

Item no.

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

Date: **10 July 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 28th December 2001. Together with the Durham County Structure Plan it is a material consideration in the determination of planning applications. All relevant policies have been taken into account in making recommendations in this report. A view as to whether the proposals generally accord with policies is identified in the relevant section.

Section 54A of the 1990 Town & Country Planning Act (as amended) requires the Local Planning Authority to have regard to the development plan policies when they are relevant to an application and hence are a material consideration. Where such policies are material to a proposal, section 54A requires the application to be determined in accordance with the Development Plan policies unless material considerations indicate otherwise.

The recommendations contained in this report have been made taking into account all material planning considerations including any representations received and Government guidance in Planning Policy Guidance Notes and Circulars. Consideration has been given to whether proposals cause harm to interests of acknowledged importance.

Members attention is drawn to information now provided in respect of time taken to determine applications. Following each recommendation a determination time is provided based on a decision at this Panel. Where a decision time exceeds the 8 week target a reason for this is given in brackets.

In considering the applications and preparing the report the District of Easington has fully taken into account the duties imposed on Local Planning Authorities by the Human Rights Act 2000. In particular, regard has been given to Articles 6, 7, and 8, the First Protocol and Section 6. Where specific issues of compliance with this legislation have been raised these are dealt with within each report.

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B SPEAKING AT THE PANEL

The District Council is one of the few Councils in the country who allows verbal representations when decisions on planning applications are being made. The Panel has to balance listening to views with the efficient conduct of the business of the Panel. The following procedures have therefore been agreed. These procedures will be adhered to in respect of the items within this report. Members of the public will also be expected to follow these both in their own interests and that of other users of the service.

1. The Planning Officer will present his report.
2. Objectors and supporters will be given the opportunity to speak. Five minutes will be given to each speaker. If there is more than one speaker upon an issue, the District Council recommends the appointment of a spokesperson and that speakers register their request prior to the Panel meeting.
3. After registered speakers have had their say the Chair of the Panel will ask if there is any other member of the public who wishes to speak. Those who do may be allowed to speak. The Chair of the Panel will exercise discretion in this regard. Where the number of speakers or the repetitive nature of the points that may be raised may impact on the other business of the Panel then the Chair will restrict the number of speakers and progress the matter.
4. The applicant or representative may then speak for a duration of up to five minutes.
5. At the discretion of the Chair, objectors or supporters or applicants may ask officers questions then may be asked questions by Members and Officers
6. The Members of the Panel will then finally debate and determine the application with the assistance of officers if required.

C RISK ASSESSMENT

A risk assessment has been carried out in respect of individual cases. Overall, it is concluded that any risks to the Council, for example relating to an appeal being lost and costs awarded against the Council, are low, provided that decisions are made in accordance with recommendations. Risks will increase when decisions are made contrary to recommendations, and the degree will vary depending on the particular case.

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D GENERAL APPLICATIONS

PLAN/2007/0249

SEAHAM (SEAHAM NORTH) - CHANGE OF USE FROM RESIDENTIAL TO RETAIL INCLUDING FRONT EXTENSION AT 39 & 40 GREGSON TERRACE, SEAHAM FOR MR AND MRS SHAH

This application was deferred at the last Panel meeting to ensure that interested parties were properly notified about the Panel arrangements. Such notification has taken place in respect of this meeting.

The Application Site

The site lies within a built up residential part of Seaham consisting of a number of terraced dwellings along a narrow street, close to the junction of Stockton Road and Seaton Lane. The site lies towards the northern end of Gregson Terrace, number 39 being the existing shop with a flat above and number 40 a private rented dwelling.

The Proposed Development

It is proposed to convert the ground floor of number 40 to a shop to be amalgamated with the existing business at number 39. This will involve altering the front elevations to match the existing shop front. A flat will remain above.

Site History

There is no planning history.

Planning Policy

District of Easington Local Plan

GEN01 - General Principles of Development
ENV35 – Design and amenity
Policy 103 – Small shop development.

Consultations and Publicity

A site notice was posted and local residents consulted. Objections have been received from three residents raising the following issues :

- Extra retailing will increase traffic and parking problems on this narrow street.
- Increased disturbance from customers and youths gathering nearby.
- Will clash with parking at nearby Vet's Surgery.

County Highways – No objections but raises issues over rainwater discharge to footpath.

Town Council – no response.

Planning Considerations and Assessment

The main planning issues associated with this application relate to :

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- Traffic generation
- Impact of the activity on local residents.

The existing shop is similar to many seen in other residential terraces in the country and is usually considered to fulfil a valuable service providing a local shopping facility for convenience goods for local residents and passing trade.

The District of Easington Local Plan policy 103 supports such development providing local amenities are not adversely affected.

In this instance there have been concerns relating to increased noise and traffic generation raised by local residents however the Highway Authority have no concerns in this regard.

A balance has to be made between the desirability of supporting the continued existence and expansion of a local community facility and the effects it will have on the living conditions of local residents.

In this instance it is considered that the limited scope of the extension and the nature of the use, (not a hot food take away for example), is such that on balance the proposed development will be acceptable in planning terms.

Conclusion

The impact of the additional retail activity on the local environment has been considered in the light of the scale of the proposal and the likely level of impact, compared with the benefits to be derived from the expansion of a local community facility.

It is considered that in this instance the benefits of the development outweigh the likely detrimental effects of the development on local residents and therefore it is recommended that planning permission is granted.

Recommendation **Approval** - subject to the following conditions: Surface water disposal.

Reason for Approval

The proposed development complies with the planning policies referred to above.

Decision time - 12 weeks, target not achieved due to third party objections, referral to Panel and inadequate notification of third parties for the previous Panel meeting.

PLAN/2007/0270

HUTTON HENRY (WINGATE) – PROPOSED CHANGE OF USE FROM AGRICULTURAL BUILDING TO STORAGE AND OFFICES AT RODRIDGE COTTAGE FARM, STATION TOWN FOR MR A HILLAS

The Application Site

The application relates to Rodridge Cottage Farm which is located to the west of Station town and consists of a range of agricultural buildings including a number of portal framed general purpose buildings and a large covered shed. There are also a

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number of traditional built brick and pantile buildings including a brick barn and a farmhouse. The closest neighbouring properties to the farm buildings are situated on the western edge of Newholme Estate.

Agricultural activity at the farm has currently ceased, although re-use of the buildings for agricultural purposes would be permissible without any requirement for planning permission. It is understood that some of the buildings on the site have been used sporadically for the non-agricultural storage of fruit and vegetables and more recently for commercial vehicles.

The application site is situated outside the established settlement boundary as identified in the District of Easington Local Plan. Therefore the application site is considered to be situated in the Countryside.

The Proposed Development

Planning permission is sought for the change of use of three large former agricultural buildings to general storage use class B8 and for the conversion of the existing range of brick outbuildings into three office suites.

With regard to the proposed change of use of the larger buildings no external alterations to the buildings are proposed, as it is considered that all are in good condition and have adequate access for delivery/collection of vehicles.

It is expected that the proposed office suites will be used in conjunction with the proposed storage on site or that they will be used for independent commercial office uses.

Site History

PLAN/2006/0775 – Barn Conversion to Residential – Approved

This application related to the brick built building and did not include the larger agricultural type buildings included in the current application.

Planning Policy

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

TAC47 - Footpaths and other public rights of way

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

In principle the proposal is considered to accord with the relevant development plan policies

Consultations and Publicity

A site notice has advertised the application and neighbouring properties have been consulted. Two letters of representation have been received in relation to this application. Objections have been made on the following grounds:

- The proposal will result in increased traffic using the Newholme Estate to the detriment of residential amenity. The type of vehicles normally associated with storage uses are HGV's and vans which will create noise for adjacent residents.

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- The existing access road at the western end of Newholme Estate is in a poor state of disrepair and needs improving.
- The access road to the farm buildings is a public footpath/bridleway; the proposed change of use will lead to conflicts between users of the public right of way and the converted farm buildings.
- Concerns have also been raised regarding the type of storage proposed and the hours that the premises will be used and how these issues may also affect residential amenity.

Easington District Council, Policy Officer, comments:

- The farm lies outside the settlement boundary of Wingate/Station Town and must therefore be treated as development in the Countryside. Policy 59 of the District Local Plan allows the re-use and adaptation of sound buildings in the countryside into B1 (business), B2 (general industry), class B8 (storage and distribution) provided it does not have a serious effect on amenity, character and appearance of the area.
- In principle the proposed scheme is considered to accord with the relevant policy, however, concerns are raised regarding the use of the larger buildings for storage (B8) as significant heavy goods vehicles or operations at anti-social hours could unacceptably prejudice residential amenity in the area. It is considered that the use of these barns for warehousing should only be granted where the end user is known.

Easington District Council, Environmental Health Officer, comments:

- No objections in principle to this planning application.

Durham County Council, Highways Authority, comments:

- The existing concrete road at the western end of Newholme Estate is currently 'fit for purpose' on the basis of its current use, but an increase in use by heavy vehicles could result in deterioration. The applicant may be required to cover the cost of any necessary improvements.
- The private access road from the end of Newholme Estate public highway, up to Rodridge Cottage Farm is in a poor state of repair and will need to be improved. Such improvements need to be completed prior to the proposals becoming operational.
- Concerns have been raised regarding the type/size of vehicles that will access the site. The existing junction radii associated with the mini-roundabout at the junction of the B1280 and Newholme Estate will need to be assessed and possibly improved.

East Durham Business Service, comments:

- No objections in principle to this planning application.

Hutton Henry Parish Council, comments:

- The access road to the site is considered to be unsuitable for the uses proposed.
- Concerns have been raised regarding what is to be stored on the site.
- There is an existing public footpath that is sited adjacent to the site; there are concerns that the proposed change of use will affect users of the public right of way.

Planning Considerations and Assessment

Policy 59 of the Local Plan is considered to be relevant to this case and advises:

The re-use and adaptation of sound buildings in the countryside into class B1 (business), B2 (general industry), class B8 (storage and distribution), class C1

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(hotels) uses, farm shops, (which accord with policy 107) holiday cottages or other sporting, art, craft, tourist or recreational uses will be approved, provided the proposal fulfils the following criteria:

- (i) it does not have a serious adverse affect upon the amenity, character or appearance of the area;*
- (ii) in the case of buildings of architectural, historical or visual merit, it does not damage or substantially alter the character of the building;*
- (iii) the site can be served by roads capable of accommodating any increase in traffic generated by the development.*

The main issues to consider in determining this application are:

- The effect the proposal would have on the amenity, character or appearance of the area.
- The effect the proposal would have on the character of the buildings.
- Whether the existing access to the site is suitable for the use proposed.

Amenity, Character and Appearance of the Area

In terms of amenity, the proposal relates to the change of former agricultural buildings to provide storage and office space. The existing farm buildings are situated to the west of existing residential properties on Newholme Estate and as such there may be some effect on adjacent occupants. The Local Planning Authority does not consider the change of use of the buildings to represent any greater threat to residential amenity beyond that of the established agricultural use. Concerns have been raised regarding the amount of traffic that will use the site and over what is to be stored on the site and how these issues may affect adjacent occupants by way of noise, odour and general disturbance. However, it is not considered that the proposed use will have any worse effect than the use of the buildings as part of an operational farm would have. Furthermore, it is argued by the applicant that the use of the site as an operational farm involved frequent HGV vehicles movements to and from the site, and the recent use of buildings for storage of fruit and vegetable and commercial vehicles would have generated vehicular movements in excess of what the current proposal is likely to generate.

In term of the character of the area, the application relates to a group of existing agricultural buildings situated to the west of residential properties in Station Town. It is not considered that the proposed change of use will substantially affect the character of the area.

In terms of the appearance of the area the principle of the proposed re-use of the existing agricultural buildings for commercial purposes is supported by the relevant development plan policies. The re-use of the existing vacant and under used structures will have a beneficial effect on the character of the area and will remove uncertainty over the future of a currently redundant site. The conversion of the existing brick built structure to form offices is to be welcomed and will improve existing buildings that in recent years have fallen into a state of disrepair. The proposed conversion is considered to be in keeping with the character of the existing buildings.

Character of the Buildings

The buildings to which the application relates are not deemed to have any architectural, historical or visual merit. The proposed conversion of the brick built structures is to be carried out in a sympathetic manner and will enhance and preserve the existing character of the buildings. The buildings to be used for storage purposes do not require any external alteration.

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Access to the site

The application site is situated at the western end of the Newholme Estate, which is a residential street; access onto Newholme Estate is from the B1280 at a mini-roundabout to the east of the application site.

Objections have been received relating to the possible increase in traffic and the detrimental effects this may have on adjacent residents. The Local Planning Authority are satisfied that any increase would not be substantial compared with the authorised use of the premises. It is considered that conditions limiting operating times and restricting all storage to within the buildings would ensure that any effect on residential amenity would be insufficient to warrant refusal of the application.

Durham County Council have raised concerns over the possible damage that an increase in traffic could do to the existing public road network. However, as the concerns relate to public highway situated outside the application site the Local Planning Authority consider that it would be unreasonable for any condition to be attached to the grant of planning permission requesting road improvements to be made, particularly when a specific end user is unknown. The Highways Authority have confirmed that if problems occur due to an increase in traffic entering the site the user causing the damage could be liable for the costs of improvements or repairs required.

Conclusion

In principle the proposed change of use is considered to accord with the relevant development plan policies. The use of the existing agricultural buildings for storage and offices will have the positive effect of bringing vacant/redundant buildings back into use to the benefit of the character of the local area and local economy.

Concerns have been raised regarding the access to the site, however, it is considered by the Local Planning Authority that any increase in traffic over that which would be accepted as part of the approved and existing agricultural use on this site would not be excessive such as to warrant refusal of planning permission. The concerns raised regarding the impact the proposal would have on nearby residents by way of noise and general disturbance are not considered to be sufficient to outweigh the policy support for this proposal.

Subject to the suggested conditions planning permission should be approved.

Recommendation

Approval subject to the following conditions: time limit, means of enclosure, landscaping, timing of landscaping, access road improvements, parking provision to be agreed, hours of operation, no outside storage.

Reason for Approval

The proposal is considered to be in accordance with the Statutory Development Plan and the following related policies;

District of Easington Local Plan

- ENV03 - Protection of the Countryside
- ENV35 - Environmental Design: Impact of Development
- ENV36 - Design for Access and the Means of Travel
- GEN01 - General Principles of Development

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

TAC47 - Footpaths and other public rights of way

Decision time Outside eight weeks target missed - consultation requirements

PLAN/2007/0275

SEAHAM (DENESIDE) – PROPOSED SMOKING SHELTERS AT DENESIDE WORKMENS CLUB, 132 THE AVENUE, SEAHAM FOR DENESIDE WORKINGMEN'S CLUB

The Application Site

Deneside Workmens Club is located on The Avenue, Seaham, and is surrounded by residential properties to the north and south, commercial properties to the west and another public house (The George) to the east.

The Proposed Development

On July 1st 2007 the smoke free legislation in the Health Act came into force. This introduces a statutory smoking ban in 'enclosed' and 'substantially enclosed' premises and public places in order to protect workers and the general public from harmful effects of passive or secondary smoke.

This application proposes two smoking areas, which would be situated in the rear yard areas of Deneside Workmens Club. The areas would provide covered areas to protect from rain, but walls would be substantially open on most sides in order to comply with the smoke free regulations and would provide seating for up to 19 smokers. It was noted on a recent site visit that work had already begun on the shelters.

Site History

No relevant site history.

Planning Policy

District of Easington Local Plan

GEN01 - General Principles of Development

ENV27 - Control of Potentially Polluting Developments

ENV35 - Environmental Design: Impact of Development

Consultations and Publicity

Town Council – no response.

Environmental Health & Licensing – The proposed shelters comply with the smoke free regulations. However, a licence condition would be required to ensure that the drinking of alcohol would not be permitted. This would create a beer garden type activity which would raise different considerations in nuisance terms.

Neighbours – six separate objections from one address, one objection from another address, both in Bethune Avenue. Objections included the following:

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- Pollution from concentrated, second-hand smoke
- Noise from crowds in smoking shelters
- Litter from cigarette ends
- Health concerns

Planning Considerations and Assessment

- Design and appearance
- Amenity of residents

The design of the smoking shelters is considered to be in keeping with the existing building and surrounding area, part of the structures are already existing and would be altered to create the smoking shelters. Being behind a brick wall, the shelters would have little or no impact on the street scene.

As mentioned above, the club has residential properties to the north and south. The properties directly behind the proposed smoking shelters to the north would be, at their closest point, approximately 8.8 metres away from the rear wall of the club. As such, it is considered that the siting of the shelters would lead to noise and smoke nuisance to residents in this location. This would be caused by secondary smoke infiltration into fronts of the residential properties and the introduction of noise activity and disturbance. This would be exacerbated by the gathering of potentially 19 seated smokers and others who may wish to stand in the shelters, particularly in the late evening.

Policies 1 and 35 of the District of Easington Local Plan state that development will be required to safeguard the general amenity of people living and working within the vicinity of the site. Furthermore, Policy 27 of the Local Plan states that planning permission for development that may generate pollutants of air or noise will only be approved where such pollution will not have a serious adverse effect upon the amenity of local residents and/or the occupiers of nearby land and property. This application is not considered to be in accordance with these policies.

Conclusion

In summary of the above it is considered that the concerns of nearby residents are justified as the proposal would lead to secondary smoke infiltration into their properties and late night noise disturbance due to the gathering of customers in the rear yard areas. This would be contrary to policies 1, 35 and 27 of the District of Easington Local Plan.

Recommendation 1. Refusal for the following reason:

The proposed development by virtue of its location would adversely affect the amenities of the adjacent residents in terms of smoke and noise pollution, particularly during late evening hours, contrary to Policies 1, 35 and 27 of the District of Easington Local Plan.

2. That appropriate enforcement action be authorised in the event that planning permission is refused and the applicants do not voluntarily dismantle and remove the shelters.

Decision time 9 weeks – target not achieved due to referral to Panel.

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PLAN/2007/0329

PETERLEE (DENE HOUSE) – PROPOSED BOUNDARY WALL AT 201 HATFIELD PLACE, PETERLEE FOR MRS K WINSHIP

The Application Site

The application relates to a two-storey property situated within an established residential area within Peterlee. The property faces onto similar residential properties situated within Hatfield Place, whilst at the rear, the property backs onto a wooded area of public space.

The street scene is characterised by a range of different boundary treatments around front curtilages including walls similar to that proposed.

The Proposed Development

Planning permission is sought for the erection of a boundary wall at the front of the property. The proposed wall is to be 0.5m in height with 1.6m pillars. The proposed wall is to be of brick construction.

Site History

None relevant.

Planning Policy

District of Easington Local Plan

ENV35 - Environmental Design: Impact of Development
GEN01 - General Principles of Development
HOU73 - Extensions and/or alterations to dwellinghouses

Consultations and Publicity

Neighbouring properties have been consulted on the application. No letters of representation have been received in relation to this proposal.

Planning Considerations and Assessment

This application has been reported to the Development Control and Regulatory Panel, as the applicant is an employee of the Council.

The proposed boundary wall is considered to accord with the relevant development plan policies, and is acceptable in terms of its positioning and proposed height. The existing street scene is characterised by a range of differing boundary treatments and as such the proposal is considered to be in keeping with its locality.

Conclusion

The proposed wall is considered to be acceptable. Planning permission should be approved.

Recommendation Approval

Reason for Approval

The proposal is considered to be in accordance with the Statutory Development Plan and the following related policies:

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District of Easington Local Plan

ENV35 - Environmental Design: Impact of Development
GEN01 - General Principles of Development
HOU73 - Extensions and/or alterations to dwellinghouses

Decision time Within 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
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