

# Item No.

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

Date: **25 September 2007**

Report of: **Head of Planning and Building Control Services**

Subject: **Applications under the Town and Country Planning Acts  
Town and Country Planning Act 1990  
Planning (Listed Buildings and Conservation Areas) Act 1990**

Ward: **All**

## **A INTRODUCTION**

Members are advised that in preparing the attached report full consultation responses are not presented. Care is taken to ensure that principal issues of all relevant responses are incorporated into the report. Notwithstanding this Members are invited to view all submitted plans and consultation responses prior to the Panel meeting by contacting the Head of Planning and Building Control Services.

The Easington Local Plan was adopted by the District of Easington on 28<sup>th</sup> December 2001. Together with the Durham County Structure Plan it is a material consideration in the determination of planning applications. All relevant policies have been taken into account in making recommendations in this report. A view as to whether the proposals generally accord with policies is identified in the relevant section.

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

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

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

In considering the applications and preparing the report the District of Easington has fully taken into account the duties imposed on Local Planning Authorities by the Human Rights Act 1998. 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

## **B SPEAKING AT THE PANEL**

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

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

## **C RISK ASSESSMENT**

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

## **D GENERAL APPLICATIONS**

**PLAN/2007/0429**

**SEAHAM (SEAHAM NORTH) - 20 NO. HOUSES AND 45 NO. APARTMENTS AT FORMER VANE TEMPEST CLUB, NEW DRIVE, SEAHAM FOR MILLER HOMES NE LTD**

### **The Application Site**

The application site is located on land at the former Vane Tempest Club within the settlement boundary of Seaham. The site is bounded by a cricket ground to the north, residential properties to the east, a single detached cottage to the south and a railway line and embankment to the west. The site is considered to be brownfield and has an area of approximately 1 hectare.

### **The Proposed Development**

This application originally proposed 60 apartments and 10 houses. However, amendments have since been submitted and the application now proposes 45 apartments and 20 houses giving a density of 65 per hectare.

The proposed apartments would be provided in 5 blocks each with 9 apartments and would be located to the north and west of the site adjacent to the cricket ground and railway line, as such these buildings would not be unduly prominent from New Drive. The apartments would all have parking areas in accordance with the standards set out by the County Council. The height of the proposed apartments is approximately 10.5 metres and each would be constructed from brick and tile, the type and colour of which would be subject to agreement with the Council through a planning condition. Windows would have cill and head details and feature barge boards would be incorporated into the roof design.

The houses would be situated along the boundary with New Drive in two groups of ten, separated by the new access road into the site. Each would have detached garaging and parking spaces to the rear. There are three different house types proposed which would be a mixture of two and three storeys high. All would be constructed of brick and tile to be agreed with the Council and would incorporate design features such as stone window cills and heads, bay and dormer windows and feature doorways.

### **Site History**

No relevant planning history on this application site. A new sports facility has been approved to the north of the site which would be partly funded through the sale of this application site for housing.

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## **Planning Policy**

### *District of Easington Local Plan*

GEN01 - General Principles of Development  
ENV35 - Environmental Design: Impact of Development  
ENV36 - Design for Access and the Means of Travel  
ENV37 - Design for Parking  
HOU66 - Provision of outdoor play space in new housing development  
HOU67 - Windfall housing sites  
REC90 - Protection and provision of outdoor sports facilities  
REC92 - Protection of amenity open space

### *County Durham Structure Plan*

2 – Location of development  
37 – Pedestrians and cyclists  
43 – Traffic generation and safety  
44 – Sustainable transport  
70 – Environmental improvement  
71 – Environmental improvement (detailed)

### *Planning Policy Statements*

PPS3 - Housing

## **Consultations and Publicity**

Town Council – no response.

DCC Highways – amendments requested which have since been received.

DCC Planning – principal of development is acceptable in this location, good access to a choice of transport modes, concerns about lack of cyclist/pedestrian provision, car parking not overlooked, no active frontages, scale of apartments does not reflect character of area, lack of landscaping, no energy efficiency/renewable energy sources.

Northumbrian Water – no response to date, to be updated verbally at committee.

Environment Agency – Surface water requirements (to be dealt with by planning condition), development should incorporate sustainable/renewable energy principles.

Police – various advice offered relating to crime prevention (to be forwarded to applicant).

Network Rail – various requests relating to rail safety (to be forwarded to applicant).

Sport England – initial objection relating to loss of tennis courts to the north of the site, objection has since been withdrawn as funding from the sale of the site will go towards the improvement of a new sports facility nearby.

Regeneration – initial concerns relating to density, heights of buildings opposite New Drive, no active frontage along New Drive, lack of affordable housing, objections have since been withdrawn on the basis of amended plans.

Environmental Health – requested conditions relating to noise insulation measures and restriction of construction hours

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Local Plans – requested affordable housing scheme in line with government policy/advice.

Seaham Environmental Association – no objections, comments relating to new welfare facility and car parking.

Seaham Cricket Club – Concerns relating to cricket balls causing damage/injuries to apartments/residents, road surface along New Drive is in a poor state of repair, request for a Section 106 agreement to improve facilities

Neighbours – 13 responses with main issues outlined as follows:

- Density too high
- Poor design
- Buildings too high
- Loss of privacy
- Loss of light
- Increase in traffic
- Increase in rail noise
- Decrease in house values
- Disturbance during construction

## **Planning Considerations and Assessment**

- Consultation responses
- Design and layout
- Highways issues
- Provision of outdoor play space/sports facilities
- Affordable housing

## **Consultation responses**

It is not considered that a decrease in surrounding house value is a material planning consideration, moreover this may not be the case. It is also considered that some disturbance during construction cannot be avoided, however the hours of construction should be restricted and wheel washing facilities placed on site to minimise disturbance, this should be secured though a planning condition. Amended plans have recently been received from the applicant which largely addresses the other main concerns and objections that have been raised, these are discussed below.

## **Design and Layout**

It is considered that the design of both the apartments and houses is of good standard, materials should be controlled through a planning condition to ensure appropriate colour and quality. The amended layout of the site shows the apartments located within the site where they would not be unduly prominent from New Drive. The houses are situated along the boundary with New Drive in a staggered formation and are both two and three storeys which would add interest to the street scene. In addition the use of apartments, two and three storey houses achieves an appropriate mix. The density of the site is fairly high at 65 units per hectare, however, the site is detached from any surrounding residential areas to the north, south and west and has housing rather than apartments along the boundary which faces existing residential properties along New Drive. As such, and in accordance with government advice which requires a minimum of 30 units per hectare, the density is considered acceptable in this location.

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All distancing standards from the District of Easington Local Plan have been met which will ensure that there are no significant impacts on surrounding residents in terms of loss of light, loss of privacy or overshadowing. In all cases a minimum of 21 metres separates facing main elevations.

With regard to landscaping and means of enclosure, a suitable, high quality scheme should be secured through a planning condition. This scheme should incorporate an appropriate boundary to the fronts of properties along New Drive and to the north of the site, which would protect the apartments and residents from cricket balls coming from the adjoining pitch. The applicant will also be advised to incorporate renewable and sustainable energy sources into the scheme.

The applicant has undertaken a rail noise impact assessment which has found a need for noise insulation measures on the site. This should be secured through the use of a planning condition.

## **Highways issues**

The applicant has submitted amended plans which have satisfied the Highways Authority in terms of parking provision and access. The development would involve the creation of new pedestrian footpaths and the widening and improvement of the road surface along New Drive which is currently in poor condition. The applicant has also provided cycle stores within the site in line with County Council requirements. The Highways Authority are satisfied that there would be no significant problems caused by an increase in traffic. In addition, the site is well served by bus and rail services (and is a brownfield site) and as such the site is considered a sustainable location for residential development.

## **Provision of outdoor play space/sports facilities**

Policy 66 of the Local Plan requires developers to provide outdoor play space in new housing development. Where this cannot be achieved the developer is required to provide these facilities offsite. Accordingly, the applicant has agreed to enter into a Section 106 agreement to secure offsite facilities and the development is therefore in accordance with Policy 66 of the Local Plan.

## **Affordable housing**

The Council commissioned an Affordable Housing Strategy in 2006 which identified a need for affordable housing to help diversify the range of housing available in the District and provide for low income households who cannot access the general open market. The Strategy was prepared to provide a local context for affordable housing, required by government in PPS3. When considering applications for housing development regard must now be given to the need to achieve the appropriate mix of housing in terms of size, tenure and cost and the need to rebalance housing markets. As this site has been identified as a market pressure area, 20% of homes should be affordable, 50% of which should be for discounted sale and 50% for social rent. The provision of affordable housing on this site should be secured through

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a planning condition requiring the applicant to submit a suitable scheme before development can commence.

## **Conclusion**

It is considered that the principle of residential development on this site is acceptable; it is a brownfield site within the settlement boundary. In addition it is considered that the design and layout is acceptable and would not have any adverse impacts on surrounding residents or the street scene significant enough to warrant refusal of planning permission. There are no highways objections, and all remaining concerns can be overcome by planning conditions. The scheme will contribute toward the need for affordable housing and proposes a mix of house types. Overall, it is considered that the proposal is acceptable in planning terms and would contribute toward the ongoing regeneration of Seaham and the district as a whole.

## **Recommendation**

Approval subject to a suitable Section 106 agreement for the provision of offsite play space and subject to the following conditions: Landscaping; Materials; Means of enclosure; Noise insulation scheme; Hours of Operation; Wheel washing facilities; Drainage; No Forward Walls; Affordable Dwellings Provision; Amended plans.

## **Reason for Approval**

The proposal is considered to be in accordance with the Statutory Development Plan, in particular Local Plan policies 1, 35, 36, 37, 66, 67, 90 and 92.

**Decision time** 14 weeks – target not achieved due to negotiations to secure improvements.

## **PLAN/2007/0472**

### **SEAHAM (SEAHAM HARBOUR) - CHANGE OF USE FROM RETAIL TO RESIDENTIAL UNIT FOR ADDICTION REHABILITATION INCLUDING REAR EXTENSIONS AT 24 CHURCH STREET, SEAHAM FOR FREE THE WAY**

#### **The Application Site**

The application relates to a currently vacant property situated on the southern side of Church Street in Seaham Town Centre. The ground floor of the property has been used most recently as a retail unit selling children's clothing but is currently vacant. The first floor of the property appears to have been used in conjunction with the previous retail use as a storage area. The vacant property has fallen into a state of disrepair.

The property subject to the application is sited adjacent to an existing hairdressers and estate agents. To the east of the application site, two doors away at No. 22, an existing Free the Way premises already exists, providing advice and support.

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## **The Proposed Development**

Planning permission is sought for the change of use of the premises from A1 retail to C2 residential institution to be used for accommodation linked to addiction rehabilitation. The proposal also includes the erection of an extension at the rear of the premises.

The applicant has provided the following information in support of the application. *Free the Way has been working hand in hand with its partners, Easington District Council, Supporting People, The PCT, Durham DAT and other housing and homeless groups for a number of years in an effort to solve one of the most pressing issues that blights our community, that is the number of young homeless people living rough in our vicinity. The project will be the only one of its type between Scarborough and Edinburgh and will demonstrate the area's progressive policy in providing for the section of society which is most at risk and vulnerable. The secure accommodation to be provided will undoubtedly change lives as it provides the final piece in the jigsaw of services needed to allow people to move from a homeless substance abuse situation to become responsible and productive members of society.*

## **Site History**

04/161 – Change of Use from Retail to Information Centre, offices and Coffee Shop – Approved 08.04.2004.

That application relates to the existing Free the Way premises situated on Church Street. Planning permission was granted to use the premises as a Drug and Alcohol information centre with associated offices and coffee shop.

## **Planning Policy**

*District of Easington Local Plan*

GEN01 - General Principles of Development  
ENV22 - Preservation and Enhancement of Conservation Areas  
ENV35 - Environmental Design: Impact of Development  
HOU71 - Rest home, nursing homes and sheltered accommodation  
SHO101 - Protection and promotion of town centres  
S32 - Main shopping centre  
S33 - Environmental improvements initiative in Town Centre

## **Consultations and Publicity**

The application has been advertised by site notices and in the local press. Letters have also been sent to neighbouring properties. Eleven letters and one petition have been received in relation to this application.

Eleven individual letters have been received in support of the application, support for the proposal has been offered on the following grounds:

- Free the Way is established in Seaham and has already brought benefits to the community.



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- The proposal will provide a much-needed centre that will bring benefits to Seaham by helping to tackle problems of homelessness and substance abuse.

One petition containing 14 no. signatures and one individual letter has been received objecting to the application. Objections have been made on the following grounds:

- The proposal will lead to increased criminal activity in the area, which will have a detrimental effect on residential amenity and property values.
- The proposed change of use will have a detrimental effect on the St. Johns Square regeneration initiative.
- The loss of the existing commercial property to residential will diminish the commercial and public impact of Church Street.

Easington District Council, Environmental Health Officer, comments:

- No objection to the proposal.

Easington District Council, Regeneration Officer, comments:

- The Free the Way application will potentially be detrimental to efforts to regenerate Church Street as a thriving retail street. The Council along with partners are looking at ways of increasing retail trade in Church Street and I am concerned a residential rehabilitation centre may be counter productive to these efforts. Whilst I appreciate the need for such a facility I do not agree Church Street is the most appropriate location. Consequently, an objection is raised against the proposal, as it would be detrimental to the ongoing renaissance of Church Street as a retail centre.

Durham County Council, Highways Authority, comments:

- No highway objections raised.

East Durham Business Service, comments:

- Concerns have been raised regarding the appropriateness of the proposed use in Church Street. It is pointed out that various regeneration initiatives are currently planned or underway aimed at reinvigorating the retail offer within Church Street; it is therefore considered that a non-retail use in such an important location would be inappropriate. EDBS support the works that Free the Way do in Seaham, although do not believe Church Street is the right location for this proposal.

Seaham Town Council, comments:

- No objections to the application, although it is suggested that a condition be attached to any permission ensuring that the use of the premises is monitored.

Durham Constabulary, comments:

- The Police have no concerns.

## **Planning Considerations and Assessment**

The main issues to consider when determining this application are:

- The Principle of Development
- Impact on Seaham Town Centre

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## **The Principle of Development**

The application relates to a property situated within the main shopping centre for Seaham, the relevant Local Plan policy states that the role of Peterlee and Seaham town centres, as the main retailing centres for the District, will be protected and promoted and that proposals for new development should be appropriate in scale and character to the existing centre. Within the town centres it states that planning permission will be granted for: further shopping, office, leisure and community developments providing they have no detrimental effects on adjacent occupants or the character of the area.

Alongside the relevant local plan policy national guidance relating to town centres is provided in Planning Policy Statement 6 (PPS6): Planning for Town Centres. The main objectives of PPS6 are for town centres to provide a range of different services in a good environment accessible to all, furthermore PPS6 talks about town centres making provision for a range of shopping leisure and local services to meet the demands of the entire community, particularly socially excluded groups. PPS6 also states that housing can play a part in town centres, particularly in multi-floor schemes.

In relation to the current proposal the proposed change of use from retail to residential institution for use in relation to addiction rehabilitation can be considered to accord with the relevant planning advice. Although the proposed use is not for use by all members of the community, it does undoubtedly offer benefits to sections of the community that can be felt by the community as a whole. The principle of the residential use in the town centre location can also be considered acceptable, the loss of a single commercial property in this location will not detrimentally affect the vitality or viability of Seaham town centre sufficiently to warrant refusal of the application. Furthermore, the re-use of the existing vacant premises is to be welcomed and the proposed works to the property frontage would have a positive effect on the existing street scene.

The relevant development plan policy relating to residential institutions, that would include the current proposal, states that established urban areas are acceptable locations. In planning terms all residential institutions are considered the same be it for accommodation for the elderly, infirm or as currently proposed linked to addiction rehabilitation.

The principle of the change of use is therefore considered acceptable. The proposal is to be linked to an existing use that has been allowed within Church Street (see relevant planning history). The fact that Free the Way provide advice, support, information and if the current application is successful, accommodation relating to drug and alcohol abuse rather than any other social group such as the elderly or disabled is not a material planning consideration.

## **Impact on Seaham Town Centre**

The Council's Regeneration Officer and East Durham Business Service have objected to the proposed change of use. Various regeneration

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initiatives are currently taking place or are planned for the future with the aim of continuing the renaissance Seaham is currently experiencing in terms of new investment and development. It is argued that the proposed change of use will undermine the continual improvement of Seaham town centre, and that although the work that Free the Way do for the community is acknowledged, it is considered that the proposed use would be inappropriate within the main shopping centre.

The acceptance of the principle of the proposed use in this location has been established previously. No evidence has been provided to show that the proposed use would have any detrimental effects on Seaham town centre to justify refusing the application. The re-use of the currently vacant property should be supported and it is not considered that the loss of one retail unit would be sufficient to affect the continued renaissance in Seaham town centre. The existing Free the Way information centre has not impeded the regeneration of Seaham town centre, and no evidence has been provided to show that it has deterred potential investors.

Furthermore, it is considered that the proposals, in terms of both the use and the alterations proposed, would be in accordance with policies requiring that the character and appearance of the Conservation Area should be preserved or enhanced.

## **Conclusion**

The proposed change of use is considered acceptable in this location. The re-use of the currently vacant premises will have a beneficial effect on the street scene and should be supported. The proposed use is considered acceptable in this location, it is not considered that the use will cause any problems sufficient to warrant refusal of the application. Subject to the suggested conditions planning permission should be granted.

## **Recommendation**

Approval subject to the following conditions: materials to be agreed.

## **Reason for Approval**

The proposal is considered to be in accordance with the Statutory Development Plan, in particular Local Plan policies 1, 22, 35, 71, S32, S33 and 101.

## **Decision time**

Over eight weeks, target not achieved due to consultation requirements.

PLAN/2007/0479

## SEAHAM (SEAHAM HARBOUR) - LARGE SCALE SITE REDEVELOPMENT COMPRISING PROVISION OF MULTI-USE PUBLIC SERVICES CENTRE/OFFICE SPACE, RESIDENTIAL, RETAIL & HEALTHCARE PROVISION & A PUBLIC SQUARE AT ST JOHNS SQUARE, SEAHAM FOR DISTRICT OF EASINGTON

### Location Plan



### The Application Site

St John's Square is a large civic precinct of nearly 2 hectares located behind the main shopping area of Seaham. The site currently contains the bus station, health centre, library, job centre, a public house, a disused magistrates court, County Council offices and a pop in centre for the elderly as well as some other miscellaneous uses. The main pedestrianised area and most of the buildings were developed in the 1960s.

The current condition of this area is one of an underused and degraded public area with large areas of unlandscaped hard surfaces interrupted by a number of unused and unattractive buildings. The site suffers from a poor layout with hidden areas and a lack of natural surveillance which encourages vandalism and anti social behaviour.

### The Proposed Development

It is proposed to comprehensively redevelop the area with the following aims :

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- To deliver a comprehensive and cohesive range of modern public buildings and services for the people of Seaham and
- To provide a safe and sustainable public space that is well used and respected by the general public.

To achieve the above it is intended to develop :

- A Durham County Council multi use centre which includes a library, local workspace and meeting rooms and offices for Seaham Town Council.
- Easington Primary Care Trust (PCT) Health Centre
- Residential town houses
- Apartment/retail units
- A large area of public open space.
- Associated car parking.

This planning application is an outline application but with a degree of detail included to give an indication of the eventual form, scale and layout of the overall scheme.

St John's Square is one of the key projects within the Seaham Regeneration Strategy yet to be implemented. The Strategy advocates that it should become an area of high quality public space and a location for events and activities.

## **Site History**

There have been a number of planning applications since the early 1990s relating to the individual buildings within this site. No overall redevelopment scheme has been proposed however in September 2005 the Master Plan for St John's Square was published. This was a draft document prepared by the County Council on behalf of this Council, Seaham Town Council and Easington PCT.

The main purpose of the document was to provide guidance of how the site could look following redevelopment and to set out the design principles that should be followed in order to achieve that end.

The current proposals are intended to reflect the aims of the Master Plan.

## **Planning Policy**

### *District of Easington Local Plan*

ENV22 - Preservation and Enhancement of Conservation Areas

GEN01 - General Principles of Development

S33 - Environmental improvements initiative in Town Centre

SH0101 - Protection and promotion of town centres

Policy 35 – Design and amenity

Policy 36 (Safe design for pedestrians)

Policy 37 (Parking provision)

Policy 38 (Designing out crime)

Policy 67 (Housing development on previously developed urban sites)

Policy 89 (Community facilities within settlements)

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Policy 114 (Offices and local services within town centres)

## **Consultations and Publicity**

The application was advertised by press notice, site notices were displayed and local residents and businesses were consulted.

Two local residents/businesses have objected to the proposals on the following grounds :

- Loss of adjacent public right of way – main route to the public house.
- Building works in the square will disrupt business.
- Outline proposals do not show enough detail relating to the overall context of the site in relation to adjacent land uses.

The owners of the Magistrates Court have raised other issues relating to legal aspects of their property and these are being addressed by other officers in the Council.

Seaham Town Council – Fully support the proposals for the long term regeneration of the area. General concerns relating to car parking provision.

Environment Agency – No objections subject to conditions.

Environmental Health – No objections.

Durham Constabulary – No objections.

Ramblers Association – No objections.

County Council Planning Policy – Supports the proposals and its conformity to policies within the County Structure Plan which aims to promote mixed uses and improvements to the environment. The proposals also promote improved pedestrian access, cycle routes and public transport access.

North East Assembly – In general the proposals are consistent with policies within the emerging Regional Spatial Strategy, in particular its location within a regeneration town on brownfield land, the mix of housing proposed, the improvement of the vitality and viability of town centres and improved pedestrian access and routes. Requests that proposals include reference to energy efficiency standards and the provision of sustainable drainage systems.

Natural England – Comments awaited on revised protected species survey.

Seaham Environmental Association – Concerns regarding the proposed housing which will harm the character of the public open space.

Easington Planning Policy Team – Proposals conform to local plan policies in relation to the regeneration of the centre of Seaham. Housing should include an affordable element.

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ONE North East – Supports the proposals which will help regenerate the centre of Seaham, complementing recent developments nearby. Requests that proposals include reference to energy efficiency standards and the provision of sustainable drainage systems.

East Durham Business Service – Supports the proposals for the regeneration of Seaham.

County Highway Authority – Comments that this site should provide its own car parking provision and not rely on provision on nearby sites such as Byron Place. Otherwise no objections.

## **Planning Considerations and Assessment**

This is an outline planning application to comprehensively redevelop a central part of Seaham, however a considerable amount of detail relating to scale, design, massing and access has been included to give a better impression of how the proposals will conform with the Master Plan and the various Regional, County and District planning policies.

The applicants have submitted a design brief and statement and extracts of it are reproduced below for information.

## **Existing Situation**

*Due to the disparate nature of St Johns Square, it is currently underused as a civic area, as Church Road is the main retail precinct, St John's Square has succumbed to degradation on a massive scale, again the buildings themselves do nothing but hinder any prospective public use of the area apart from anti-social behaviour. The uneven surface; barely landscaped vicinity do little to provide a positive public realm, with residents having little need but to use the area as a short cut to gain access to the sea front or promenade.*

*Again a further negative aspect to the current St John's Square is the lack of enclosure provided by building frontages the central space feels bleak and insufficiently enclosed; whilst the routes leading to it are often dangerously narrow. The space lacks active frontages to animate the space and has an intimidating character. The disused former magistrate's courts have added to the alienating effects currently felt at St John's Square, again the indicative layout of the master plan identifies the area for large-scale redevelopment as a multi-use building.*

## Layout of the proposed development.

The main factors influencing the layout are that the site must accommodate two very large users – the Primary Care Trust and Durham County Council, with floor space requirements of a scale that is unprecedented in the town centre.

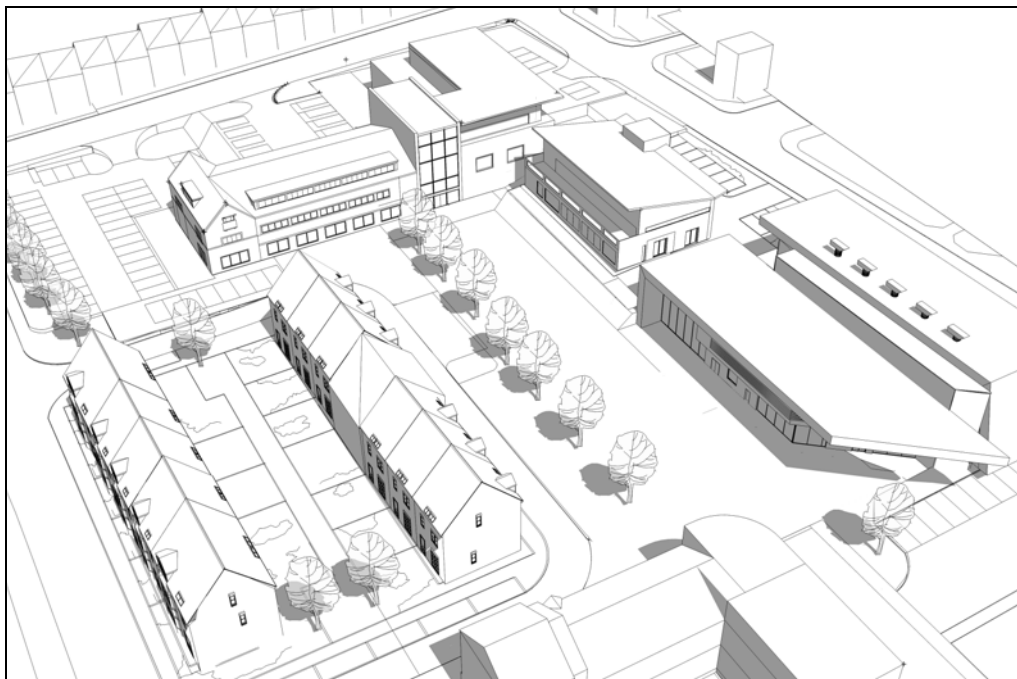
The new job centre is a potential constraint on the layout, as it is effectively three storeys in height, has its back to the street, blocks a potential link to the grid network, and is built above the level of the square. As a parameter of scale this will be the maximum height

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across the site so not to impede any further views across the townscape of the town.

The public house is a building with a strong visual character within the St Johns precinct with its position facing into the site, it is intended at a future date to incorporate the public house into the St Johns Square as it is presently left out of the development site.

The constraint of level changes also provides opportunities for a site-specific architectural response. The site is suitable for comprehensive redevelopment, as there are few features of natural or built quality within it. The townscape immediately surrounding the site contains very little of architectural or historic value to constrain the form of development, other than the church. Subsequent public consultation carried out during the master planning process has indicated that there is a strong desire for a public realm at the heart of the town.



Illustrative Site Plan

## Scale of the development

The absence of high-rise development is one of the town's strengths. It ensures that the town is pleasantly enclosed at street level, and there is good contact between buildings and the street. Some post-war buildings are only single-storey such as the supermarkets, the Barclays Bank or the library, and do not provide a sufficiently urban character.





Architectural impressions across St Johns

The floor space requirement of the library and health centre offers opportunities for buildings with considerable presence in the townscape, but there is a danger of creating bulky mega structures that dominate the surrounding area. This is particularly true of the proposed health buildings, which will be surrounded by two-storey houses. The indicative layout proposes dividing the floor space between buildings and the detailed design should explore ways to further break down the mass into smaller elements and avoid the buildings appearing as a single large structure e.g. varying roof heights.

The indicative layout shows most buildings no more than 13 meters deep, to optimise natural light and ventilation. Where a deeper building is required, as in the case of the multipurpose building, an atrium is required.

### **Design Principles**

*It was felt that a 'design brief' would suit the accompanying submission in terms of a series of principles and recommendations that establish a 'good practice guide' with regard the design of this particular development. Clarity is essential whilst working as a multi-stakeholder consortium and it was felt by submitting an additional 'design brief' each partner organisation would benefit from architectural and technical recommendations that could be referred to prior to development commencing.*

*As this is an outline planning application the main planning related issues to consider relate to planning policy and whether the proposals conform to those policies. In this instance however, layout and access to the site have been required to be considered as indicated within the submitted documents.*

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## **Planning Policies**

National guidance in the form of Planning Policy Statements and Guidance is relevant to this proposal.

### PPS1 (Delivering Sustainable Development)

Promotes sustainable and inclusive patterns of development thus ensuring the support of existing communities and contributing to the creation of a safe, sustainable liveable and mixed communities with good access to jobs and key services for all members of the community. Good design is promoted as a key element in sustainable development, the importance of creating attractive, usable, and durable and adaptable places.

PPG3 (Housing) highlights the requirements that new housing and residential environments should be well designed and should make a significant contribution in the promotion of urban renaissance through good design practices and improving the quality of life.

### PPS6 (Planning for Town Centres)

The promotion of vitality and viability for town centres is an important precursor to the renaissance of urban areas. The encouragement of a wide range of services for public and personal provision with high quality designs in a bid to improve public realms as a priority to inclusiveness of an area. While provision of a sense of place and focus for the community and civic activity can have an emphasis on social inclusion, and ensuring deficiencies in provision in areas with poor access to facilities are remedied. Themes of sustainable development to encourage economic growth in deprived areas and local economies that is safe, vibrant and accessible to businesses shoppers and residents.

### PPG15 (Planning and the Historic Environment)

This is applicable to the project as it necessitates taking into consideration the adjacent Conservation area in Seaham, listed building advice is given also for the provision of a harmonious balance between new builds and older styles, materials and forms of construction.

It is considered that the proposed development is consistent with the aims of National Planning Guidance.

The Regional Spatial Strategy provides a regional context within which local authority development plans and local transport plans are prepared.

Regeneration – the proposal supports communities in the former coalfield areas and will contribute to the adaptation and revitalisation of the region's town and city centres.

Opportunity – the proposal is in a priority location for new opportunities, as it will be developed on previously developed land within an existing urban area.

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Accessibility – the proposal will improve accessibility to employment, retail, education, health and social facilities, transport networks and knowledge.

Conservation – the proposal will develop the region’s cultural heritage and will be designed to conserve natural resources.

Again it is considered that the proposals conform with the aims of Regional planning policies – a view supported by the North East Assembly in its consultation response.

Local planning guidance is available via the development plan, which provides the statutory framework for guiding and controlling development, comprising the County Durham Structure Plan (adopted March 1999) and the District of Easington Local Plan (adopted December 2001).

The development plan establishes the principle of the proposal: St John’s Square is identified in the adopted Local Plan as a site for a comprehensive enhancement scheme, implemented by the District Council and other partners (Policy S33). The site falls within the town centre of Seaham in which a range of uses will be encouraged (policy S32). These area-specific designations are supported by more general policies that will need to be adhered to at the detailed design stage.

Specific relevant local policies are noted earlier in this report and the Local Planning Authority planning policy officers are satisfied that the proposed development conforms with both the District of Easington Local and County Structure Plans.

## **Layout and Access**

The current condition of St Johns Square has been caused to some degree by poor layout of the buildings – the orientation of the buildings and poor connections to the rest of Seaham.

The Seaham Master plan describes the current situation thus :

*“7.35 The central space feels bleak and insufficiently enclosed; whilst the routes leading to it are often dangerously narrow. The space lacks active frontages to animate the space and has an intimidating character.”*

The proposed layout of buildings has been arrived at in consultation with the relevant future occupiers of the site and is consistent with the aims of the Master Plan. In planning terms it is considered that the layout will respect the form and layout of existing development nearby and will represent a substantial improvement on the existing situation in St John’s Square.

Access to and within the site has been considered by the County Highway Authority, and whilst acknowledging that this is an outline application have positively commented on the various access related aspects of the scheme relating to for example, pedestrianisation, creation of new footpath routes, car parking and improved access to public transport links.

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The details contained within the Design and Access Statement accompanying the application are considered satisfactory and take into account the requirements of different users, disability, pedestrian links, public transport and sustainability.

## **Conclusion**

This application has been submitted in order to progress the regeneration of St John's Square – a major central public open space which includes buildings that are in the main in a physically run down condition and contribute negatively to the overall appearance of this part of Seaham.

The St John's Square Master Plan provided guidance of how the site could look following redevelopment and set out the design principles that should be followed in order to achieve that end.

This application sets out to carry forward the aims of the Master Plan and attempts to provide some detail of how this will be achieved within the constraints of an outline planning context.

It is considered that the proposals are acceptable in planning terms, conforming with relevant planning policies and guidance as well as promoting the regeneration of this part of Seaham, therefore it is recommended that planning permission is granted.

## **Recommendation**

Approve subject to the following conditions: Full details to be submitted within 3 years, protected species mitigation, Environment Agency conditions. Reference made regarding the need for affordable housing element and need for Section 106 Agreement relating to open/play space provision.

## **Reason for Approval**

It is considered that the proposals conform with relevant planning policies and guidance as well as promoting the regeneration of this part of Seaham.

**Decision time** 11 weeks – Target achieved.

## **PLAN/2007/0510**

### **WHEATLEY HILL (THORNLEY & WHEATLEY HILL) - CHANGE OF USE FROM GARAGE TO BUNGALOW AT GREENHILLS FARM, WHEATLEY HILL FOR MR AND MRS HORN**

#### **The Application Site**

The garage forms part of a group of buildings which have over the years been granted planning permission for conversion to studios and residential accommodation. They are an isolated group located west of the Thornley Station Industrial Estate and just over a mile to the east of Wheatley Hill.

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## **The Proposed Development**

It is proposed to convert and extend the existing roofless building to a single two storey dwelling. Access will be shared with the other converted buildings nearby directly on to the B1279 to the north. The existing structure consists of a small single storey building and it is intended to introduce six dormer windows within the roofspace. The overall height of the building will be slightly increased from the present height to 6 metres.

## **Site History**

(The application building) – 02/271 – Convert to dwelling approved June 2002.

05/806 – Amended scheme for the above permission. Approved January 2006.

(Adjacent buildings) – 98/561 – convert buildings to studios and offices – approved December 1998, renewed in 2003.

04/322 – convert two studios to dwellings - approved 2004.

2007/382 – convert remaining studios to dwellings – approved August 2007.

## **Planning Policy**

*District of Easington Local Plan*

CSP68 - Wildlife Corridors

ENV03 - Protection of the Countryside

ENV17 - Identification and Protection of Wildlife Corridors

GEN01 - General Principles of Development

Policy 35 – Design and amenity.

Policy 70 – Conversion of buildings in the countryside.

## **Consultations and Publicity**

A site notice was posted, a press advertisement made and local residents informed. No responses have been received.

Parish Council – Comments awaited.

Highway Authority – Requests conditions.

Northumbrian Water – No objections.

Environmental Health – Requests conditions.

## **Planning Considerations and Assessment**

The principle of residential conversion has already been established as detailed above in the site history. The issue to consider here is one of

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the detail of the proposed conversion, and in particular the addition of dormers in the light of Policy 70 of the Easington Local Plan.

The application was advertised as a departure from the Local Plan as the proposals “substantially alter the character of the building”. The addition of the garage extension has already been approved under the 2005 amended application so it is the six new dormers which are the issue in this instance.

The conversion of the adjacent buildings included dormers in their design so it can be argued that a precedent has been set for such features to be included in the design of conversions within this group of buildings.

Whilst the character of the existing garage building will change as a result of the proposals, that character is not considered to be architecturally significant and as such its alteration is not seen as particularly detrimental to the overall character of the building or those nearby. Indeed it could be said to reflect more the character of the approved conversions nearby.

On balance therefore, in view of the above, in this instance an approval of the conversion, albeit contrary to the Local Plan is considered acceptable.

## **Conclusion**

The proposed conversion building lies to the rear of the site and is not visually prominent from public viewpoints. The alterations, whilst contrary to Policy 70 of the Local Plan are visually acceptable and in keeping with other conversions nearby and are not considered to be such a departure from the Local Plan so as to warrant refusing planning permission.

## **Recommendation**

Approve subject to the following conditions: Materials, contaminated land, hours of working on site, road junction improvements.

## **Reason for Approval**

The proposed development is considered to be acceptable in relation to the policies noted above.

## **Decision time**

10 weeks – target exceeded due to need to advertise proposals as a departure from the Local Plan.

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**PLAN/2007/0554**

**SEAHAM (SEAHAM NORTH) - HOUSE AND GARAGE AT LAND SOUTH OF GREEBA, STOCKTON ROAD, SEAHAM FOR MR AND MRS D TAYLOR**

**The Application Site**

The application site is a rectangular area of land extending to some 0.252 hectares located in the North Durham green belt on the east side of Stockton Road at Seaham Grange. The existing ground level averages approximately 1m below the level of the adjacent carriageway.

**The Proposed Development**

The proposal involves the erection of a large two-storey six-bedroomed detached dwellinghouse with an attached double garage.

**Site History**

93/70: Erection of bungalow – Refused 03/93  
99/283: Stables and access – Approved 08/99  
03/552: Dwelling (outline) – Withdrawn 08/03.  
03/979: House (outline) – Approved 01/04

**Planning Policy**

*Durham County Structure Plan*

CSP05 - North Durham Green Belt  
CSP06 - Development within the Green Belt

*District of Easington Local Plan*

ENV03 - Protection of the Countryside  
ENV04 - Greenbelt Extension in County Durham  
ENV05 - Control Over Development in the Green Belt  
ENV35 - Environmental Design: Impact of Development  
GEN01 - General Principles of Development  
HOU68 - Housing development in the countryside  
HOU69 - Rural workers dwellings

**Consultations and Publicity**

Town Council:	No response.
DCC Highways:	No objections; extension of vehicle access over highway verge needs to be agreed.
Northumbrian Water:	No objections.
EDC Landscape Unit:	No objections.
EDC Environmental Health Unit:	Contaminated land risk assessment and noise impact assessment required;
restriction on	construction work hours requested.

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Neighbours: One objection received from a neighbouring resident concerned about the size and proposed position of the house, loss of sunlight, effect on character of existing properties and lowering of value.

Press and Site Notices:

An objection has been received from the Association For The Preservation Of Rural Seaham on the basis that:

- there has not previously been any incursion into the green belt;
- consultation should have been on wider basis;
- Association has not had sight of Council's Statement of Community Involvement;
- no more houses are needed in Seaham;
- approval will set precedent;
- 'tidying up the site' is a false argument;
- size of site has increased since previous permission;
- proposals for extensions to house would be difficult to refuse.

Seaham Environmental Association considers the proposal to be contrary to policy, and that a breach of the Green Belt could lead to other applications which would be difficult to resist. They consider that a precious green area between Seaham and Sunderland would be eroded, leading to continuous development, and that the Green Belt should be preserved.

A verbal update on any additional representations will be provided to the Panel at the meeting.

## **Planning Considerations and Assessment**

The material considerations relative to this proposal are considered to be:

- Policy considerations;
- Design and effect on the street scene;
- Effect on nearby residents;
- Highway matters;
- Site history;
- Objections received;
- Resolution of conflicting Government advice.

## **Policy Considerations**

The site is located in the North Durham Green Belt outside the Seaham settlement boundary as identified in the District of Easington Local Plan and, thus, raises a number of matters of policy which need to be considered.

Planning Policy Guidance Note 2 (PPG2) "Green Belts" (1995) provides relevant Central Government advice with regard to proposals for development in green belts. The general thrust of this document



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advises that inappropriate development should be resisted in order to ensure the maintenance of the open character of such areas. PPG2 states that housing development is not considered appropriate.

Planning Policy Statement 7 (PPS7) "Sustainable Development in Rural Areas" (2004) also provides relevant policy advice on the question of development in open countryside. The advice seeks to ensure that the open character of the countryside should be protected and, in relation to housing development, advises that this should normally only be approved where the applicant is able to prove a reasoned justification of need. No such justification has been submitted with this application.

Policy 6 of the County Durham Structure Plan and Policy 5 of the District of Easington Local Plan provide the most relevant Development Plan policies pertinent to proposals for development within the North Durham Green Belt. These policies generally confirm the advice in PPG2 and advise that development within green belt areas should be restricted to appropriate development as defined in PPG2 and that such development should be designed to protect the openness of the green belt area. As housing development is not defined as appropriate development in the green belt, the proposal contained in this application is considered to be in direct conflict with these development plan policies.

Policy 14 of the County Durham Structure Plan and policies 68 and 69 of the District of Easington Local Plan also provide policy advice on the subject of housing development in the open countryside. These policies state that such development should be permitted only where there is an acknowledged justification of need and that, in such cases, careful attention is paid to siting and design. Again, as stated above, as no such justification of need has been submitted, nor is understood to exist, it is considered that the proposals are in conflict with these policies.

## **Design and Effect on Street Scene**

The proposed house is designed as a traditional two-storey building (although two bedrooms and a bathroom are also proposed in the roofspace), with projecting gable features and bay windows on the front and the fenestration has a vertical emphasis.

The site is bounded by the B1285, Stockton Road, to the west, on the other side of which lies the northern extremity of the Seaham Grange Industrial Estate, while to the south and east are open fields. To the north is a small residential cul-de-sac with two pairs of houses facing Stockton Road. Although the floor area of the proposed house would be much larger than the existing ones, its proposed height is not dissimilar and the design features reflect the design of these houses, so it is considered that the visual relationship between old and new would be acceptable.

The new house is proposed with red brick walls and grey roof tiles, whereas the adjacent houses have rendered wall finishes and red tiles. Walls of facing brickwork are considered to be acceptable but the use

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of red tiles instead of grey would help to unify the street scene if this proposal were to be approved.

## **Effect on Nearby Residents**

The proposed position of the new house on the application site is such that only the immediately adjacent house, 'Greeba', will be in any way affected by this proposal. The main gable wall of the new house will be some 6m from the common boundary with 'Greeba' with the garage in between, while the southern gable of 'Greeba' is some 3.5m from that same boundary. It is considered that this spacing is large enough to ensure that no untoward effects result to the amenities of the existing residents.

The proposal includes the erection of a low boundary wall along the road frontage of the site but it is proposed that the southern and eastern boundaries should be delineated by 2m high close-boarded timber fences. If planning permission is granted, the wall would be acceptable subject to details but it is considered that high, solid, timber fences would be inappropriate in this open countryside location, particularly on the southern boundary which would be visually very prominent from Stockton Road. Such a fence would also be visually unrelated to the new house because of the large area of open land which would separate the two structures.

An objection to the proposed development has been received from the occupiers of "Greeba" based on the size of the new building and the perceived loss of sunlight. They have suggested that the new house should be relocated on the site further away from the common boundary and that the garage should be moved forward on the site. In fact, the height of the new house would not be significantly greater than "Greeba" and the garage would be sited between the two houses. It should also be noted that "Greeba" has a garage and a garden shed adjacent to the boundary, with only a short space between them and this is bounded by a fence approaching 2m in height. Therefore, it is not considered that the new development would have the effects the objectors envisage. It is also considered that repositioning the house further away from the existing properties would reduce the acceptability of the visual relationship between them. Moving the garage forward could be achieved with some redesign of the internal arrangement of the new house and would have the additional advantage of reducing the extensive area of hard surfacing proposed at the front so this aspect could be pursued by condition if the Panel decides that this application should be approved.

The other points of this objection have been covered elsewhere in this report except the concern over devaluation of property, which is not a material planning consideration.

## **Highway Matters**

There already exists a dropped kerb access to Stockton Road on the frontage of the application site and the applicants have indicated that their intention is to use this access point. The Highway Authority has agreed that this is acceptable.

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## **Site History**

As has been explained earlier in this report, this proposal is completely contrary to well-established policies relating to housing development in the countryside/green belt.

However, in early 2004, the then Development Control and Licensing Panel granted outline planning permission for a dwelling on this site (ref: 03/979) despite these clear-cut policy objections and contrary to the officer recommendation, because it was felt that the proposal would enhance the area, would result in a permanent improvement of an untidy site and because the site lies adjacent to existing development. This present application has become necessary only because the applicant failed to submit an application for the approval of the matters reserved by that outline permission within the prescribed period.

## **Objections received**

Most of the points raised in the objections are covered elsewhere in this report. However, in response to the suggestion that the application should have been subject to wider public notification, it should be stated that publicity has taken the form of press and site notices, individual notification to directly neighbouring residents and Seaham Town Council has been consulted. If the Association for the Preservation of Rural Seaham wishes to be included in notification procedures for particular types of applications in the future, this can be arranged. Whether or not any more houses are needed in Seaham is not considered to be a matter which is relevant to this proposal and there is no reason to believe that the decision on this application would act as a precedent for future applications on different sites or lead to further erosion of the Green Belt. Similarly, the possibility of extensions being proposed to this house, if approved, would be dealt with on the merits of each individual application.

## **Resolution of Conflicting Government Advice**

Section 54A of the Town and Country Planning Act, 1990 stipulates that planning applications must be determined in accordance with the development plan "unless material considerations indicate otherwise".

It has been shown earlier in this report that this particular planning application proposes a development which is quite clearly completely contrary to the provisions of the development plan and so, in order to comply with s.54A, planning permission should be refused.

However, Department of the Environment Circular 8/93, which deals with the award of costs in planning appeals, includes the advice that planning authorities are at risk of an award of costs against them if they "fail to renew an extant or recently expired planning permission, without good reason". It expands that suggestion by saying that an example of unreasonable behaviour by a planning authority is when they "cannot show good reason – such as a material change in planning circumstances – for failing to renew an extant or a recently expired planning permission"; and that "such a permission is a material factor which must be taken into account when a planning

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authority consider a subsequent application for the same development”.

As explained earlier in this report, the applicants’ previous outline planning permission on this site expired in January this year because they had failed to submit the necessary reserved matters in the period prescribed in that permission.

Therefore, unless it can be shown that there has been a “material change in planning circumstances”, this advice would lead to a recommendation that this application should be approved.

The only change in the planning policy circumstances surrounding the proposal since the outline permission was granted is that the version of PPS7 referred to in the ‘Policy Considerations’ section of this report was issued in July 2004 to replace the previous PPG7 but there were no significant amendments involved in the advice contained in the revised issue and the broad planning policy framework remained the same.

There are, however, other changes which need to be taken into account. One change is that the Panel granted the earlier outline permission partly because the then application site was considered to be in an untidy condition and was thought to detract from the appearance of the area. That is not the case now, the land being open grassland and only a little overgrown with natural vegetation.

The second change is that the applicant has acquired more land than was included in the previous application, effectively increasing the site area from about 0.08ha to some 0.25ha, with the additional area simply providing a larger curtilage to the property, the openness of which could be retained by restricting the permitted development rights which would normally be available to the occupiers of the new house to build various structures without applying for planning permission.

It is not considered that these two changes amount to a material change in the planning circumstances surrounding the proposal.

There has been considerable debate in planning law terms over the sometimes conflicting principles of determining planning applications in accordance with the development plan, what other considerations might be material (i.e., relevant) and the need to be consistent in decision-making. While there has been a wide range of different views put forward and many appeal and High Court decisions hinging on the consideration of these matters, it is clear that both the development plan provisions and previous planning decisions on a site have to be taken into account in determining an application for planning permission.

In a case like this present application, where the two matters are directly contradictory and there are no material changes since the previous permission was granted, the planning authority has to carry out a balancing exercise in order to arrive at a decision.

The important points are that the changes to the proposal are not considered to be significant in relation to the principle of the proposal,

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and that there is a clear warning in Circular 8/93 that it would be seen as “unreasonable behaviour” to refuse planning permission in the light of a recently expired permission which would be likely to attract an award of costs in the event of a successful appeal.

## **Conclusion**

The proposed development is clearly contrary to a whole range of development plan policies relating to housing in the countryside. However, it is considered that there has been no significant change in the circumstances surrounding the proposal since outline planning permission was granted for a house on this site in 2004 and that there is, therefore, no alternative but to approve this application as an acceptable departure to the development plan and its related policies.

## **Recommendation :**

Approval subject to conditions relating to: external materials; contaminated land risk assessment; noise impact assessment; restriction on hours of construction work; landscaping; means of enclosure to be agreed; position of garage to be agreed; and removal of permitted development rights.

## **Reason for Approval**

The proposed development is considered to constitute an acceptable departure from the development plan for the area together with its related policies.

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

## **PLAN/2007/0583**

### **SEAHAM (DAWDON) - 16 NO. TERRACED HOUSES AT LAND AT EMBLETON STREET, SEAHAM FOR REGENT DEVELOPMENTS LTD**

#### **The Application Site**

The site comprises an area of 0.18 hectares of vacant grassed land formerly the site of Dawdon County Primary School. The locality is largely residential being characterised by two-storey terraced properties.

#### **The Proposed Development**

This application relates to the erection of 16 two and a half storey houses on land adjacent to Queen Alexandra Road and Embleton Street in Dawdon. The proposed properties are to be terraced houses with three bedrooms set over three floors. Eight properties are to front Queen Alexandra Road and eight are to front onto the area of public open space to the south west of the application site. Vehicular access will be from Embleton Street with parking to the rear of the properties. Two visitor parking bays are to be provided adjacent to the Youth and Community Centre.

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## Site History

PLAN/2006/0919 – 14 no. Dwellings – Approved.

## Planning Policy

*District of Easington Local Plan*

GEN01 - General Principles of Development

ENV35 - Environmental Design: Impact of Development

ENV36 - Design for Access and the Means of Travel

ENV37 - Design for Parking

HOU66 - Provision of outdoor play space in new housing development

HOU67 - Windfall housing sites

S04 - Dawdon housing improvements

## Consultations and Publicity

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

Durham County Council, Highways Authority, comments:

- As with the previous application the principal design of the pedestrian and vehicular accesses is acceptable subject to minor revisions incorporating sight visibility splays and highway improvements. However, the number of dwellings has been increased over the previous approval but parking spaces have been lost to make way for the additional dwellings. The Highways Authority therefore objects on the grounds that insufficient parking is proposed.

## Planning Considerations and Assessment

This application represents a resubmission of a previously approved scheme. Previously planning permission has been granted for 14 no. dwellings on the site, the approved scheme incorporated 21 parking bays with a similar layout to that currently proposed. The current proposal is for 16 no. dwellings an increase of two on the previous scheme, however, the current proposal only provides for 18 parking bays. The increase in the number of the dwellings is at the cost of 3 parking bays. The proposed design and layout of the development is considered acceptable and is similar to that allowed previously.

Subject to some minor amendments, that it is suggested can be dealt with by way of a planning condition, access arrangements are considered acceptable. However, the Highways Authority has objected to the application on the grounds that the parking provision is inadequate. The application site is situated within an established urban area within walking distance of public transport and local amenities, and as such the provision of one space per dwelling along with two visitor parking bays is considered acceptable in this instance. Furthermore, it is considered that any additional parking required above that proposed can be accommodated within adjacent streets, with no undue effects on existing residents.

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A section 106 agreement will be necessary relating to the provision of play/open space facilities. The applicant has confirmed that they are willing to enter into a relevant legal agreement.

## **Conclusion**

The proposal is considered to be acceptable. The development of the site will lead to the use of a currently vacant site to the benefit of the local community. The proposed houses are in keeping with the character of the area and will offer an improvement on the existing street scene. The concerns raised regarding parking provision on the site are not considered sufficient to warrant refusal of the application. Subject to the suggested conditions the proposed development is considered acceptable.

## **Recommendation**

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

## **Reason for Approval**

The proposal is considered to accord with the relevant development plan policies, in particular Local Plan policies 1, 35, 36, 37, 66, 67 and S4.

### *District of Easington Local Plan*

ENV35 - Environmental Design: Impact of Development  
ENV36 - Design for Access and the Means of Travel  
ENV37 - Design for Parking  
GEN01 - General Principles of Development  
HOU66 - Provision of outdoor play space in new housing development  
HOU67 - Windfall housing sites  
S04 - Dawdon housing improvements

**Decision time**                      Within 13 weeks. Target achieved.

## **PLAN/2007/0600**

**SEATON WITH SLINGLEY (SEAHAM NORTH) - BOUNDARY WALL AT THE BUNGALOW SHARPLEY HALL FARM SEATON LANE, SEATON FOR MR M MORTIMER.**

## **The Application Site**

The application site relates to a detached bungalow situated on Seaton Lane, west of Seaton Village. The property is situated on part of a former farm site off the B1404. The property in relation to the application is a detached bungalow set in a large area of land. The

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bungalow is constructed with a tiled pitched roof and is faced in facing brickwork.

The property in question is approximately 67 metres from the public highway and is enclosed by adjoining agricultural buildings and post and rail fencing. The boundary to the site is heavily landscaped in the west and north and to the east are open fields. In the south the application site fronts the B1404.

## **The Proposed Development**

Full Planning permission is sought for the erection of a brick wall along the frontage of the property with wrought iron railings and hob lights.

The solid element of the wall would measure 1050mm in height with brick piers at intervals measuring 2100mm. Decorative hob lights would be erected on the piers and would be installed with standard domestic light bulbs. Between the brick piers, the gaps would be in-filled with wrought iron railings. In total the wall would measure 44 metres in length.

The driveway at the site would also be widened as part of the application in order to allow ease of access into the site.

The wall has been partially constructed, but the applicant ceased work when advised of the need for planning permission.

## **Site History**

No previous site history in relation to the application site.

## **Planning Policy**

### *District of Easington Local Plan*

CSP05 - North Durham Green Belt  
CSP06 - Development within the Green Belt  
CSP68 - Wildlife Corridors  
ENV03 - Protection of the Countryside  
ENV04 - Greenbelt Extension in County Durham  
ENV05 - Control Over Development in the Green Belt  
ENV17 - Identification and Protection of Wildlife Corridors  
ENV35 - Environmental Design: Impact of Development  
ENV38 - Designing Out Crime  
GEN01 - General Principles of Development  
HOU73 - Extensions and/or alterations to dwellinghouses

## **Consultations and Publicity**

Parish Council – no comments.

Durham County Council Highways - raise no objection to the proposal.

Neighbour notification - letters of notification were sent to neighbouring properties affected by the proposal.



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3 letters of representation have been received from an adjacent landowner, and one from another party, raising the following objections in relation to the proposal: -

- Impact upon Highway Safety
- Light pollution in relation to farmyard activities
- Out of keeping with the appearance and character of the countryside
- Loss of natural habitat
- Inappropriate design
- Land ownership issues

## **Planning Considerations and Assessment**

### Impact upon Highway Safety and Light Pollution

The issue of highway safety has been raised in connection with the development in terms of impact from lighting. Durham County Council Highways has been consulted upon the application and it has been considered, due to the nature of the lighting involved and the distance that the wall has been set back from the highway, that the wall and associated features would not give rise to adverse impact upon the safety of highway users. Furthermore a condition regarding wattage output of the lighting in question would mitigate any potential light spillage in relation to both highway safety and farmyard activities.

### Character and appearance in relation to the countryside, greenbelt and general design issues.

The District of Easington Local Plan Policies 3, 4 and 5 state that development within the countryside and/or greenbelt will be resisted, unless there are exceptional circumstances. However Policy 5 states that limited extension to existing dwellings in accordance with Policy 73 would be acceptable. On this basis, it is considered that the development in question should be considered in relation to policy 73 with due regard for the character and appearance of both the countryside and Greenbelt.

Policy 73 states that planning permission will be approved provided that the proposal is in keeping with the scale and character of the building itself and the area generally in terms of site coverage, height, roof style, detailed design and materials.

Although the design of the proposal may not be typical of a rural setting, the property is one of two dwellings in this location, and the proposal is considered to be domestic in nature. In terms of design and overall appearance the proposed wall incorporates hob lights similar to the adjacent property, and has already been partially constructed with a weathered brick.

Furthermore Policy 38 of the Local Plan states that: - *The design and layout of development will be required to have due regard to personal safety and the security of property, particularly in the hours of darkness.* Therefore in terms of site security and safety it is considered that the hob lighting would be advantageous to the applicant and be compliant with the policy.

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An objection was raised about loss of natural habitat, but permission was not required for removal of hedging associated with the development.

It is also relevant to note that the site is adjacent to a developing golf course with a club house approved on land to the rear, a hotel has been approved a short distance to the east along the B1404, and a commercial paintball business operates from the land opposite. In these circumstances, this area is no longer entirely rural in nature.

Overall, it is considered that the design and appearance are acceptable in the context of the site and its surroundings.

In terms of impact upon the character and appearance of the countryside it is considered that the proposed design, which will be in relation to a domestic property, would not give rise to adverse impact upon the amenity of the countryside and/or Greenbelt.

## Land ownership

A dispute over ownership of a part of the application site has arisen during the course of the application. The applicant has certified that nobody else has a legal interest in the land subject of this application. In view of the neighbour's objection that he owns the land, Land Registry searches have been carried out. It is not the Local Planning Authority's role to determine boundary disputes of the kind which exist here. In the circumstances the Monitoring Officer advises that the query over the accuracy of the certificate should not prevent the Panel determining the application on its planning merits.

## **Conclusion**

Taking all relevant matters into account it is considered that due to the nature and scale of the development, the proposed wall is appropriate in terms of design and appearance and would not impact upon the open nature and character of the countryside or green belt sufficient to warrant refusal of planning permission.

It is considered that through the imposition of a condition regarding the restriction of wattage output from the proposed lighting, that highway safety would not be compromised and light pollution and spillage would be negligible.

It is therefore considered that the proposed development is in accordance with Local Plan policies and all other relevant material planning considerations.

## **Recommendation**

Approval subject to conditions relating to colour of railings and wattage of lighting.

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## **Reason for Approval**

The proposal is considered to be in accordance with the Statutory Development Plan, in particular Policies 1, 3, 4, 5, 35, 38 and 73 of the District of Easington Local Plan.

**Decision time**                      6 Weeks- Target achieved.

## **E      Background Papers**

The following background papers have been used in the compilation of this report.

Durham County Structure Plan  
District of Easington Local Plan  
Planning Policy Guidance Notes  
Planning Policy Statements  
Regional Spatial Strategy  
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Individual application forms, certificates, plans and consultation responses  
Previous Appeal Decisions



**Graeme Reed**  
**Head of Planning and Building Control**

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