

Item no.

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

Date: **31 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/2007/0047

SEATON WITH SLINGLEY (SEAHAM NORTH) - TWO STOREY REAR EXTENSION COMPRISING 18 NO. BEDROOMS AND EXTENDED BAR AT SEATON LANE INN, SEATON LANE, SEATON FOR MR A MARSHALL

The Application Site

The application relates to Seaton Lane Inn, situated on Seaton lane, on the eastern side of Seaton village. The application site is situated within Seaton Village settlement boundaries, and is unallocated in the Development Plan. The area of land to the east of the application site is allocated as protected open space. To the rear/south of the application site are residential properties, which are sited, adjacent to the boundary of the area of open space.

The Proposed Development

Planning permission is sought for the erection of visitor accommodation to the rear of Seaton Lane Inn. The proposed structure is to be sited adjacent to the eastern boundary of the application site to the rear/south of the existing building. The proposal is to be sited on an existing garden area to the rear of the Inn. The proposed building is to provide 18 bedrooms to be associated with the existing business and include a small bar/foyer extension. Access will be from the existing car parking to the west, with emergency access to the rear/southern elevation. The proposed building will be a stepped two-storey pitched roof structure. Windows are proposed to the east and west elevation, no windows are to be in the southern elevation. In order for the development to take place a Sycamore tree and two Cherry trees are to be removed.

Site History

05/823 – Visitor Accommodation – Approved 02/02/2006
04/503 – Front and Rear Extensions – Approved 09/7/2004
00/467 – Rear Extension – Approved 13/10/2000
99/363 – Single Storey Extension – Approved 6/8/1999
96/394 – Alterations – Approved 5/9/1996

Planning Policy

District of Easington Local Plan

GEN01 - General Principles of Development
ENV10 - Protection of Trees and Hedgerows
ENV35 - Environmental Design: Impact of Development
ENV36 - Design for Access and the Means of Travel
ENV37 - Design for Parking
REC97 - Accommodation for visitors
ST01 - Safeguarding of open areas

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Consultations and Publicity

Site notices have advertised the application and the neighbouring properties have been consulted. No letters of representation have been received in relation to this application.

Environmental Health comments:

- Hours of Construction should be limited to protect residential amenity.

Tree Officer comments:

- Situated to the Northeast of the existing site, there is a semi-mature to mature Common Sycamore (*Acer Pseudoplatanus*) tree. This tree appears to be in fine health and contributes to the local landscape. There are also two semi-mature Cherry trees that also appear to be in good health within the same plot of land, and although not particular good specimen trees, these compliment the existing tree stock in the area. The Sycamore tree is a focal point when approaching the Inn from the East and would be a loss of amenity value to the local area, and it is believed that this tree is worthy of a Tree Preservation Order. The Tree Officer, therefore objects to the proposal.

Durham County Council, Highways Authority, comments:

- The proposal would result in maintaining the existing level of car parking with 18 spaces being associated with the visitor accommodation and 18 spaces associated with the Public House. This parking provision is now in line with the previously approved site layout and it is most probably reasonable.

East Durham Business Service comments:

- No objections in principle to the above application that will provide for needed accommodation to cater for tourists and other visitors to the district.

Seaton with Slingley Parish Council comments:

- Existing car parking problems: at weekends the car park is full and overflow causes congestion and indiscriminate parking on Seaton Lane. The proposal would exacerbate this problem.
- The proposed development would be contrary to development plan policy St1: "Development which would detract from the open nature or the visual amenity value of the village green or the land adjacent to the A19 on the south side of Seaton Lane will not be approved." The proposed development. Although not on this narrow strip of land, is directly adjacent to it and the mature trees and hedgerows.
- The Parish Council therefore feels that this development would be inappropriate and would result in an adverse effect on the character and appearance of this area and is likely to have an adverse effect on road safety in the area.

Planning Considerations and Assessment

The main issues to consider in assessing this application are:

- Impact on Character of the Area
- Loss of Trees
- Car Parking

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- Need for Visitor Accommodation
- Previous Approval on the site

Impact on Character of the Area

The Parish Council state that the proposal is contrary to policy St1 of the District of Easington Local Plan as it will detract from the open nature and the visual amenity value of the land adjacent to the A19 to the south side of Seaton Lane. This area of land is situated to the east of the application site, and is separated by an existing public footpath, which runs north to south. The proposed building will be sited adjacent to this area of open space, and will be visible from the both the public footpath adjacent to the site, and from Seaton Lane when entering the village from the east, it could therefore be considered to have a detrimental effect on the character of the area. However, it is not considered to be contrary to policy St1, it is set outside the area of open space, and does not project beyond the established line of development adjacent to the area of open space, set by the existing Inn immediately to the north, and residential properties set to the south. The proposed building is considered to be acceptable in terms of design, incorporating a pitched roof in keeping with the existing property. A condition can be attached to any grant of planning permission ensuring that the materials/finishes to be used are in keeping with the existing building and the general character of the area.

Loss of Trees

The proposed development involves the removal of three trees along the eastern boundary of the application site adjacent to the area of open space. Objections were received from members of the public objecting to the loss of the trees. The District of Easington's Tree Officer has objected to the removal of trees, specifically the Sycamore tree, which is considered to be a focal point when approaching the Inn from the East. Policy no. 10 of the District of Easington Local Plan states that the Council will seek to protect trees and hedgerows by requiring that the layout and design of development proposals where possible provided for the retention and integration of trees and hedgerows. In this instance the applicant has confirmed that it is not possible for the proposal to be re-positioned in order that the tree be retained. The loss of the tree is regrettable, however in order for this development to take place it is necessary. A condition requesting a landscaping scheme can be attached to any grant of planning permission; appropriate landscaping around the proposed building would check its impact with regard to the character of the area.

Car Parking

Objections were received from Seaton with Slingley Parish Council regarding the existing parking problems associated with the Inn, and the fear that the proposal will exacerbate the existing problems. Durham County Council, Highways Authority have been consulted on this application and have no objections to the scheme. The proposal includes the provision of No.36 car parking spaces, which is acceptable in highway terms and is a reasonable level for this type of development. Policy No.37 of the District of Easington Local Plan states, "The design and layout of new development should seek to minimise the level of parking provision". The proposed parking provision is therefore considered acceptable and in keeping with the proposed uses of the premises.

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Need for Visitor Accommodation

The proposed application is considered to be in accordance with policy no.97 of the District of Easington Local Plan which deals with the development of visitor accommodation, as it is not considered to have any serious adverse affect on the amenity of people living and working in the vicinity of the site or the existing use of adjacent land or buildings in terms of privacy, visual intrusion, noise, other pollutants and traffic generation. East Durham Business Services has no objections to the proposal and consider that it will provide enhanced visitor accommodation for the district.

Previous Approval on the site

Planning permission has previously been approved on this site for the erection of a visitor accommodation block (see relevant planning history). The original proposal included the erection of a detached block at the rear of the Inn to provide 18 no. Bedrooms. The main difference between the current proposal and the previously approved scheme relate to the design of the proposed extension and the fact that the current proposal is to be attached to the existing Inn. The current proposal offers an improvement in terms of design and is considered more in keeping with the existing structure than the previous scheme. The approved block was to be sited in a similar position to that currently proposed and required the felling of the three trees referred to previously.

Conclusion

The proposal is considered to be in keeping with the relevant development plan policies, it is acceptable in terms of siting and design and it is not considered to have any serious adverse affect on the amenity of people living and working in the vicinity of the site. The loss of the trees is regrettable, however, with regard to the previous approval on the site and the provision of needed visitor accommodation the proposal is considered acceptable.

Recommendation Approval subject to the following conditions: Timing of Development, Materials, Landscaping, Timing of Landscaping, Parking Provision, and Construction Hours.

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

ENV10 - Protection of Trees and Hedgerows
ENV35 - Environmental Design: Impact of Development
ENV36 - Design for Access and the Means of Travel
ENV37 - Design for Parking
GEN01 - General Principles of Development
REC97 - Accommodation for visitors
ST01 - Safeguarding of open areas

Decision time Outside 8 weeks - due to amended plans being sought.

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2007/0077

2007/0078 (LB)

EASINGTON COLLIERY (EASINGTON COLLIERY) – PROPOSED CHANGE OF USE FROM SCHOOL TO ENTERPRISE FACILITIES AND OFFICE ACCOMMODATION AT FORMER EASINGTON COLLIERY PRIMARY SCHOOL, SEASIDE LANE, EASINGTON COLLIERY FOR ACUMEN COMMUNITY ENTERPRISES DEVELOPMENT TRUST LTD

These applications were deferred at the Panel meeting on 10 April, pending the outcome of a Public Inquiry into the future of the school building.

The Application Site

The site is located in the centre of Easington Colliery on the main road running through the village, Seaside Lane. The area is characterised by a number of residential terraces dating from the early colliery days, and the site is close to retail shops, pubs and clubs, some of which are closed or awaiting redevelopment. There are some areas nearby which have had terraced properties replaced with single storey dwellings.

The site area is large, covering an area of approximately one hectare and slopes generally down in a west to east direction. It is surrounded on three sides by streets serving the residential areas, the main entrance being onto Seaside Lane, however historically School Street has served pedestrians using the school.

The school buildings were listed as being of architectural or historic importance in 1997, Grade II. They are relatively unusual in terms of their layout in that the school was effectively split into separate boys and girls buildings *on the same site*. Other buildings and structures on the site include a Manual Instruction Block, bicycle sheds, gates, piers and railings, all of which are Grade II Listed.

The layout of the site is more or less symmetrical with large dominating towers positioned at each end of the site, with playgrounds in between. The size of the buildings is further emphasised by the visual impact of the red bricks of which most of the school is built.

The buildings are currently in a state of disrepair.

The Proposed Development

It is intended to convert the existing buildings to studio workshops and offices, and provide five additional free-standing business studios within the grounds. In addition a coffee bar/shop is proposed within the centre of the public area.

Considerable car parking is provided on site but the exact amount is still being discussed with the Highway Authority. Vehicular access is proposed via School Street with the main pedestrian access coming off Seaside Lane through a landscaped frontage area. The above work will involve the removal of some boundary walls and railings but such a loss is considered acceptable in the context of retaining and renovating the Listed Building.

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There is very little external alteration proposed – a new entrance porch being the main change to the frontage – and the internal alterations respect the original school plan and major detailing.

The design of the central space is such that it will encourage the public to walk into the site and gain an appreciation of the grand scale of the Listed Building and its architectural character.

Site History

Planning and Listed Building Consent for change of use to offices, retail, leisure and day care was withdrawn in 2001 following the submission of an amended scheme which also included community use – application number 01/134 and LB/01/135. These were approved in April 2001.

On 26th March 2004 a Listed Building application was submitted to the Council to demolish the school buildings on the site – application number LB/04/1031.

On 5th April 2005 the Council considered the application and resolved that it was minded to agree to Listed Building Consent being granted for demolition. By a letter dated 13th October 2005 the Secretary of State called in the application for determination by himself.

On 26th September 2006 Members resolved to grant planning permission to redevelop the site with 27 houses and 12 apartments – application number 2006/0582. This application was also called in by the Secretary of State for her consideration.

The Public Inquiry was held earlier this year to consider the demolition and redevelopment of this site. The Council was informed on 10 July 2007 that the Secretary of State has refused listed building consent for the demolition of the whole building and for its redevelopment for housing purposes.

Planning Policy

District of Easington Local Plan

E05 - Upgrading of the shopping centre
E11 - Uses for former Easington Colliery School
E16 - Local shopping centre
ENV24 - Development Affecting Listed Buildings and their Settings
GEN01 - General Principles of Development
SHO102 - Local and neighbourhood shopping centres
Policy 35 – Design and amenity.

PPG 15 – Planning and the Historic Environment.

Consultations and Publicity

The application was advertised in the press, site notices were posted and local residents consulted.

Comments have been received from 2 residents raising the following issues –

- Traffic congestion will result from such a use.
- The proposed use will generate noise nuisance.

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Also the owners of the site have objected raising the following planning issues, and their comments are summarised as follows:

- 1 the scheme is an over-development of the site which would adversely effect the residential amenity of the neighbourhood;
- 2 by virtue of the accommodation and activities proposed, and the car borne traffic likely to be generated, the scheme does not represent sustainable development;
- 3 for a development of this scale and nature, Regional Economic and Spatial Strategies prioritise the core urban areas of the 2 city regions;
- 4 the project is neither feasible as a capital scheme nor viable as a self-sufficient operation. The grant of planning permission would not alter this but could further prolong uncertainty, delay and blight, frustrating Council regeneration policy.

Easington Parish Council – No comments received.

Highway Authority – No objections in principle but have requested some detailed changes.

One North East – supports the proposal to provide accommodation for new start up enterprises and the improvement of the employability of local residents.

English Heritage - welcomes this proposal for the repair and reuse of the Easington Colliery Schools and considers that the scheme shows sensitivity in its respect for the historic fabric, protecting those aspects of greatest significance. The new porches and studios represent contemporary additions that will add to the architectural distinctiveness of the buildings. The creation of a central public space is a particularly welcome feature. English Heritage recommends appropriate conditions to cover the detailed design aspects of the scheme e.g. materials, landscaping.

The Conservation Officer – welcomes the application to re-use the building and considers the application to be the best chance for the building to be reused. She considers that the proposed use fits the building without having to make major changes and recommends approval with conditions relating to detailed aspects of this scheme.

Planning Considerations and Assessment

The main planning issues associated with the application relate to:

- Preserving the historic environment
- Re-use and adaptation of the existing buildings
- Accessibility

Policy considerations

PPG 15 relates to the preservation of the historic environment and for the benefit of Members there follows some extracts which give an idea of Government thinking in relation to Listed Buildings and changes of use.

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Most historic buildings can still be put to good economic use in, for example, commercial or residential occupation. They are a valuable material resource and can contribute to the prosperity of the economy, provided that they are properly maintained: the avoidable loss of fabric through neglect is a waste of economic as well as environmental resources. In return, economic prosperity can secure the continued vitality of conservation areas, and the continued use and maintenance of historic buildings, provided that there is a sufficiently realistic and imaginative approach to their alteration and change of use, to reflect the needs of a rapidly changing world.

The Town & Country Planning (Development Plan) Regulations 1991 require authorities to have regard to environmental considerations in preparing their plan policies and proposals. The protection of the historic environment, whether individual listed buildings, conservation areas, parks and gardens, battlefields or the wider historic landscape, is a key aspect of these wider environmental responsibilities, and will need to be taken fully into account both in the formulation of authorities' planning policies and in development control.

Judging the best use is one of the most important and sensitive assessments that local planning authorities and other bodies involved in conservation have to make. It requires balancing the economic viability of possible uses against the effect of any changes they entail in the special architectural and historic interest of the building or area in question. In principle the aim should be to identify the optimum viable use that is compatible with the fabric, interior, and setting of the historic building. This may not necessarily be the most profitable use if that would entail more destructive alterations than other viable uses. Where a particular compatible use is to be preferred but restoration for that use is unlikely to be economically viable, grant assistance from the authority, English Heritage or other sources may need to be considered.

Many listed buildings are already in well-established uses, and any changes need be considered only in this context. But where new uses are proposed, it is important to balance the effect of any changes on the special interest of the listed building against the viability of any proposed use and of alternative, and possibly less damaging, uses. In judging the effect of any alteration or extension it is essential to have assessed the elements that make up the special interest of the building in question.

It is noted that the Conservation Officer, is of the opinion that the proposals will result in the reuse of a prominent Listed Building which will positively contribute to the character of the locality and will not have a marked effect on the overall appearance and historic character of the Listed Building.

Policy E11 of the Local Plan allocates the site for a range of uses, subject to the need to maintain quiet conditions for people living nearby. It is also stipulated that any proposal should comply with policies relating to design and layout, access and parking.

Issues of sustainability have been raised by objectors, however officers are of the opinion that the development conforms with guidance provided by the Government in this regard. In particular, Planning Policy Statement 7 (PPS7) : Sustainable Development in Rural Areas states :

Accessibility should be a key consideration in all development decisions. Most developments which are likely to generate large numbers of trips should be

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located in or next to towns or other service centres that are accessible by public transport, walking and cycling, in line with the policies set out in Planning Policy Guidance Note 13 (PPG13) Transport. Decisions on the location of other developments in rural areas should, where possible, give people the greatest opportunity to access them by public transport, walking and cycling, consistent with achieving the primary purpose of the development.

Priority should be given to the re-use of previously-developed ('brownfield') sites in preference to the development of greenfield sites, except in cases where there are no brownfield sites available, or these brownfield sites perform so poorly in terms of sustainability considerations (for example, in their remoteness from settlements and services) in comparison with greenfield sites.

In addition Planning Policy Statement 1 (PPS1) : Delivering sustainable development states that :

The Government is committed to protecting and enhancing the quality of the natural and historic environment, in both rural and urban areas. Planning policies should seek to protect and enhance the quality, character and amenity value of the countryside and urban areas as a whole. A high level of protection should be given to most valued townscapes and landscapes, wildlife habitats and natural resources. Those with national and international designations should receive the highest level of protection.

The condition of our surroundings has a direct impact on the quality of life and the conservation and improvement of the natural and built environment brings social and economic benefit for local communities. Planning should seek to maintain and improve the local environment and help to mitigate the effects of declining environmental quality through positive policies on issues such as design, conservation and the provision of public space.

It is considered that the proposed development conforms with these aims in view of its central location within the village, in easy reach of a variety of forms of access to the site, makes full use of existing and historic buildings and enhances the local environment as well as providing employment for both local and more distant residents.

Concerns over traffic generation from the proposed use are noted however, the nature of the end users – offices and low key “ neighbour friendly “ businesses will not be likely to generate heavy goods traffic and the level of vehicle movements will be likely to compare favourably with the school use which was originally designed to accommodate 1700 pupils.

Issues of viability of the proposals have been raised by objectors, and this is examined within PPG 15 (extract above). The viability of a particular scheme may be examined if there are concerns relating to its impact on the character of the Listed Building, for example if substantial alterations or demolitions are proposed. In these applications there are very few substantial changes proposed to the important features of the building and the overall effect of the development will be positive in terms of historic character, therefore little weight can be given to the issue of viability in this instance. Due to the limited impact on the Listed Building the Council is not required to be satisfied that the proposal is financially capable of completion before determining whether the development would be suitable.

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Conclusion

The proposals are considered to be in compliance with Policy E11 of the Local Plan and makes full use of the existing and historic building.

Recommendation Grant Planning Permission and Listed Building Consent subject to the following conditions: Type of business permitted, Landscaping proposals, design of new walls, railings, canopies, various internal features, repaired/replacement windows, external brick cleaning, external materials.

Reason for recommendation

The proposed development conforms fully with National Government guidance for such sites together with the relevant Local Plan policies referred to above.

Decision time 25 weeks – target not achieved due to the deferral of the application, pending the outcome of the public inquiry

PLAN/2007/0349

MURTON (MURTON EAST) – RESIDENTIAL and COMMERCIAL USE (RESERVED MATTERS) AT LAND AT WOODS TERRACE, MURTON FOR DUNELM CASTLE HOMES LTD

The Application Site

The application site comprises some 1.25 hectares of land lying to the east of Woods Terrace, north of the B1285 and west of the recently completed relief road.

It comprises of a number of semi derelict and other buildings, vacant shops, poor road surfaces and a large area of grassed/landscaped land. It forms an unsightly entrance to the southern part of the shopping centre. In view of the above, it has been identified as a major priority for improvement and is allocated in the Local Plan for a car park, housing, shopping and open space.

The car park has been completed but the remainder of the site awaits redevelopment.

The Proposed Development

This reserved matters application relates to the erection of 42 detached/semi detached and terraced dwellings, (2,3 and 4 Beds) together with 26 two bed apartments, 8 of which will be located above a block of 4 retail units, each of 56 square metres. The buildings are a mix of two and three storeys.

External materials are intended to be red brick and grey tiles with white upvc windows.

Car parking will be a mixture of private garages on/off site and small parking courtyards which include visitor parking.

A substantial landscaping scheme has been submitted as part of the application and is currently being examined by the Landscape Officer.

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Vehicular access is off the adjacent relief road The Avenue and a separate pedestrian access is proposed off Woods Terrace onto which the retail units and apartments face.

Site History

2006/0699 Outline permission granted for residential, retail and community use, 16/01/07.

Planning Policy

District of Easington Local Plan

GEN 1 – General Principles of Development.

HOU66 - Provision of outdoor play space in new housing development

M02 - Landscaping works on non-Council owned land

M07 - West of the Avenue

M12 - Local shopping centre

SHO102 - Local and neighbourhood shopping centres

Consultations and Publicity

This application was advertised in the press, a site notice posted and local residents consulted.

Comments have been received from the local surgery raising concerns over the possible impact of the development on future expansion of the practice.

Planning Policy – Support the proposals. Site has been earmarked for development for some time.

Countryside Officer – Satisfied with bat survey.

Environmental Health – Comments on contaminated land survey awaited.

Environment Agency – No objections but stresses the need for sustainable energy use and generation.

Parish Council – Support the application.

Highway Authority – No objections to revised plans.

Planning Considerations and Assessment

The main planning issues relating to this proposal are those of its visual impact of the development when seen in the context of the surroundings nearby. The site is prominently located on the corner of The Avenue and Woods Terrace and will be seen alongside other new development currently underway nearby.

The existing buildings on the site are in a dilapidated condition and present something of an eyesore in this locality.

It is considered that the three storey blocks of retail/apartments proposed for the Woods Terrace corner will positively contribute to the character of the

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locality and create a physical link with the retail area further along Woods Terrace and assist in its regeneration. Its layout will have the effect of leading the viewer up towards this shopping area and the pedestrian link between blocks B and C will enable full linkage between the retail areas of the village and the new residential development behind.

The residential dwellings proposed are a mixture of 2 and 2.5 storey units, with the larger dwellings being located along the frontage of The Avenue. Some of these front onto the road, others do not thus introducing a variety of elevations which will be augmented by landscaping.

The site entrance is bounded by a variety of house types with differing ridge heights which again serves to create visual interest at this focal point.

The internal layout of the estate includes some of the larger house types together with the courtyard car parking for the apartments and retail units.

A full landscaping scheme has been submitted and the comments of the Countryside Officer are awaited.

A Section 106 Agreement will be necessary relating to off site open space provision as none has been provided on site.

Conclusion

Overall it is considered that the scheme will positively enhance this part of Murton and will have the effect of encouraging the regeneration of the Woods Terrace area nearby and provide an option of limited retail use to complement that existing nearby.

Recommendation Delegated authority be given to the Head of Planning and Building Control Services to approve the application on completion of Section 106 agreement relating to open space and approval of the contaminated land survey, subject to the following conditions: Materials, Protected Species, amended plans, landscaping.

Reason for Approval

The proposed development is considered to comply with the relevant Local Plan policies below and will positively enhance the character of this part of Murton and assist in its regeneration.

HOU66 - Provision of outdoor play space in new housing development

M02 - Landscaping works on non-Council owned land

M07 - West of the Avenue

M12 - Local shopping centre

SHO102 - Local and neighbourhood shopping centres

GEN1 – General principles of development.

Policy 35 – Design and amenity

Decision time 12 weeks – Target achieved.

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PLAN/2007/0356

PETERLEE (HOWLETTCH) - CONSTRUCTION OF BEER GARDEN AT PETERLEE CATHOLIC CLUB LTD, GRAMPIAN DRIVE, PETERLEE FOR PETERLEE CATHOLIC CLUB LTD

The Application Site

Peterlee Catholic Club is located on the frontage of Grampian Drive adjacent the Community Centre and Grampian House Care Facility. It is a brick building of modern flat roofed design, with customer parking to the rear.

The Proposed Development

The current revised proposal is to create a sheltered “beer garden” within a grassed area on the Grampian Way frontage of the Club. Access would be gained from within the existing building and the whole area would be screened from the road by a 3 metre high wall and fence.

Site History

99/43	New door – Approved March 1999
02/467	Extension – Approved September 2002

Planning Policy

District of Easington Local Plan

Policy 35 – Design and amenity
SHO102 - Local and neighbourhood shopping centres

Consultations and Publicity

A site notice was posted and local residents consulted.

Objections have been received from three residents raising the following issues :

- Disturbance from noise of club customers using the beer garden.

Town Council – No objections.

Highway Authority – No objections

Environmental Health – Prefers relocation of beer garden to rear of property.

Planning Considerations and Assessment

The main issues arising from this proposal is the impact of it upon the amenities of nearby residents.

Whilst the terms of the club licence can ultimately control any problems in this regard, it is also a material planning consideration.

In this instance, the closest dwellings to the proposed beer garden lie some 40 metres away on Grampian Drive with their gardens some 35 metres away.

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Also it is proposed to erect a 2.5 – 3.00 metre screen wall/fence around the area so there will be restricted views from public viewpoints and noise will be reduced to a certain extent. There will be no access directly onto Grampian Drive.

Conclusion

It is considered that in this instance, the proposed beer garden is of sufficient distance from residential properties to ensure that unacceptable nuisance is kept to a minimum. The intervening road and site screen will also act as a barrier to excessive noise, which if it does create a problem could be controlled via the terms of the licence.

Recommendation Approve subject to the following conditions: Amended Plans, screening.

Reason for Approval

The proposed development is considered to comply with the relevant Local Plan Policies referred to above.

Decision time 9 weeks – Target not achieved due to reconsultation needed on revised plans and consideration by the Panel.

PLAN/2007/0383

SHOTTON (HASWELL & SHOTTON) - SITING OF 3 NO RESIDENTIAL CARAVANS (RETROSPECTIVE) at LAKELANE STABLES MOORE TERRACE, SHOTTON COLLIERY for MR T J COLLINS

The Application Site

The application relates to a walled compound situated to the south of Shotton. Three caravans are currently sited on this land with associated port-a-loo structures and original buildings linked to the previous use of the land for stables. Vehicular access is gained across open land from Moore Terrace to the north of the application site.

The application site is situated outside the settlement boundary as outlined on the Easington District Council Local Plan Proposals Map. The application site is unallocated in the Local Plan. Therefore, the site is considered to be situated in the countryside.

The Proposed Development

Planning permission is sought for retrospective consent for the siting of three residential caravans on the land including associated port-a-loo units. The three caravans are to be situated within the existing walled compound. The three caravans are to provide accommodation for the applicant's family.

In support of the application the applicant has stated that he moved onto the application site with his family approximately six months ago. At that time there were some six caravans present on the site, occupied by a party of Gypsies. The Gypsies and their caravans subsequently left the area and the applicant and his family have occupied the existing three caravans ever since.

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The applicant has made stringent efforts to clean up and tidy the site, which was left in a very untidy state, following the Gypsies departure. Works carried out by the applicant include laying a tarmac surface to the entire area, landscaping measures, and the refurbishment of fences and walls. The applicant has argued that the appearance of the area has been dramatically improved by the works he has carried out, and that his family will continue to ensure the upkeep of the site, which would be to the benefit of the area.

Site History

00/154 – Stable – Approved 29.06.2000

97/560 – Stable and Fish Pond – Refused 22.01.98

97/112 – Stables – Refused 17.04.97

Planning Policy

District of Easington Local Plan

GEN01 - General Principles of Development

ENV03 - Protection of the Countryside

ENV35 - Environmental Design: Impact of Development

ENV41 - Control of Non- agricultural building in the countryside

ENV47 - Control of Unauthorised Development

HOU68 - Housing development in the countryside

HOU69 - Rural workers dwellings

HOU72 - Control of sites for travellers

Consultations and Publicity

The application has been advertised by site notices and in the press. Neighbouring properties have been consulted. No letters of representation have been received in relation to this application.

Durham County Council, highways Authority, comments:

- No highway objection is raised.

Northumbrian Water, comments:

- No objections to the proposed development.

Planning Considerations and Assessment

The application site is located to the south of Shotton village, and is situated outside the existing settlement limits as outlined on the District of Easington Local Plan Proposals Map. The application site is therefore considered to be in the countryside.

Retrospective planning permission is sought for the siting of three residential caravans on the site including associated development. Having regard to the permanent nature of the associated development it is considered that this application represents new housing development in the countryside.

The main issues to consider in determining this application are:

- National Planning Guidance
- County Durham Structure Plan Policies
- Easington District Local Plan Policies
- Impact on the Character of the Area

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National Planning Guidance

Planning Policy Guidance Note 3: Housing is the national planning guidance relating to housing development. Government policy PPG3 is to maximise the re-use of previously developed land, and requires a sequential approach to the identification of housing sites, which prioritises previously developed land in urban areas. As the proposal relates to a site outside the settlement limits as outlined in the Local Plan it is not considered to accord with the advice contained within Planning Policy Guidance Note 3: Housing.

County Durham Structure Plan Policies

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

Easington District Local Plan Policies

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

Impact on the Character of the Area

In support of the application the applicant has stated that the work he has done on site following the departure of the Gypsies earlier this year have been to the benefit of the area. The work the applicant has carried out in tidying up the site is to be welcomed. However, it is considered that in their current location situated outside the established settlement boundary, the caravans have a negative effect on the character of the area in terms of visual amenity and could be seen to set a dangerous precedent for other comparable sites within the district.

Conclusion

In conclusion the siting of the proposed caravans in this location is considered to be contrary to the relevant development plan policies and national planning guidance. The caravans represent new residential development outside the established settlement boundary, and although the work that the applicant has carried out in tidying the site is to be welcomed, no appropriate

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justification has been offered to justify the caravan's retention, and as such the application should be refused.

Recommendation refusal for the following reason:

The proposal represents new residential development within the open countryside, outside the existing settlement boundaries. In the absence of any agricultural or similar justification of need, the proposal is considered to be contrary to policies 9 and 14 of the Durham Structure Plan and policies 1, 67, 68 and 69 of the District of Easington Local Plan.

Decision time Within eight weeks. Target achieved.

PLAN/2007/0417

HASWELL (HASWELL & SHOTTON) - CHANGE OF USE FROM RESIDENTIAL DWELLING (C3) TO CHILDRENS CARE HOME (C2) at SYCAMORE HOUSE, SYCAMORE TERRACE, HASWELL for MR D JOHNSON, CONTINUUM GROUP

The Application Site

Sycamore House is a large two storey detached property located towards the eastern boundary of Haswell on Sycamore Terrace. It is surrounded by residential dwellings to the north, east and west, with garden and garage areas located to the south.

The Proposed Development

It is proposed to change the use of the dwellinghouse (c3) to a childrens care home (c2). The applicant has advised that there would be a maximum of four children, together with three carers. The carers will operate on a shift basis with two staying overnight on the premises.

The proposal is solely for change of use of the building. The only physical alteration may be to create six car parking spaces on site (if this is not already possible) as identified on the application forms.

Site History

Private garage – approved May 2003

Planning Policy

District of Easington Local Plan

GEN01 - General Principles of Development

ENV35 - Environmental Design: Impact of Development

HOU71 - Rest home, nursing homes and sheltered accommodation

Consultations and Publicity

Parish Council – objection – trees within site not noted on application forms. Concerns regarding provision of parking spaces. Use unsuitable in residential area. Disability/illnesses/behavioural problems etc. of residents unknown. Durham County Council Highways Authority – no objections (on basis that six parking spaces can be accommodated)

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OFSTED – awaiting response

Environmental Health – no objections

Neighbours – 1 petition, 15 objections which raise the following main issues:

- Loss of amenity due to disturbances caused by residents including noise, crime and antisocial behaviour
- Traffic, parking and access problems
- Reduction in house prices
- Trees on site – not noted on application forms

Planning Considerations and Assessment

In accordance with government legislation, the decision on this application should be taken with regard to development plan policies unless material considerations indicate otherwise. The material planning considerations are the impact of the proposed change of use to a children's care home (C2) on the amenities of neighbouring properties, and highways issues. The relevant Local Plan Policies are as follows:

- Policy 71 of the District of Easington Local Plan states that new residential institutions (class c2) will be approved within the settlement boundaries of Haswell provided the proposal accords with policies 35, 36 and 37 (policies 36 and 37 relate to new development rather than changes of use, and accordingly, the only relevant policies are considered to be 35 and 71.)
- Policy 35 would require the change of use to have no serious adverse effect on the amenity of people living and working in the vicinity of the site in terms of privacy, visual intrusion, noise and traffic generation.

Local residents have raised concerns relating to loss of amenity including potential anti-social behavior, noise and crime. It is not known what sorts of disabilities/illnesses/behavioral problems etc. that the four children of the proposed care home may have, however, this is not a material planning consideration.

It is known that the four children would be cared for by three staff, 24 hours a day, two of which would remain overnight. Given these circumstances, the risk of any potential antisocial behavior, noise or crime against the local community would be small in scale such that the risk would be within normal acceptable limits. Furthermore, Environmental Health have offered no objections in relation to any potential noise impacts on residents. It is not considered that the proposal would cause any privacy or visual intrusion issues as there are no external alterations proposed.

The proposal provides for four children and three carers, this is considered to be an acceptable level of residential activity for a detached property of this size in a predominantly residential area, as it is not inconceivable that a large family would live in such a property. However, this level of occupancy should be limited by a planning condition in the interests of highway safety and residential amenity. In addition, it is considered that other uses which fall into use class C2 would not be acceptable here, particularly because of the limited parking facilities (hospital, college, training centre) so it is appropriate to restrict the use to the specific proposal through a planning condition.

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There were also concerns relating to trees within the site that have not been specified in the application forms. It is considered that these trees make a positive contribution to the street scene and could be potentially damaged or removed due to the addition of car parking spaces. Therefore a condition should be attached to any planning approval requiring the retention of these trees.

Residents also raised concerns relating to a reduction in house prices, this is not a material planning consideration.

Traffic, parking and access issues have also been raised. Durham County Council Highways Authority have investigated these issues and have no objections to the proposal. This is on the basis that the applicant can create six appropriate car parking spaces. Again, a condition should be attached to any planning approval in order to resolve this issue before the residential home can be occupied.

Conclusion

In accordance with the Local Plan, the use is considered appropriate in a residential area. The use is not expected to harm the amenity of neighbours by unacceptable noise, crime or antisocial behavior, nor will it generate any unacceptable highways issues on the basis that appropriate parking can be accommodated. The proposal therefore complies with policies 1, 35 and 71 of the District of Easington Local Plan. There are no other material considerations and the decision should therefore be taken in accord with the Local Plan.

Recommendation Approval subject to the following conditions: Parking scheme; Use restriction; Tree protection; Occupancy limit.

Reason for Approval

The proposal is considered to be in accordance with the Statutory Development Plan policies 1, 35 and 71.

Decision time 6 weeks (target met)

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