

Item no.

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

Date: **22 July 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.

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D GENERAL APPLICATIONS

PLAN/2008/0224

Wingate (Wingate) - RELOCATION OF PORCH AND RAISING OF ROOF LINE ON BLOCK OF FLATS (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.
- 03/145: Erection of 10 flats – withdrawn 05/03.
- 03/544: Erection of 9 flats – refused 10/03; appeal allowed 03/04.

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05/774: Front extension and garage – refused 11/05.
06/294: Front extension to launderette 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 citing the following points:

- 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 due to increased height;
- 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;
- infringement of right to light;

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 following an appeal. 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 originally approved plans included a porch located on the eastern gable of the building, its south side aligning with the south side of the main block and extending along the gable for 1.6m. A small window was positioned 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

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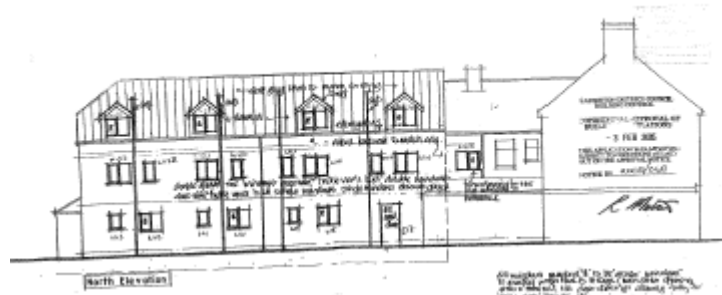
the residents in Dawson Road for the window to be constructed in the north-facing elevation of the porch as originally intended. It is recommended, therefore, that a condition requiring the relocation of the window should be imposed on any new permission which may be granted.

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, as on the drawing below.



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

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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 have not changed from the original approval.

Objections

Objections to the proposal have been received from the occupiers of the four houses immediately adjacent to the rear (east) of the site, the matters raised relating principally to the effect of the development on their amenities. While their concerns are recognised and may be thought to be wholly understandable, it is considered that they result more from the size of the building as originally approved rather than being substantially exacerbated by the unfortunate but relatively insignificant increase in its height.

An additional verbal objection suggesting that the Council cannot legally consider amendments to a planning permission granted on appeal has been researched by the Council's consultant solicitor and his lengthy response concludes that it is in order for the Council to process the application in the usual way.

In reaching that conclusion, he has drawn on comments made in a similar case where it was reasoned that:

"There are situations where the authority would not have given permission for the development if asked for permission for precisely what has been built, but the development is not so objectionable that it is reasonable to require it to be pulled down. To require this would be a disproportionate sanction for the breach of law concerned. That is why parliament has imposed the requirement of expediency. There can ... be cases where the authority can say that, while it would not have granted the permission for the precise building there, it is not expedient to require it to be pulled down".

Conclusion

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

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Recommendation

Approval subject to the following condition:

Bricking up of east-facing porch window opening.

Reason for Approval

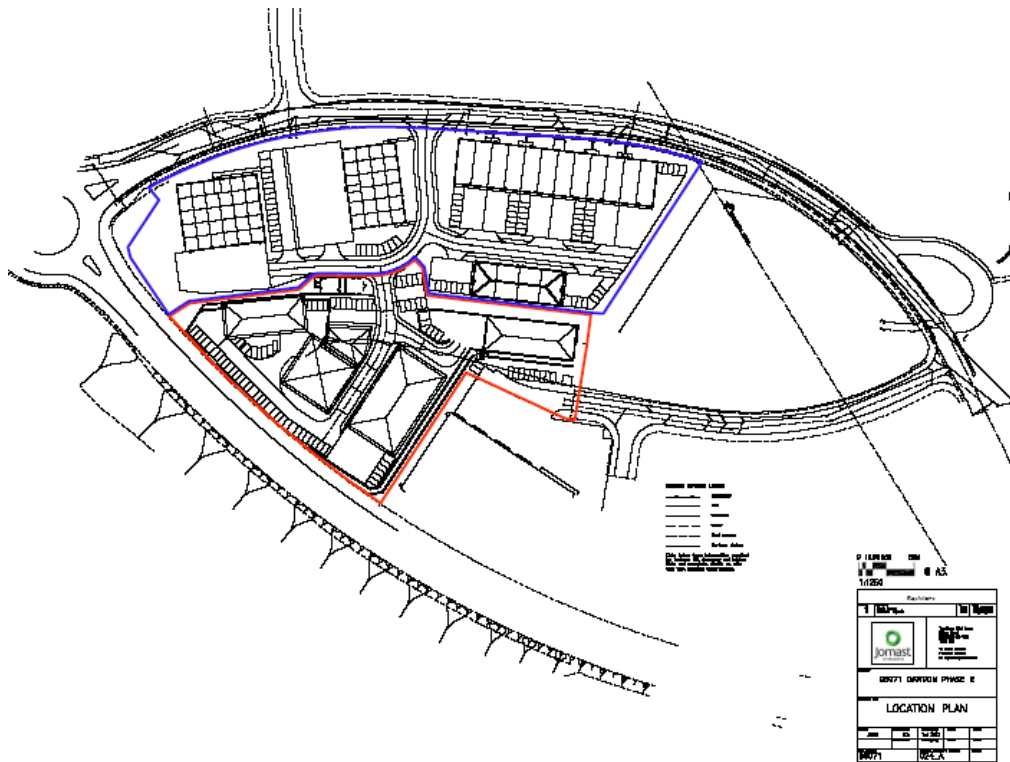
The proposal is considered to be in accordance with Policies 1 and 35 of the District of Easington Local Plan.

Decision time: 13 weeks – (delayed by need for legal research).

PLAN/2008/0375

Seaham (Dawdon) - INDUSTRIAL UNITS (REVISED PLANS) at 8 SPECTRUM BUSINESS PARK, SEAHAM for S J & J MONK

Location Plan



The Application Site

The application relates to an area of land within the former Dawdon Colliery site, in an area which until recently benefited from Enterprise Zone status (see relevant planning history). The application relates to an area of land situated on the western side of the A182 to the south of the roundabout providing main access to the business park. Initial site works have commenced.

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The Proposed Development

This application represents the re-submission of a previously approved application (see relevant planning history). The main differences between the current proposal and the previous scheme relate to layout changes.

Planning permission is sought for the erection of a variety of different buildings to be used for a range of uses. The proposal includes the erection of B1, B2 and B8 units and A1 and A2 properties. The proposed buildings are to be in keeping in terms of design and scale with those found within Spectrum Business Park. Due to the fall in land across the site various retaining structures are also proposed to increase the developable area of the site. The site is to be landscaped to enhance its prominent setting.

Site History

Spectrum Business Park was part of an Enterprise Zone. The Enterprise Zone ended in November 2005. Adjacent buildings were allowed under the provisions of the Enterprise Zone.

PLAN/2007/0767 – Industrial Units – Approved

The above application relates to the same application site as the current proposal. The only differences between the two applications relate to the site layout.

Planning Policy

District of Easington Local Plan

GEN01 - General Principles of Development

ENV35 - Environmental Design: Impact of Development

ENV36 - Design for Access and the Means of Travel

ENV37 - Design for Parking

Consultations and Publicity

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

Easington District Council, Regeneration officer, comments:

- The Regeneration and Partnerships Unit would support the revised plan and raise no objections.

Durham County Council, Highways Authority, comments:

- The plans are similar to those considered under the previous planning application ref. PLAN/2007/0767, to which the only highway requirement was improved pedestrian access to Unit 5. The improved pedestrian access has been shown on the latest Site Plan and is acceptable. The main amendment would appear to be the omission of the small Units 10,11 and 12 from the original proposals and their replacement by a single larger Unit 10, which is acceptable from a highway point of view.

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Planning Considerations and Assessment

The proposed development is considered to accord with the relevant development plan policies and is in keeping with existing developments situated within Spectrum Business Park in terms of scale and design. It is suggested that a condition be attached to the grant of planning permission to ensure that the proposed materials to be used match those used within the Business Park.

It is considered that the variety of uses proposed will add to the viability and vitality of Spectrum Business Park as a centre for employment uses. The proposed industrial (B1, B2 and B8) and commercial uses (A1 and A2) are in keeping with those already found on the industrial estate and as such are considered acceptable. The proposed retail element will provide for the users of the business park, and is also considered to be acceptable in keeping with the relevant development plan policies. It is proposed that a condition be attached to any grant of planning permission to limit the use of the retail unit to the sale of convenience goods to serve the needs of occupiers of surrounding business premises.

The proposal relates to a prominent site adjacent to the A182 that leads to Seaham town centre. It is proposed that a condition be attached to any grant of planning permission to ensure that a high quality landscaping scheme is agreed with the Local Planning Authority to ensure that the development makes best use of this important location.

Durham County Council, Highways Authority has no objections in principle to the proposed scheme.

Conclusion

The changes to the previously approved scheme are insufficient to warrant refusal of the application. The proposed development is considered to accord with the relevant development plan policies, and planning permission should be granted, subject to the suggested conditions.

Recommendation

Approval subject to the following conditions:
Materials; Means of Enclosure; Landscaping Scheme; Timing of Landscaping Works; Limit on Retail Goods; Parking Provision.

Reason for Approval

The proposal is considered to be in accordance with policies 1, 35, 36 and 37 of the District of Easington Local Plan.

Decision time

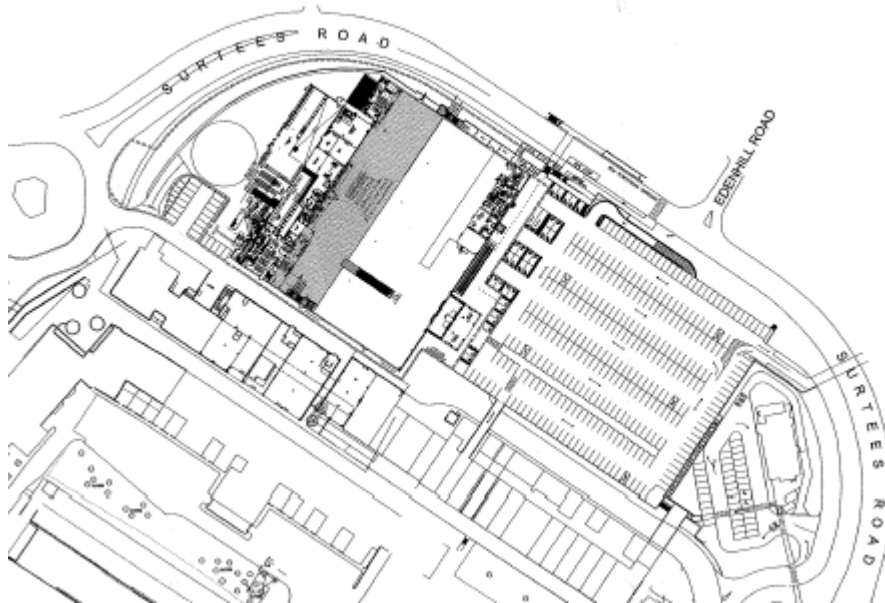
Within 13 weeks. Target achieved.

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PLAN/2008/0384

Peterlee (Dene House) - PROVISION OF MEZZANINE FLOOR AND ADDITIONAL STORAGE SPACE at ASDA STORES LTD SURTEES ROAD, PETERLEE for ASDA STORES LTD

Location Plan



The Application Site

This application relates to Asda Stores Ltd situated on Surtees Road in Peterlee town centre. Residential housing bound the site to the north and east with commercial/retail units to the south.

The existing store is largely a single storey structure, with areas of warehousing, storage and plant situated at the rear. The existing store comprises a gross floor area of 7,620 sq. m. (82,015 sq. ft.) with a net retail area of 4500 sq. m. (48,437 sq. ft.). A large car parking area is sited to the South-East of the store, with vehicular access provided from the round-about at the junction between Surtees Road and Yoden Way to the east.

The Proposed Development

Planning permission is sought for the installation of a new 1,858 sq. m. (20,000 sq. ft.) mezzanine floor within the existing Asda store. The bulk of the new floor area, 1,394 sq. m. (15,000 sq. ft.), would be used to increase the retail capacity of the store, while the remaining 372 sq. m (4,000 sq. ft.) of floor space would be used for warehousing and storage.

The applicants have stated that the additional floor space would be used to increase the existing food offer available at the ASDA store as well as providing additional space to promote the George clothing range and other non-food merchandise. The purpose of these extensions is to enhance the overall offer within the store in line with general retail trends for all supermarket operators. It is argued that customers now expect a broader

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selection of non-food items to be available to purchase when undertaking their main food-shopping trip. However the nature of the store overall will not change, with convenience provision remaining the dominant feature of the store. The proposals will also allow for internal improvements to the store such as wider aisles, upgraded gondolas and shelving units and additional checkouts to enhance the existing customer environment.

The applicants have also stated that the additional warehouse and storage capacity would allow for a reorganisation of the back of house facilities. Increased pressure on servicing and storage arrangements was identified as a matter of specific concern during pre-application discussion with Council officers. As a result, Asda has reviewed the existing servicing and storage arrangements to provide a more efficient layout of internal storage facilities, which will allow increased efficiency in storage and shelf loading.

The application also includes landscaping works at the rear of the store around the existing service yard. The applicant states that it is proposed to implement a landscaping scheme on the site in order to enhance the Surtees Road frontage of the site and to screen the building and multi-storey car park from the road.

Site History

98/706 – Asda Retail Store – Approved 17.06.1999

05/696 – Storage Building in rear service yard – Approved 13.10.2005

06/278 – Ground Level Servicing Area with George Clothes Shop – Approved 20.07.2008

Planning Policy

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GEN01 - General Principles of Development

ENV35 - Environmental Design: Impact of Development

P15 - Peterlee Town Centre

SHO101 - Protection and promotion of town centres

National Planning Guidance

PPS1 - Delivering Sustainable Development

PPS6 - Planning for Town Centres

Consultations and Publicity

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

Easington District Council, Environmental Health Officer, comments:

- No objections.

Easington District Council, Regeneration Officer, comments:

- The Regeneration and Partnerships Unit have no objections to the proposal and would support further economic redevelopment in Peterlee Town Centre.

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- As part of involvement with the local Town Council, feedback to our department has raised issues surrounding the external warehousing area currently located to the rear of the store and would ask if any provision can be made to encase/restrict this view to members of the public and improving the aesthetic quality of the building frontage.

Durham County Council, Highways Authority, comments:

- In view of the proposals having little or no impact on the existing highway network and supported by the submitted Travel Plan I would not have any highway objections to these proposals.

Durham Constabulary, comments:

- No objections.

Planning Considerations and Assessment

The main issues to be considered in determining an application such as this are:

- Relevant Development Plan Policies
- Transport and Highways
- Impact on Surrounding Properties

Relevant Development Plan Policies

Planning Policy Statement 1: Delivering Sustainable Development (2005) sets out the Government's main objectives for the planning system. These are largely based on the principles of sustainable development through, making a more efficient and effective use of land and promoting a strong, stable and productive economy that aims to bring jobs and prosperity for all. The proposed works can be considered to accord with the general aims of PPS1 by making a more efficient use of the existing building, enhancing the existing retail offer for Peterlee, and by providing increased choice for people to meet their retail needs in Peterlee without having to travel outside their locality. The proposals will also create some 70 new jobs, which will contribute to the local economy.

Planning Policy Statement 6: Planning for Town Centres (2005) provides the current national planning guidance in respect of proposals for town centres and new retail development. PPS6 seeks to ensure that consumer choice is enhanced and that a wide range of services is provided, in a good environment that is accessible to all. The Government's key objective is to promote the vitality and viability of town centres and through this support efficient, competitive and innovative retail, leisure, tourism and other sectors, with improving productivity. PPS6 states that the role and function of existing centres should be strengthened and enhanced and where possible new floorspace should be directed to existing designated shopping centres. With regard to sustainable development, PPS 6 states that proposals should seek to reduce car dependence by facilitating links between public transport, jobs, education and health facilities, shopping, leisure and local services.

The current proposal is consistent with the guidance set out in PPS6. The proposals will make more efficient use of an existing building and increase the density of development within an existing town centre. The proposals will reinforce the role and function of Peterlee town centre as a key shopping and

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leisure destination. The existing Asda store is situated in a highly accessible location within Peterlee town centre.

With regard to the District of Easington Local Plan policies 35 and 101 are considered particularly relevant in determining this application. Policy 35 deals with the design and layout of development and requires that new developments are appropriate in terms of character and scale, provide appropriate landscaping and screening and have no serious adverse effect on the amenity of people living and working within the vicinity of the site. Due to the type of development it is considered that the proposed works will have little impact on adjacent residents; the proposal includes a landscaping scheme that will improve the current situation for adjacent residents. Policy 101 relates to the protection and promotion of town centres and sets out the requirement to protect and promote the role of Peterlee and Seaham town centres as the main retailing centres in the district; as the proposal relates to an existing retail unit within Peterlee town centre the proposal is considered to accord with Policy 101. The proposed works are considered to accord with the relevant policies of the Local Plan.

Transport and Highways

The applicants have submitted a Transport Assessment, which includes a Travel Plan as part of the application. Durham County Council, Highway Authority have been consulted regarding the submitted information.

It is considered the applicant's Transport Assessment gives a reasonable account of the car parking and servicing arrangements for the Asda premises, before and after the proposed creation of the mezzanine floor. Whilst the spare capacity identified within the car parks at present may not be that significant the creation of the mezzanine floor is not expected to create a surge of new customers which would result in an over demand for car parking. The mezzanine floor will primarily improve facilities and choice for customers rather than attract new people to the store. The applicant's assessment of the servicing of the premises, post mezzanine floor being created, would appear to be reasonable on the basis that there should not be any additional service vehicle deliveries attending the site.

The Travel Plan aims to promote sustainable transport measures. The proposed measures will hopefully result in a reduction in car journeys by members of staff in particular, resulting in freeing up additional car parking spaces for customers. The Travel Plan should be conditioned on any planning permission that may be granted.

Durham County Council, Highways Authority has raised no objections to the scheme. Subject to the proposed Travel Plan measures it is not considered that the proposal will have any detrimental effects on the existing Transport or Highways.

Impact on Surrounding Properties

The application relates to the installation of a mezzanine floor within the existing building; as such any visual effects will be minimal. The only external building works proposed as part of the application relate to the erection of a fire escape on the eastern end of the existing building. Due to the irregularity of use of such a structure it is not considered that it will impact on residential amenity sufficiently to warrant refusal of the application.

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Easington District Council Regeneration Officers have raised concerns regarding a lack of screening around the existing service yard adjacent to Surtees Road. The installation of the mezzanine floor will provide additional warehousing space for the store, as such the service yard at the rear will be re-organised and improvements should be possible. The current proposal also includes details of landscaping to be provided along the northern and eastern boundaries of the site adjacent to Surtees Road. The proposed landscaping will screen the rear service yard and improve the appearance of the retail unit from Surtees Road. The timing of the landscaping works will be subject to a condition attached to any grant of planning permission.

Conclusion

The proposals to include a mezzanine floor at the Asda store in Peterlee will improve the retail environment and provide an increased selection of comparison goods in Peterlee town centre. The provision of additional warehousing space within the store and the proposed landscaping works will improve the external appearance of the building; particularly in relation to the rear service yard. The proposal is fully in accordance with national and local planning policy and will enhance the town centre offer and provide additional local jobs.

Recommendation

Approval subject to the following conditions: Timing of Landscaping Works, Travel Plan Implementation.

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

ENV35 - Environmental Design: Impact of Development
GEN01 - General Principles of Development
P15 - Peterlee Town Centre
SHO101 - Protection and promotion of town centres

Decision time

Within 13 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