

Item no.

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

Date: **14 August 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/2007/0176

CASTLE EDEN (HUTTON HENRY) - ERECTION OF TIMBER CLAD BUILDING FOR THE PURPOSES OF AGRICULTURAL AND HOUSEHOLD STORAGE, AND FOR THE GARAGING OF PRIVATE VEHICLES AND VEHICLES USED IN CONNECTION WITH TREE SURGEONS BUSINESS, AND LAYING OF ASSOCIATED HARDSTANDING AT EDEN VALE COTTAGE, STOCKTON ROAD, CASTLE EDEN FOR MR J GRUNDY

This planning application was reported to the Panel on 19th June but was deferred due to an administrative error relating to third party consultations. This is a revised report based on revised plans received from the applicants since that panel meeting. The original report is contained within the planning file available for inspection in the Planning Office.

The Application Site

The site is located towards the south of Castle Eden and accessed via an unmade track which also serves as a public right of way. The site is generally hidden from view by trees and shrubs except from the above track and is seen within the setting of the adjacent existing house. It is within the curtilage of this dwelling but not within the development boundary of Castle Eden.

The site lies within the Conservation Area and is within an Area of High Landscape Value as designated within the Local Plan.

The Proposed Development

The building is partially constructed and is intended to store bedding and feed for the applicant's small holding livestock together with associated vehicles and materials relating to the applicant's tree surgeon business. Domestic wood burning fuel is also to be stored. A hard standing is proposed to the side of the building.

The building will measure some 23 x 9 metres and 5.4 metres to the ridge. It will be a steel framed building with dark brown timber cladding to the walls. The roof will be dark green steel cladding.

Site History

Application 2006/690 – extensions to dwelling approved 2006.

Planning Policy

District of Easington Local Plan

ENV03 - Protection of the Countryside

ENV07 - Protection of Areas of High Landscape Value (AHLV)

ENV22 - Preservation and Enhancement of Conservation Areas

GEN01 - General Principles of Development

Policy 35 – Design and amenity

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Castle Eden Conservation Area Character Appraisal.

Consultations and Publicity

A site notice was posted, an advertisement placed in local newspapers and local residents were consulted on the original proposals.

Objections were received from 7 residents (from 4 residences), to the original proposals for a coloured steel clad building raising the following issues :

- Development not appropriate for rural setting in Conservation Area and Area of High Landscape Value.
- Additional traffic along public right of way will inconvenience walkers and damage the footpath.
- Site will be exposed when trees lose their leaves.
- Building out of scale with its surroundings and does not enhance or preserve the Conservation Area therefore is contrary to policy.
- Building harms the setting of The Eden Vale Cottage nearby.
- Contrary to the conclusions of the Local Plan Inspector who considered the area important in contributing to the character of the locality.

Parish Council – No objections to original proposals.

County Highways - No objections to original proposals.

Local residents, the Parish Council and the Castle Eden Society were reconsulted on the revised proposals.

Objections have been received from ten local residents (6 residences), raising the following issues:

- Timber cladding will not reduce the overall visual impact of a large building within the Conservation Area.
- Conservation Area will not be conserved or enhanced.
- Local Plan Inspector's comments stated no new buildings should be erected.
- Building harms the setting of The Eden Vale Cottage nearby.
- Contrary to the conclusions of the Local Plan Inspector who considered the area important in contributing to the character of the locality.
- Contrary to the new village appraisal.
- Building damages character of designated area.
- The Castle Eden Society – maintain their original objections and reiterate those given for the original scheme which were :
 - Main use of building will be for tree surgeon business – land area is too small for small holding.
 - Development not appropriate for rural setting in Conservation Area and Area of High Landscape Value.
 - Additional traffic along public right of way will inconvenience walkers and damage the footpath.
 - Site will be exposed when trees lose their leaves.
 - Building out of scale with its surroundings and does not enhance or preserve the Conservation Area therefore is contrary to policy.
 - Building harms the setting of The Eden Vale Cottage nearby.

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- Contrary to the conclusions of the Local Plan Inspector who considered the area important in contributing to the character of the locality.
- Proposals would be contrary to policies 1,7 and 22.

The Conservation Officer objected to the original proposals and her comments were :

“ The conservation area appraisal refers to the importance of the setting of the village. This proposed storage building is to the rear of properties and would harm the rural setting. This part of the conservation area is characterised by groups of trees enclosing residential properties and to some extent the same trees partly enclose this site. However the building is a large one and would not be entirely concealed. The use of the land is also a concern with additional noise and traffic movement directly behind residential properties and the loss of the quiet rural setting.

The Conservation Area appraisal also lists Eden Vale as being a building of local importance. It was the home of the Nimmo family who owned Castle Eden Brewery and is also an architecturally interesting Victorian house. I consider that this building directly on the boundary would have a harmful impact on its setting.

It is recommended that permission is refused because the proposed building would have a harmful impact on the rural setting of the village and the setting of Eden Vale, a building highlighted in the Conservation Area Appraisal as being of local importance.”

After having conducted a further site visit and discussing options with the applicants, the Conservation Officer now supports the revised proposal to clad the building in timber, being of the opinion that to do so would substantially reduce its visual impact and would not harm the character of the Conservation Area.

Planning Considerations and Assessment

The main planning issues to consider relating to this application are :

- The physical appearance of the building and its impact on the character of the locality,
- The use to which the building is to be put and the impact those uses will have on the local environment.

Physical Appearance

There are a number of planning policies which relate to the proposed development and those considered most relevant are noted above. The applicant has referred to a number of others that relate to agricultural land and development but it is considered that the proposed building is mainly to be used for non agricultural storage and should be considered to be a “mixed use” development within a domestic context.

The building has already been partially constructed so an appreciation of its visual impact is made easier. Views from the main road running through the village are restricted by a substantial tree screen; it is views from the public

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footpath to the north – which is also a vehicular access to a number of residential properties – which are considered more important.

The building is large at some 23 x 9 metres and 5.4 metres to the ridge. This is not a domestic scaled outbuilding but one which would normally be seen within a farm complex or industrial unit. The building is in view from the public footpath to the north and as such it has some visual impact on the character of the Conservation Area within which it lies.

The building is located within the more widely designated Area of High Landscape Value. This is considered to be relevant as the site lies on the edge of the built up part of the village and is somewhat rural in appearance.

The building will be in view to users of the public footpath to the north and to residents and others who use the driveway. However, because of the revised external materials, a change from metal sheeting to timber cladding, it is considered that, on balance, the impact upon the Conservation Area and Area of High Landscape Value will not be sufficiently detrimental to warrant refusing planning permission.

There are a number of mitigating factors in support of the proposed development in terms of its external materials, low lying location and limited viewpoints. As a result of these factors taken together the development is now considered to be acceptable, and this viewpoint is supported by the Conservation Officer.

It is now considered that the proposal is in compliance with Planning Policy Guidance Note 15 – Planning and the Historic Environment and Easington Local Plan policies in that the character of the Conservation Area is not being detrimentally affected and the Area of High Landscape Value is not harmed.

Comments have been made relating to the Inspector's report relating to the Local Plan and to the paddock near this application site. It is accepted that a new dwelling on this paddock would be likely to have a detrimental effect on the Conservation Area and should not be supported, however it is considered that the proposed storage building is sufficiently far away from the main body of the paddock and on low lying ground so as not to harm the character of the paddock or this part of the Conservation Area.

Use of Building

As described above the building is intended to be used to store agricultural feed and bedding, domestic and business vehicles and domestic fuel. Whilst the operation of a tree surgery business from the applicant's dwelling is not for consideration here, the new building may be seen to facilitate the generation of business traffic and is a material consideration.

The applicant states that he is the only person employed at the site in this business and that traffic generation is therefore minimal – 2 or 3 vehicles a day. Notwithstanding objectors' concerns in this regard, the information provided is such that it is considered that the storage of vehicles in association with a tree surgery business is of a scale which is unlikely to cause a material harm to the amenities of users of the public footpath to the north. Furthermore the Highway Authority do not object to the application on road safety grounds.

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The other proposed uses are considered not to impact on the footpath/driveway use.

Issues raised by objectors relating to the use of the premises for other business operations are being investigated by Council Enforcement Officers.

Conclusion

There are a number of mitigating factors in support of the proposed development in terms of its external materials, low lying location and limited viewpoints, and it is considered that these are not outweighed by the issues relating to scale, design and location within the Conservation Area and Area of High Landscape Value.

The objections of local residents have been noted and taken into account, however it is considered that the amended external materials have resulted in a development which will now have a limited impact on the Conservation Area and Area of High Landscape Value and one which can be supported by Officers. It is further considered that the use of the building as proposed would not have a detrimental impact on the amenities of nearby residents sufficient to warrant a refusal of planning permission.

It is considered that the revised external materials proposed will reduce the visual impact of the building to such an extent that it will no longer have a detrimental effect on the Conservation Area or Area of High Landscape Value.

Recommendation

Approve with conditions relating to materials and revised plans.

Decision time 16 weeks – Target not achieved due to third party objections and revised plan submission.

PLAN/2007/0252

SEATON WITH SLINGLEY (SEAHAM NORTH) - CONSTRUCTION OF A NEW DWELLING, REFURBISHMENT OF TWO EXISTING COTTAGES AND CONVERSION OF AN EXISTING BARN TO RESIDENTIAL AT SEATON TOWN FARM THE VILLAGE, SEATON FOR MR AND MRS H BURGON

The Application Site

The application relates to Seaton Town Farm, situated on the south side of Seaton Village. The application site currently includes a collection of buildings linked to the use of the property as a farm. The buildings are no longer used as part of a working farm and in many places have fallen into disrepair.

The application site includes two cottages and a barn sited adjacent to the northern road frontage, these structures are sited either side of the existing vehicular access that provides access to the rear where a collection of agricultural buildings are sited.

The application fronts onto the Village Green across which is situated Seaton House. The application site is bounded to the east by residential properties situated on Avoncroft Close and to the west by residential properties that front the Village Green including Solbo, The Bungalow, and The Crest. To the south

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the application site is bounded by agricultural land that is currently in pasture that falls away to the south to Seaton Burn.

The Proposed Development

Planning permission is sought for the construction of one new dwelling within the site, the refurbishment of two existing cottages and conversion of the barn which front onto the village green. The proposal will include the removal of the existing agricultural buildings from the site to make way for the proposed dwelling.

The existing scales of the cottages and barn, which front onto the village green are retained. The new dwelling is a large development. It is smaller than the barns which are to be demolished but larger than the cottages or converted barn. The proposal seeks to retain the architectural features of the cottages and barn by including windows, door surrounds and dormer details that are drawn from the existing frontages of the cottage and barn. Rendered walls and slated roofs are to be used to retain existing character and are repeated in the design of the new dwelling for continuity. The new dwelling is designed in a U shape with low roofs to break the vertical scale and reflect the aesthetics of a farmstead courtyard. The south-facing wall of the new dwelling is extensively glazed to maximise the views over fields and to benefit from sunlight. The proposal is to incorporate renewable energy installations in the form of Geothermal Heat Pump and Photovoltaic Cells.

The proposed dwellings will have vehicular access to individual garages served by a private drive in the same position as the existing farmyard access.

Site History

PLAN/2006/0682 – Barn Conversion – Withdrawn 13.10.2006

PLAN/2006/0681 – Cottage Refurbishment and New Dwelling – Withdrawn 19.01.2007

Planning Policy

District of Easington Local Plan

GEN01 - General Principles of Development

ENV18 - Species and Habitat Protection

ENV35 - Environmental Design: Impact of Development

ENV36 - Design for Access and the Means of Travel

HOU67 - Windfall housing sites

Consultations and Publicity

A site notice has advertised the application and neighbouring properties have been consulted. Three letters of representation have been received in relation to the application. Concerns have been raised on the following grounds:

- Overlooking of rear gardens of neighbouring properties.
- That the proposed conversion and refurbishment should be carried out sympathetically, the primary issue should be the enhancement of Seaton Village.
- The proposed development could lead to future schemes being proposed to the south of the village.

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Easington District Council, Environmental Health Officer, comments:

- This authority should approve a contaminated land assessment before any works commence on site.

Easington District Council, Countryside Officer, comments:

- Concerns have been raised about the Mitigation Strategy regarding protected species submitted with the application. Further information is required before this application should be determined.

Durham County Council, Highways Authority, comments:

- Providing an amended site plan is submitted showing revised access arrangements including the widening of the proposed vehicular access and the removal of the existing dropped kerb at the front of the barn to be converted, no highway objections are raised.

Natural England, comments:

- Based on the information provided, Natural England has outstanding concerns regarding the proposal at this stage as it considered that further information should be provided with the application to demonstrate whether or not the development would have an adverse effect on species protected by law.
- As the competent authority, the local planning authority may process this application such that it is refused/deferred/withdrawn/suspended until the applicant submits sufficient information to show that the species would not be affected or that potential effects would be avoided or satisfactorily mitigated.

Planning Considerations and Assessment

The main issues to consider in determining this application are:

- Principle of Development
- Impact on Character of Seaton Village
- Impact on Protected Species

Principle of Development

The site is considered to be Greenfield under the Government's Definition of previously developed land provided in planning policy statement 3 (PPS3 – Housing). The application site has most recently been used for Agriculture, and therefore although 'built on', does not fall within the definition of previously developed land. Government policy PPS3 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.

The site is located within the settlement boundary for Seaton, and as the site is not specifically allocated for housing in the Local Plan it is classed as a 'windfall site'. Policy 67 of the District of Easington Local Plan supports the development of housing on windfall sites within settlement boundaries (subject to detailed planning considerations) provided such sites are previously developed.

The refurbishment of the existing cottages and conversion of the existing barn on the road frontage are considered to be in keeping with the relevant

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development plan policies and should be supported by the Local Planning Authority. However, as the proposal includes the erection of a new build dwelling on the site it is considered to be contrary to the relevant development plan policies. As the application is to be determined as a whole, in principle the Local Planning Authority should not support the proposed works. In order to support a scheme that would represent a departure from the Local Plan there must be material considerations sufficient to overcome the policy objection.

Impact on Character of Seaton Village

The conversion/restoration of the existing Seaton Town Farm Cottages and Barn is welcomed, it is considered that the improvement of these buildings on the road frontage will be to the benefit of the existing street scene and the character of Seaton Village as a whole. The improvement of the road frontage and the effect this will have on the character of the Village as a whole is considered sufficient to allow a departure from the Local Plan in relation to the erection of the new build at the rear of the site. The proposed works will bring back into use currently vacant buildings and remove existing agricultural buildings that are considered to be out of character with the surrounding residential properties in both design and appearance and that if not reused are likely to fall into a state of disrepair to the detriment of the character of the area.

The proposed conversion/restoration works are considered to be sympathetic to the existing buildings. The new dwelling to the rear of the site is also considered acceptable in terms of design and scale, the fall in land from the front of the site will ensure that the new dwelling will not dominate the site nor detract from the existing structures to be retained along the road frontage. It is proposed that a condition is attached to ensure that the materials to be used in the proposed restoration and new build are in keeping with the character of the village and ensure that a high quality development is delivered.

The proposed siting of the dwellings is considered acceptable. The correct privacy distances are to be maintained between the proposed dwellings and the existing properties in Seaton Village. It is not considered that the proposal will have any detrimental effects on neighbouring occupants by way of loss of amenity.

Durham County Council, Highways Authority has been consulted on the application and has confirmed that subject to some minor amendments being sought no highway objections are raised. It is proposed that a condition is attached to any grant of planning permission to request that revised access arrangements are to be agreed with the Local Planning Authority before works commence. It is therefore not considered that the proposed works will have any detrimental effects in terms of traffic generation or highway safety.

Impact on Protected Species

The application includes the demolition and/or conversion of existing structures as such the proposed development may have an impact on Protected Species. Natural England, and Easington District Council's Countryside Officer have expressed concerns about the application, on the grounds that insufficient information has been submitted to demonstrate whether or not the proposed development would have any adverse effects on protected species. These objections have been noted, and although the

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required information is not currently available it is understood that agreement is possible between the applicant and English Nature regarding mitigation for any impact the proposed development may have on protected species.

Conclusion

In principle the proposal overall is considered to be contrary to the relevant development plan policies as it includes the erection of a new build dwelling on what is considered to represent a “greenfield” site. However, in this instance it is considered that a departure from the Local Plan can be justified due to the positive effect the restoration of Seaton Town Farm Cottages and the conversion of the existing Barn on the road frontage facing the Village Green will have on Seaton Village as a whole. It is considered appropriate, however, that as the restoration and conversion works are considered to provide the justification for a departure, these should take place in advance of the new build, to ensure they are implemented. A planning condition would be appropriate to control this aspect of the development. On this basis and subject to the suggested conditions this application should be supported.

Recommendation

Conditional Approval (conditions relating to external materials, window details, surface treatment, boundary enclosures, revised access arrangements, agreement of conversion schedule, landscaping, phasing of development, protected species mitigation) on receipt of a satisfactory Bat Risk Assessment. That authority then be delegated to the Head of Planning and Building Control Services to issue the decision.

Reason for Approval

The proposal is considered to be contrary to National Guidance contained within PPS3: Housing and Policy 67 of the Easington District Council Local Plan. However, the positive effect the conversion and restoration of the existing Seaton Town Farm Cottages and Barn on the road frontage facing the Village Green is considered sufficient to allow a departure from the Local Plan in relation to the erection of a new build dwelling on a “greenfield” site. The proposal is considered to accord with all other relevant policies of the District of Easington Local Plan.

Decision time Over eight weeks – target missed due to consultation requirements.

PLAN/2007/0310

WINGATE (WINGATE) - HOUSE, GARAGE BLOCK AND STABLES AT SITE OF FORMER WELLFIELD FARM MOOR LANE, WINGATE FOR MR J GRAHAM

The Application Site

The application relates to a piece of land situated to the north of Moor Lane, Wingate. The house which previously occupied the site was demolished over 30 years ago and the land has largely returned to nature, although the bases of the former buildings are visible.

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The Proposed Development

Planning permission is sought for the erection of a large single detached dwelling house, a detached garage block and stable block. Access is proposed to be from Moor Lane that leads from Wingate to the east of the application site.

Site History

PLAN/2006/0899 – Replacement Dwelling (Outline) –Approved 27.03.2007
This application does not relate to the current application site, but to a site situated to the west along Moor Lane. The application was approved contrary to officer advice on the grounds that the site was considered to be previously developed and suitable for a single dwelling. The application site was also considered to be relatively close to the settlement of Wingate and was not considered to be in the open countryside.

Planning Policy

County Durham Structure Plan

- 1 General Principles of Development
- 7 Housing Requirements
- 9 Locational Criteria for New Housing
- 14 Housing in the Countryside=

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
- HOU67 - Windfall housing sites
- HOU68 - Housing development in the countryside
- HOU69 - Rural workers dwellings

The proposal is considered to be contrary to the relevant development plan policies.

Consultations and Publicity

Site notices and press adverts have publicised the application. Neighbouring properties have also been consulted. No letters of representation have been received.

EDC, Policy Officer, comments

- Contrary to development plan policies and should be refused.

DCC, Highways Authority, comments:

- No highway objections raised.

DCC, Planning Policy Officer, comments:

- Contrary to structure plan policies and should be refused.

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Environment Agency, comments:

- General advice regarding landfills, water quality and flood risk.

Planning Considerations and Assessment

The application site is located to the east of Wingate Village, about 160 metres beyond 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.

The application site has previously been occupied by a single dwelling house as part of a farm. However since the property was demolished approximately 35 years ago, the site has been unused. It has been established in the courts that the demolition of a building upon which the use of land relies, removes any use rights pertaining. Therefore there is no legal basis to argue for a dwelling on this land, and any permission must rely on the planning merits of the case.

The main issues to consider in determining this application are:

- New Development in the Countryside
- Sequential approach to identifying housing sites
- Previous Planning Approval on Adjacent Site

New development in the countryside

Planning Policy Statement 7: Sustainable Development in Rural Areas is the national planning guidance relating to development in the countryside. PPS7 states that Local Planning authorities should strictly control new house building in the countryside, away from established settlements or from areas allocated for housing in development plans. It continues by making it clear that isolated new houses in the countryside will require special justification for planning permission to be granted. The requirement for special justification can relate to the essential need for a worker to live permanently at or near their place of work in the countryside, or to the exceptional quality and innovative nature of the design of a proposed dwelling. The proposal is not considered to accord with the advice contained within Planning Policy Statement 7: Sustainable Development in Rural Areas.

Sequential approach to identifying housing sites

Planning Policy Statement 3: Housing is the national planning guidance relating to housing development. Government policy in PPS3 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 Statement 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

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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 adaptation of buildings in the countryside for residential use) housing development in the countryside will not be approved. This proposal represents a new-build 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. It is therefore considered that the proposal is contrary to the relevant development plan policies.

Previous Planning Approval on Adjacent Site

Planning permission has previously been granted for the erection of a single dwelling on a site close to that subject to the current application (see relevant Site History above). The approved application related to a similar site to that subject to the current proposal, in that a dwelling had been sited on the land in the past but the site was now cleared. Planning permission was granted against officer advice on the grounds that the site was considered to be previously developed and suitable for a single dwelling and that the application site was considered to be relatively close to the settlement of Wingate and was not considered to be isolated in the open countryside. The reasons given for approval previously are not considered sufficient to overcome the strict policy objections to the current proposal. In addition, the current site is substantially further along Moor Lane from the built-up part of Wingate than the approved site. As such, it would be a more isolated development.

Conclusion

It is considered that the proposed development is contrary to the relevant national policy guidance, and local development plan policies for Easington. The application relates to a site which is situated well outside of the existing settlement boundaries. The applicant has provided no agricultural justification to show a need for the proposed dwelling, and no special justification in terms of innovative/quality design has been put forward. The proposed development if allowed would result in an isolated dwelling in the countryside, which could act as a precedent for future developments on comparable sites across the district. It is not considered that the previous grant of planning permission on a nearby site provides an acceptable precedent for a further inappropriate development in the countryside.

Recommendation Refuse for the following reason:

The proposal represents a new dwelling 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 Over eight weeks, target missed due to referral to Panel.

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PLAN/2007/0388

EASINGTON COLLIERY (EASINGTON COLLIERY) - 12 NO. HOUSES AT FORMER STATION HOTEL (ROCK BAR), STATION ROAD, EASINGTON COLLIERY FOR BLUE SKY CONSTRUCTION LTD

The Application Site

The application site is located on the site of the former public house known as the 'Rock Bar', which is on the southern edge of Easington Colliery. There are residential properties to the north, east and south. The site is fairly prominent as it is situated on the main road into Easington from the south.

The Proposed Development

The proposal is for twelve, two storey terraced dwellings. The terraces will be in two blocks, one block of nine dwellings facing north toward Corbett Street and one block of three facing Station Road. A parking bay will be provided for each of the dwellings along with four additional spaces for visitors. The site would also incorporate an area of amenity space that would be landscaped.

Site History

A planning application was approved on the site in 2004 for twelve dwellings.

Planning Policy

District of Easington Local Plan

ENV35 - Environmental Design: Impact of Development

ENV36 - Design for Access and the Means of Travel

GEN01 - General Principles of Development

HOU66 - Provision of outdoor play space in new housing development

HOU67 - Windfall housing sites

Consultations and Publicity

Parish Council – no response.

DCC Highways – amendments requested (submitted and issues resolved).

Northumbrian Water – no objections.

Landscape Unit – no response.

Environmental Health – Contaminated land survey required, restriction on construction hours

Neighbours – no objections

Planning Considerations and Assessment

- Amenity impact on neighbours/street scene
- Highways issues
- Accordance with Local Plan policies

It is considered that the proposal would have no adverse impact on existing surrounding residents. All distancing standards within the Local Plan have been met to ensure that there would be no loss of privacy/overlooking etc.

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There is one instance of a substandard distance within the site (by 0.5m) where a rear elevation faces a gable wall but it is not considered that this would cause any significant planning concerns in the context of the scheme overall. The scheme incorporates traditional terraced houses which reflect the surrounding buildings, design standard is considered to be good quality with features including stone sills and lintels, bargeboards and chimneys. As such, it is not considered that the proposal would cause any significant impact on the street scene, moreover, the site is prominent and is currently in a disused, overgrown state and this development would represent an improvement.

Highways issues

There are no Highways Authority objections to the scheme. Amendments to visibility splays were requested and have since been submitted and agreed.

Accordance with Local Plan policies

The proposal is considered to be in accordance with all relevant Local Plan policies. The Local Plan designates the site for play space/informal open space, however, there is amenity space incorporated within the site and adequate open space west of Station Road. In addition, the applicant has agreed to enter into a Section 106 agreement for the improvement of open/play space elsewhere in the village, which would compensate for the loss of this site.

Conclusion

Taking all relevant matters into account, the proposal is considered to be acceptable. There is a need to issue this decision within the timescales set by Central Government. Accordingly, two recommendations are made.

Recommendation

1. Conditional approval (conditions relating to amended plans, materials, means of enclosure, landscaping scheme, contaminated land report, removal of PD rights and restriction of construction hours) on receipt of a satisfactory Section 106 agreement. That authority then be delegated to the Head of Planning and Building Control Services to issue the decision.
2. Should a satisfactory Section 106 agreement not be received by 3 September 2007, that the application be refused on the basis that it would not accord with policy 66 of the District of Easington Local Plan (provision of outdoor play space in new development). That authority be delegated to the Head of Planning and Building Control Services to issue the decision.

Reason for Approval

The proposal is considered to be in accordance with the Statutory Development Plan and policies 1, 35, 36, 66 & 67 of the District of Easington Local Plan.

Decision time 9 weeks (target met)

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PLAN/2007/0389

SEAHAM (SEAHAM HARBOUR) - CHANGE OF USE FROM RESIDENTIAL TO HOTEL AT 3 - 5 TEMPEST ROAD, SEAHAM FOR MR B GILES

The Application Site

The site lies within the Seaham Conservation Area and forms one of a terrace of four brick and slate properties close to the sea front area of the town. Number 3 Tempest Road has recently been converted to 3 apartments following a successful appeal to the Secretary of State. Numbers 1 and 7 remain as domestic dwellings.

The Proposed Development

It is proposed to create a six bedroomed hotel in 5 Tempest Road with a restaurant, bar and internet café in the basement. A kitchen and dining area will be provided in the basement of number 3 in association with this use and the three apartments already granted planning permission on the other floors. A dormer window extension is proposed on the rear of the property. A beer garden included in the original application has been deleted from the proposals.

It is intended to provide six on site parking spaces in total to serve both properties, and the applicant has identified a nearby side street as being available for any additional parking. Full time on site management is stated as being provided but no details of staff accommodation are provided.

Site History

93/32 – Conservatory refused permission on visual amenity grounds.

93/461 – Conservatory granted permission.

06/225 – Convert property to four apartments – refused on visual amenity and highway grounds – appeal dismissed.

06/425 - Convert to three apartments – refused on residential amenity grounds – appeal allowed.

Planning Policy

District of Easington Local Plan

CSP65 - The Character of the Built Environment

ENV22 - Preservation and Enhancement of Conservation Areas

GEN01 - General Principles of Development

Policy 35 – Design and amenity.

Consultations and Publicity

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

Comments have been received from two Seaham residents supporting the provision of extra visitor accommodation and the site owner has written in support of the application.

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Objections have been received from two local residents raising the following issues:

- The properties should remain in residential use. Commercial use will cause noise disturbance to adjacent residents.
- Additional visitors and staff etc will cause traffic problems at the busy road junction nearby.
- Beer garden will cause disturbance and attract non hotel guests.
- Character of the Conservation Area will be detrimentally affected by commercial uses within a residential area.

Town Council – Support the application.

Highways Authority – comments as follows:

The applicant has now shown 3 parking spaces directly associated with the 5 Tempest Road element of this proposal.

Whilst on street car parking would not normally be considered I would acknowledge that due to the unusually wide side street adjacent to no. 7 Tempest Road that some reasonably comfortable on street car parking could be achieved to support the off-street car parking.

In addition a reassessment of the nearest car parking associated with the sea front car park would suggest a walking distance of 80 metres or so, which may be acceptable to some users of this establishment, if they needed to use it.

In summary the big benefit to this proposal is the creation of the 3 off-street car parking spaces to the rear of no. 5, Tempest Road and the acknowledgement that some additional parking could occur to the side of no. 7, Tempest Road and in the nearest spaces associated with the sea front car park.

In view of this I would withdraw my original highway objection to the proposals referred to in my original letter dated 6 July 2007.

Conservation Officer – Comments awaited.

Seaham Environmental Association – concerns over the following:

- *Impact on amenities of neighbours*
- *Possible use of the garden area for drinking/smoking to the detriment of nearby residents.*
- *Signs shown on plans appear unsightly in context of Conservation Area.*
- *Communal Laundry Room implies long term bed and breakfast accommodation.*

Environmental Health Officer – No objections.

Regeneration – Supports the provision of visitor accommodation in the town which will help promote spending and the regeneration of the area.

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Planning Considerations and Assessment

The main planning issues to consider in relation to this application are

- Impact of use on local residents and locality in general
- Effect on the character and appearance of the Conservation Area
- Vehicular access/parking in relation to the use.

Impact on residents

It is proposed to create a six bedroomed hotel within a 3/4 storey terraced house located within the Seaham Conservation Area. Planning permission exists for the adjacent property to be converted to three apartments to let, following a successful appeal by the applicant.

The use of the building as a hotel will clearly involve guests arriving and leaving on a regular basis at a variety of times of the day. The building directly adjoins 7 Tempest Road.

Bearing in mind the nature of the commercial use, it is considered that there will inevitably be a certain level of noise and disturbance imposed on nearby residents, in particular to those remaining in 1 and 7 Tempest Road. Whether this is sufficient to cause an unacceptable loss of amenity needs to be determined.

Apart from hotel guests there will be some three members of staff on site and perhaps a hotel manager, so at any one time there may be twelve guests and three or four members of staff. Added to this are the three letting apartments at 5 Tempest Road.

The internal layout of the premises is such that the hotel rooms are generally not immediately adjacent to the neighbouring property. Hence, the main impact on neighbours will be from the comings and goings of guests, staff and service vehicles. On balance, there is considered to be insufficient evidence that such activity would be of a scale sufficient to warrant refusal of planning permission. It is noted that the adjoining neighbours have not objected to the proposal. Use of the bar and internet café facilities by the general public, however, could result in increased noise and disturbance to an unacceptable degree. It is considered that this should be restricted by condition.

Character of Conservation Area

The proposed rear dormer window is of the same scale and design as that at the front, such that it will not detract from the character or appearance of the Conservation Area. It is further considered that the proposed use would not adversely affect its character.

Access/parking

Issues of parking and traffic generation have now been addressed to the satisfaction of the highway authority, such that the proposal is considered acceptable.

Conclusion

The commercial use of the property, on the scale proposed, would have some impact on the adjacent properties in terms of increased activity. On balance, this is not considered sufficient to warrant refusal of planning permission. The development could assist regeneration initiatives by providing visitor

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accommodation. Parking facilities are considered acceptable. Overall, the proposal is considered acceptable, subject to conditions requiring the implementation of the parking scheme and preventing use of the facilities by the general public.

Recommendation Approval subject to conditions relating to external materials, provision of parking, restricting use of facilities to guests only, re-instatement of front boundary wall at No. 3 Tempest Road and sound-proofing of premises.

Reason for Approval

The proposal is considered to provide an appropriate use in this location and would not adversely affect amenity or highway safety such as to warrant refusal of planning permission. The development is considered to be in accord with policies 1, 22 and 35 of the District of Easington Local Plan.

Decision time 9 weeks – target not achieved due to further negotiations.

PLAN/2007/0405 and PLAN/2007/0406

SEAHAM (SEAHAM NORTH) - BEDROOM EXTENSION AND ASSOCIATED LISTED BUILDING CONSENT AT SEAHAM HALL HOTEL, SEAHAM FOR TOM'S COMPANIES

The Application Site

Seaham Hall is a Grade II listed building located to the north of Seaham in an area of high landscape value. The hall is set within landscaped grounds of approximately 13 hectares and is accessed from Lord Byrons Walk. Over recent years the hall has been restored to an exceptionally high standard and now operates as a luxury five star hotel with spa and associated car parking.

The Proposed Development

There are two applications associated with this development: a planning application for an extension to the hall which would provide 29 new bedrooms, a meeting room, access road alterations, three additional disabled parking bays and landscaping; and listed building consent for the alterations to Seaham Hall where the proposed extension joins it.

The proposed extension would be situated on the site of Byrons Court, previously a residential block and more recently used as staff accommodation, which would be demolished. The architectural style of the new building is contemporary and simple which would result in an appropriate contrast with the main hall. The materials would include the use of Venetian plaster, timber and glass panelled walls and timber framed windows. This would be enhanced by the use of landscaping, water features and a waterfall.

Site History

Change of use from nursing home to hotel, demolition of N.W. wing & covered link & extensions - 1997

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Staff accommodation and service road - 1998
Erection of extensions, demolition & car parking provision - 1999
Health Spa - 2000

Planning Policy

District of Easington Local Plan

CSP53 - Visitor Accommodation
GEN01 - General Principles of Development
ENV07 - Protection of Areas of High Landscape Value (AHLV)
ENV24 - Development Affecting Listed Buildings and their Settings
REC97 - Accommodation for visitors
S22 - Seaham Hall and Grounds

Consultations and Publicity

Town Council – no response.
DCC Highways – visibility splay improvements required.
DCC Design – no objections – proposal would make a positive contribution to the site.
DCC Archaeology – further archaeological works required.
East Durham Business Service – no response.
Seaham Environmental Association – building should incorporate the use of solar energy and other low environmental impacts, new building should be detached from existing building, pagoda style building should be repositioned, pleased that the new building is not greater in height than the first floor of the main building.
English Heritage – no objections.
Regeneration – no response.
Landscape – no response.
Environmental Health – no objections.
Local Plans – no response.
Neighbours – one objection – proposal would result in increased traffic, increased hotel signage would harm their private dwelling, poor design would spoil the main building and aspect of the site.

Planning Considerations and Assessment

- Impact on surrounding area including area of high landscape value
- Impact on listed buildings and their settings
- Impact on neighbours
- Highways issues
- Archaeological issues
- Need for visitor accommodation

Impact on surrounding area including area of high landscape value

It is considered that the simple contemporary design of the extension along with appropriately chosen materials would complement the main hall and would reflect the design of the recently added Serenity Spa. In addition, it is considered that the design of the proposed extension together with its relationship with the surrounding landscape would not create any adverse impacts on the immediate locality and area of high landscape value. The County Council's Design and Conservation Officer supports the proposals.

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Impact on listed buildings and their settings

The proposed extension would be joined to the main hall which is grade II listed. It is also located close to the former vicarage at Greystones (grade II listed) and St Marys Church (Grade I listed).

It is not considered that the proposed extension would have a harmful impact on these buildings. It would be of the same scale and on the same footprint as the building it replaces and would be well landscaped into the site, with the ground floor being below the ground level of the hotel. As such, it would have no greater impact than the existing building. It would not threaten the main hall in either scale or design but would add to the interest of the site.

Impact on neighbours

It is not considered that the proposal would lead to any adverse impacts on the amenity of surrounding residents. The proposed extension would not create any significant increased disturbance than the building it is proposed to replace which is used for staff accommodation.

Highways issues

Durham County Council Highways Authority have no objections to the proposal subject to improvements to the vehicular access arrangement onto Lord Byrons Walk at the north west corner of the site being made. It is recommended that a condition on any planning approval should be applied to secure these improvements.

Archaeological issues

An archaeological survey submitted as part of the planning application has shown that there is some archaeological interest on the north-east side of Byrons Court which would require further investigation. It is recommended that a condition should be applied to ensure that the impact of the development on the archaeological resource can be adequately mitigated.

Need for visitor accommodation

Recent studies carried out by East Durham Business Service and the district's regeneration unit have highlighted the need for further visitor accommodation in the district and particularly in Seaham. This proposal would contribute towards the need to increase the amount of visitor accommodation and support the development of a prestigious hotel and spar resort.

Conclusion

In conclusion, it is considered that the proposals accord with the relevant planning policies and there are no other material planning considerations that would warrant refusal of planning permission or listed building consent.

The development represents a significant expansion of Seaham Hall and would contribute to the high quality accommodation and facilities provided there.

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Recommendation

Approval subject to the following conditions: materials, improvement to visibility splay, archaeological works, protection of listed structure, securing of redevelopment works, landscaping.

Reason for Approval

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

CSP53 - Visitor Accommodation

ENV07 - Protection of Areas of High Landscape Value (AHLV)

ENV24 - Development Affecting Listed Buildings and their Settings

GEN01 - General Principles of Development

REC97 - Accommodation for visitors

S22 - Seaham Hall and Grounds

Decision time 8 weeks (target met)

PLAN/2007/0463

SEATON WITH SLINGLEY (SEAHAM NORTH) - DORMER BUNGALOW (RESUBMISSION) AT PLOT 1 LAND REAR OF PEAR TREE HOUSE & EAST OF HILLRISE CRESCENT, SEATON FOR WMW SELF BUILD

The Application Site

The site is located on Seaton Lane and to the east of Hillrise Crescent and consists of part of a larger area of land of some 0.23 hectares. Access to the plot is via a shared driveway on to Seaton Lane. Plots 2 and 3 to the south have nearly been completed.

The Proposed Development

It is proposed to erect a two storey dormered house on the remaining third plot which is situated on the frontage of Seaton Lane. It is to be 8 metres high – as was the previous proposal – but will have a reduced overall footprint. External materials are to be brick and natural slate.

Site History

05/0484 – Outline permission granted for 2 houses.

06/0439 – Outline permission granted for 3 houses July 2006.

06/0747 – Full permission granted for 2 dwellings (Plots 2 and 3).

07/0088 - Full permission refused for one dwelling on grounds of scale and design.

Planning Policy

District of Easington Local Plan

GEN01 - General Principles of Development

ST03 - East of Hillrise Crescent

Policy 35 – Design and amenity.

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Consultations and Publicity

A site notice has been posted and local residents consulted. Comments have been received from 1 resident and a petition signed by 6 residents raising the following issues :

- Building will visually dominate the street scene.
- Proposal is not a dormer bungalow but a house.
- It will look out of place in this part of the street.

Parish Council – Object again as the proposal is very similar to the previous refused application. The building is too big for the plot.

Highway Authority – No objection.

Northumbrian Water – No objection.

Planning Considerations and Assessment

The previous application was refused permission on grounds of its scale and design. Amendments have been made to the design so that the current proposal, whilst having a similar height of eight metres has a reduced area and as such its visual impact on the street scene is reduced. The impact of the building will be further reduced as it will be located behind the substantial roadside wall recently completed as part of the overall site development.

In view of the amendments therefore it is considered that the development is acceptable and will not visually dominate the street scene to an unacceptable degree. The site is on raised land in relation to Seaton Lane and adjacent two single storey dwellings and the revised design is not considered to form an over dominant feature in the locality and is not considered to result in an unacceptable loss of character to this part of Seaton. The privacy of neighbours is not detrimentally affected by this proposal.

Conclusion

It is considered that the applicants have made sufficient changes to the design and scale of the dwelling to ensure that the dwelling will not over dominate the locality and will complement both the existing dwellings either side and the new ones recently constructed to the rear. The concerns of local residents are noted, however it is considered that scale of the dwelling, at 8 metres to the ridge and a modest footprint, is now such as to enable a positive recommendation.

Recommendation Approve

Reason for Approval

It is considered that the proposals comply with the policies 1, 35 and ST03 of the District of Easington Local Plan.

Decision time 6 weeks – target achieved.

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PLAN/2007/0468

MURTON (MURTON EAST) - VARY CONDITION NO 2 ATTACHED TO PLANNING PERMISSION 05/231 - TO ALLOW USE OF FACTORY OUTLET SHOP AS NEWSAGENTS AT UNIT 85 DALTON PARK, MURTON FOR DALTON PARK LTD

The Application Site

Dalton Park is a factory outlet retail development to the east of Murton, adjacent to the A19. It consists of a number of retail units of various sizes selling “factory outlet” goods and has built up a reputation as a regional centre for such a facility. The application site is located at one of the entrances to the main shopping area near the car park.

The Proposed Development

It is proposed to convert unit 85 of the Dalton Park Factory Shop site to a newsagents outlet, contrary to condition 2 of an earlier planning permission which restricts the use of the premises to a factory outlet only.

Site History

Dalton Park is a factory outlet retail development to the east of Murton, adjacent to the A19. The original planning application was approved by the Secretary of State following a public inquiry, and was subject to a limit of 9,300 square metres (100,000 sq ft) of factory outlet shopping. The development as built provides 150,000 sq ft (13,935 sq m) of total floorspace. By varying planning conditions by agreement with the Council, the factory outlet retail floorspace was increased to 121,000 sq ft (11,241 sq m).

Subsequent planning permissions over the past few years have increased the factory outlet floorspace through changes of use of a series of units from food and drink uses. Planning permission was granted for the use of this particular unit for factory outlet floorspace in 2005, along with four other units.

Consultations

A site notice has been displayed and local businesses consulted. No responses have been received at the time of drafting.

Parish Council – No comments received.

Durham County Policy - No comments received

East Durham Business Services – No comments received.

Planning Policy

District of Easington Local Plan

GEN01 - General Principles of Development

MO4 - Allocation of Dalton Flatts site for industrial use

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Planning Considerations and Assessment

It is proposed to convert an existing empty unit from a factory outlet to a newsagents selling newspapers, magazines, cigarettes, cold drinks and confectionery. It is a small unit of some 85 square metres and as such it is not considered that its conversion will prejudice the overall aims of the site to provide factory outlet shopping facilities as originally approved. Indeed, it is considered that providing such a retail outlet would enhance the facilities of the centre.

The factory outlet use restriction was originally imposed to protect other retail centres outside Dalton Park. It is considered that the small scale of the proposed use and its nature as a newsagents is unlikely to directly harm the vitality of other retailers elsewhere or on the Dalton Park site itself. It may not be appropriate, however, to allow other types of non-factory outlet retailing which could undermine existing retailers within or outside the centre. Accordingly it is considered necessary to impose a condition restricting sales to that described above. It should also be noted that this is seen as a specific service which will contribute to the facilities available at the centre. It will not establish a precedent for other departures from the factory outlet concept.

On the basis of the above, it is proposed to amend condition number 2 of planning permission 05/0231 to read :

*Notwithstanding the provisions of the Schedule of the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision in any statutory instrument revoking and re-enacting that Order with or without modification the floorspace hereby approved, **except for the floorspace comprising Unit 85**, shall be used for the purposes of 'factory outlet shopping' only, and for no other purposes without the prior written approval of the Local Planning Authority. For the purposes of this condition 'factory outlet shopping' shall comprise manufacturer operated clearance stores selling only branded factory seconds, surplus stock and discontinued lines at discount prices and retailers selling directly supplied rejects, returns, seconds, clearance goods and surplus stock from a range of manufacturers at discount prices.*

Recommendation

That condition number 2 of planning permission 05/0231 be amended as requested, and that an additional condition be imposed restricting the use to a shop providing goods and services as described in the application particulars.

Reason for Approval

The proposed amendment, by virtue of its limited scale, will not compromise the aims of the original planning permission to create a factory outlet shopping facility in this location.

Decision time 6 weeks – Target achieved.

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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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