

# Item no.

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

Date: **15 January 2008**

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 28<sup>th</sup> 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 27<sup>th</sup> 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/2007/0732**

**Seaham (Seaham Harbour) - CHANGE OF USE OF LAND FROM CAR PARKING TO RECYCLING at GREEN STREET CAR PARK, SEAHAM for DISTRICT OF EASINGTON**

### **The Application Site**

The site lies within the settlement boundary and town centre of Seaham – within the car park at the end of Green Street. The site is within the Seaham Conservation Area.

### **The Proposed Development**

This application proposes a change of use from part of the car parking area to recycling site for use by the general public. The proposal comprises a storage bay for recycling bins constructed of powder coated stainless steel and aluminium. The construction would be 1.9 metres high, 1.8 metres deep and 7.26 metres wide and would accommodate up to 6 recycling bins.

### **Site History**

No relevant history.

### **Planning Policy**

*District of Easington Local Plan*

ENV22 - Preservation and Enhancement of Conservation Areas

GEN01 - General Principles of Development

S32 - Main shopping centre

S33 - Environmental improvements initiative in Town Centre

SHO101 - Protection and promotion of town centres

### **Consultations and Publicity**

Town Council – requested explanation of reasons behind application – advised applicant to respond.

Highways – no objections

DCC Planning – initial concerns raised by conservation officer, now withdrawn.

Environmental Health – no objections

Neighbours – one objection stating that the proposal would be unsightly, would create litter problems and result in negative impact on tourism.

### **Planning Considerations and Assessment**

Environmental issues

It is considered that the proposal would benefit the local community and would contribute toward the need for recycling domestic waste. This site is already well used by the public so the upgrading of facilities would be of further benefit.

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## Impact on residents/conservation area

It is not considered that the proposal would result in any significant adverse impact on residents or the street scene/conservation area. The proposal is situated away from dwellings in the town centre area and would not be a dominant feature in the locality. One resident has raised concerns that the proposal would be unsightly and would result in creation of litter and a negative impact on tourism, however the site is already used for recycling and so no additional impacts would occur. The conservation officer initially raised concerns, however these have since been resolved after a site visit and further discussion. It was concluded that this proposal would upgrade existing facilities and enhance the appearance of the site. It was also considered that the structure is designed in such a way that it would not be an incongruous feature.

## Highways issues

There are no objections from the highways authority. The site is located in a car park and can be easily accessed by members of the public. It would not result in a significant reduction in parking facilities.

## Conclusion

It is considered that the proposal would be of benefit to the community and would contribute towards the need for recycling domestic waste. It is considered that the proposal would enhance existing facilities and as a result the conservation area would benefit. It is not considered that there are any planning reasons that should lead to refusal of planning permission.

**Recommendation**      Approval

## Reason for Approval

The proposal is considered to be in accordance with policies 1, 22, S32, S33 and 101 of the District of Easington Local Plan.

**Decision Time**              10 weeks – target not achieved due to discussions with Conservation Officer.

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**PLAN/2007/0737**

**South Hetton (Easington Village & South Hetton) - 24 HOUSES AND 9 BUNGALOWS at ARGYLE PLACE AND LAND SOUTH OF RAVENSWORTH COURT, SOUTH HETTON for ACCENT NORTH EAST LTD**

## Location Plan



## The Application Site

The application relates to Argyle Place and an area of open space to the south of Ravensworth Court in South Hetton. Argyle Place is currently made up of a mixture of one and two-storey Local Authority housing centred on a central area of communal open space. The area of land to the south of Ravensworth Court is currently grassed open space.

The application site is bounded to the north by residential properties situated on Ravensworth Court and Windsor Drive, to the east by public open space incorporating a playground, to the south by commercial properties fronting Front Street and to the west by residential properties on Donald Avenue. Vehicular access to the existing Argyle Place development is from Front Street (A182) to the south.

## The Proposed Development

Planning permission is sought for the demolition of the existing Local Authority properties on Argyle Place and the erection 24 no. two-storey houses, the

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proposal also includes the erection of 9 no. bungalows on the open space situated to the south of Ravensworth Court. Each of the properties is to have an individual parking space and private garden.

## **Site History**

None relevant.

## **Planning Policy**

*National Planning Guidance*

PPS3 - Housing

*District of Easington Local Plan*

GEN01 - General Principles of Development

HOU66 - Provision of outdoor play space in new housing development

HOU67 - Windfall housing sites

## **Consultations and Publicity**

The application has been advertised by a site notice and in the local press. Neighbour consultation letters have also been sent. Several letters of representation have been received in relation to this application. Two individual letters have been received supporting the application on the grounds of the improvements it will offer to the area. Four individual letters have been received objecting to the proposal, concerns have been raised on the following grounds:

- Part of the proposed development is to be built on greenfield land, and will result in the loss of recreational space.
- The proposed development will lead to traffic problems, existing problems associated with the shops to the south of the application site will be exacerbated.
- The proposed development will have a negative effect on occupants of Ravensworth Court by way of loss of daylight/sunlight, privacy and view.
- Concerns have been raised regarding the suitability of the land in front of Ravensworth Court for building due to drainage problems.

A further letter of objection has been received from the occupants of Ravensworth Court signed by 7 no. signatories. Concerns have raised regarding the parking congestion associated with the existing shops and the expected increase in traffic as a result of the development, and the impact the proposed development will have on residents of Ravensworth Court particularly relating to privacy and access.

Durham County Council, Highways Authority, comments:

- Subject to minor concerns relating to parking and access being addressed by the submission of a revised layout plan, the proposed works are considered acceptable from a highway point of view.

## **Planning Considerations and Assessment**

The proposed development is considered to broadly accord with the relevant national planning guidance and relevant development plan policies. The

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application relates to a predominantly previously developed site within the established settlement boundary. The proposed development if allowed, will provide a mix of different housing types at an affordable level for both rent and sale. The proposal is considered to accord with the relevant guidelines relating to siting, density and mixture of housing type. The proposed development is considered to be acceptable in terms of design, and it is not considered that the proposed development would have any detrimental effects on the occupants of adjacent properties sufficient to warrant refusal of the application.

It is considered that the main issues to consider in assessing these proposals are:

- Increased Traffic and Associated Problems
- The development of an area of public open space
- Impact on Amenity of Existing Residents

## **Increased Traffic and Associated Problems**

Several letters of objection have been received regarding the expected increase in traffic in the local area as a result of the proposed development and the effect this will have on existing residents of the locality. In particular concerns have been raised regarding the existing traffic problems associated with the shops to the south of the site. In response to concerns relating to parking for the shops, the applicant has confirmed that agreement has been reached with the Local Authority relating to the removal of three garages at the rear of shops in order to create three new parking spaces.

Durham County Council have been consulted on the proposed application, and subject to some minor amendments being agreed by the applicant relating to parking provision and visibility splays have no objections to the proposed works.

It is therefore considered that the existing road infrastructure can accommodate the resultant number of dwellings on completion of the proposed residential development. Subject to some minor amendments relating to parking provision and sight visibility splays which can be achieved by way of a condition attached to any grant of planning permission the Highways Authority have no objections to the proposed scheme.

## **The Development of an area of Public Open Space**

Representations have also been received objecting to the proposed development relating to the loss of a currently grassed area of land to the south of existing residential properties situated on Ravensworth Court. The area of land is currently grassed, and it is argued that it is currently used for recreational purposes.

As the proposals include the development of an area of greenfield land it is considered to represent a departure from the local plan.

Although part of the development does relate to a greenfield area of land, it is considered that the development of the site as a whole offers such regeneration benefits as to allow the Local Authority to support the proposal in this instance. The applicant has demonstrated that the area of land to the south of Ravensworth Court needs to be developed to re-locate existing residents of Argyle Place in order to proceed with the demolition and rebuild of

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the existing Local Authority housing site. It is considered that the regeneration benefits of allowing the development are sufficient to justify a departure from the Local Plan in this case.

The proposed development involves the erection of more than nine houses, so policy 66 of the Local Plan requires that appropriate provision should be made for children's play space. While there is no provision for such space within the development, the applicants have complied with this policy by agreeing to enter into a S.106 Legal Agreement in respect of their making a financial contribution to the provision of new or the enhancement of existing play space outside the application site.

## **Impact on Amenity of Existing Residents**

Objections have been received regarding the effect the proposed development will have on occupants of Ravensworth Court by way of loss of residential amenity including the loss of daylight/sunlight, privacy and view. In general the proposed development is considered to be acceptable in these terms; the development has been designed in accordance with spacing and privacy guidelines set out in the District of Easington Local Plan.

## **Conclusion**

The proposed development is considered to broadly accord with the relevant national guidance and local development plan policies. The objections received are not considered to be sufficient to outweigh the support for the application. The proposed development will result in the development of a largely vacant area of Local Authority housing within the established settlement boundary that will have regeneration benefits for the area as a whole, offering justification for a departure from the Local Plan and allow the development of a part greenfield site. The proposed development can be considered to be to the benefit of South Hetton as a whole by providing a range of different housing types at an affordable level for rent and sale. It is further considered that the scale and nature of the departure in this case does not warrant referral to Government Office for the North East.

## **Recommendation**

That Members be minded to approve the application subject to the completion of a Section 106 Agreement relating to off site play space provision, and the expiration of the requisite departure publicity period, and subject to the following conditions: Materials, means of enclosure, revised highways details, landscaping, removal of PD Rights for extensions, hours of construction; 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 be in accordance with policies 1, 66 and 67 of the District of Easington Local Plan.

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



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## **PLAN/2007/0778**

### **Haswell (Haswell & Shotton) - HOUSE AND GARAGE at FORMER HASWELL PLOUGH WORKINGMENS CLUB, DURHAM LANE, HASWELL for MR J MILNER**

#### **The Application Site**

The site lies in the centre of Haswell Plough and is now cleared of the former Working Mens Club building that occupied the site. There are residential properties nearby together with an allotment site and an old Council Depot.

The site area is some 550 square metres and is set back from the main road, separated from it by a wide grass verge.

#### **The Proposed Development**

It is intended to erect a two storey four bedroomed house and double garage, the height of the house being just over 7 metres. The overall design is very similar to that approved in 2004, the only changes this time being the location of the house and garage within the site. It is intended to erect a 1.8 metre high wall/railings around the site.

#### **Site History**

03/356 – Outline planning permission granted for residential development.

04/89 – Full permission granted for a house and double garage April 2004.

#### **Planning Policy**

*District of Easington Local Plan*

GEN01 - General Principles of Development

HA03 - land south of Durham Lane, Haswell Plough

#### **Consultations and Publicity**

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

- Two storey house will be out of keeping in this area which is mainly bungalow development.
- The new wall may appear out of keeping. Access to the site may be dangerous.
- There are issues of land ownership to be resolved.

County Highway Authority – No objections.

#### **Planning Considerations and Assessment**

The main issues of relevance in relation to this application are the visual impact of the proposed development and the fact that planning permission

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has already been granted for a development on this site which is essentially the same as is now proposed.

The changes proposed to the earlier scheme are :

- The siting of the house and garage are reversed
- The front porch design has changed
- A boundary wall/fence is now proposed.

In terms of visual impact, it is considered that the revised location will have a neutral effect on the character of the locality as will the revised design of the porch and the boundary wall. Indeed the relocation of the house away from the adjacent dwelling known as Linthorpe will tend to reduce the impact of the new dwelling on that property.

Bearing in mind that there have been no material changes in circumstances relating to the planning application site, officers are of the opinion that there are no justifiable reasons to refuse planning permission in this instance. Issues of land ownership are ones which should be addressed via the legal process. This Authority has no reason to doubt the accuracy of the information supplied by the applicant in respect of ownership.

## **Conclusion**

The impact of the revised siting and design of the proposed dwelling is not considered to have an effect on the locality or the amenities of neighbours sufficient to warrant refusing planning permission. There have been no material changes in circumstances locally since the previous planning permission was granted therefore it is considered that planning permission should be granted for the revised proposal with appropriate conditions attached.

## **Recommendation**

Approve subject to the following conditions: Materials, landscaping, new footpath details.

## **Reason for Approval**

The proposed development complies with the Development Plan policies referred to above.

**Decision time**                      9 weeks – Target missed due to need for panel consideration of the application.

## **PLAN/2007/0802**

**Seaham (Seaham Harbour) – TELECOMMUNICATIONS BASE STATION at ENFIELD ROAD GARAGE, ENFIELD ROAD, SEAHAM for 02 (UK) LTD**

## **The Application Site**

The application site lies at the eastern end of Enfield Road where it deteriorates into an unmade track adjacent an area of allotments. There is an existing mast located on land some 38 metres to the west.

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## **The Proposed Development**

It is intended to erect a 15 metre high monopole mobile phone mast and associated equipment as a replacement for the existing 15 metre high mast nearby. This has become necessary as planning permission was granted for residential development on land partly occupied by the mast in 2006 and relocation was necessary.

## **Planning History**

02/155 - Increase in height of existing mast refused permission.

04/548 – Outline planning permission granted for residential development.

04/548RM – Detailed approval for 15 flats granted August 2006.

06/0821 – Relocation and increase in height of existing mast refused permission December 2006.

## **Development Plan Policies**

*District of Easington Local Plan*

GEN01 - General Principles of Development  
Policy 35 –Amenity.

## **Consultations and Publicity**

A site notice was posted and local residents were consulted. No responses have been received at the time of drafting.

Highway Authority – No objections.

Seaham Town Council – Object for the following reasons :

- Concern that proposal will affect proposed cycle route nearby. (*Groundwork East Durham did not object to the previous application*).
- Mast will be close to existing and proposed residential development and appear out of keeping.
- There is potentially a health risk from the proposed mast.

## **Comment**

Members may recall granting permission in 2006 for residential development on derelict land to the west of the application site – this land had sited upon it the existing 15 metre telecommunications mast therefore it became necessary to relocate this mast to enable development to proceed.

The current proposal is for a 15 metre monopole mast to provide enhanced mobile phone coverage in line with advice given in PPG 8, which advises Local Planning Authorities on telecommunications development.

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In planning terms it is considered that the minor relocation proposed and the lack of any increase in height will not cause an increase in harm to the visual amenities of the locality sufficient to warrant a refusal of planning permission. It is further considered that the proposed relocation complies with Policy 35 of the Local Plan in that the overall visual impact of the relocated development will be minimal compared to the existing situation.

Regarding health issues raised by objectors, the applicants have stated that the emissions from the proposed mast will be in full compliance with the radio frequency public exposure guidelines of the International Commission on Non – Ionising Radiation Protection.

In view of the above therefore it is considered that in planning terms the relocation of the existing mast is acceptable in planning terms.

**Recommendation** Approval subject to the following conditions:  
Landscaping.

## **Reason for recommendation**

The proposal complies with the relevant planning policies referred to above.

**Decision time** 6 weeks – Target achieved.

## **PLAN/2007/0831**

**Seaham (Seaham North) - CHANGE OF USE FROM SUN TAN SHOP TO HOT FOOD TAKEAWAY at 56 AMBLESIDE AVENUE, SEAHAM for MR M GRUFFERTY**

## **The Application Site**

The site lies within an urban residential part of Seaham to the north of the main area of the town. The area is characterised by terraced and semi detached houses and is accessed via narrow streets fronted by residential properties.

The site itself is a closed sunbed clinic and adjoins an existing hot food takeaway fish and chip shop.

## **The Proposed Development**

It is proposed to convert the existing shop to a hot food take away facility, specifically a pizza takeaway. No external changes are proposed for the building.

The applicant supports the proposals with the following information :

- The premises will not be open beyond 22.30
- A delivery service will be promoted
- An extra litter bin will be provided
- Odours from the Pizza baking process will be masked by the adjacent fish and chip shop.
- There is an eight foot high barrier between the premises and neighbouring residents.

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Opening times are intended to be 17.00 to 22.30 on all days except Tuesdays when the shop will be closed.

## Site History

00/551 – Change of use to takeaway refused and appeal dismissed on grounds of noise, disturbance and odour nuisance to neighbours. December 2000.

01/390 – Change of use to Solarium approved August 2001.

05/560 – New shop front approved August 2005.

07/720 – Change of use to hot food take away refused November 2007.

## Planning Policy

*District of Easington Local Plan*

GEN01 - General Principles of Development

Policy 35 – Amenity

Policy 111 – Hot food takeaways.

## Consultations and Publicity

A site notice was posted and local residents have been consulted.

At the time of drafting one letter of objection has been received raising the following issues :

- Other similar facilities nearby, in particular a chip shop next door.
- Customers parking in front of local residents driveways.
- Disturbance to local residents will increase from youths congregating nearby.
- Litter problems from existing chip shop will increase with another take away .
- Rear of existing properties are untidy – this problem will increase with a further take away shop.

Town Council – Comments awaited.

Environmental Health Officer – Comments awaited.

County Highways – No objections.

## Planning Considerations and Assessment

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

- Impact on amenities of neighbours
- Planning policy implications.
- Planning application history of the site.

The proposed take away facility site boundary abuts the boundary of a residential property and is in close proximity to a number of other dwellings

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nearby. It is considered that in view of this close proximity, there will inevitably be an impact on the amenities of local residents from noise, litter and odour nuisance.

Policy 111 of the Local Plan supports hot food take away shops in towns or local shopping areas where there are no residential properties nearby. The application site is not within a designated shopping area and is located close to a number of residential properties, therefore it is considered that the proposed development is contrary to this specific Local Plan policy in particular.

A planning application to convert this site to a pizza and kebab take away was refused permission on amenity grounds in 2000 and a subsequent appeal was dismissed by the Inspectorate. Also permission was refused for similar development under delegated powers late last year. It is considered that circumstances have not changed since that time to warrant a recommendation other than to refuse planning permission. It is not considered that the supporting statements from the applicant are sufficient to overcome the concerns identified.

## **Conclusion**

The proposed development is in direct conflict with Local Plan Policy 111 in terms of its location and close proximity to residential properties. Furthermore there has been a history of refusals of planning permission for takeaways at this site, one of which has been supported on appeal by the Inspectorate.

In view of the above therefore, and notwithstanding the supporting statement by the applicant, it is considered that planning permission should once again be refused on the basis of adverse impact on the amenities of adjacent and nearby residents.

**Recommendation** Refusal for the following reason :

The proposed development, by virtue of its location outside a designated local shopping centre and close to residential properties will be likely to result in a loss of amenity to occupiers of those properties in terms of noise, disturbance, odours and increased traffic activity, particularly during late evening hours. In view of the above the proposal is considered to be contrary to Policies 1, 35 and 111 of the District of Easington Local Plan.

**Decision time** 6 weeks – Target achieved.

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## **E Background Papers**

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

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



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