

Item no.

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

Date: **27 November 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 District of Easington Local Plan was adopted by the District of Easington on 28th December 2001 and together with the Durham County Structure Plan it has been a material consideration in the determination of planning applications. However the Planning and Compulsory Purchase Act 2004 determined that all Local Plans would expire three years after the Act came into force. This took effect on the 27th September 2007. In order to maintain continuity in the development plan system, the Council identified policies that should be 'saved' for an extended period until alternative policies are adopted in Local Development Frameworks. Direction from the Secretary of State has been received and all of those policies have been retained. The saved policies and Planning Policy Statements from the Government will be considered in the determination of planning applications. A view as to whether the proposals generally accord with them 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.

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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.

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D GENERAL APPLICATIONS

PLAN/2007/0263

SEATON WITH SLINGLEY (SEAHAM NORTH) - VARIATION OF CONDITION 4 ATTACHED TO PLANNING PERMISSION 5/77/724/DM/RM01 TO REMOVE AGRICULTURAL OCCUPANCY RESTRICTION AT STOTFOLD BUNGALOW, ROAD LEADING TO STOTFOLD FARM, SEATON FOR MR A BULMER

The Application Site

The application relates to Stotfold Bungalow situated on the road leading to Stotfold Farm to the south of Seaton Village. The bungalow is situated on the eastern side of the road, within an individual residential curtilage. The bungalow is surrounded by agricultural land.

The Proposed Development

The application seeks permission to remove the agricultural occupancy condition from permission 5/77/724/DM/RM/01.

The condition reads as follows: *Occupation of the dwelling shall be limited to a person employed or last employed locally in agriculture as defined in section 290 of the Town & Country Planning Act 1971 or in Forestry or a dependant of such a person residing with him, including a widow or a widower of such a person.*"

In support of the application the agent has provided the following information: In February 2005 Martin Bulmer (applicant) invited George F White (agent) to appraise the value of Stotfold Bungalow. On inspection of the bungalow including inspection of the planning permission the agent advised the applicant that in their professional experience it was not likely that they would be able to find a buyer who would comply with the agricultural occupancy condition as the agricultural industry had changed dramatically since the date of the permission. In addition the presence of the occupancy condition seriously limits the use of the property as security for lending purposes. It would be difficult to source finance against that property due to the presence of the occupancy condition and a lender would not be able to realise the security easily should the property have to be sold to realise any funds.

The agent for the application contacted Easington District Council to enquire about the possibility to submit an application for removal of that condition. Easington District Council responded that the property would need to be marketed to show that there was no demand for an agriculturally restricted property in the area and also a justification would need to be submitted as to why the dwelling is no longer needed for agriculture.

A marketing process took place, the results of which support the initial assertion that there would not be any genuine buyers in the locality who would comply with the agricultural occupancy condition and that there is no demand for an agriculturally restricted dwelling in the locality.

It is argued by the agent for the application that the agricultural sector has changed dramatically during the last decade. This is supported by the fact that the farm was marketed as a whole in 1999 and 2001 with no buyers and that

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Messrs Bulmer have since had to split up the farm and give over the majority of the land to community forests due to poor returns from agriculture.

Site History

5/77/724/DM/RM/01 – Proposed Bungalow – Approved with conditions, including agricultural occupancy as described above.

Planning Policy

District of Easington Local Plan

GEN01 - General Principles of Development
ENV03 - Protection of the Countryside

Consultations and Publicity

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

Durham County Council, Highways Authority, comments:

- No highway objections to the removal of the agricultural occupancy restriction.

Planning Considerations and Assessment

In order for an agricultural condition to be removed from a dwelling in the countryside it must be demonstrated that there is no longer a need for accommodation for an agricultural worker in the locality and as such that there is no market for the property with the agricultural condition attached.

Planning Policy Statement 7 (PPS7): Sustainable Development in Rural Areas states that dwellings subject to agricultural occupancy conditions “should not be kept vacant, nor should their present occupants be unnecessarily obliged to remain in occupation simply by virtue of planning conditions restricting occupancy which have outlived their usefulness”. As such, Local Planning Authorities are encouraged to allow removal of occupancy conditions where it is proven that there is no longer a need for such accommodation in the area.

With regard to the history of the property the Local Planning Authority accept that the need for an agriculturally restricted dwelling has outlived its usefulness due to a dramatically changed agricultural climate since the date of permission. The agent for the application through proactive marketing has demonstrated that there is no genuine demand in the locality for an agricultural occupied dwelling.

Conclusion

The information submitted with the application is considered sufficient to demonstrate that there is no longer a need for an agriculturally-tied dwelling on this site and that there is no demand to purchase an agricultural occupied dwelling in this locality. It is considered that the removal of the agricultural condition is justified and reasonable.

Recommendation

Approval, Condition 4 of Decision Notice 5/77/724/DM/RM be removed.

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Reason for Approval

The proposed development is in accordance with policies 1 and 3 of the District of Easington Local Plan.

Decision time Outside 8 weeks. Target Missed, due to consultation requirements.

PLAN/2007/0533

EASINGTON VILLAGE (EASINGTON VILLAGE & SOUTH HETTON) – HOUSE AT LAND ADJACENT RECTORY FARM HALL WALK, EASINGTON VILLAGE FOR MR AND MRS T McCABE

The Application Site

The site is part of the garden to the existing Rectory Farmhouse, which lies to the rear of Seaton Holme, a Grade I Listed Building within the Easington Conservation Area. There are a number of trees on the edge of the site, some of which need to be removed to facilitate the development.

Some of the site lies outside the settlement boundary, however this land has been used as garden land to Rectory Farm for some 20 years and as such it is considered that its incorporation into the current planning application site will not have serious planning policy implications in terms of visual intrusion into the countryside or precedent.

The Proposed Development

It is proposed to erect a detached stone and reconstituted slate dwelling adjacent the existing Rectory Farmhouse and farm, this will necessitate the removal of a small number of trees which will have the benefit of improving the living environment of the remaining specimen tree. Demolition of a small semi derelict building nearby is also proposed. This part of the scheme has been agreed by the Conservation Officer and approved under delegated powers. Access to the site will be shared with Rectory Farmhouse.

Site History

None on the application site.

Planning Policy

District of Easington Local Plan

CSP65 - The Character of the Built Environment
ENV03 - Protection of the Countryside
ENV22 - Preservation and Enhancement of Conservation Areas
ENV24 - Development Affecting Listed Buildings and their Settings
GEN01 - General Principles of Development

Consultations and Publicity

Parish – No objections but suggest an agricultural tie is imposed

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Tree officer – Happy with tree removal as it will benefit remaining major specimen. Suggests conditions to safeguard the remaining tree.

Archaeologist – requests a condition requiring a programme of archaeological works to be agreed.

Highways – no objections

Environmental Health – Suggests conditions requiring a contaminated land risk assessment and restricting working hours.

Northumbrian Water – No objections

Conservation Officer – No objections to revised plans – suggests conditions relating to construction of a sample panel of stonework.

Planning Considerations and Assessment

The main planning issues relating to this application are considered to be ones of policy and design within the Conservation Area.

Policy –

Case law has made it clear that whilst farmland and buildings are deemed to be Greenfield land, a farmhouse and its outbuildings are considered to be previously developed land, or “brownfield” land.

The application site lies within part of what is now used as the garden to Rectory Farm. When planning permission was originally granted for the farmhouse this land lay outside the planning application site area. Since that time however this land has become incorporated within the garden area of Rectory Farm and it is clear on the ground that it has been used as a garden for a considerable time and probably longer than the four year enforcement immunity period.

A further issue is that part of the application site lies beyond the settlement boundary, which excludes Rectory Farmhouse as well.

Bearing in mind the situation on the ground and the anomaly of the line of the settlement boundary in this particular location it is considered in this instance that the slight encroachment of part of the new dwelling beyond the settlement boundary is acceptable, without an agricultural tie.

Design of the dwelling –

The proposed stone and reconstituted dwelling lies within the Easington Conservation Area and close to Seaton Holme, a Grade I Listed Building, and the adjacent barn, a Grade II* Listed Building.

In view of this, discussions have taken place with the applicants with a view to ensuring the appearance of the new dwelling will be in keeping with the character of the Conservation Area and nearby Listed Building in particular.

Revised proposals have been submitted for consideration and are seen to be acceptable to the Conservation Officer and will not be detrimental to the

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character of the Conservation Area or the setting of the nearby Listed Building. A condition requiring a sample stone wall panel to be constructed and agreed before development commences has been suggested as necessary.

Conclusion

The proposed development is for a single dwelling on brownfield land within the Easington Conservation Area, a minor part of which lies beyond the settlement boundary. The revised design of the dwelling is considered to be acceptable in terms of its visual impact on the Conservation Area and the nearby Listed Buildings, and has been arrived at after discussions with the County Conservation Officer.

The extension of the site beyond the settlement boundary in this instance is not considered to be of sufficient concern in policy terms in view of the existing and historic use of the land in question.

In view of the above therefore it is considered that the proposed development is acceptable in planning terms.

Recommendation

Approve subject to the following conditions: External materials, sample panel to be constructed, archaeological works to be undertaken, tree protection, revised plans and contaminated land.

Reason for Approval

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

Decision time 14 weeks – Target missed due to Archaeological survey requirements.

PLAN/2007/0554

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

Members will recall considering the following report (amended to reflect the changed policy situation following expiry of the development plan) at the Panel meeting held on 25 September 2007, when it was resolved “that Members be minded to approve the application”.

In the meantime, the proposal has been referred to the Government Office for the North-East who have advised that there is not sufficient conflict with national planning policies or any other sufficient reason to warrant calling in the application for determination by the Secretary of State.

In these circumstances, the planning application has been referred back for determination by the District Council, and the Panel retains the authority to make the formal decision on the application.

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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

District of Easington Local Plan

ENV03 - Protection of the Countryside
ENV04 - Greenbelt Extension in County Durham
ENV35 - Environmental Design: Impact of Development
GEN01 - General Principles of Development

Consultations and Publicity

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|--------------------------------|--|
| 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. |
| 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;

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- 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.

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 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.

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.

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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 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.

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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.

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

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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 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.

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The important points are that the changes to the proposal are not considered to be significant in relation to the principle of the proposal, 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 application was referred to the Government Office for the North East, but it was concluded that there was not sufficient conflict with national planning policies or any other reason to warrant calling in the application for determination by the Secretary of State.

The proposed development is clearly contrary to policies relating to housing in the countryside and Green Belt. 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 16 weeks, 3 days (delayed by reference to Government Office for the North-East).

PLAN/2007/0671

HUTTON HENRY (WINGATE) - 7 NO. TERRACED HOUSES AT LAND AT BRIDGE TERRACE, STATION TOWN FOR LIFE PROPERTY GROUP UK LTD

The Application Site

The site is currently a grassed over area of vacant land that was previously developed with dwellings and lies adjacent terraces of two storey dwellings within the built up part of Station Town. It was allocated for residential development in the District of Easington Local Plan but has not been carried forward as a saved policy. However, it can be treated as a windfall site. Full planning permission was granted for seven dwellings in 2005.

The Proposed Development

This revised scheme relates to the erection of a terrace of seven brick and tile dwellings of two storeys with an additional room in the roof. The originally submitted scheme was to be 9.5 metres to the ridge but at officer's request

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the height was reduced to 8.5 metres to more closely match the existing dwellings nearby at some 8 metres to the ridge.

Vehicular access to the development would be achieved via an existing rear lane which currently serves two terraces of houses.

Parking is to be provided on site to the rear of the dwellings in the same manner that was previously approved and in line with the requirements of the Highway Authority. In addition, three visitor parking bays are proposed off the side road leading to the site.

Site History

96/129 Outline permission granted for 2 houses May 1996.
05/325 Full permission granted for 7 dwellings October 2005.

Planning Policy

District of Easington Local Plan

GEN01 - General Principles of Development
Policy 67 – Windfall Housing sites

Consultations and Publicity

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

- Additional houses will cause the adjacent road to be blocked with cars. Access for emergency vehicles will not be possible.
- Concern over resiting of the bus shelter.
- Height of boundary wall too great.
- Height of dwellings too great

Parish Council – Concerned about residents car parking and pedestrian access to existing properties.

Environmental Health Officer – requests conditions.

Highway Authority – Parking and access arrangements are as previously approved and acceptable.

Planning Policy – Proposal is in accordance with PPS 3 and saved policy 67 relating to windfall sites within settlements.

Northumbrian Water – Requests conditions.

Planning Considerations and Assessment

The main planning issues relating to this application are considered to be visual impact of the development and access and car parking relating to the new development.

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Visual Impact

The amended plans show a terrace of 2.5 storey dwellings located on vacant land adjacent existing terraced properties. The scale and form of the dwellings are in keeping with existing properties nearby, the ridge height being very similar notwithstanding the extra room in the roof. The external materials can be conditioned to match those of nearby dwellings so it is considered that overall the impact of the development will not be detrimental to the character of the locality, and is similar to the scheme previously approved in 2005. The proposed boundary wall/fence will be 1.4 metres high which is not considered to be excessive and is as previously approved.

Access and car parking.

The access to the site is from the existing rear lane as previously approved and is satisfactory to the Highway Authority providing certain street works are carried out. In view of the restricted nature of the road adjacent the proposed dwellings, wider than normal parking bays have been provided and as such the Highway Authority is satisfied that parking problems should be minimised. Again, this arrangement is as previously approved.

Conclusion

The proposed development is the same as previously approved other than the increased ridge height - by one metre – and as such the development is considered to be acceptable in planning terms. Concerns raised by local residents relating to the scale of the dwellings and possible vehicle congestion are noted but these issues are considered to be satisfactorily addressed by the amended plans and comments of the Highway Authority.

The proposals are considered to be acceptable in terms of design and layout, and relationship with adjacent existing developments.

Recommendation Approve subject to the following conditions: Amended plans, materials, contaminated land, underground pipework diversion

Reason for Approval

The proposed development is in accordance with the planning policies referred to above.

Decision time 8 weeks – Target achieved.

PLAN/2007/0690

EASINGTON VILLAGE (EASINGTON VILLAGE & SOUTH HETTON) – FRONT EXTENSION AT 19 CRAIG TERRACE, EASINGTON FOR D AND K DELANOY

This proposal is submitted by a person who is an employee of the Council.

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The Application Site

This is a mid terrace property, two storeys in height and the site is on the front elevation facing onto a footpath access for Craig Terrace and Carlton Terrace, to the west.

The Proposed Development

A single storey front extension is proposed across the full width of the elevation, constructed in materials to match the house.

Site History

Two previous applications are recorded at this property:
98/530 – private garage, approved 9.10.1998;
01/354 – kitchen extension, approved 16.07.2001.

Planning Policy

District of Easington Local Plan

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

Consultations and Publicity

Neighbours notified, no representations received.

Planning Considerations and Assessment

As follows:

- Residential amenity;
- Design/policy.

The proposal is to carry out works which will span the full width of the front elevation, projecting 1.5 metres from the existing wall, this does not have a material impact for the adjoining dwellings, particularly that to the north, where the ground floor window is some distance away from the boundary line.

The design echoes the simple appearance of the front elevations in this terrace and with the use of matching materials there will be an affinity with the host building.

The proposal is considered to be in accordance with design guidance advice and local plan policies which have been 'saved'.

Conclusion

The proposal is considered acceptable and in accordance with policy.

Recommendation Approval.

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Reason for Approval

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

Decision time 5 weeks – target achieved.

PLAN/2007/0702

EASINGTON VILLAGE (EASINGTON VILLAGE & SOUTH HETTON) - TWO STOREY REAR AND SINGLE STOREY SIDE EXTENSIONS AND CONSTRUCTION OF NEW VEHICULAR ACCESS TO CLASSIFIED ROAD AT INGLEWOOD, STOCKTON ROAD, EASINGTON VILLAGE FOR MR G REID

The Application Site

The site is located at the junction of Stockton Road and Tudor Grange. It extends to some 0.235ha and is occupied by a two-storey, three-bedroomed detached house with outbuildings.

The Proposed Development

There are three aspects to this proposal: to add a two-storey extension at the back (north-west side) of the house to provide enlarged kitchen and study facilities on the ground floor and increase the first floor accommodation to six bedrooms; to add a single-storey extension on the north-east side to provide a double garage and a snooker room; and to form a new vehicular access from the site to the classified road, C151, Stockton Road.

Site History

None.

Planning Policy

District of Easington Local Plan

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

Consultations and Publicity

Parish Council: No response.

DCC Highways: No formal response available at time of preparation of report but verbal requirement for 2.4m x 90m visibility splay to north of new access.

Neighbours: 7 objections from nearby residents:-

- proposal fails to contribute to attractiveness of area;
- intensification of use detrimental to amenity;
- negative impact close to conservation area;
- no need for more houses in Easington;
- Local Plan inspector recommended no piecemeal development in Easington;

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- Local Plan calls for more affordable housing, not executive properties;
- change to character of site;
- destruction of hedge to create new access;
- new access dangerous;
- new balcony overlooks adjacent house;
- unbalanced development;
- overstretching of amenities;
- effect on outlook;
- new access dangerous.
- one letter saying proposal is acceptable.

Planning Considerations and Assessment

Material considerations:

- Design and effect on street scene;
- Effects on neighbouring properties;
- Highways matters;
- Objections.

Design And Effect On Street Scene

This is a large site and the proposed extensions would more than double the existing floorspace, making 'Inglewood' a large dwellinghouse. The extensions have been carefully designed so as to be sympathetic to the existing building and suitable matching external materials are proposed.

Any effects on the street scene are strictly limited as a result of the position of the building on the site, the relationship of the extensions to the existing building and the levels of adjacent land. The extensions will, effectively, be seen only from the north-west and the north-east.

From the north-west, the view of the rear two-storey extension would be limited by mature trees in the highway verge in Tudor Grange and where the rising ground levels result in the houses overlooking the site being approximately a storey higher than 'Inglewood'.

The most obvious view of the extensions would be visible from Stockton Road and the first fifty metres or so of Tudor Grange. It is not considered that the view of the enlarged house would be in any way detrimental to the street scene at this point and, indeed, there is a hedge along this side of the site, approximately two metres high, which the applicant has confirmed he intends to retain.

The new access from the site to Stockton Road would involve the removal of a short length of hedging but it is not considered that this would cause significant harm to the amenity of the area.

Effects On Neighbouring Properties

The only existing properties which could be considered to have any interest in the likely effects of the proposed extensions on their amenities are numbers 1, 11 and 12 Tudor Grange, situated to the north-west of the site and, of these, no. 1 is offset from the rear of 'Inglewood' and is set at right angles so it does not directly overlook the site.

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Nos. 11 and 12 do directly overlook the site and, indeed, the location of the proposed two-storey extension works, but the front elevation of no. 11 will be almost 30m away from the new rear elevation of 'Inglewood' (i.e., well in excess of the Local Plan privacy and spacing guidelines) and no. 12 will be 25m away and almost wholly offset from the new rear elevation.

Additionally the estate road into Tudor Grange rises quite steeply from Stockton Road with the result that nos. 1,11 and 12 Tudor Grange sit considerably higher than the ground level of 'Inglewood', thereby further reducing any possible effect on their amenities, and there are also several mature trees between the respective properties which serve to further limit the effects of the extensions.

Highways Matters

When this report was prepared, a formal response to the consultation to the Highway Authority relating to the construction of the new access to Stockton Road had not been received. However, it is understood that the access has been designed in accordance with pre-application advice from that Authority and that the only requirement is for the existing hedge to be cut back to provide a 2.4m x 90m sight line to the north of the access. The formal consultation reply will be reported verbally at the Panel meeting.

In response to the reference in objectors' letters to the proposed access being detrimental to road safety, the Highway Authority has confirmed that there are no recorded personal injury road traffic accidents in the vicinity of this site over the last ten years and, in these circumstances, the new vehicular access would not be deemed to create a highway/traffic safety issue.

Objections

Many of the points of objection mentioned above appear to refer to a separate application to construct a detached house in the grounds of 'Inglewood'. Those that are relevant to the material considerations surrounding this application have already been covered elsewhere in this report except for the reference to the "negative impact close to the conservation area". In fact, this application site is some 100metres from the nearest part of the conservation area and separated from it by a number of other houses, including the Tudor Grange modern estate. It is not considered that any undesirable impact will result to the conservation area.

Conclusion

This proposal is for large extensions to an existing dwellinghouse on a site which can readily accommodate this scale of additional building without any unacceptable or undesirable effects on the existing visual amenity of the area or on the residential amenities of adjacent properties. Accordingly the proposal is considered to be acceptable.

Recommendation

Approval subject to conditions relating to external materials, visibility splay and retention of hedge along north-east boundary.

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Reason for Approval

The proposal is considered to be in accordance with policies 1, 35 & 73 of the District of Easington Local Plan.

Decision time 6 weeks - target achieved

PLAN/2007/0703

EASINGTON VILLAGE (EASINGTON VILLAGE & SOUTH HETTON) - ERECTION OF HOUSE AT INGLEWOOD, STOCKTON ROAD, EASINGTON VILLAGE FOR MR G REID

The Application Site

The site is located at the junction of Stockton Road and Tudor Grange. It extends to some 0.235ha and is occupied by a two-storey detached house with outbuildings.

The Proposed Development

The proposal is to construct a two-storey, five-bedroomed, detached house in the large open area which forms part of the garden area of the existing house in the southern part of the site.

Site History

None.

Planning Policy

District of Easington Local Plan

ENV35 - Environmental Design: Impact of Development

GEN01 - General Principles of Development

HOU67 - Windfall housing sites

Consultations and Publicity

Parish Council: No response when report prepared.

DCC Highways: No objections.

Northumbrian Water: No response when report prepared.

EDC Landscape: No response when report prepared.

Neighbours: 10 objections from nearby residents:-

- proposal fails to contribute to attractiveness of area;
- intensification of use detrimental to amenity;
- negative impact close to conservation area;
- prejudicial to possible extension of conservation area;
- no need for more houses in Easington;
- Local Plan inspector recommended no piecemeal development in Easington;
- Local Plan calls for more affordable houses in Easington, not executive properties;
- change to character of site;
- site should be considered as 'green' area;
- destruction of hedge to create new access;

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- new access dangerous;
- unbalanced development;
- overstretching of amenities;
- effect on outlook;
- mass and positioning of new house detrimental to amenities and overbearing;
- proposal does not meet spacing/privacy guidelines;
- loss of light;
- pre-application advice from Planning Department has been interpreted as 'green light' for works in readiness for construction;
- site does not meet 'windfall' criteria;
- dangerous precedent, allowing property developers to make large profits from any house with surrounding land;

Planning Considerations and Assessment

Material considerations:

- Planning policy;
- Design and effect on street scene;
- Effects on neighbouring properties;
- Highways matters;
- Objections.

Planning Policy

The application site is part of the curtilage of an existing dwellinghouse. As such, it falls to be considered as previously developed land (a 'brownfield' site) which 'saved' Local Plan policy 67 identifies as being acceptable in principle for residential development.

Design And Effect On Street Scene

The existing site of "Inglewood" is considered to be large enough to accommodate an additional dwellinghouse. The proposed house has been carefully designed to accord with the design of the existing house on the site and is sited in a position which will create a pleasing juxtaposition with that existing house and a neutral effect on the adjacent house to the south of the site, "Allenholme".

Any effects on the street scene are limited to views into the site from Stockton Road, from which point it will be well set back and seen to sit comfortably with the existing house. It would be possible to see the house from Tudor Grange at the rear of the site, but it will be set at a much lower level and well screened by mature trees and it is not considered that it will be detrimental to the street scene in any way.

Effects On Neighbouring Properties

The only properties which are adjacent to this site are numbers 1, 11 and 12 Tudor Grange, situated to the north-west of the site, and "Allenholme", to the south.

The estate road into Tudor Grange rises quite steeply from Stockton Road with the result that nos. 1, 11 and 12 sit approximately a storey higher than the application site. No. 1 Tudor Grange is set at right angles to the site and nos. 11 and 12 are directly behind the existing 'Inglewood' building rather than the

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open area of the site and their front elevations are some 19metres and 15metres, respectively, from the application site boundary. There are several mature trees in the highway verge between these houses and the application site and it is considered that all these factors combine to severely limit the effects of any new development on the application site on these properties.

The house to the south of the application site, "Allenholme", is a semi-detached house with its northern gable facing the site. There are no habitable room windows in the gable, which is approximately 5m from the boundary. There is a garage in the intervening space, the rear elevation of which is about 1.5m further back than the main rear elevation of the house itself. Although the new building is proposed to be sited such that it would project some 7m further back than "Allenholme", its southern gable is set some 5m away from the common boundary.

The current ground level where the new house is proposed averages a metre or so above the ground level of both "Allenholme" and "Inglewood" but the applicant's agent has confirmed that it is intended to set the floor level of the new house at a similar level to these adjacent properties. As far as "Allenholme" is concerned, this will result in the top of the hedge between the two plots being some 1.5-2m above the ground floor of the new house. It will also ensure that the new house will not be over-prominent or create any oppressive or overbearing effects on the rear garden area of "Allenholme".

As submitted, the south elevation of the proposed house shows a number of habitable room windows which would not comply with the Councils spacing and privacy guidelines. The applicant's agent has agreed to delete those at first floor level and obscurely glaze those at ground floor level, views from which towards "Allenholme" will, anyway, be effectively screened by the rising ground left after the house is dropped into the site (as mentioned in the previous paragraph) and the boundary hedge. Amended plans are expected to be received before the Panel meeting and will enable the conditions suggested below to be revised accordingly. The Panel will be updated verbally at the meeting.

Taking all these matters into account, it is considered that the proposal will not give rise to any unacceptable or undesirable effects to the amenities of any of the existing residents adjacent to the application site.

Highways Matters

The application proposes that the existing vehicular access to "Inglewood" should serve only the new house on the site and that a new access should be created to serve the existing house. That new access is part of a separate planning application so the references to it in the objections summarised earlier in this report are relevant to that application rather than this one.

However, the Highway Authority have confirmed that there are no recorded personal injury road traffic accidents in the vicinity of the site over the last ten years and, in these circumstances, the new vehicular access would not be deemed to create a highway/traffic safety issue.

As far as this application is concerned, the Highway Authority has no objections.

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Objections

Several of the points mentioned above refer to a separate application for extensions to the existing house on the site. Most of those that are relevant to this application have already been covered elsewhere in this report.

There are, however, two points which should be clarified. There is reference to the perceived negative impact of the development of this site on the nearby Easington Conservation Area. In fact, the application site is over 100metres from the nearest part of the conservation area and separated from it by a number of other houses, including the Tudor Grange modern estate. It is not considered that any undesirable impact will result to the conservation area.

A great deal has been said in the objections which relates back to comments made by the Inspector who dealt with the examination of the District of Easington Local Plan prior to its approval and adoption. These comments were made in relation to the need or otherwise to allocate sites for housing in the Local Plan and do not have any relevance in the light of the approved policies relating to previously developed land and 'windfall sites' contained in the now-expired Local Plan (but 'saved' pending the inception of the Local Development Framework).

Conclusion

This site falls to be considered as a brownfield windfall site on which housing development is acceptable in principle. It is considered that the new building is designed so that it fits well on the site and will not create any unacceptable or undesirable effects on either the visual amenity of the area or the residential amenities of the occupiers of adjacent properties. On this basis, the proposal is considered to be acceptable.

Recommendation

Approval subject to conditions relating to external materials, site levels and the fenestration on the south elevation.

Reason for Approval

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

Decision time 6 weeks - target achieved

PLAN/2007/0725

PETERLEE (PASSFIELD) - RESTORATION WORKS AND ALTERATIONS TO PAVILION INCLUDING INSTALLATION OF CCTV CAMERAS, SEATING, VIEWING PLATFORM, VISITOR INFORMATION PANELS AND LANDSCAPING WORKS AT PASMORE PAVILION, OAKERSIDE DRIVE, PETERLEE FOR DISTRICT OF EASINGTON

The Application Site

The site lies off Oakerside Drive and comprises an area of landscaped public open space and lake fed by a stream known as Blunts Beck. The whole area including the Pavilion is designated as a Registered Park and Garden by

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English Heritage. There are numerous points of public access and the area is surrounded by residential development

The Proposed Development

The applicant has submitted a detailed account of the proposals and extracts of these are reproduced below:

A full restoration will be carried out to restore the structure to its appearance when built in 1970.

Surfaces will be repaired and cleaned.

Severely damaged or corroded areas of reinforcement and concrete will be cut back, treated and refilled with new exposed aggregate to match the existing.

All surfaces will be cleaned and all signs of graffiti removed.

The original Pasmore abstract painted murals in black will be repainted in their locations on the south and north gables.

The initiative for the project was started following a meeting of the local residents held in the Oakerside Community Centre seven years ago. Since then, a residents' steering group has been holding regular meetings to discuss and support progress towards the current planning application and funding stage.

The local community has been involved at all stages, and there are support petitions and surveys which will be submitted with the lottery bid to the Heritage Lottery Fund.

The building is being made accessible to the public at an open day each summer, as part of the Civic Trust programme involving many of the heritage buildings in the Easington district and other areas throughout the north-east and the country as a whole.

Brown tourist signs will be erected to direct visitors from the A19 through Peterlee to the site at Oakerside.

It is proposed to provide information at the new sports building to be built at Helford Road playing fields adjacent to the pavilion in 2008. There will be measures taken by the resident and management group to ensure visiting groups will be met at the pavilion by prior arrangement, and given access to it when appropriate, say for students, university and other special interest groups.

The original staircases on the north elevation and east side were removed in the 1980's to deter vandalism and unauthorised access.

It is proposed to replace the north stair with a new stair to dimensions and appearance to match the existing – exposed aggregate treads on reinforcement concrete spine beam, cantilevered from the main structure and finished with painted steel balustrades.

The original pavilion had an integrated floodlighting system built into recesses within the concrete structure, providing dramatic heavily modelled appearance

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of the abstract compositions at night. The proposal is to reinstate the lighting installation to its original effect.

The site is a listed park and includes the original lake and surrounding hard and soft landscaping.

It is proposed to restore all the landscaping to its original design and condition.

The east side of the pavilion included a viewing platform, also to Pasmore's design, together with landscaping.

The brickwork to the platform and retaining walls will all be repaired, together with brick copings, some of which are missing.

There were original pre-cast concrete seats in the 1970 design and these positions are to be reinstated.

There will be two CCTV cameras on poles at either side of the lake, giving surveillance of the pavilion itself and the immediate area.

There will be two or three vandal-proof visitor information display panels situated on the approaches to the pavilion – one on the viewing bridge to the west and another adjacent to the north-south public footpath passing below the pavilion.

Site History

There is no recent planning history on this site.

Planning Policy

Registered Park and Garden.

District of Easington Local Plan

GEN01 - General Principles of Development

REC90 - Protection and provision of outdoor sports facilities

REC92 - Protection of amenity open space

Consultations and Publicity

An advertisement was issued in the local press, a site notice posted and numerous local residents consulted. At the time of drafting, two letters have been received. One resident has commented that there is concern that her property will be overlooked by the viewing platform and that a new seat will be located too close to the house. The second letter expresses concern that the proposals will encourage anti-social behaviour.

English Heritage – Comments awaited.

Durham Constabulary – Fully support the proposals, including CCTV installation.

County Highways - No objections.

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Town Council – Comments awaited.

20th Century Society – Comments awaited.

County Council Planning – Comments awaited

Planning Considerations and Assessment

The main planning issues to be considered in relation to this application are the impact the proposals will have on the amenities of local residents in terms of both visual impact and their privacy and the impact the proposals will have on the character of the Registered Garden.

The applicants consulted with English Heritage before submitting the application and the proposals were considered to be acceptable and not detrimental to the character of the Pavilion or the surrounding Registered Park and Garden. It is considered that the hard and soft landscaping proposed together with the renovation works to the Pavilion itself will only serve to improve the appearance of the locality and with the aid of CCTV unsociable behaviour should be reduced.

Some aspects of the scheme may give rise to privacy/amenity problems for some local residents and officers are in discussion with the applicants in this regard and amended plans should be available in time for the meeting. The proposed elevated viewing platform will be some 25 metres from the nearest dwelling and as such it is not considered that privacy or amenity will be adversely affected, bearing in mind the existing use of the land in the locality as a public open space.

Conclusion

The appearance of the Pavilion at present is unsightly and contributes little to the character of the locality. Its refurbishment together with the landscaping of the area and the provision of CCTV should provide a boost to the regeneration of this part of Peterlee and possibly enhance its role as a tourist destination.

Publicity for this application ends on 6th December 2007 so delegated Authority to approve is sought.

Recommendation Subject to no other planning issues being raised, Approve subject to the following conditions: Revised plans, materials.

Reason for Approval

The proposals are considered to conform to the planning policies referred to above.

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
DETR Circulars
Individual application forms, certificates, plans and consultation responses
Previous Appeal Decisions



Graeme Reed
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