

Item no.

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

Date: **10 June 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 Easington Local Plan was adopted by the District of Easington on 28th December 2001. Together with the Durham County Structure Plan it is a material consideration in the determination of planning applications. 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 the 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

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provided based on a decision at this Panel. Where a decision time exceeds the 8 week target a reason for this is given in brackets.

In considering the applications and preparing the report the District of Easington has fully taken into account the duties imposed on Local Planning Authorities by the Human Rights Act 1998. In particular, regard has been given to Articles 6, 7, and 8, the First Protocol and Section 6. Where specific issues of compliance with this legislation have been raised these are dealt with within each report.

B SPEAKING AT THE PANEL

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

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

C RISK ASSESSMENT

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

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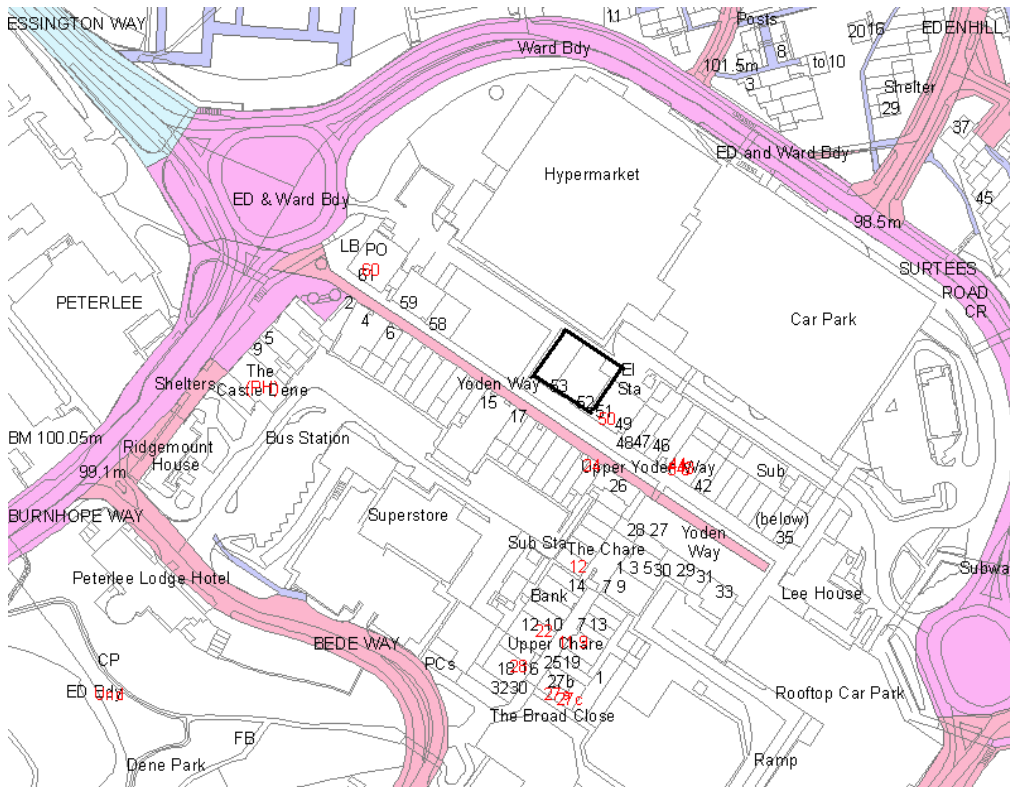
increase when decisions are made contrary to recommendations, and the degree will vary depending on the particular case.

D GENERAL APPLICATIONS

PLAN/2008/0232

PETERLEE (DENE HOUSE) - REPLACEMENT OF EXISTING RETAIL UNIT at 53 YODEN WAY, PETERLEE for KENMORE CAPITAL PETERLEE LTD

Location Plan



The Application Site

The site lies within the Peterlee pedestrianised shopping area, fronted by a paved walkway with a shared servicing road to the rear adjacent ASDA. The shop is currently closed.

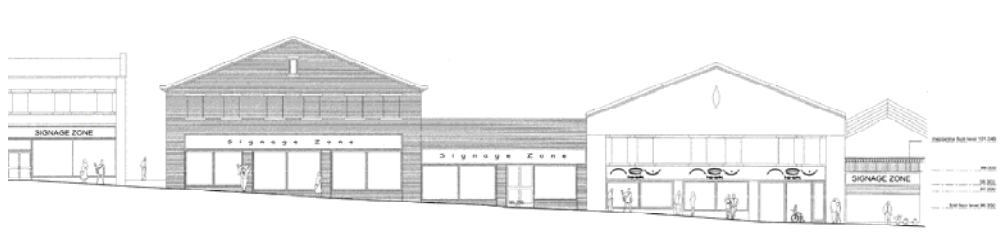
The Proposed Development

Planning permission was granted in 2006 to redevelop the site however modifications are now proposed to include an internal mezzanine floor at the rear with a consequential increase in roof height and volume.

The new structure will be a visual improvement on the existing, including a brick and tile exterior, and introducing a pitched roof.

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View From Yoden Way, Peterlee.



The front elevation will be brought further forward onto Yoden Way thus eliminating the existing overshadowed frontage.

The floorspace will total just over 1000 square metres and servicing access will be from the rear communal service area.

Site History

2006/0191 – Redevelopment of the site with new retail unit – approved April 2006.

Planning Policy

District of Easington Local Plan

GEN01 - General Principles of Development

Policy 35 – Design and amenity

P15 - Peterlee Town Centre

SHO101 - Protection and promotion of town centres

Consultations and Publicity

The application was advertised in local newspapers, a site notice posted and local residents/businesses consulted. No comments have been received as a result of this consultation.

Town Council – No comments received

County Highway Authority – No objections

Environmental Health – No objections.

Planning Considerations and Assessment

The main planning issues relating to this application are considered to be those of visual impact and amenity and possible impact of the increased floor area on traffic generation/congestion.

No concerns have been expressed from consultees on the proposals from a traffic generation aspect and it is considered that the increase in floor area is so limited as to have little or no impact from a planning viewpoint.

As noted above, it is considered that the revised design is an improvement on that approved in 2006 in that a pitched roof element is being introduced in place of a flat roof. This will serve to have a positive effect on the appearance of this part of Yoden Way and improve the shopping experience of the general public.

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Conclusion

The increase of 207 square metres in retail floor area above the earlier approval is considered acceptable in terms of traffic generation and the changes proposed to the appearance of the new building. The overall design will be improved and the additional traffic generated will not be such as to cause road safety problems. It is therefore recommended that planning permission be granted.

Recommendation

Approve subject to the following conditions: Materials.

Reason for Approval

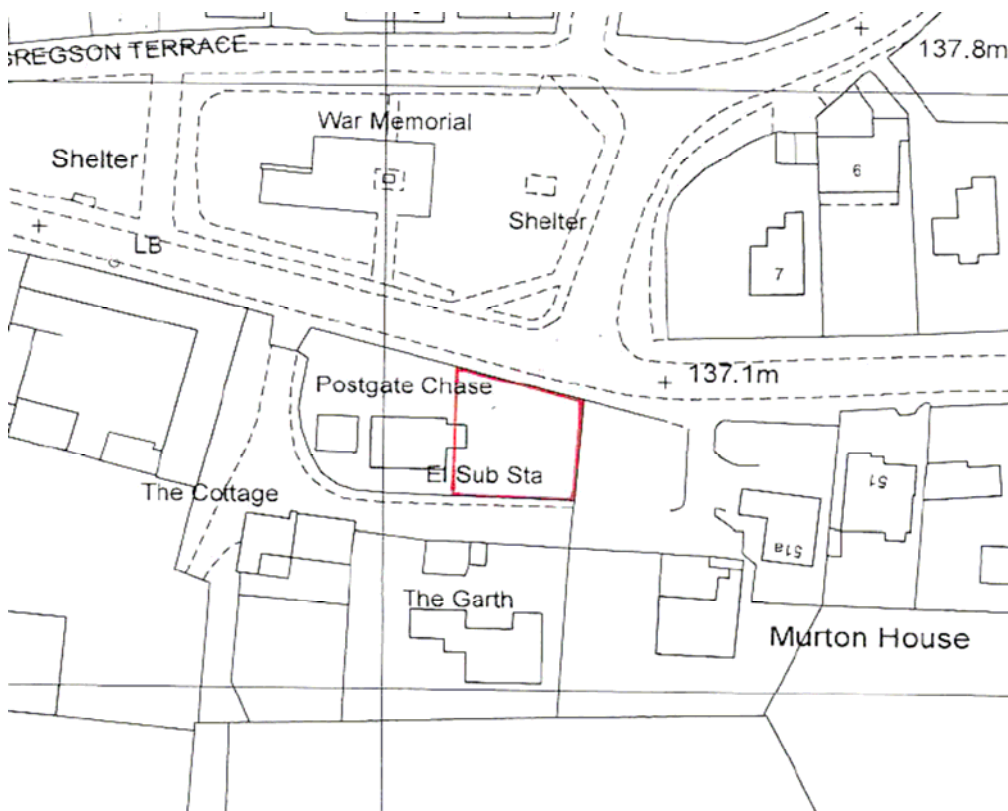
The proposed development is considered to comply with the Local Plan policies referred to above.

Decision time 10 weeks – target achieved.

PLAN/2008/0238

MURTON (MURTON WEST) - SITING, DESIGN AND EXTERNAL APPEARANCE OF PROPOSED DWELLING (RESUBMISSION OF RESERVED MATTERS) at LAND EAST OF POSTGATE CHASE, CHURCH LANE, MURTON for K AND A DAVIDSON

Location Plan



The Application Site

The former garden area at the side of an existing house located in a generally built-up frontage of houses on the south side of Church Lane.

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The Proposed Development

The submission of reserved matters following an outline approval for a detached house.

Site History

- 95/633: House and access (outline) – Approved 01/96.
98/651: Renewal of outline permission for house and access – Approved 12/98.
99/807: House and detached garage and access – Approved 10/99.

The three applications detailed above all refer to the existing dwelling known as “Postgate Chase”.

- 05/372: House (outline) – Refused 06/05.
05/889: House (outline) (resubmission) – Approved 04/06.
07/751: House (reserved matters) – Withdrawn 12/07.

Planning Policy

District of Easington Local Plan
ENV24 - Development Affecting Listed Buildings and their Settings
ENV35 - Environmental Design: Impact of Development
ENV36 - Design for Access and the Means of Travel
GEN01 - General Principles of Development
HOU67 - Windfall housing sites

Consultations and Publicity

Parish council No response.

DCC Highways: Entry/exit arrangements to site are acceptable (based on up-to-date Manual For Streets guidance); no highways objections as long as minor points are accommodation condition restricting front boundary wall to 600mm.

DCC Design: No objections; simple design will sit comfortably next to ‘Postgate Chase’; no harmful effect on listed war memorial.

Northumbrian Water No response

Neighbours:

- Site Notice: 1 objection stated to be “on behalf of the Murton ‘Residents Group’
- proposed house is not in keeping with existing dwellings in immediate vicinity, is “incongruent” with existing dwellings and would render ‘Postgate Chase’ “incongruent” also;
 - highway visibility splay criteria not achieved; highways risk made worse by parking at 51 Church Lane (up to 7 vehicles); traffic speed excessive at this accident black spot; true accident rate not properly recorded by Highway Authority;
 - on-site vehicle manoeuvring area not fit for purpose
 - proposed development “diminishes the aesthetics” of village green and war memorial;
 - cramped development to maximise profits;

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- no site visit made by Panel at time of outline application; request for one to be made this time.

Planning Considerations and Assessment

- Material considerations:
- Design in relation to setting of adjacent listed building;
 - Effect on street scene;
 - Effects on surrounding occupiers;
 - Highways matters;
 - Objection.

Design In Relation To Setting Of Adjacent Listed Building

The Council's Conservation consultant has advised that the simple design of the new house would fit comfortably next to 'Postgate Chase' and that there would be no harmful impact on the listed war memorial.

Effect On Street Scene

Church Lane, in the vicinity of the application site, is an established residential street of detached and semi-detached houses and bungalows and has a street pattern wherein all the properties face the main road.

There is no consistent design, detailing or use of materials in the vicinity of the site, although one feature which occurs on several properties in the area is a gable on the front elevation and that feature has been incorporated in the design of the proposed house.

The design of the house would relate visually to the rest of the properties, with similar facing brickwork, window proportions and materials being similar to neighbouring properties.

The new building would be set back in the site to relate to the adjoining 'Postgate Chase', where, the Conservation Office agrees it would 'fit comfortably'.

Effects On Surrounding Occupiers

The location of the site is such that the new building could be said to have a potential effect on only two existing properties.

One is 'Postgate Chase' which has no windows in the gable wall facing the site and is occupied by the former owner of the site.

The other is 'The Garth', a bungalow situated to the south of the application site but set well back into its own plot and beyond the intervening access way, resulting in the normal privacy/separation guidance distance between facing habitable room windows being achieved by the development, even though the proposed house is set at only four metres from its southern boundary. While this latter distance would not normally be considered to be acceptable, in this case the precedent set by the positioning of the existing 'Postgate Chase' and the desirability of achieving a neat street scene to Church Lane make it difficult to sustain any real objection.

However, it is arguable that an eastward extension of the new house in the future under permitted development rights could lead to conditions which would not be so

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readily acceptable in terms of the outlook from 'The Garth', in particular and to cover that eventuality, it seems reasonable to take away permitted development rights for extensions to the new property.

Highways Matters

The outline permission required final details of the vehicular access to the site to be agreed and a vehicle turning facility to be provided within the site and full details of these matters have been provided with this application. In the light of emerging highways advice from central government, the Highway Authority is happy that the submitted details are acceptable, subject to minor points being brought to the applicants' attention and a condition being imposed to keep the Church Lane frontage wall down to 600mm (as is proposed).

It should be noted that the Highway Authority are able to accept a shorter visibility splay length than they had originally thought should be provided because of the changes to national guidance.

Objection

All but one of the points made by the objector have been covered elsewhere in this report, being mainly to do with highways matters and street scene/visual considerations. Effectively, the points do not accord with the views of the Highway Authority and the Conservation Officer.

The other criticism is that the Panel should make a site visit because the objector claims they did not see the site at the time the outline application was granted. In fact, the Panel visited the site in accordance with their usual procedures on the morning of the meeting which considered that application, on 4th April 2006. Notwithstanding this, a site visit should, also form part of the consideration of this application

Conclusion

The submitted reserved matters are considered to represent an acceptable form of development for this site, the respective aspects of the proposal being acceptable to the Conservation Officer and the Highway Authority. Although there is a lengthy list of points of objection from one resident (albeit indicated as representing a number of people), none of them carry any weight in the light of the facts of the case and the responses of statutory consultees.

Recommendation

Approval subject to the following conditions:

Materials, limitation on height of boundary wall, removal of Permitted Development rights for extensions.

Reason for Approval

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

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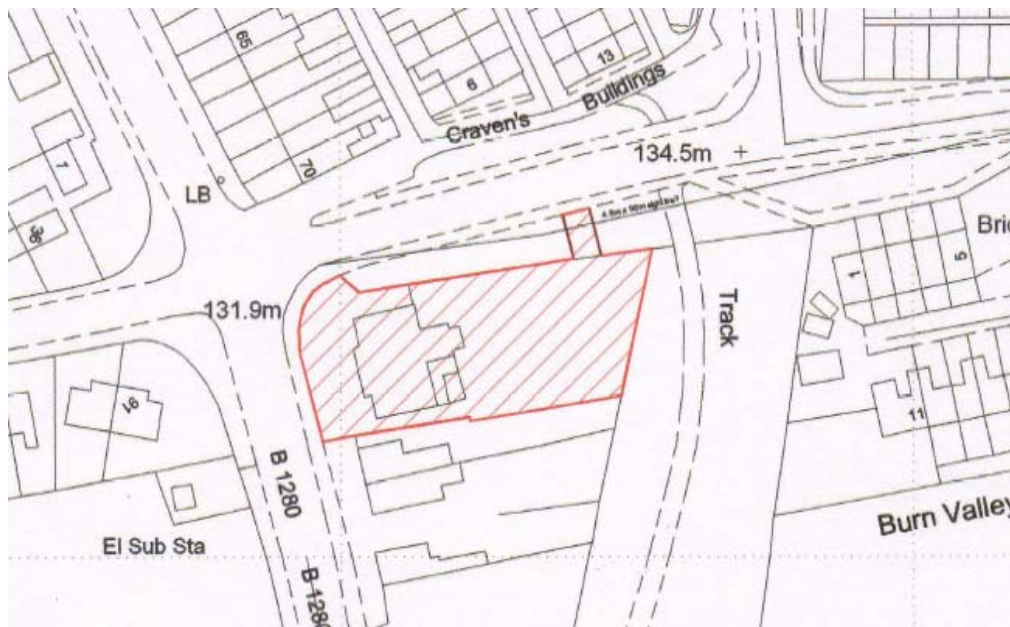
District of Easington Local Plan
ENV24 - Development Affecting Listed Buildings and their Settings
ENV35 - Environmental Design: Impact of Development
ENV36 - Design for Access and the Means of Travel
GEN01 - General Principles of Development
HOU67 - Windfall housing sites

Decision time 7 weeks 6 days – target achieved

PLAN/2008/0250

HUTTON HENRY (WINGATE) - 14 NO. APARTMENTS at CORNER HOUSE HOTEL, STATION TOWN for MR C MORGAN LEISURE NORTH EAST LTD

Location Plan



The Application Site

The site is located at the southern end of Station Town, extends to approximately 0.14ha and is currently occupied by the fire-damaged Corner House Public House.

The Proposed Development

The proposal involves the demolition of the former public house and the erection of a three-storey, L-shaped building containing fourteen residential flats (1 @ 3-bedrooms, 13 @ 2-bedrooms) with associated car parking and cycle storage facilities.

Site History

83/720: Entrance lobby (to Corner House Hotel) – Approved 10/83.
93/161: Car park and landscaping – Approved 04/93.

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Planning Policy

District of Easington Local Plan
ENV03 - Protection of the Countryside
ENV17 - Identification and Protection of Wildlife Corridors
GEN01 - General Principles of Development
HOU66 - Provision of outdoor play space in new housing development
HOU67 - Windfall housing sites

Consultations and Publicity

- Parish Council: Development is welcomed but serious concern expressed about impact on area of unsuitable occupants.
- DCC Highways: Access and car parking arrangements acceptable; also information about detailed highways requirements and reference to applicants' acquisition of County Council land.
- Northumbrian Water: No objections.
- Natural England: Proposal unlikely to have adverse effect on protected species; mitigation measures condition requested.
- Durham Bat Group: Possible risk to bats should be investigated in breeding season; would support scheme where demolition carried out to eliminate risk and interim and permanent provision for roosting provided.
- EDC Landscape Unit No response at time of preparation of report.
- EDC Environmental Health Unit: No objections; contaminated land reports satisfactory.
- Neighbours: 1 objection from nearby resident who understands that the majority of the flats will be for rent and is worried about possibility of undesirable occupiers who may have been "socially excluded from other areas".
- Press/Site Notices: No response.

Planning Considerations and Assessment

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

- Planning policy;
- Design and effect on street scene;
- Effect on surrounding occupiers;
- Highways matters;
- Representations

Planning Policy

As a previously developed piece of land within the Wingate/Station Town village boundary as identified in the former District of Easington Local Plan, the site falls to be considered as a 'windfall' site under 'saved' policy 67 of the Local Plan, which accepts development for residential purposes.

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'Saved' policy 66 is also relevant and this requires the provision of children's play facilities within the development or a financial contribution to the provision or enhancement of such facilities elsewhere in the vicinity. On this latter basis, the applicants have confirmed they will be party to a s.106 Agreement whereby they will provide an appropriate financial contribution for use in the area. At the time of writing this report, it is expected that the agreement will be in place by the time the Panel meeting is held.

Design And Effect On Street Scene

The application site is located on the southern edge of what is essentially a residential area containing a mixture of residential properties of early 20th century terraced and semi-detached housing of varying design, and quality. The materials of construction generally consist of red brick, rendering and slate or concrete tiles.

Although the building will contain three storeys, the upper floor will be partly contained in the roofspace, thereby giving an overall height more equivalent to 2.5 storeys. At 7.5m to eaves level and 11m stepping to 12m to ridge level, it will be somewhat higher than the existing building on the site but it is considered that the spaciousness of the site, the use of traditional design features and external materials similar to those already in evidence around the site will combine to enable the building to sit comfortably in its setting without dominating the surroundings.

It is also proposed to replant the existing untidy landscaping strip along the site's northern frontage and provide additional planting elsewhere on the site.

Effect On Surrounding Occupiers

Having roads on its north and west sides and a former railway line to the east, the site is well removed from the adjacent housing on those sides. There are only three houses to the south and these are set on rising ground, thereby limiting the apparent height difference between old and new. The normal spacing and privacy distances required between residential properties are more than adequately achieved.

It is considered, therefore, that the proposed development can be accommodated on the site without detriment to the amenities of existing residents around the site.

Highway Matters

The new vehicular access from the site to the C22 Station Town-Hutton Henry road has been designed in accordance with the Highway Authority's requirements and will replace the existing access further to the west and closer to the roundabout at the junction with the B1280. Adequate parking facilities have been incorporated in the scheme along with provision for the storage of bicycles.

Representations

Only one formal objection has been received, from a local resident, although the Hutton Henry Parish Council has expressed concern about the possibility of the flats being made available for rent rather than being for sale. The applicants' agent has confirmed that the proposal "is for residential accommodation aimed at the private market" and that "the proposed apartments are being proposed for sale".

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It would seem, therefore, that the concerns are unfounded. It should be noted that the Council could not control this aspect of the development, however this would not be considered to be a reason for refusal of planning permission.

Conclusion

The proposed development is in accordance with current policies and the submitted scheme does not appear to be likely to have any adverse effects on the amenities of existing nearby residents and, in achieving the redevelopment of a presently unsightly derelict building on a prominent site, will improve the general appearance of this part of Station Town.

Recommendation

Approval subject to the following conditions:

Materials, landscaping, boundary enclosures, amended plans, protected species mitigation.

Reason for Approval

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

District of Easington Local Plan
ENV03 - Protection of the Countryside
ENV17 - Identification and Protection of Wildlife Corridors
GEN01 - General Principles of Development
HOU66 - Provision of outdoor play space in new housing development
HOU67 - Windfall housing sites

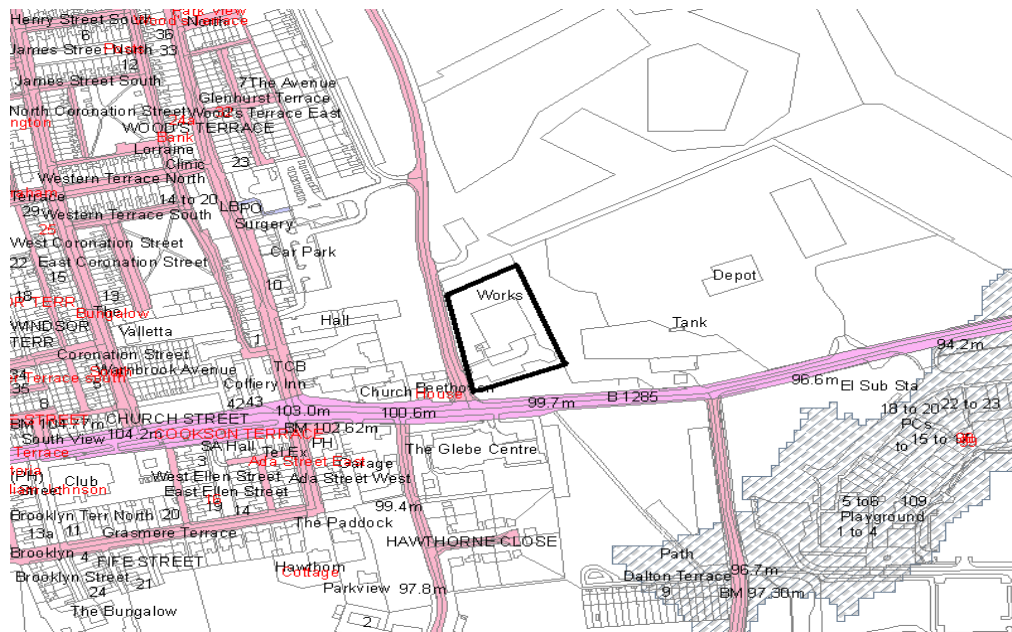
Decision time 10 weeks – target achieved.

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PLAN/2008/0268

MURTON (MURTON EAST) - ALTERATION TO THE SITING OF 14 NO. HOUSES (SAME HOUSE TYPES) at JAMIES TILES, THE AVENUE, MURTON for MISS K MALCOLM, TAYLOR WIMPEY

Location Plan



The Application Site

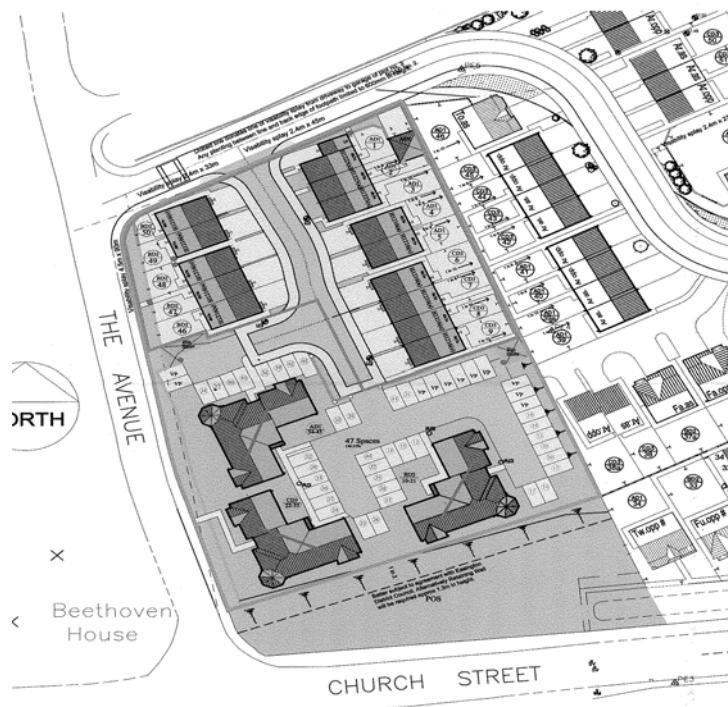
The site was occupied by an tile storage warehouse and car park but is now being developed residentially under a planning permission granted last year – see below. It is located on the corner of The Avenue and Church Street in a prominent location within Murton.

The Proposed Development

The earlier planning permission for this northern part of the application site related to two separate groups of two storey terraced dwellings. This amended scheme intends to split the dwellings into separate groups. No increase in numbers is proposed or change in house type. The plan below shows the proposed arrangement.

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Proposed Site Layout



Site History

2007/0493 – Residential development 50 Dwellings – Approved September 2007.

Planning Policy

District of Easington Local Plan

GEN01 - General Principles of Development
Policy 35 – Design and Amenity.

Consultations and Publicity

The application was advertised in local newspapers, a site notice posted and local residents consulted. No responses have been received.

Parish Council – No comments received.

County Highways – No comments received.

Planning Considerations and Assessment

The primary planning issue relating to this application is the visual impact the changed layout will have on the overall development and the nearby locality in general. There will not be any implications for residential amenity/privacy etc.

The proposed changes comprise the sub division of two separate terraces of three storey town houses into five smaller groups. This will have the effect of introducing a more varied group of elevations within the development whilst maintaining the private garden areas and privacy standards that were approved under the previous planning permission referred to above.

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Conclusion

It is considered that the minor relocation and sub division of the northernmost group of dwellings of this development will positively enhance the appearance of the overall housing estate whilst maintaining privacy standards and private open space for the individual dwellings.

Recommendation

Approve subject to the following conditions: Landscaping and contaminated land.

Reason for Approval

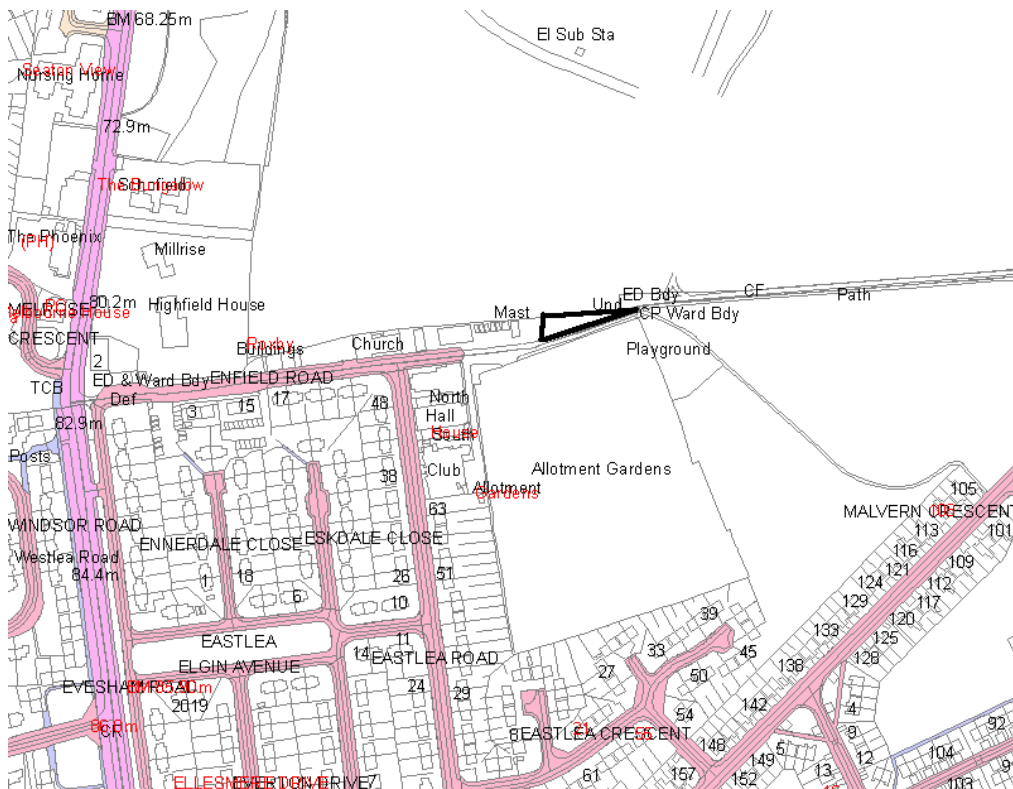
The proposed development is considered to comply with the local plan policies referred to above.

Decision time 8 weeks – target achieved.

PLAN/2008/0306

SEAHAM (SEAHAM HARBOUR) - VARIATION OF CONDITION NO. 4 (ATTACHED TO PLANNING APPROVAL (PLAN/2007/0807) TO ALLOW EXISTING MAST TO BE DISMANTLED WITHIN THREE MONTHS OF COMMENCEMENT at ENFIELD ROAD GARAGE, ENFIELD ROAD, SEAHAM for O2 (UK) Ltd

Location Plan



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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.

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 permission was granted for this proposal late last year and a condition was attached at The Panel's request which stated the following :

"The commencement of the development hereby approved shall not take place until the existing mast identified on Drawing No. P-040032-GEN-102 Revision B is fully dismantled and the site cleared to the satisfaction of the Local Planning Authority."

The current planning application seeks to have this condition removed from the planning permission, and replaced with a condition allowing retention of the existing mast while the new mast is erected and brought into use.

Site History

2007/0802 – Replacement Telecommunications mast – approved January 2008.

Planning Policy

District of Easington Local Plan

GEN01 - General Principles of Development
Policy 35 – Design and amenity

Consultations and Publicity

A site notice has been posted and local residents consulted – no comments have been received as a result of this publicity at the time of preparing this report, although the publicity period expires after the date of the Panel meeting.

Town Council – No comments received

County Highways – No objections.

Planning Considerations and Assessment

The main planning consideration relating to this application is the desirability in planning terms for the retention of the condition attached to the original planning permission for the telecommunication mast.

The reason for imposing the condition was "in the interests of the visual character of the locality". Members requested that the condition be imposed contrary to the advice of Officers, as there were concerns expressed that the applicants would not remove

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the existing mast from the site upon completion of the construction of the new mast, resulting in unacceptable visual intrusion into the locality.

The applicants have submitted a supporting statement as to why they consider the condition should be removed and part of that statement is reproduced below.

There is a genuine commitment by O2 (UK) Ltd to remove the existing installation and no value in seeking its long term retention. The existing structure must be removed because the landowner has planning permission for the redevelopment of the garage site and requires the mast to be relocated to permit this development to be carried out.

We accept that a condition that secures the removal of the existing structure within a reasonable period after the erection and commissioning of the replacement structure is necessary in the interests of the character and appearance of the area. Without any condition it might be possible for both the existing and the proposed structures to remain in place at the same time for an indefinite period. In practice this is most unlikely as the specific purpose of the new mast would be to replace the existing mast that must be removed to allow the redevelopment of the existing Enfield Road garage site.

There is absolutely no benefit to O2 (UK) Ltd in erecting a new installation and retaining the existing one on site once the new installation is fully operational. However, on the basis that O2 (UK) Ltd will accept the variation of the condition, as opposed to the removal of the condition, subject to its precise wording of the condition, we do not wish to discuss further whether the condition was necessary.

It is considered unreasonable for O2 (UK) Ltd to experience the loss of its service that would result if Condition No. 4 was strictly complied with.

Officers are of the opinion that the above arguments are reasonable and that the imposition of the alternative condition as suggested by the applicants will still secure the removal of the existing mast and achieve the aim of maintaining the visual character of the locality. It is considered that three months is a reasonable time for the “change over “ to take place.

Conclusion

It is considered that the erection of a telecommunications mast as proposed is acceptable and that in order that the applicants can properly commission the apparatus whilst maintaining mobile phone coverage in the area, it is considered reasonable for the existing mast to remain in place for the limited time proposed.

Should Members approve this application, it will have the effect of granting planning permission for a revised proposal to erect the telecommunication mast with the following condition attached amongst others : ***“Within 3 months of the commencement of the development approved, the existing mast identified on Drawing No. P-040032-GEN-102 Revision B shall be fully dismantled and the site cleared to the satisfaction of the Local Planning Authority.”***

Recommendation

Subject to the receipt of no significant adverse comments to the proposal by the expiry of the publicity period, the Head of Planning and Building Control be given delegated powers to approve subject to the following conditions: Landscaping and mast dismantling.

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Reason for Approval

The proposed development is considered to comply with the local plan policies referred to above.

Decision time 5 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
Head of Planning and Building Control