

Item no.

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

Date: **20 May 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 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.

D GENERAL APPLICATIONS

PLAN/2005/0971

Trimdon Foundry (Wingate) - CHANGE OF USE FROM OPEN SPACE TO PRIVATE GARDEN (RETROSPECTIVE) at LAND ADJACENT PARKLANDS, SCHOOL HOUSES, TRIMDON for MRS L FOSTER

Location Plan



The Application Site

The application relates to an area of land situated to the north of the applicant property known as Parklands in Trimdon. The area of land is grassed and is bounded to the north by the public footway running adjacent to Margaret Terrace.

The Proposed Development

Retrospective permission is sought for the enclosure of the land with a 1.8m high timber fence. Approval of the enclosure will result in a change of use of land from public open space to private garden.

During the application process following discussion with planning officers the applicant submitted a revised site plan showing the fence moved back from its erected position. Planning permission is sought for the fence to be erected in the revised position, and if approved the fence will need to be removed and repositioned in accordance with the amended plans.

The applicant has argued that they have erected the fence in order to stop anti-social behaviour and waste dumping from occurring on the site.

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Site History

None relevant.

Planning Policy

District of Easington Local Plan

GEN01 - General Principles of Development

ENV35 - Environmental Design: Impact of Development

Consultations and Publicity

A site notice has advertised the application and neighbouring properties have been consulted. One letter of representation has been received. An objection has been raised on the grounds that the enclosure of the land has denied public access to an important area of open space in the heart of the village.

Easington District Council, Countryside officer, comments:

- No objections.

Durham County Council, Highways Authority, comments:

- There are no highway implications as a result of the erection of the boundary fence as the Margaret Terrace/C66 junction sight visibility is not obstructed.
- However, it would appear that part of the land is owned by Durham County Council and therefore agreement would need to be reached with the County or the fence would need to be removed.

Trimdon Parish Council, comments:

- The Parish Council strongly object to the existing fence being erected and would ask that it is removed. The area of land enclosed by the fence is considered to have important amenity value being sited in a prominent location in the centre of the village.
- The Parish Council has been consulted regarding the revised position of the fence, although at the time of finalising this report, no comments have been received. The Parish Council comments will be reported to Members at the Panel Meeting.
- Trimdon Parish Council have placed a caution on the land with a view to applying to Durham County Council to have it registered as a Village Green.

Planning Considerations and Assessment

In principle the enclosure of an area of land and subsequent change of use from public open space to private garden are considered to be acceptable. However, concerns were raised by planning officers during the application process regarding the amount of land enclosed, and the impact that the works have on the street scene. It was considered necessary to retain part of the land as open space, as a visual amenity for the area, due to its prominent location. The applicant submitted a revised plan during the application process, which shows the fence being moved back from its currently erected position. Planning permission is sought for the erection of the fence in the amended

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position, and if approved a condition would need to be attached to limit the time in which the fence would need to be moved in accordance with the amended plans.

It is considered that the fence in its revised position will be in keeping with that used to enclose neighbouring properties, and is to be set back from the public highway with an area of grass maintained between the footway and fence.

The principle of the change of use of the land is considered acceptable; the area of land is not allocated in the District of Easington Local Plan and therefore is not specifically protected by Local Plan policies. Due to its size and location adjacent to a relatively busy road it was considered that the land had only limited recreational benefits. However, it is considered to be of significant visual importance as an area of open space, hence the negotiations to secure a reduction in the amount of land enclosed.

Trimdon Parish Council and Durham County Council, Highways Authority have raised objections to the application with regard to land ownership. It is accepted that Durham County Council do own part of the site subject of this application and as such during the application process the applicant has contacted Durham County Council, and has in principle reached agreement over the purchase of the part of the application site that they own subject to planning permission being granted. The case officer has been in contact with Durham Land Registry in order to confirm Land Ownership for the rest of the application site, however, conclusive evidence has not been provided to the Local Authority to confirm whether any party has an interest in the land.

As part of the application process it is necessary for the applicant to identify any known owners or to advertise the application. It is considered that the correct procedure relating to the notification of landowners has been followed in this case. As such the objections raised relating to Land Ownership are not considered to be relevant to the determination of this planning application; a legal matter such as land ownership is not a planning consideration.

Trimdon Parish Council have informed the Council that they have placed a caution on the land that prevents anyone taking ownership of the land without their permission. It is considered that this is a legal matter, of which the applicant has been made aware, however it is not considered that it is a reason for refusing planning permission. The caution was placed on the land with the intention of applying to Durham County Council to have the land registered as a Village Green. It is the District Council's understanding that the application for Village Green Status has not been pursued due to lack of evidence to support the case.

Conclusion

On balance, it is considered that the fence in its revised position retains sufficient open land to provide an amenity for the area whilst allowing the applicants a reasonable garden extension. On this basis, it is considered that approval should be granted for the enclosure of the land and change of use from public open space to private garden,

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subject to the erected fence being moved to the revised position. The Local Planning Authority is content that the applicant has completed the correct ownership certificate and that the requirements relating to advertising have been met. The objections relating to ownership are not considered to be planning considerations and as such it is considered that there is no reason why planning permission should not be approved.

Recommendation

Approval subject to the following conditions: agree finish of fence, re-siting of fence, time limits on works to be complete.

Reason for Approval

The proposal is considered to be in accordance with the Statutory Development Plan and in particular Policies 1 and 35 of the District of Easington Local Plan.

Decision time Over eight weeks – target not achieved due to enquiries relating to ownership.

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PLAN/2008/0081

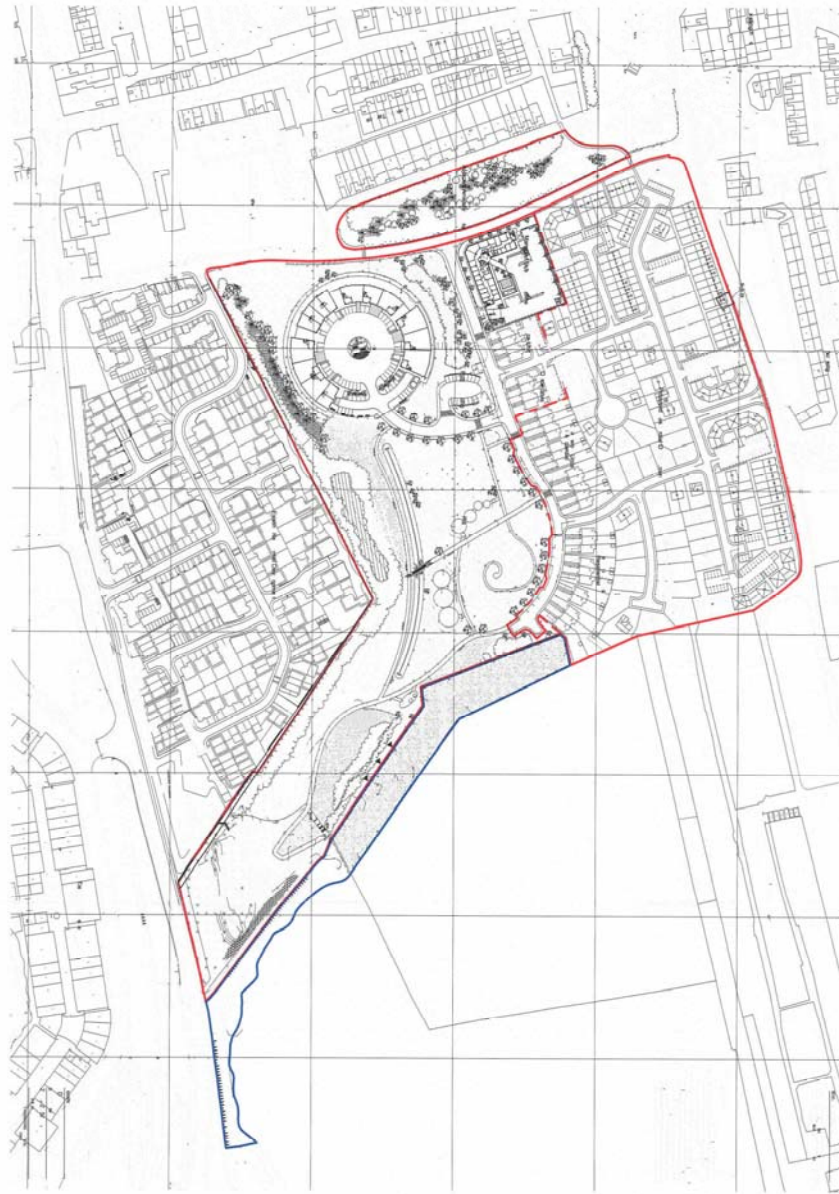
Murton (Murton East) - 1. TO ERECT A MANAGED BUSINESS CENTRE(B1 USE), WORKSPACE UNITS (B1,B2,B8), LIVE-WORK (OFFICE) UNITS (B1,C3) PLUS NEW ACCESS, PUBLIC OPEN SPACE AND LANDSCAPING WORKS. FULL PLANNING APPLICATION.

2. RESIDENTIAL DEVELOPMENT AND LIVE-WORK (RESIDENTIAL) UNITS PLUS NEW ACCESS AND CAR PARKING. OUTLINE PLANNING APPLICATION. at FORMER MURTON COLLIERY SITE GRAY STREET, MURTON for NETWORK SPACE

Location Plan



Site Layout Plan



Introduction

Network Space Ltd have submitted a planning application for commercial and residential development together with open space on the site of the former Murton Colliery site. The application is in hybrid form – an outline application for the residential element and a detailed application for the commercial and open space element.

Murton Colliery closed in 1991. The Murton Settlement Renewal Initiative (SRI) was launched by the Council in 1995 to secure environmental

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improvements, including pedestrianising the main shopping street, Woods Terrace. As a result of this a new relief road was provided (approximately 6-8 years ago) to provide a north – south connection.

The application is quite complex and a number of documents have been submitted by the applicants as follows:

- Design and Access Statement
- Sustainability Statement
- Transport Assessment and Travel Plan
- Phase I Habitat Survey
- Geotechnical Site Investigation Report
- Flood Risk Assessment
- Noise Assessment
- Economic Regeneration Assessment

There is also a Planning and Regeneration Statement which gives a detailed overview of the proposals.

The Application Site

The development site is approximately 12 ha in extent and comprises the former Murton Colliery site which has been partly reclaimed resulting in the site being greened over. The site is accessed from Colliery Walk. The southern part of the site adjoins the former Thomas Brothers site currently being developed by Taylor Wimpey with a finger of land adjoining the B1285 leading from the A19 into Murton. The Dalton Park retail development sits opposite, on the southern side of the B1285. Colliery Walk, the recently constructed road providing relief to the main street in Murton which improves north/south connections, forms a western boundary of the site, with a landscaped and amenity area beyond to the rear of Woods Terrace, the southern part of which is proposed for residential and commercial development. Gray Street serving residential areas forms the northern boundary. The eastern boundary is open land with allotments to the north east corner and Murton Meadows, which is designated as County Wildlife site (CWS).

The site slopes from north to south with the northern half more gently sloped as a result of earlier remediation work.

The site is not within a Conservation Area and there are no Tree Preservation Orders, Listed Buildings or Ancient Monuments affecting the site.

The Proposed Development

The applicants describe the proposed development as a “Network Village” based on other similar developments carried out elsewhere. It is intended to provide a mixed use development which includes a variety of business accommodation integrated with residential development and a large comprehensive landscaped open space provision.

In detail it is described as follows by the applicants:

The development of the Network Village will be a mixed use development comprising of a managed business centre (B1), a series of units flexibly designed so they can be easily changed from residential-business use

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(C3/B1) and vice versa, referred to in the masterplan as the live/work crescent (zone), flexible workspace units (B1, B2 and B8), residential units and public open space. Vehicular access for the development will be taken from Colliery Walk leading into the commercial quarter of the site which also feeds into the residential development. There is also a secondary entrance to the northern end of the site off Gray Street that allows access into the residential development.

The accommodation schedule is as follows:

- Residential development at a minimum 42 dwellings per hectare which equates to 234 Residential units on the indicative masterplan;
- Circa 2382 m² of gross internal area in the Managed Business Centre (B1);
- 2478 m² of gross internal area in the flexible workspace units (B1, B2, B8);
- 996 m² of B1 Office Space (8 units) (C3/B1) contained within adjacent terraced units which have been designed to allow a change to dual use for residential and business purposes;
- 23 associated terraced residential units (C3/B1) forming part of the outline application which have been designed to allow a change to dual use for residential and business purposes;
- 5.693 hectares of recreational open space and park land.

Clearly the above is a shift away from the normal speculative industrial estate provision in that residential accommodation is being partially integrated within the business areas and as may be seen from the illustrations below, the overall design of the detailed element of the proposals is contemporary.

Live – Work Units



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Managed Business Centre



Flexible Workspace Units



The outline housing element on the northern part of the site is intended to facilitate the delivery of the employment element of the development and to include affordable housing. The exact level of this provision is the subject of discussions between officers and the applicants at the time of drafting this report.

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The open space element will include new mounded areas, footpath connections to the south and Dalton Park, informal play areas and Sustainable Urban Drainage systems which will form a landscape feature – a swale.

The adjacent Murton Meadows County Wildlife Site will be retained and is not affected by the development.

Site History

94/771 – Reclamation of former colliery site for residential development and open space. Approved May 1995.

Planning Policy

There are a number of National, Regional and Local planning policies and guidance that are relevant to this application and the most relevant are listed below.

Government policy guidance:

- PPS 1 – Delivering Sustainable Development – 2005
- PPS 3 - Housing – 2006 (Including Affordable Housing)
- PPG 4 – Industrial and Commercial Development – 1992
- PPG 13 – Transport – 2001

A number of recently published documents:

- Regional Economic Strategy
- Regional Housing Strategy
- National Coalfields Programme.

The Regional Spatial Strategy 2004 and the Draft Revised RSS 2007

The Easington Local Plan – Saved policies such as Policy 92 – Open space protection, Policy 67 – Windfall sites, Policy 35 – Design, Policy 36 - Access and Means of Travel, Policy 45 – Development on former colliery sites.

Supplementary Planning Documents relating to Affordable Housing.

Consultations and Publicity

There has been some concern expressed by local residents that the pre application consultation exercise carried out by the applicants was not adequate and did not extend to enough local residents.

Easington's Statement of Community Involvement (SCI) was adopted in 2006 and sets out how local people, businesses etc should be involved in the planning process. In accordance with this policy the applicants carried out pre application publicity;

The consultation process comprised a combination of:

- Public exhibitions
- Meetings and presentations to the District of Easington Council

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- Meetings with interested parties
- Correspondence with interested parties

Notwithstanding that there were issues of postal delivery problems and address location, officers are satisfied that the above process was in accordance with the aims of the SCI.

The Local Planning Authority advertised the application in local newspapers, advertised the proposals around the site and consulted local residents. The following responses have been received at the time of drafting –

Objections received from twelve local residents raising the following issues:

- Increased traffic flow resulting from business uses and many new developments nearby.
- Sufficient vacant industrial etc units available nearby.
- New Hawthorn site will flood industrial market.
- Industrial uses not appropriate in residential area.
- Increased traffic will cause problems at main road junction.
- Fairfield Park will be used as a short cut to avoid above resulting in increased noise, pollution and disturbance.
- Increased flooding risk to Fairfield Park from run off.
- Problems with site contamination issues.
- Leisure development would be better than more business facilities that wont get used.
- Local Schools will not be able to take extra pupils. Similar problems with doctors etc.
- Proposal contrary to Local Plan designation.
- Play area backing on to houses will cause problems of vandalism and disturbance etc. Who is to manage the site?
- Three storey business centre will appear out of context with other development nearby.
- Operating hours of the business centre and workshops needs to be controlled.
- More shops are needed not industrial units.

Other consultees have responded as follows –

Durham Constabulary – No overall objections; have liased with applicants regarding new access path and have offered other advice.

Environment Agency - No objections subject to conditions.

Easington Planning Policy – No overall objections in that Policy 92 (protecting amenity space) of the Local Plan is not contravened as alternative open space is being provided within the development. There are concerns regarding the affordable housing element being proposed by the applicants and discussions are being undertaken with officers in this regard at the time of drafting this report.

One North East – Supportive of the aims of the development to generate local employment and inward investment. Scheme will complement the objectives of the Regional Economic Strategy in supporting the provision of high quality business accommodation.

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East Durham Business Service – Fully supports proposals to provide high quality floorspace and residential development and encouraging investment and investor confidence.

Natural England – Some outstanding concerns regarding effect of the proposals on protected species. Further survey work is being undertaken by the applicants the results of which should be available for the Panel.

County Highways – In light of pre application discussions there are no objections to the overall scheme and the requested amendments. Various advice has been given relating to detailed aspects of the scheme from a highways perspective.

Parish Council – Fully support proposals and the inward investment it will bring to Murton.

Easington Regeneration – Comment as follows:

There has been a long-standing presumption in favour of development on this site. Some years previously (2003) the site was considered alongside the Thomas Bros site for comprehensive redevelopment under the auspices of the English Partnerships National Coalfield Programme. At the time the comprehensive proposal did not proceed as the Thomas Bros site was sold to Wimpey Homes. The initial development proposals were however for a mixed use scheme similar to that proposed by Network Space.

A Property Market Assessment was subsequently undertaken in 2004 by Lamb & Edge on behalf of the Council and English Partnerships for the Colliery site and adjacent areas which provided commentary on suitability of the site for a range of different development options. Regard has been given to that market report and subsequent development activity in Murton when considering the current development proposal. The Economic Impact Assessment submitted by Network Space Ltd has also been considered alongside these documents in forming a view on the merits of the planning submission.

The intention of Network Space to provide an exemplar 'pilot' development in the District of Easington is welcomed and demonstrates significant investor confidence. The Village concept to create a high quality mixed use development, which will be integrated into the existing community is commendable. The intention to provide local employment opportunities, integrated with a quality residential offer and significant public realm areas represents a further boost to the renaissance of Murton and is complementary to other developments locally.

The proposal is therefore fully supported by the Regeneration & Partnerships Section given its regenerative merits.

North East Assembly - Have submitted draft comments in advance of their Development Board Meeting on 22nd May. The main points are as follows:

- Re use of previously developed land in Murton within the Durham Coalfield Communities Area is supported by the RSS.
- Although there is an over provision of housing provided for within Easington compared to RSS allocations, this is not a reason for refusing planning permission. Phasing of the residential development is suggested.
- Housing mix and the level of affordable housing provision is an issue for the District Council to determine. Density proposed is acceptable.

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- The mix of proposed business accommodation is supported however it will be important to ensure benefits to the local community are maximised. The NEA supports the measures proposed to achieve 10% of the development's energy from renewable resources.
- Supports the Travel Plan and the proposed appointment of a Travel Plan Coordinator, together with facilities to encourage cycling and the use of shared and public transport.

Agreement on the adoption and finance of maintenance of the open space has been reached between the Council and the applicants. Officers have requested from the applicants a 10 year commuted sum for the maintenance after adoption.

Outstanding Issues at the time of drafting the report

There are a number of issues that have been discussed between the applicants, officers and consultees during the course of the processing of the planning application and which at the time of drafting have not been finalised. These are detailed below together with their status within the process –

- The further survey work required relating to protected species on the site will be complete by 12th May. Natural England will be informed of the results and their comments if any should be available for the Panel Meeting.
- Confirmation is awaited of the Highways Agency's position relating to a possible Section 106 Agreement for a financial contribution towards works to the A19 Trunk Road.
- Discussions are currently taking place between Council Officers, our Consultants and the applicants with regard to the level of affordable housing for this site. A conclusion is expected in time for the Panel Meeting.

Planning Considerations and Assessment

It is considered that the following issues are relevant in the determination of this planning application :

- Conformity with relevant planning policies
- Regeneration benefits to the locality and further afield
- Impact on the Environment and Design
- Access and other highway issues.

Conformity with Planning Policy

The Regional Spatial Strategy (RSS) and the Easington Local Plan form the Development Plan in relation to this application.

The overriding aim of the RSS is to promote sustainable development to secure urban and rural growth, both economic and social. It is considered that the application proposals are consistent with the aims and policies of the RSS, in particular the core principles which advocate a sequential approach to ensure development in sustainable locations.

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A number of policies within the Easington Local Plan are relevant to this application, and these are detailed above. Overall the development is considered to comply with the environmental design policy, in particular the three storey design of some of the units together with the contemporary design of the workspace units are considered to positively contribute to the character of the locality.

The extensive landscaping and open space proposed over the site serves to settle the considerable amount of development into the environment. In particular mounding and planting around certain buildings and cut and fill techniques in their construction will help reduce any adverse visual impact that may be evident.

Policy 92 relating to retention of open space is considered to be complied with in that the open space provided within and adjacent the proposed development is well in excess of that lost to the proposed buildings.

The development is considered to generally conform to other policies referred to above in that a mixed use is being created in a sustainable location on previously developed land. Furthermore the northern part of the site has in the past received outline residential planning permission.

Regeneration Benefits

The application site comprises a partially restored colliery and has for many years been earmarked for redevelopment. It is considered that the proposed development is consistent with the regeneration aims of this Council in that, inter alia, it will provide suitable housing in an acceptable location, improve the quality of the local environment, encourage the use of and provision of public and other sustainable forms of transport and generally inject new investment into the area.

Impact on the Environment and Design

It was concluded pre application that a formal Environmental Impact Assessment was not required in support of the proposals. Nevertheless there will be obvious physical impacts on the local environment from both the development and the proposed open space.

The remediation and reclamation of the contaminated land will result in a large area of open space that will be visually more attractive than presently exists together with the new development as already described and new residential development to the north.

It is considered that the impact of the new business development will be a positive one in that their contemporary design and the associated landscaping works will provide a focus which will not be seen as further standard speculative development. Its innovative approach to both visual appearance and on site management is considered acceptable in planning terms and one which should be encouraged.

Similarly the proposed open space and landscaped areas are considered to positively enhance the locality particularly in the context of the existing situation which is currently characterised by somewhat bare grassed areas used on an informal basis by local residents. The proposed open space will act as a visual backdrop to the new business development and a facility to be

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used by occupiers of the new development to the north as well as existing residents nearby.

Access and other Highway Issues

Many of the comments received from local residents relate to the impact the development will have on the road network in the locality, particularly in view of the existing developments taking place nearby.

The types of business accommodation being provided is such that large heavy goods vehicles will not be encouraged to visit the site.

The applicants have carried out a Transport Assessment which has been scrutinised by the Highway Authority and the Highways Agency. Their deliberations are awaited at the time of drafting however the conclusions of the Assessment are summarised as follows –

- Speed tables to be provided within the site to reduce vehicle speeds
- 144 car parking and 22 cycle spaces provided for employment users
- Existing good public transport links to be enhanced via Travel Plan measures
- Traffic signals to be installed at the B1285/Colliery junction (would also reduce traffic speeds and increase pedestrian safety)
- Changes proposed to A19 junctions and roundabouts are as a result of other developments – this proposal will add to the problems but is not the cause.

Part of the open space provision includes the laying out of a direct pedestrian link towards Dalton Park, the design of which has been made in liaison with local police and other user groups. In addition the site will facilitate new pedestrian links from Woods Terrace towards the open space.

Comments on issues raised by local residents

Concerns raised regarding the impact of the development on the local road network were put to the applicants at an early stage and a précised Transport Assessment was prepared to provide clearer guidance as to the measures being taken to minimise the impact of additional traffic generated by the development. The conclusions of this report, supported by the County Highway Authority, were that the measures proposed, as detailed above, and the works proposed on site by the developers, would ensure that the development is acceptable in highway safety terms.

Whilst it is noted that there may be other industrial units located nearby that are unoccupied, this cannot form a valid planning reason for refusing planning permission. In addition the current application comprises a form of business accommodation that is intended to cater for very small live/work businesses together with managed accommodation which may be considered to be unique within the District.

Furthermore the type of accommodation proposed is such that it can be located close to residential properties without causing loss of amenity to the occupiers from noise and disturbance etc. Hours of operation could be controlled via a planning condition.

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The Environment Agency have studied the submitted documents relating to site contamination and flooding and have concluded that there are no outstanding issues that would prevent development from taking place on the site in terms of flood risk and ground pollution.

No information has been provided to officers in relation to local school capacity problems; this issue was not raised when considering the other recent residential developments nearby.

The informal play areas have been relocated away from the boundary of Fairfield Park with a view to reducing the impact of their use on local residents. The Council's Environmental Coordinator is satisfied with the layout and has prepared adoption details.

Officers are satisfied that the visual impact of the larger scale buildings will not be out of context with other buildings nearby, in particular the four storey dwellings recently approved on a nearby residential site. The design of the buildings are such that they will form a visual focal point at the main entrance to the site and will be supplemented by landscaping.

Conclusion

The application proposals are considered to comply with the District of Easington Local Plan in relation to securing the regeneration of the former Colliery site and the overriding aims and objectives of national, regional and local planning policies and guidance in terms of efficient use of previously developed sites particularly in sustainable locations; the creation of sustainable communities; and the delivering of urban renaissance.

It is therefore considered that the proposals accord with the provisions of the statutory development plan (Local Plan and RSS (RPGI)).

The proposal will result in a number of significant benefits to Murton and the wider area. The main benefits of the development can be summarised as follows:

- Redevelopment of a sustainable, vacant site;
- A mixed use, urban extension to Murton with serviced offices, flexible workspace units, live/work office units, and residential development and recreational open space for the benefit of the community;
- The scheme will result in the provision of approximately 350 new jobs;
- Provision of a large recreational open space; the extension of existing pedestrian links into and through the proposed scheme

Documents submitted as part of the application demonstrate the need for the extent of development proposed. The application sets out the mechanism of the provision of the high quality employment which is funded by the residential development and provides some degree of confidence that the development will take place.

The Design and Access Statement concludes that the site will integrate with its surroundings in terms of its character and appearance and links to adjacent areas. The new residential development forms a acceptable

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expansion of and extension to the existing village and will be served by the adjacent area of open space and employment site.

The Transport Assessment and Travel Plan has considered the scheme against national, regional and local policy considerations, traffic generation and sustainability considerations, and concluded that there are no transportation reasons why the application proposals should not be supported.

Overall therefore it is considered that the proposals should be supported by Members however in view of the small number of outstanding issues referred to above, delegated authority is sought for the Head of Planning and Building Control to issue the decision notice upon the successful conclusion of negotiations.

Recommendation

That delegated authority be given to the Head of Planning and Building Control to issue the decision notice and that subject to the receipt of satisfactory survey results relating to protected species, the receipt of satisfactory comments from the Highway Authority relating to financial contributions and the satisfactory conclusion of discussions relating to affordable housing, the development be approved subject to the following conditions:

Outline Planning Application – Standard outline conditions relating to details, surface water drainage details.

Detailed Planning Application – External materials, landscaping, surface water drainage, affordable housing, highway details, travel plan

Reason for Approval

The application proposals are considered to comply with the Development Plan in relation to securing the regeneration of the former Colliery site and the overriding aims and objectives of national, regional and local planning policies and guidance in terms of efficient use of previously developed land.

Decision time 15 weeks – Target not achieved due to extensive consultations required.

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PLAN/2008/0176

Horden (Horden North) - RESIDENTIAL DEVELOPMENT at LAND AT BLACKHILLS ROAD, HORDEN for MR D GRAHAM

Location Plan



The Application Site

The application relates to a site within the established settlement of Horden. The site is adjacent to a currently active industrial estate (Sea View Industrial Estate), but does not appear to be in use at present. The site fronts Blackhills Road to the south, along which a 2-3m high boundary wall exists.

The Proposed Development

This application relates to the reserved matters of a previously approved application (see relevant planning history). The original outline application included all details other than the appearance of the buildings, which were reserved for subsequent approval.

The principle of the development, access to the site and layout of the development have all previously been agreed. The current application deals with the appearance of the previously approved dwellings.

Site History

04/715 – Outline permission for thirty houses – Approved.

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Planning Policy

District of Easington Local Plan

GEN01 - General Principles of Development
ENV35 - Environmental Design: Impact of Development
IND54 - Existing Small Industrial Estates
HOU66 - Provision of outdoor play space in new housing development
HOU67 - Windfall housing sites

National Planning Guidance

PPS3 - Housing

Consultations and Publicity

A site notice has advertised the application and neighbouring properties have been consulted. One letter of representation has been received. Concerns have been raised regarding the following issues:

- loss of privacy for existing residents on Sunderland Avenue, it is suggested that if the existing wall is to be removed, then a suitable boundary treatment should be provided in its place;
- and, traffic and congestion issues on the Blackhills Road.

Easington District Council, Environmental Health Officer, comments:

- Hours of construction should be limited to protect the amenities of adjacent occupants;
- Concerns have been raised regarding the potential for conflict between the proposed residential dwellings and adjacent industrial estate. Noise attenuation measures need to be agreed in order to protect the proposed dwellings from the adjacent Industrial Estate.

Durham County Council, Highways Authority, comments:

- No highway objection is raised. This planning application would appear to only refer to appearance, and as such there are no highway considerations.

Environment Agency, comments:

- This application is a reserved matters application and we believe the issues relating to contaminated land have already been addressed.

Planning Considerations and Assessment

The current proposal only deals with the appearance of the dwellings. All other matters have been agreed previously under the outline permission.

Planning permission has been granted for the erection of 30 individual dwellings. The proposed works will provide a mixture of 2, 3 and 4 bedroom properties to be sited around a central access road. The

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plans submitted with the current proposal show all the properties to be 2-storeys in height and typical in design of other residential schemes in the district. The proposed appearance of the dwellings is considered to be acceptable. It is suggested that a condition be attached to any grant of planning permission to ensure materials to be used are agreed before works commence on site.

One letter of representation has been received in relation to this proposal. Concerns have been raised regarding the loss of the existing boundary wall and potential impact on adjacent occupants by way of loss of privacy or overshadowing. The layout of the site has already been agreed, but with reference to the concerns relating to the loss of the boundary wall it is suggested that a condition be attached to any grant of planning permission requesting prior approval of means of enclosure, to ensure a suitable boundary wall is provided.

The original outline application was approved subject to various conditions. In the interests of consistency conditions relating to landscaping, land contamination and noise attenuation will be attached to the current application decision notice.

Conclusion

The proposed appearance of the dwellings is considered to be acceptable. Subject to the suggested conditions, planning permission should be approved.

Recommendation

Approval subject to the following conditions: Materials, Means of Enclosure, Landscaping, Timing of Landscaping, Contaminated Land Survey, Noise Attenuation, Hours of Construction, Revised Access Arrangement.

Reason for Approval

The proposal is considered to be in accordance with the outline planning permission granted previously.

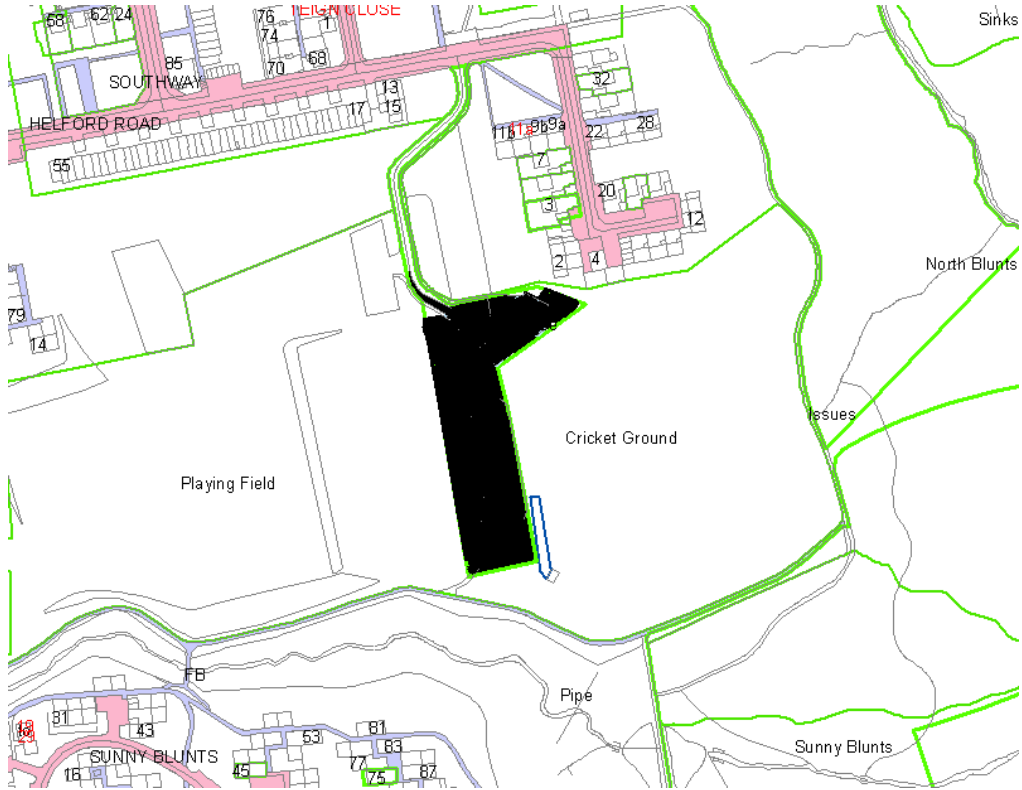
Decision time Within 13 weeks. Target achieved.

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PLAN/2008/0188

Peterlee (Passfield) - NEW SPORTS AND SOCIAL CLUB BUILDING (AMENDED DESIGN) at HELFORD ROAD SPORTS GROUND, HELFORD ROAD, PETERLEE for PETERLEE TOWN COUNCIL

Location Plan



The Application Site

The proposed development is to be located within the Helford Road sports ground in Peterlee. The existing building is to be demolished to be replaced by a car park with the new building to be built just to the south between the cricket field and one of the sports pitches. There are some residential dwellings to the north of the site but they are not directly affected by the change in design of the proposed building, which is the subject of this planning application.

Site History

2007/0391 – New sports and social club building and car park – approved August 2007.

The Proposed Development

This proposal relates to the redesigning of the approved scheme referred to above. It is brought before Members in view of the floor area of the proposal being such as to classify the application as a major development.

There are a number of external changes proposed including window and door location and design, together with a change in design to the roof, introducing a flat/monopitch design in place of the previous style. External materials will remain

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essentially as before and the footprint of the building is as previously approved so there will be no increase in overall massing of the building.

The associated car park previously approved is not affected by the proposed redesign.

Planning Policy

District of Easington Local Plan

GEN01 - General Principles of Development

Policy 35 - Design

REC90 - Protection and provision of outdoor sports facilities

REC92 - Protection of amenity open space

Consultations and Publicity

The application was advertised in local newspapers and a site notice posted and local residents consulted. One resident has commented raising the following issues:

- Old club building site should not be used as a car park but for seating and landscaping.

Town Council – comments awaited.

DCC Highways – no objections.

Environmental Health – suggests construction hours limitation.

Sport England – No objections.

Planning Considerations and Assessment

The main planning issue to consider in relation to this proposal is the design of the building and its impact on the character of the locality and the amenities of local residents.

It is considered that the revised scheme is appropriate to this location and whilst contemporary in design, is functional and suited to its purpose of accommodating users of the adjacent sports facilities as well as members of the public using the social areas.

Proposed external materials include facing brickwork and colour coated cladding together with aluminium finished windows and doors. Coloured metal decking is proposed for the roof areas.

The concerns raised by a local resident relating to the car park are noted, however planning permission already exists for the car park to be located in this location and it would not therefore be reasonable to require an amendment to the current application.

It is considered that the character of the area will be enhanced by the proposal - particularly in view of the visual appearance of the existing building - and the amenities of nearby residents will not be detrimentally affected.

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Recommendation

Approval subject to the following conditions: Materials, Hours of Construction and Landscaping.

Reason for Approval

The proposal is considered to be in accordance with policies 1, 90 and 92 of the District of Easington Local Plan.

Decision time

7 weeks – target achieved.

Item no.

PLAN/2008/0224

Wingate (Wingate) - RELOCATION OF PORCH AND RAISING OF ROOF LINE (RETROSPECTIVE) at 65/66 NORTH ROAD EAST, WINGATE for MR B ARCHIBOLD

Location Plan



The Application Site

The application site is an area of backland behind two mixed-use properties on the main north-south road through Wingate, on which a three-storey block of flats is currently under construction.

The Proposed Development

The proposal involves the retention of works already carried out, namely the construction of an enlarged and relocated porch and the raising of the roof height, which are not in accordance with the original planning permission.

Site History

00/244: Change of use from ancillary storage to launderette and extension – approved 07/00.

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03/145: Erection of 10 flats – withdrawn 05/03.
03/544: Erection of 9 flats – refused 10/03; appeal allowed 03/04.
05/774: Front extension and garage – refused 11/05.
06/294: Front extension to laundrette and fish shop and erection of garage (resubmission) – approved 06/06.

Planning Policy

District of Easington Local Plan

ENV35 - Environmental Design: Impact of Development

GEN01 - General Principles of Development

Consultations and Publicity

Parish Council: No response.

Neighbours: 4 objections from adjacent residents in Dawson Road for the following reasons:

- block is a blight on landscape;
- development has brought traffic to a standstill;
- too close to existing houses;
- building is more dominant and intrusive than originally proposed;
- relocation of porch affords clearer view into house
- addition of windows in east-facing gable intrudes on privacy;
- reduction of sunlight into gardens;
- development is out of character with surrounding properties.

Planning Considerations and Assessment

It is important to bear in mind that planning permission has already been granted for a three-storey block of flats on this site. Thus, the only material considerations pertaining to this application are the effect of the retrospectively proposed amendments to the building granted planning permission on appeal in March 2004 and the representations made by local residents.

There are two such changes to consider.

The Porch Amendment

The original plans included a porch located on the eastern gable of the building with its south side aligning with the south side of the building and extending along the gable for 1.6m and with a small window in its northern side, not facing directly towards neighbouring properties.

As constructed, the porch has been positioned 1.1m back from the south side of the building and then extending along the gable by 2.4m. The window has been inserted in the eastern side of the porch, facing the backs of houses in Dawson Road. It has been fitted with obscure glazing.

The porch is some 4.7m away from the rear fence along the gardens of the houses in Dawson Road and its repositioning is not considered to materially affect adjacent residents' amenities. Although the window is small and obscurely glazed, however, it is considered that it would be in the interests of the residents in Dawson Road for the window to be constructed in the north-facing

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elevation of the porch as originally intended. It is recommended, therefore, that a condition requiring the relocation of the window should be imposed on any new permission which may be granted.

The Increased Roof Height

The three-storey block was granted planning permission on the basis of plans which showed it being built as a long continuation of the existing offshoots at the back of 65 and 66 North Road East. The ridgeline of the roof was also shown as continuing at the existing ridge height.

The block has been constructed with the new ridgeline some 0.6m higher than the ridge on the old offshoots, as shown on the north elevation extract from the submitted drawings reproduced below.



The applicants have said that the building has been constructed in accordance with the plans approved for Building Regulation purposes and, indeed, that the building has been dropped into the site marginally to take into account the slightly falling ground. They have also reduced ceiling heights inside the building fractionally but had to raise the roof in order to comply with a new design of truss.

It is apparent, however, that there are relatively minor discrepancies between the plans submitted for the original planning application and appeal and those submitted for approval under the Building Regulations. While measurements taken by scaling off drawings will often not be entirely accurate, the height of the building to ridge level on the approved planning drawings scaled at 8.5m; whereas the same height on the Building Regulations drawing scales at 8.75m. Further, the detailed sectional drawing submitted for Building Regulations approval scales at a total height of 9m.

Whatever the true cause, and it is probably a combination of things, the fact is that the ridge on the new building does not align with the ridge of the original offshoots on the rear of 65/66 North Road East but rises some 0.6m above it.

It is the acceptability of this difference which is at issue and, although Members may think it questionable that the three-storey building should ever have been approved in the first place, it is considered that the subsequent increase in the finished height as compared with the approved planning drawings does not significantly change the overall dominance or intrusiveness of the development as far as the houses in Dawson Road are concerned. It is relevant that the eastern end of the building incorporates a half-hip roof arrangement, the eaves level and roof slope of which has not changed from the original approval.

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Objections

Objections to the proposal have been received from the occupiers of the four houses immediately adjacent to the rear of the site, the matters raised relating principally to the effect of the development on their amenities. While their concerns are recognised, it is considered that they result from the original approval rather than the unfortunate but relatively insignificant increase in the height of the main part of the building.

Conclusion

In the context of the originally granted planning permission for this development, it is felt that the increased height of the building now under consideration is not of such significance in terms of either design or impact on adjacent residents as to merit any other decision than approval.

Recommendation

Approval subject to the following condition:

1. The east-facing window opening in the porch projecting from the eastern gable of the building shall be bricked up within four weeks of the date of this permission using materials to match the porch brickwork to the satisfaction of the Local Planning Authority.

Reason for Approval

The proposal is considered to be in accordance with Policies 1 and 35 of the District of Easington Local Plan.

Decision time 7 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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