

Item no.

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

Date: **23 September 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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The Proposed Development

The plans originally submitted with this application have been amended during the application process.

Planning permission is sought for the demolition of the existing building and the erection of a three-storey block that will include retail on the ground floors and residential on the first and second floors, a single residential unit will also be provided in the roof. The proposed building is to incorporate a hipped roof and will be finished in materials in keeping with the current street scene.

The ground floor is to include the erection three mid-sized retail units. The retail units are to include traditional shop fronts in keeping with the existing street scene. In total 12 one-bedroomed apartments are to be provided on the first and second floors with 1 three-bedroomed apartment in the roof of the building. Additionally a bin store is to be provided at the rear of the ground floor to be accessed from Green Street.

The proposed development does not include any parking provision. Vehicle access for the proposed retail units will be provided from South Terrace and Green Street in line with the servicing arrangements for the existing retail units on the site. No allocated parking is to be provided for the proposed residential units.

Site History

None relevant.

Planning Policy

National Planning Guidance

PPS1: Delivering Sustainable Development
PPS3: Housing
PPS6: Town Centres

District of Easington Local Plan

GEN01 - General Principles of Development
ENV22 - Preservation and Enhancement of Conservation Areas
ENV35 - Environmental Design: Impact of Development
HOU66 - Provision of outdoor play space in new housing development
SHO101 - Protection and promotion of town centres

Consultations and Publicity

The application has been advertised in the local press and by a site notice. Neighbouring properties have also been consulted. Three letters of representation have been received in relation to this application. Support has been offered to the application on the following grounds:

- Regeneration benefits for Seaham
- Providing much needed accommodation in the centre of Seaham.

Easington District Council, Environmental Health Officer, comments:

- To minimise the impact of the development during construction. hours of construction should be limited to Mon-Fri: 08:00-18:00, Sat: 08:00-13:00 hrs.

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Easington District Council, Regeneration officer, comments:

- The Regeneration and Partnerships Unit are in support of the proposal in principle. However, concerns remain regarding the scale and density of the proposed development.
- With particular regard to the density issue in relation to accommodating residential needs in the town centre, this particular development seems distinctly compacted. The sheer volume of apartments has not considered accessibility and parking issues. Parking remains a significant restraint on the town centre and this development will do little to remediate this problem.

Durham County Council, Conservation Officer, comments:

- Discussions have taken place with the developer to amend the detail of this application so that the proposal would fit the context of this part of the conservation area in a more satisfactory way. Subject to conditions relating to materials to be used, window types to be used, and the design of shop fronts being attached to any grant of planning permission, I am in support of the proposal.

Durham County Council, Highways Authority, comments:

- In principle the proposal is acceptable from a Highways perspective.
- The applicant has not clarified the proposed delivery, loading and servicing arrangements for the proposed retail units. Vehicular access is restricted around the application site. Church Street is pedestrianised, bollards restrict Green Street, and South Terrace is used for Bus access. Further clarification is sought. Due to the town centre location there is no requirement for parking provision in relation to the retail units.
- No parking is to be provided for the proposed residential units. However, as residential units already exist on the site at present and whilst the resultant number more than doubles the residential amount this would be deemed acceptable. The lack of parking provision is not considered to be an issue due to the restrictions on the movements of motor vehicles on all sides of the application site.

Northumbrian Water, comments:

- No objections.

Durham Bat Group, comments:

- No objections.

Planning Considerations and Assessment

The main issues to assess in determining this application are:

- Relevant Development Plan Policies
- Design and Scale
- Access and Parking
- Play Space Provision

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 land,

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enhancing the retail facilities for Seaham, and by providing new residential units in the town centre.

Planning Policy Statement 3: Housing contains the national Planning Guidance relating to Housing Developments. The main aim of national guidance is to increase density of development and mixture of housing type. The proposed development is considered to accord with the general principles of PPS3, the proposal will result in a more efficient use of the site and provide a greater variety of residential accommodation in the town centre.

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. The current proposal is consistent with the guidance set out in PPS6. The proposals will make more efficient use of the application site and increase the density of development within an existing town centre.

With regard to the District of Easington Local Plan the relevant policies to consider are 22, 35, 66 and 101. Policy 22 deals with development within conservation areas. As the application site is within Seaham Conservation Area the design of the development and its relationship with the street scene are important considerations. In principle the proposed scheme is considered to accord with Policy 22, further discussion in relation to this issue is found in the Design and Scale section of this report. Policy 35 deals with the general impact of development; in principle the proposed development is considered to be acceptable in this regard, the proposal will have no detrimental effects on adjacent occupants and is acceptable in relation to its impact on the street scene. Policy 66 deals with play space provision in relation to residential schemes; this issue is discussed further in the play space provision section of this report. Policy 101 deals with the promotion and protection of Seaham and Peterlee town centres. The application site is situated within Seaham town centre, and as such this proposal, that will provide retail at ground floor and residential above, is considered acceptable. The introduction of residential uses in the town centre will enhance the vitality and viability of Seaham town centre and as such the proposal is considered to accord with policy 101 of the Local Plan.

Design and Scale

The application site is situated within Seaham Conservation Area; as such the design and scale of the proposed scheme are key considerations in assessing the application. The relevant development plan policies state that development should not be allowed in a conservation area unless the proposed works will protect or enhance the character of the area.

During the application process various amendments have been made to the submitted scheme following discussions with Durham County Council's Conservation Officer. The original proposal included an additional floor, and was considered to be too dominant and out of keeping with the existing street scene in terms of scale and design. As such, an amended plan was submitted with a floor removed, and changes were made to the design of the building. The amended plan is considered to be acceptable; it is considered to be in keeping with the street scene and is acceptable in terms of design. The Conservation Officer has recommended approval of the

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scheme subject to materials, window detailing, and shop front design being agreed prior to works commencing on site.

Subject to the suggested conditions the proposed development will deliver a good quality scheme in an important town centre location. The development will set a precedent for future redevelopment schemes in Church Street in terms of design and scale. The use of high quality materials will ensure a high quality finish for the development.

Access and Parking

The application site is situated in Seaham town centre fronting onto the main pedestrianised shopping street. Vehicular access to the site is restricted on all sides, as such no parking is provided as part of the proposed works. Normally this would be an issue that would lead to a refusal of planning permission, however in this instance due to the town centre location of the proposed development the lack of parking provision is not necessarily a sufficient reason for refusal. The proposal relates to a town centre site situated close to existing town centre public car parks, and public transport routes.

At present a total of 12 individual units exist on the site (5 residential and 7 retail), as part of the application demolition of the existing units will take place and new build will be erected which will provide 16 individual units (13 residential and 3 retail). The proposed development will result in 4 more individual units than the number currently found on the site. Although the applicant has not provided information relating to access and deliveries for the retail units it is not considered that the proposal will have any effects over or above those currently attributed to the existing retail units on the site. The parking requirement for an additional 4 units can be accommodated within existing town centre parking provision. Due to the existing restrictions with regard to vehicular traffic accessing the site it is not considered that the proposed development will lead to any on-street parking problems.

Play Space Provision

The proposed development involves the erection of more than ten residential units, so policy 66 of the Local Plan requires that the appropriate provision should be made for children's play space. While there is no provision for such open space within the development, the applicants have stated that they are willing to enter into a S.106 Legal Agreement in respect of their making a financial contribution to the provision of new or the enhancement of existing play space outside the application site. Although the relevant policy does request on-site provision, it has been common practice for the Council to agree a financial contribution in lieu of open space provision by way of a Legal Agreement when no play space is proposed. As such the current proposal is considered to accord with the relevant development plan policy, and is consistent with recent decisions on comparable sites within the district.

Conclusion

The proposed works will result in the redevelopment of a prominent site in Seaham town centre to the benefit of the character of the area. The proposed development will enhance the vitality and viability of Seaham town centre by providing improved retail units on the ground floor and new residential units above. The scale and design of the proposed development is considered to accord with the existing street scene and the areas designation as a conservation area. The proposed development will enhance the existing street scene and subject to the suggested conditions will set a standard for the future development of Church Street.

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Recommendation

That Members be minded to approve the application subject to the completion of a Section 106 Agreement relating to off site open space provision, and subject to the following conditions: Timing of Development; Materials to be used; Window Design including dormer windows and rooflights; Shop Front Design; and that delegated authority be given to the Head of Planning and Building Control Services to issue the decision on satisfactory completion of the Section 106 Agreement.

Reason for Approval

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

District of Easington Local Plan

ENV22 - Preservation and Enhancement of Conservation Areas

ENV35 - Environmental Design: Impact of Development

GEN01 - General Principles of Development

SHO101 - Protection and promotion of town centres

Decision time

Outside 13 weeks. Target not achieved due to amended plans being requested.

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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

Members are advised that a decision on this application can not be issued by this Council because the applicants have appealed to the Planning Inspectorate on the basis that the application has not been determined in the normal eight weeks period.

This report has been prepared so that the Panel may give an indication of what decision would have been made had the appeal not been lodged, so that the Planning Inspectorate can be advised accordingly.

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 has been constructed.

The Proposed Development

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

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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.
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;
- there are other features on the building which do not accord with the originally approved plans but have not been included in this application.

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. The building has been erected and is substantially complete. Thus, the only material considerations pertaining to this application are the effect of the retrospectively proposed (unauthorised) changes to the design of the building granted planning permission on appeal in March 2004 and the representations made by local residents.

There are two such unauthorised changes included in this application, although there are other, associated variations from the approved plans which have not been detailed on the submitted drawings.

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.

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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 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 shown on the following drawing.



The block has actually 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.

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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, which helps to alleviate the effect of what would otherwise have been a very tall and overwhelming gable in the context of the adjacent houses.

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 minor 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 it is concluded that it would be 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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It is also considered that the other unauthorised changes to the design of the building, which relate to variations in the sizes and positions of dormer windows are not unacceptable.

The delay in processing the application has largely resulted from failed attempts to persuade the applicant to submit fully revised drawings showing all these other variations from the originally approved plans, so that the whole matter could be resolved at the same time, and the need to take legal advice on a procedural matter raised by an objector.

Recommendation

The Panel resolves that, had an appeal against the non-determination not been lodged:

- 1) planning permission would have been granted subject to a condition requiring the bricking up of east-facing porch window opening within one month of the permission being granted; and
- 2) the applicant would have been advised that the changes to the dormer window sizes and positions would be considered acceptable, should a further regularising application be submitted.

Reason for Approval

Subject to the suggested condition, the proposal is not considered to adversely affect adjacent residents to such a degree as to justify a refusal of planning permission, and is thus considered to be in accordance with Policies 1 and 35 of the District of Easington Local Plan.

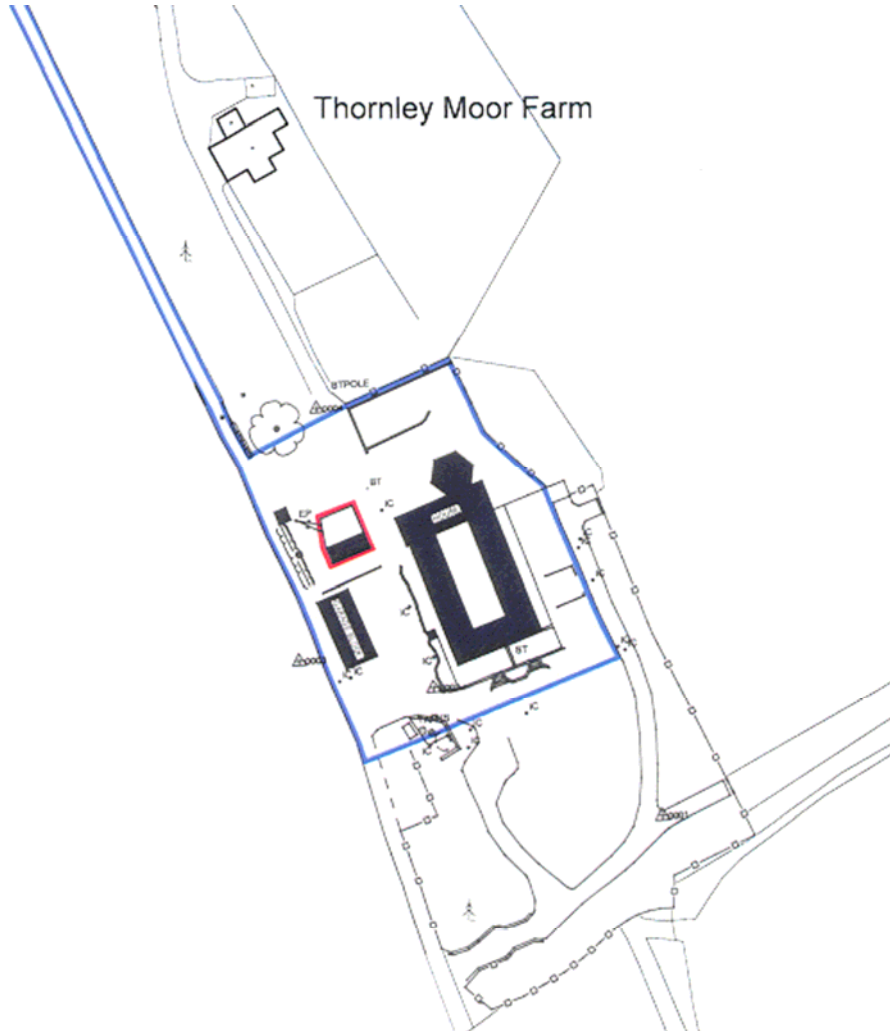
Decision time: 25 weeks – (delayed by need for legal research and failure of applicant to incorporate all unauthorised variations to the building design in application).

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PLAN/2008/0358

Thornley (Thornley & Wheatley Hill) - DEMOLITION OF ANCILLARY STORAGE BUILDING AND CONSTRUCTION OF GARAGE WITH FIRST FLOOR STORAGE at UNIT 1, THORNLEY MOOR FARM, CASSOP for HASWELL MOOR DEVELOPMENTS

Location Plan



The Application Site

The application relates to an area of land to the west of a group of recently converted farm buildings at Thornley Moor Farm, situated to the south east of Cassop. The adjacent development comprises of three dwellings sited around a central courtyard with a detached garage block and storage building. Other than the buildings that have been retained and converted to form the dwellings all other agricultural buildings have been removed from the site.

This application specifically relates to the storage building referred to above. The building was originally a piggery, but was included as part of the residential development and was to be used as a storage building linked to one of the residential dwellings. The existing building is finished in red brick with asbestos/cement roofing sheets; the building is in a poor state of repair.

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The Proposed Development

Planning permission is sought for the demolition of the old piggery building and for the erection of a new detached garage in its place. The detached garage is to be 7.8m by 6.5m and a maximum height of 4.9m. The garage will provide space for two cars at ground floor level with storage provided above. The proposed garage is to be finished in materials to match the adjacent development.

Site History

PLAN/2006/0019 – Conversion of Farm Buildings into 3 no. dwellings – Approved 06.06.06. This application relates to the land directly to the east of the current application site.

Planning Policy

District of Easington Local Plan

GEN01 - General Principles of Development
ENV03 - Protection of the Countryside
ENV35 - Environmental Design: Impact of Development

Consultations and Publicity

A site notice has advertised the application and neighbouring properties have been consulted. Six letters of representation have been received in relation to this application, five in support and one raising objections.

In support of the application it is suggested that the proposed demolition and re-build will have a positive effect on the character of the area by removing an unsightly building and providing a new garage in keeping with the recently approved development.

Objections have been raised to the development on the following grounds:

- Most of the adjacent development has been demolished and re-built against Council policy. The current application is for the demolition of the only original building on the site and its replacement with a new build garage, further new build should not be allowed in this location.
- The size and scale of the proposed garage are far greater than the existing storage building and would have a much bigger impact in terms of massing.
- It is suggested that in terms of size, the proposed garage is of a similar footprint to most newly built residential dwellings. The addition of the second floor means that if the Council were minded to approve this application it could potentially be capable of conversion to a self-contained dwelling. As such a new house would be allowed in the countryside contrary to national and local planning guidance.
- The need for the proposed garages is questioned. The original permission for the development included a garage block with four bays, which had been designed to serve the entire development.
- It is argued that the Council has already refused similar applications on comparable sites in the district due to concerns over future conversion to residential. The Council should be consistent in decision and refuse this application.
- Concerns have been raised regarding protected species using the building. It is suggested that the application should not be determined until further information is provided to show that there is no risk to protected species.

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Easington District Council, Countryside Officer, comments:

- Sufficient survey work has been completed to show that there will be no risk to protected species. No objections.

Durham County Council, Highways Authority, comments:

- In principle no highway objections. Information relating to driveway length passed to applicant.

Planning Considerations and Assessment

The main issues to consider in determining an application such as this are the impacts on the character of the area in terms of design, scale and siting and any impacts the proposed development may have on adjacent occupants.

Planning permission is sought for the demolition of the existing storage building and the erection of a new build double garage with first floor storage in its place. The proposed replacement garage is considered acceptable in terms of scale and design. The proposed garage is to be finished in materials to match the adjacent recent residential development. The garage is to be sited in the same position as the building to be demolished and is well sited in relation to the adjacent buildings. Due to its siting it is not considered that the proposed garage will have any detrimental effects on the occupants of adjacent properties sufficient to warrant refusal of the application.

A letter of representation has been received in relation to this application, which raises concerns relating to: the amount of “new build” already allowed on the site; the size and scale of the garage and the potential for future change of use; the need for the proposed garages; precedents set by previous Planning decisions relating to comparable sites; and, the impact the proposed development will have on protected species.

Concerns were raised regarding the amount of new build that has taken place on the site, and it was suggested that the proposed works would remove the only original building from the site. However, the proposed garage is considered to be an appropriate form of development within the curtilage of an approved dwelling, furthermore, it is considered that the garage will be well sited and of an appropriate scale.

Concerns have also been raised regarding the scale of the proposed garage and the potential for future conversion to form a residential dwelling. It is accepted that the proposed building will be larger than the existing structure, although it does share a similar footprint compared to the existing building and associated enclosures. Due to the siting of the garage in relation to the adjacent buildings it is considered acceptable. With regard to the concerns in relation to the future conversion of the proposed garage to form a separate individual dwelling; it is considered that the proposed structure is not large enough to allow for a change of use to create an individual dwelling, pre-application amendments were agreed with the developer that decreased the size of the garage and in particular the height of the roof, as such the garage as proposed is not considered suitable for change of use to form an individual residential dwelling. Any future proposal to change the use of the proposed garage would require formal planning permission.

The objector has also questioned the need for the proposed garages, pointing out that the original planning permission relating to the site included the erection of a block of four garages to serve all the dwellings. Whether or not the proposed garage

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block is required is not considered to be a planning issue, as discussed above the main issues to consider in determining this application are impacts on the character of the area in terms of design, scale and siting and any impacts the proposed development may have on adjacent occupants.

With regard to the precedent for refusal set by the Council, it is noted that planning permission has been refused elsewhere where proposed buildings were considered out of scale with their purported use and were considered to affect the openness of the countryside. However, it should be noted that each planning proposal is assessed on its individual merits and that in this case the proposal is considered to be acceptable due to the reasons outlined above.

Finally, the objector has also raised concerns regarding protected species, in particular bats, using the site. The Council's Countryside Officer has been consulted on the proposed works; following discussions with the developer, the Countryside Officer has confirmed that the development should not have any effect on protected species.

It is suggested that a condition be attached to any grant of planning permission to ensure the proposed garage is finished in materials to match the adjacent development.

Conclusion

The proposed development is considered to broadly accord with the relevant development plan policies. The proposed demolition of the existing storage building linked to the adjacent residential development and subsequent erection of a new double garage is considered to be acceptable in terms of scale, design and siting.

Recommendation

Approval subject to the following condition: Materials to match the existing development.

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

GEN01 - General Principles of Development

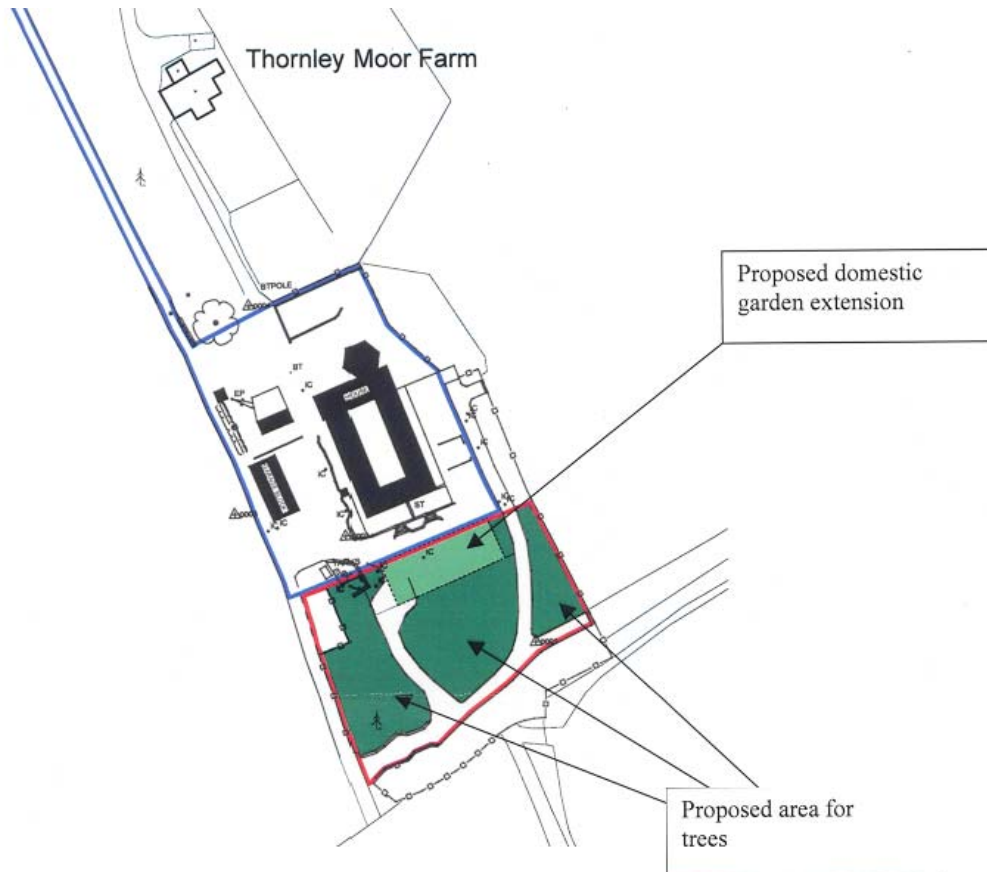
Decision time Outside eight weeks. Additional information requested regarding protected species.

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PLAN/2008/0359

Thornley (Thornley & Wheatley Hill) - CHANGE OF USE OF LAND TO FORM EXTENSION TO DOMESTIC GARDENS AND PLANTING OF TREES TO CREATE WOODLAND at UNITS 2 AND 3 THORNLEY MOOR FARM, CASSOP for HASWELL MOOR DEVELOPMENTS

Location Plan



The Application Site

The application relates to an area of land to the south of a group of recently converted farm buildings at Thornley Moor Farm, situated to the south east of Cassop. The adjacent development comprises of three dwellings sited around a central courtyard with a detached garage block and storage building. Other than the buildings that have been retained and converted to form the dwellings all other agricultural buildings have been removed from the site.

This application specifically relates to an area of land to the south of the main development, on which agricultural buildings originally stood. The buildings have been removed from the site and the land has been grassed over.

The Proposed Development

Planning permission is sought for the change of use of part of this land from agricultural land to private garden. The change of use relates to an area of land measuring 10 metres by 26 metres. The garden extension will provide larger gardens for two of the recently completed dwellings. The proposed works also include planting works on the adjacent land to the south of the residential development. The

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boundary treatments and landscaping plans will be agreed with the Local Planning Authority by way of condition.

Site History

PLAN/2006/0019 – Conversion of Farm Buildings into 3 no. dwellings – Approved 06.06.06. This application relates to the land directly to the north of the current application site. The proposed garden extensions will benefit two of the dwellings approved under this application.

Planning Policy

District of Easington Local Plan

GEN01 - General Principles of Development

ENV03 - Protection of the Countryside

ENV35 - Environmental Design: Impact of Development

Consultations and Publicity

A site notice has advertised the application and neighbouring properties have been consulted. Two letters of representation have been received in relation to this application. Four in support and one raises objections.

In support of the application it is suggested that the extended gardens will improve the amenity value for residents of the approved dwellings, and that the proposed planting works will improve the appearance of the site.

Objections have been raised to the development on the following grounds:

- Concerns have been raised regarding the validity of the planning application in relation to site ownership and the accuracy of submitted plans and statements.
- The proposed garden with any associated domestic paraphernalia will impact unduly on the rural character of the area. It is suggested that the proposed works are therefore contrary to Policy 3 of the District of Easington Local Plan.
- It is stated that the Council has already refused similar proposals elsewhere for the conversion of agricultural land to private garden.
- It is suggested that if the application were to be approved that conditions dealing with “permitted development rights”, land contamination, and landscaping works should be attached to any grant of planning permission.

Planning Considerations and Assessment

The main issue to consider in determining an application such as this would be the impact the proposed change of use would have on the character of the area and how it would impinge on the open countryside. The relevant development plan policies presume against the loss of agricultural land and look to protect the openness of the countryside.

The current proposal is for the change of use of agricultural land to provide larger gardens for recently approved residential dwellings. The land in question was previously covered in agricultural buildings, which have recently been demolished. It is considered that if at the previous planning application stage the proposed residential curtilages had been extended in line with the current proposal, that planning permission would have still been granted due to the removal of the original agricultural buildings and the incorporation of the land as part of the farm conversion

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proposals. The current application also includes the planting of trees on land directly to the south of the application site, the proposed tree planting will minimise any impact that the proposed change of use may have on the character of the area. The proposed extension of garden area will not impinge on the openness of the countryside sufficiently to warrant refusal of the current proposal.

A letter of representation has been received in relation to this application, which raises various areas of concern. Concerns were raised regarding the validity of the planning application. It is considered the planning application is valid, and that the proposal can be progressed to decision. It was also suggested that the proposed change of use of the land would be contrary to the relevant development plan policies and that the Council had refused similar proposals elsewhere. As discussed previously in this report, due to the previous use of the land and proposed landscaping it is not considered that the proposed works will have a sufficient effect on the openness of the countryside to warrant refusal of the application. With regard to the precedent for refusal set by the Council, it is noted that planning permission has been refused elsewhere for the extension of private gardens into agricultural land; however, it should be noted that each planning proposal is assessed on its individual merits and that in this case the proposal is considered to be acceptable due to the reasons outlined above.

It is suggested that conditions would be appropriate covering “permitted development rights”, land contamination, prior agreement of means of enclosure, and that a Section 106 Agreement is used to agree the planting scheme and future maintenance.

Conclusion

The proposed development is considered to broadly accord with the relevant development plan policies. The proposed extension of the existing garden areas will not have a detrimental effect on the openness of the countryside sufficient to warrant refusal of the application. The proposed planting is welcomed, and will enhance the boundary between the residential development and surrounding agricultural fields.

Recommendation

Approval subject to the completion of a Section 106 Agreement relating to the agreement of a landscaping scheme and the future maintenance of the landscaping, and subject to the following conditions: means of enclosure, land contamination, and the removal of “permitted development rights”; and that delegated authority be given to the Head of Planning and Building Control Services to issue the decision on satisfactory completion of the Section 106 Agreement.

Reason for Approval

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

District of Easington Local Plan

ENV03 - Protection of the Countryside

ENV35 - Environmental Design: Impact of Development

GEN01 - General Principles of Development

Decision time Outside 8 weeks - due to consultation requirements and Panel deadlines.

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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