operation should be limited in the compound between 0800-2300 hours to avoid equipment being stored at unsociable hours.

Easington District Council, Senior Valuer, comments:

- Confirmation that the sale of the Council Land subject to this application has been agreed subject to the relevant planning permission being granted.

Durham County Council, Highways Authority, comments:

- The applicant's proposal would involve the Stopping Up of the existing public highway, at his expense, to the front of the existing dwellings on this section of 'Fairview', formally known as Waterloo Street. Durham County Council have no objections to the formal/legal Stopping Up of the affected section of public highway.
- The proposal would also result in an existing Public Right of Way, which currently terminates at the southern end of the existing public highway also needing to be Stopped Up. If this existing public highway were Stopped Up and subsequently enclosed the existing Public Right of Way would terminate in a theoretical 'no mans land', which is unacceptable to officers from Durham County Council's Countryside Section.
- The Highways Authority therefore object to the proposal until such a time as the applicant is able to offer an alternative 'diversion route' for the Public Right of Way.

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## **Development Plan Policies**

### *District of Easington Local Plan*

GEN01 - General Principles of Development  
ENV35 - Environmental Design: Impact of Development  
TH03 - Showman's Compound site  
TH04 - South of Hartlepool Street

## **Comment**

This application should be read in conjunction with application 2006/0811 on adjacent land to the east, relating to erection of 4 no. dwellings. That application is on this Agenda for consideration by Members.

The site lies to the south of Hartlepool Street. Planning permission is sought for the change of use of the land from open space to storage of fairground equipment and for the erection of a boundary wall. The proposed compound would form an extension of the existing storage compound situated to the west of the application site.

The application relates to an area of grassed land to the east of the existing compound and includes the existing public highway from which access to the existing compound is gained. To the east of the application site is an area of grassed land subject to application 2006/0811 for residential development. There are at present heavy goods vehicles parked on the land subject to these applications but this is without the benefit of planning permission.

The applicants moved to their current site to the west of the land subject of this application in 2000. They moved from their original site on Coopers Close/Albert Street in order to help with the Council's regeneration plans for Thornley. The applicants have raised concerns regarding the building of houses adjacent to their existing compound, particularly as they believe they were given assurances by the Council at the time of their relocation that the land to the south of Hartlepool Street, including that subject to the current application, would be developed for commercial purposes.

The land subject to the two planning applications is allocated for residential development in the District of Easington Local Plan. The Local Plan was adopted in December 2001. It is therefore clear that any use of this land for storage of fairground equipment as applied for under this application would be contrary to the aims of the Local Plan.

The land is owned by the Council, and has been used informally by the applicants for storage of vehicles and equipment over a period of some years. They had expected to be able to formalise this at some point by purchasing the additional land to expand their facilities. Recently, however, housing development has taken place on adjacent sites, in accordance with the local plan allocation. In an effort to try and accommodate the applicants' expectations, the Asset and Property Management Unit entered into negotiations and agreed to sell this area of land, subject to the proposed storage being granted planning permission. Unfortunately, in assessing the

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storage use in the context of adjacent existing and proposed development it is considered that this proposal would not be appropriate.

In assessing the two applications, it is not considered that the two proposed uses will sit satisfactorily side by side as the proposed storage of fairground equipment would have a negative effect on the future residents of the proposed housing. The storage involves large vehicles and items of fairground equipment which are substantially higher than the existing and proposed garden fences. The visual impact of this on residents is considered to be unacceptable. Some maintenance of the equipment also takes place on the site. The application sites are such that adequate screening could not be provided between the two proposed uses in order to allow both applications to be approved. Furthermore, the storage use would have a detrimental impact on existing adjacent residents to the north.

As the application site also includes the existing Public Highway the applicant would need to apply to formally Stop Up the public highway and Public Right of Way that currently runs through the site. Durham County Council have confirmed that although they would not object to the Public Highway being closed objections would be made against the closure of the Public Right of Way unless a suitable alternative route were to be provided by the applicant. At this time the applicant has suggested no alternative routes.

The applicants were asked to consider relocating their existing mobile homes and some of the smaller equipment or vehicles to the current application site, in order to allow the larger items to be stored within the existing compound further away from residential properties. Whilst indicating a willingness to move the mobile homes to the adjacent site, they state there is not enough land to locate them there, and also query who would pay for the provision of services on the new site. On the latter point, this would be the applicants' responsibility.

In a further attempt to resolve the situation, the Council has also investigated whether any additional land to the south of the existing compound could be made available for expansion of the applicants' activities away from residential properties. Unfortunately, however, that land is not available.

In conclusion the proposed change of use of the open space to storage of fairground equipment is not considered to accord with the relevant development plan policies. It is considered that the proposed change of use of land, and subsequent use for storage of fairground equipment would have a detrimental effect causing a loss of amenity for existing residential occupants adjacent to the site and the future residents of the properties proposed adjacent to the boundary of the application site, if approved. The relocation of the equipment does not appear to be a viable option. The application relates to a site allocated for residential development in the Local Plan and as a non-residential use is proposed the proposal is considered to be unacceptable.

## **Recommend**

Refusal for the following reason:

The proposal, by reason of the scale and nature of the vehicles and equipment to be stored, would have an adverse impact on the amenities of existing and future residents adjacent, in terms of visual intrusion and overbearing impact, and represents an inappropriate use of land allocated for residential development. The proposal is therefore considered to be contrary to policies 1, 35 and TH04 of the District of Easington Local Plan.

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**Decision time** 32 weeks - Target missed, due to negotiations and further investigations.

## **PLAN/2006/0811**

**THORNLEY (THORNLEY & WHEATLEY HILL) – Proposed 2 No. Houses and 2 No. Bungalows at Land at Arran Grove, Thornley for Three Rivers Housing Group**

### **Planning History**

98/27 – Residential Care Home on adjacent land – Refused permission in 1998 on Policy Grounds.

04/0998 – Full permission granted for 12 dwellings on adjacent land in 2004.

### **Consultations**

A site notice was posted and local residents and landowners notified. Comments have been received from a local resident raising the following planning issues relating to the current application :

- Proposed development will be close to existing showground vehicle storage area.
- There will be conflicts and disturbance to new residents from the above.

Environmental Health Officer – Contaminated land risk assessment required.

Regeneration Unit – No objection.

Northumbrian Water – No objections.

Highway Authority - Suggests a new footpath link to existing path to the south of the site.

### **Development Plan Policies**

*District of Easington Local Plan*

GEN01 - General Principles of Development

Policy 35 – Design of development.

Th4 – Land allocated for residential development.

### **Comment**

This application should be read in conjunction with application 2006/0748 on adjacent land to the west, relating to the extension of use of land for storage of fairground equipment. That application is on this Agenda for consideration by Members.

The application site lies to the south of Hartlepool Street and is part of a larger redevelopment site which is accommodating residents displaced from the clearance of unfit properties on Thornlaw South as part of a wider renewal

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programme. It is the remaining undeveloped part of a larger site bought from the Council.

The application relates to the erection of two semi-detached bungalows and two semi-detached 2.5 storey houses, on brownfield land on the edge of Thornley.

Off-street car parking is provided within the individual plots and there is some visitor parking also provided on-street.

The design and external materials for the proposed dwellings will match those recently developed nearby.

The site is allocated for residential development in the Local Plan and the design and layout proposed is considered to be in line with that approved and built on land to the north and east.

Policy Th4 of the Local Plan, which allocates this land for housing, requires that there shall be a landscaping belt provided on the southern, eastern and western boundaries of the site.

There are at present heavy goods vehicles and fairground equipment parked on land immediately to the west but this use of the land does not benefit from planning permission. It is the subject of a separate planning application, as indicated above. If permission is not granted for that development, the land in question could be used to meet the requirements of the Local Plan policy in providing a landscaping belt along the western edge of the housing development.

With regard to the concerns raised, the proposal is considered to be a sufficient distance from the approved compound. The extended storage area, although immediately adjacent to this application site, is the subject of a current planning application, and does not have planning permission at the time of preparing this report.

In planning terms the proposed development is considered to be in accord with Local Plan policy and to be acceptable and with appropriate landscaping and screening from the nearby vehicle park, will not suffer undue noise and disturbance from that land use.

The suggested footpath link to the right of way to the south is not considered acceptable in terms of issues relating to crime prevention and security for existing and proposed residents in this locality.

**Recommend** Approve subject to the following conditions: External materials and landscaping.

## **Reason for recommendation**

The proposed development is considered to comply with the relevant planning policies referred to above.

**Decision time** 13 weeks – Target not achieved due to negotiations between the Council and adjacent land owners.

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## PLAN/2007/0193

**MONK HESLEDEN (HUTTON HENRY) – Proposed Conversion of Existing Structure to Create Stud Farm Incorporating New roof at Former Poultry House, Weems Farm, Mickle Hill Road, Hesleden for Ebony Stud Ltd**

### Planning History

None relevant.

### Consultations

The application has been advertised in the local press and by a site notice. No letters of representation have been received in relation to the application.

Easington District Council, Environmental Health Officer, comments:

- I have no comment to make in relation to this proposal.

Durham County Council, Planning Policy Officer, comments:

- The application does not appear to raise strategic planning policy issues and my view therefore is that it should be determined in relation to the policies of the district local plan or any other material planning considerations.

Durham County Council, Highways Authority, comments:

- The parking provision proposed appears to be reasonable based on the scale of the proposal.
- Additional passing spaces will need to be provided on the access road to the development.
- The existing access onto the C81 Mickle Hill Road needs to be improved, and a visibility splay needs to be provided.
- Subject to the improved access onto the C81 Mickle Hill Road and the creation of the passing places I would not have any highway objections to this proposal.

East Durham Business Service, comments:

- I have no objections in principle to the above planning application that is an example of a farm diversification project re-using former farm related premise for a countryside use benefiting the economy of the immediate area.

### Development Plan Policies

*District of Easington Local Plan*

GEN01 - General Principles of Development

ENV03 - Protection of the Countryside

ENV35 - Environmental Design: Impact of Development

ENV36 - Design for Access and the Means of Travel

ENV41 - Control of Non- agricultural buildings in the countryside

IND56 - Industry and Business in the Countryside: Agriculture and Forestry

IND57 - Diversification of the use of Agricultural land

IND59 - Re-use and adaptation of buildings in the countryside for industry and business



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## Comment

Planning permission is sought for the conversion/adaptation of an existing agricultural structure into an equestrian stud farm. The application relates to a site located to the south of Mickel Hill Road, which leads from Hesleden to High Hesleden. The site is accessed via an existing lane, which leads to the existing structure. The structure is screened by an existing embankment and tree belt. Well-developed hedgerows with occasional trees bound the application site and adjoining fields. The site originally served as a poultry house housing battery hens for the production of eggs. However following the demise of this type of agriculture the building was abandoned, and has now lost its roof structure and fallen into a state of disrepair; the walls and areas of hard standing are all that remain of the original poultry shed.

The proposed stud farm is to be utilised for the relocation of Ebony Stud Ltd, from its existing rented location elsewhere to its own, more appropriate site. The remains of the original Poultry House structure is to be repaired and converted to provide the required accommodation for the stud, including sixteen stalls, two foaling boxes, equine shower, feed house, store, male and female changing rooms, tack room and office.

The proposed building is designed to be in keeping with its rural location and is to be agricultural in appearance. The roof of the proposed stud building will be lower than that of the original poultry house building. The materials to be used will be agreed by way of a planning condition to ensure that the proposed structure respects its rural setting.

It is considered that the proposed re-use and adaptation of the existing old poultry house structure in this way is in keeping with the aims of the District of Easington Local Plan. The proposal represents a farm diversification scheme that will bring the site back into use, and repair and enhance an existing agricultural structure that has fallen into disrepair. It is considered that the proposed use of the land as an Equestrian Stud is in keeping with its location in the open countryside and should be supported by the Council. East Durham Business Service has supported the application that they state will benefit the economy of the immediate area. The application site is well screened by existing planting; it is therefore not considered that the proposal will have any detrimental effects on adjacent occupants or landowners.

Durham County Council, Highways Authority have commented that improvements will need to be made to the existing access to the application site and that additional passing spaces along the access lane will need to be provided. It is suggested that a condition be attached to any grant of planning permission to ensure that revised access arrangements are agreed with the Local Planning Authority prior to any works commencing on site.

In conclusion it is accepted that the re-use of an existing agricultural structure in the open countryside for the purposes of an Equestrian Stud Farm is acceptable. The proposed building is acceptable in terms of design and scale and the proposed use is compatible with its rural location. Subject to the suggested conditions planning permission should be granted.

## Recommend

Approval, conditions to include: time limit for development; materials to be used; means of enclosure; landscaping scheme; timing of landscaping revised site plan showing access improvements in line

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with Highway Authority comments to be submitted to and agreed by the Local Authority; provision of visibility splay.

## **Reason for recommendation**

The proposal is in keeping with the relevant development plan policies. In particular policies 1, 3, 35, 57 and 59 of the Easington District Council Local Plan.

**Decision time** 9 weeks - target missed due to consultation requirements.

## **PLAN/2007/0206**

**SEAHAM (DAWDON) - Proposed Distribution Warehouse and Offices at Plot 9, Foxcover Industrial Estate, Seaham for Grantside Foxcover (9) LLP**

## **Planning History**

Previous approval under Enterprise Zone scheme (EZ/86) for three distribution warehouses on same site.

## **Consultations**

Town Council – no response.

Durham County Council Highways Authority – initial objections resolved after amended plans received.

Durham County Council Economic Development – no response.

East Durham Business Services – no objections “completes final stage of development on industrial estate”

Northumbrian Water – no objections (verbally), to be followed up in writing.

District of Easington Landscape – no objections.

District of Easington Environmental Health – no objections.

## **Development Plan Policies**

*District of Easington Local Plan*

GEN01 - General Principles of Development

ENV35 - Environmental Design: Impact of Development

## **Comment**

This application proposes a single distribution warehouse and offices on plot 9 of the Foxcover Industrial Estate (former enterprise zone), there has been previous approval on site for three warehouses. The building would cover 12,077 square metres (130,000 square feet) and would be mainly constructed of grey and silver cladding materials. It is noted that the applicant proposes some landscaping on site although no details have been submitted, this is considered an important element of the scheme due to the location and lack of screening in the area. It is considered that a B8 use (warehousing) with associated offices, as proposed, is appropriate in this location.

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Durham County Council had raised some technical issues, however amended plans have been submitted and these issues have been resolved. There have been no other objections to the proposal.

Taking all relevant matters into account, the proposal is considered to be acceptable, and in keeping with surrounding developments.

**Recommend** Approval subject to the following conditions:  
landscaping; car parking scheme

## **Reason for recommendation**

The proposal is considered to be in accordance with the Statutory Development Plan and policies 1 and 35 of the District of Easington Local Plan.

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

## **PLAN/2007/0218**

**SOUTH HETTON (EASINGTON VILLAGE & SOUTH HETTON) - Proposed Private 4-Vehicle Garage at Rear of 87 Charters Crescent, South Hetton for Mr Sinclair**

## **Planning History**

- 04/978: Two-storey rear extension, garage and conservatory  
- Refused 12/04.  
05/468: Two-storey rear extension, garage and conservatory (resubmission)  
- Refused 09/05.

## **Consultations**

- Parish Council: Concern expressed over the size of the proposal.  
DCC Highways: No objections on basis that applicant has previously confirmed that he has access rights along former railway track.  
Neighbours: 1 anonymous letter of objection raising the following points:
- garage would be dangerous to applicant's living conditions;
  - potential fire hazard;
  - environmental effect of number of vehicles at premises;
  - restriction of sunlight into garden;
  - potential noise disturbance from garage;
  - Council should be laying road-humps to slow vehicles down at corner where applicant has camper van parked;
  - Council's lack of action against applicant's vehicles makes area dangerous and local residents should be able to sue Council for any accidents.

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## Development Plan Policies

### *District of Easington Local Plan*

ENV35 - Environmental Design: Impact of Development

GEN01 - General Principles of Development

HOU73 - Extensions and/or alterations to dwellinghouses

## Comment

This application site lies at the southern end of a long row of semi-detached houses on the east side of Charters Crescent. There is a private access track along the former railway line at the rear (east side) of the property, beyond which is the new housing development comprising Abbeydale Gardens. Over half the properties in this stretch of Charters Crescent, including the application site, have informally extended their garden areas by varying lengths into the track. To the south of the site is an untidy open area consisting of a garage site and parking area, also including an electricity sub-station, while to the west is the rest of the Charters Crescent residential estate.

The house presently has a small single-storey rear offshoot, which would be demolished in order to help accommodate the proposed garage. There would not appear to be any objections in principle to the provision of garaging facilities at the rear of this property, the applicant having confirmed that he obtained vehicular access rights along the former railway track some time ago.

The applicant has habitually parked a number of vehicles on the front garden/forecourt area at his house, variously including mini-buses, camper vans and other larger domestic vehicles, and his stated purpose in making this application is to provide protection for four vehicles from the weather and alleged vandalism and other abuse to the vehicles pending his acquisition of suitable alternative premises elsewhere. There is not at present any evidence to show either that the vehicles are related to a business use of the property or that they are being bought and sold from the property.

The applicant's proposal comprises a garage constructed of profiled metal sheeting with dimensions of 11 metres long and 4.8 metres wide, 3.5 metres to the eaves and 4 metres to the ridge of the roof. At this size, the garage would occupy the majority of the original rear garden area at the property, leaving approximately 1.5 metres between the garage and the common boundary with the garden of the adjoining semi-detached house. Despite the height of the garage, with a 3 metres spacing to the side boundary, it is considered that no adverse effects would be likely to result to the neighbours' enjoyment of their rear garden area in terms of loss of light or sunlight.

In addition to occupying the majority of the original rear garden area at the property, the garage would also project some 3.5 metres into the 'extended' garden area, i.e., the former railway line. This particular section of track leads from Front Street past the back of Charters Crescent, on through open countryside to Low Fallowfield Farm and thence to Salters Lane at the northern end of Haswell. Much of the trackway is bounded by mature hedging and trees which have a screening effect from beyond the track and help to limit views along its length. So, while the garage would be considerably larger than

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a normal domestic garage and it would undoubtedly be visible from a distance along the track, it is not considered that it would constitute an unacceptably prominent feature which would seriously damage the general environment. This limited prominence would be helped by the applicant's intention that the garage should be of a green or brown colour.

On the basis of the applicant's stated intention that the garage is to accommodate vehicles currently occupying the property's front garden area, the Council's acceptance of the proposal could be seen to be replacing serious environmental damage in Charters Crescent itself with less serious effects on amenity at the rear. This, of course, would only be of any value if the use of the garage actually did result in the removal of the mass parking of vehicles at the front and the front reverted to being an open area and the garage did not simply release the space for even more vehicles to be brought to the property.

For this reason and because the building is not an ideal addition to a domestic property because of its somewhat industrial appearance, it is considered appropriate that any planning permission which may be granted should be limited to a temporary period of three years to enable the applicant to provide protection for his vehicles while he seeks out alternative premises and so that, particularly, the Council can monitor activities at the property in relation to the use of the front garden/forecourt area. It is considered that the likely acquisition and construction costs of the building would make it unreasonable to limit a permission to any shorter a period.

In summary, it is considered that the proposal is not contrary to Local Plan policies and that, although large, the garage can be satisfactorily accommodated in this location for a temporary period. The matters mentioned in the objections outlined in the 'Consultations' section of this report have generally been covered in the report already, apart from those which are not felt to be material planning considerations. There does not appear to be any reason to believe that any unreasonable levels of noise should emanate from the building to the detriment of local residential amenity.

**Recommend** Approval subject to the following conditions: materials; temporary permission for 3 years.

## **Reason for recommendation**

The proposal is considered to be in accordance with the Statutory Development Plan and the following related policies; policies 1, 35 and 73 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**