

Item no.

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

Date: **14 October 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.

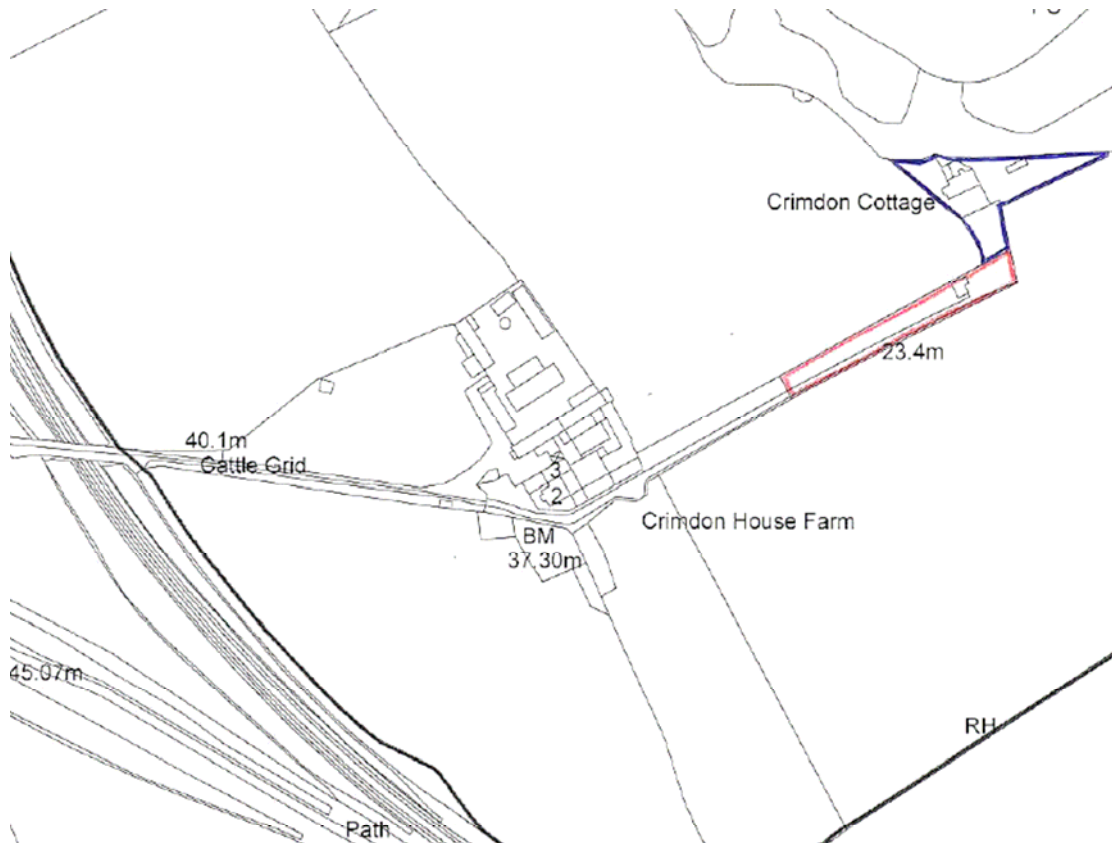
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D GENERAL APPLICATIONS

PLAN/2008/0216

**Monk Hesleden (Blackhalls) - 5 NO. HOLIDAY LODGES at CRIMDON COTTAGE
COAST ROAD, BLACKHALL for J BALDWIN**

Location Plan



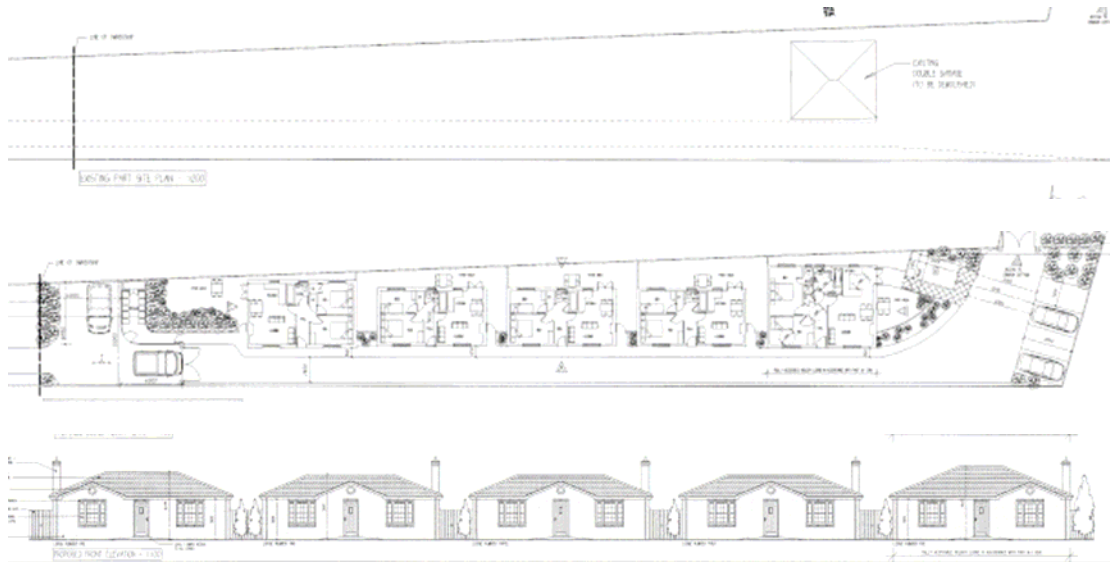
The Application Site

The application site is located to the south of the district close to the boundary with Hartlepool. The site lies outside of any settlement boundary within the countryside. It is also located within an Area of High Landscape Value, a wildlife corridor and the Durham Heritage Coast, it is adjacent to a Site of Special Scientific Interest (SSSI) and a Nature Reserve, and is approximately 80 metres away from a Listed Building. It is a long narrow strip of land adjacent to the access road leading to Crimdon Cottage.

The Proposed Development

This application proposes 5 holiday lodges. At present there is a detached garage on site that would be demolished to make way for the development. The lodges would be detached and constructed of brick and tile with a render finish. They would be used for tourist accommodation with one of the lodges being constructed to suit disabled persons.

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Site History

No relevant planning history.

Planning Policy

District of Easington Local Plan

GEN01 - General Principles of Development

ENV03 - Protection of the Countryside

ENV07 - Protection of Areas of High Landscape Value (AHLV)

ENV09 - Protection of the Coastal Environment

ENV15 - Protection of sites of Special Scientific Interest and National Nature Reserves

Env16 - Protection of sites of Nature Conservation Importance. Local Nature Reserves and Ancient Woodlands

ENV17 - Identification and Protection of Wildlife Corridors

ENV24 - Development Affecting Listed Buildings and their Settings

ENV35 - Environmental Design: Impact of Development

REC84 - Undeveloped Coast

Consultations and Publicity

The proposal has been advertised by way of press and site notices. Approximately 46 letters have been received in relation to this application, some residents have written more than once. Most of the responses objected to the proposal. Objection reasons included:

- Harm to local wildlife/biodiversity
- Poor access
- Adverse impact on landscape
- Poor layout
- Loss of privacy
- Not in accordance with local plan policies
- Harm to character of listed building, SSSI and wildlife corridor

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Support reasons included:

- Tourism/economic benefits
- Good facility for disabled people
- Won't affect wildlife
- Would add to beauty of area
- Access would not cause problems

Parish Council – no response

DCC Highways – no objections

Environmental Health – no objections

Northumbrian Water – no objections

County Durham Design and Conservation Officer – the proposal would harm the open setting and character of the listed building which is approximately 80 metres away. Its linear form is unrelated to any landscape features. Recommend refusal.

Durham Landscape Officer – The proposal would have an adverse impact on an Area of High Landscape Value, the Heritage Coast and adjacent a SSSI and Nature Reserve. It would create an intrusive, negative visual impact on the landscape. Recommend refusal.

Countryside Officer – The proposal would have an adverse visual impact on the landscape, Local Nature Reserve and SSSI.

Durham Heritage Coast – The proposal would be highly visible and intrusive. It would have an adverse impact on the Local Nature Reserve, the SSSI and the setting of the Listed Building. It is wholly inappropriate and contrary to policy.

Natural England – It is unlikely to have an impact on species protected by law.

Planning Considerations and Assessment

Due to its siting the proposal is not considered to accord with the relevant development plan policies. The key issues to assess in determining this application are considered to be:

- Countryside Setting
- Area of High Landscape Value
- Durham Heritage Coast
- SSSI and Nature Reserves
- Development in the Coastal Zone
- Setting of a Listed Building

Countryside Setting

The application site relates to an area of land situated outside the established settlement boundaries as outlined on the District of Easington Local Plan Proposals Map, as such the proposed development is considered to represent development in the countryside. Policy 3 of the District of Easington Local Plan presumes against development in the countryside unless allowed for under other development plan policies. The application site is situated outside the area designated by Policy 85 of the Local Plan for the approval of development at Crimdon for tourism uses. As such, any other Local Plan Policy does not support the proposed works.

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Area of High Landscape Value

The site lies within an Area of High Landscape Value (AHLV) as outlined on the District of Easington Plan Proposals Map. The proposed development due to its siting and design would have an intrusive, negative visual impact on the AHLV. Policy 7 of the District of Easington Local Plan states that the special character, quality and appearance of the landscape within areas designated as AHLV will be maintained and enhanced. Furthermore, it states that any development likely to adversely affect the character, quality or appearance of the AHLV will only be permitted if it meets a need that outweighs the value of the landscape and there is no alternative location within the county. It is considered that no “need” has been demonstrated in relation to the proposed holiday cottages that outweighs the value of the landscape, and that the proposal could be sited elsewhere in the county, as such the proposed works are considered to be contrary to Policy 7 of the Local Plan. Durham County Council, landscape officer has objected to the proposed development. The site is not of sufficient size to accommodate mitigating landscaping, but in any event it is the built development that is considered to adversely affect the character and appearance of the area.

Durham Heritage Coast

Heritage Coast is a non-statutory definition primarily related to landscape quality, nature conservation and public access. The Durham Heritage Coast is a partnership of fourteen separate bodies concerned with the management of the defined area of Heritage Coast in County Durham and Sunderland. The application site falls within the defined Heritage Coast boundary as adopted by the District of Easington Council. A formal Management Plan for the area was published in April 2005 covering the period 2005-2010. The policies relating to the management of the Heritage Coast are included in this plan. The Heritage Coast Officer has objected to the application as it is considered that the proposed development would be highly visible within the Heritage Coast and will be an unwarranted and highly visible intrusion into an open and rural landscape setting that has little built development, as such the proposed development is considered to be contrary to the vision, objectives and policies of the Heritage Coast.

SSSI and Nature Reserves

Crimdon Dene is a Local Nature Reserve and the adjacent sand dune system is designated as an SSSI. The Council’s Countryside Officer has objected to the scheme as it is considered that the proposed development will have an adverse visual impact on the landscape. Natural England has been consulted regarding the application and have raised no objections to the scheme. Although the proposed development will have no direct effect on bio-diversity or harm wildlife, it is accepted that the proposed development will have a visual impact on the adjacent Local Nature Reserve and SSSI. Policies 15 and 16 of the Local Plan state that development that will directly or indirectly affect SSSI’s or Local Nature Reserves will not be allowed, unless the developer can demonstrate that any adverse effects are minimised. In this case it is not accepted that the negative visual impact of the development can be mitigated sufficiently to comply with the Local Plan policies.

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Development and the Coastal Zone

The application site is situated within the Coastal Zone as designated on the Easington District Council's Local Plan Proposals Map. Policy 8 of the Local Plan states that the Coastal Zone will be restored to a semi-natural habitat for nature conservation purposes. The proposal represents new-building works within the Coastal Zone, and as such is considered not to comply with Policy 8 of the Local Plan.

Setting of a Listed Building

The application site is situated in open farmland approximately 80 metres from the listed Crimdon House Farm. Durham Country Council's Conservation Officer has been consulted on the application. The Conservation Officer considers that the significance of Crimdon farmhouse is enhanced by it being the only listed building along this part of the coast, and as such the proposed development must be carefully judged for its impact on the farm. In this respect the Conservation Officer considers that any development would harm the open setting and rural character of the farm buildings and with regard to the proposed holiday cottages in particular it is considered that their proximity to the listed buildings, their linear form unrelated to any landscape feature and its chalet design would detract from the listed status of Crimdon Farm. Local Plan Policy 24 aims to protect listed buildings, as it is considered that the proposed development would have a harmful impact on the open and rural setting of the listed Crimdon House, the proposed development is contrary to the relevant development plan policies.

It is noted that there have been some letters of support for the proposal. However, any benefits for tourism or providing facilities for disabled people are not considered to outweigh the adverse impacts identified.

Conclusion

Taking all relevant planning considerations into account it is concluded that the proposal is unacceptable. The proposed development would constitute inappropriate development in the countryside. It would have an intrusive, negative visual impact on the Area of High Landscape Value and the Durham Heritage Coast and would have adverse impacts on the adjacent SSSI and Nature Reserve designations. The proposal is inappropriate development in the Coastal Zone and would harm the open setting and character of the Grade II listed Crimdon House Farm.

Recommendation

Refusal, for the following reason:

The proposed development would constitute inappropriate development in the countryside. It would have an intrusive, negative visual impact on the Area of High Landscape Value and the Durham Heritage Coast and would have adverse impacts on the adjacent SSSI and Nature Reserve designations. The proposal is inappropriate development in the Coastal Zone and would harm the open setting and character of the Grade II listed Crimdon House Farm. As such, the proposed development is considered to be contrary to policies 1, 3, 7, 9, 15, 16, 24, 35 and 84 of the District of Easington Local Plan.

Decision time 25 weeks – target not achieved due to lengthy negotiations and consideration of potential alternative proposals.

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PLAN/2008/0357

Thornley (Thornley & Wheatley Hill) - RESIDENTIAL EXTENSION TO CREATE EXTENDED LIVING AREAS AND GARAGE TO INCLUDE CHANGE OF USE OF AGRICULTURAL ACCESS TO DOMESTIC RESIDENTIAL ACCESS at UNIT 2, 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 one of the single storey approved dwellings situated on the eastern side of the development and the garage block situated to the west of the development. Two partially constructed roads situated to the south of the application site are also included in the application.

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The Proposed Development

Planning permission is sought for the erection of a single storey extension to be sited on the eastern elevation of the existing units to serve unit 2 of the development. The proposed extension will project 6 metres from the existing eastern building line and will be 8 metres in width. The proposed extension will share the eaves height of the existing property but will have a slightly lowered ridge. The proposed extension is to provide additional living space. The extension is to be finished in materials to match the existing development. The applicant has stated that the proposed extension is to be sited on the site of an original building linked to the former use of the site as a farm. Walls of the building to a height of approximately 1m remain on site.

The application also includes the erection of an additional garage bay on the southern end of the existing garage block situated to the west of the application site. The extension to the garage block will be in keeping in terms of size and materials to the existing garage bays.

Planning permission is also sought for the use of two partially constructed roads that lead from the south-west of the site where they join with the main access road for the development, for domestic purposes. The main access road was provided through a condition attached to the original grant of planning permission for the residential development on this site.

Site History

PLAN/2006/0019 – Conversion of Farm Buildings into 3 no. dwellings – Approved 06.06.06. This application relates to an extension on one of the approved dwellings and also includes the domestic use of an existing road which currently provides access to this part of the development from the south and west.

Two applications relating to the same residential development were considered at the last Development Control and Regulatory Panel on 23 September 2008. A new garage building was approved (PLAN/2008/0358), and garden extensions to two of the units were approved subject to a legal agreement (PLAN/2008/0359).

Planning Policy

District of Easington Local Plan

GEN01 - General Principles of Development
ENV03 - Protection of the Countryside
ENV35 - Design and Layout of Development
HOU73 - Extension and/or alterations to dwellinghouses

Consultations and Publicity

Amended Plans have been received during the application process, re-consultation has taken place although the deadline for responses had not passed prior to the recommendation report being finalised. Any comments received will be reported to Members at the Development Control and Regulatory Panel meeting.

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

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In support of the application it is suggested that the proposed works will improve the appearance of the development by removing unsightly walls and the subsequent erection of an extension in keeping with the existing development. The use of the existing road will not affect anyone and therefore should be supported.

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.
- The original development was allowed on this site as it was for the conversion of the existing buildings. The approved works are for the conversion of existing barns around a central courtyard, with a new build Ging-Gang allowed on the northern elevation. The proposed extension would be out of keeping with the approved development, as it would project from the approved group of buildings to the detriment to the appearance of the development and the openness of the countryside. Furthermore “permitted development rights” were removed from the dwellings by way of a condition attached to the original grant of planning permission; this condition was attached to ensure that the visual amenity of this development was not prejudiced – it is suggested that proposed extension would prejudice the visual amenity of the development.
- The applicant has suggested that the proposed extension will replace an existing building. It is argued that this is not the case, that the walls still evident on site were originally part of a pig trough, and that there has been no building in that location for more than 40 years.
- The original planning permission for the residential development included the erection of a large garage, which was to serve all three dwellings; the need for an additional double garage is questioned.
- Questions are raised regarding whether or not the agricultural roads subject to this application benefit from permission, or whether or not they represent “permitted development”. It is suggested that if the roads do not benefit from permission that they should not be allowed for domestic purposes as it is considered that they are out of keeping with their rural setting by way of design and finishing and detrimentally affect the openness of the countryside.

Durham County Council, Highways Authority, comments:

- The proposals relating to this planning application would not appear to have any adverse highway/traffic implications and as such are acceptable from a highway point of view.

Planning Considerations and Assessment

The main issues to consider in assessing this application are:

- Impact of the proposed extensions
- Change of Use of the existing roads.

Impact of the Proposed Extensions

The proposed extension is broadly considered to accord with the relevant development plan policies. It is considered that the policies 35 and 73 should be considered in assessing this application.

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Policy 35 deals with the design and layout of the development and Policy 73 deals with extensions or alterations to dwellinghouses. Inter alia, they state that new development should reflect the scale and character of adjacent buildings and the area generally, particularly in terms of site coverage, height, roof style, detailed design and materials. It is also stated that new development should have no adverse effects on the amenity of people living and working in the vicinity of the development site and the existing use of adjacent land or buildings in terms of privacy, visual intrusion, noise, other pollutants and traffic generation.

The proposed extensions are considered to broadly accord with Policies 35 and 73 of the Local Plan, the proposed extensions are in keeping with the adjacent buildings in terms of height, roof style and detailed design and they are to be finished in materials to match the existing development. Although the proposed single storey extension to provide additional living space for Unit 2 will project beyond the established building line, the proposed projection is not considered to affect the character of the group of buildings sufficiently to warrant refusal of the application. Due to their siting in relation to adjacent properties it is not considered that the proposed extensions to the living accommodation and garage block will have any detrimental effects on adjacent occupants in terms of loss of residential amenity.

Objections have been received in relation to this application. It is argued that the proposed extensions will have a detrimental affect on the character of the development sufficient to warrant refusal of the proposal. However, for the reasons outlined above, it is considered that proposed extensions are acceptable, and that although they will affect views of the development any detrimental effects will not be sufficient to warrant refusal of the application.

Change of Use of Existing Roads

Planning permission is also sought for the change of use of two partially constructed roads to the south of the application site from agricultural to domestic, and creation of a parking and turning facility close to Unit 2. The roads lead from the southwest where they join with the main access road for the development, which was provided by way of a condition attached to the original grant of planning permission (see relevant planning history). Planning permission is sought for the change of use of these roads, however, the Local Planning Authority have no records of approval having been sought for their construction, and consider them to be unauthorised. The proposed roads will therefore be assessed as if they were new development. On this basis, the proposed roads are considered to be acceptable in principle, by their nature roads or tracks will not impinge on the openness of the countryside and would not detrimentally affect the character of the area sufficient to warrant refusal of planning permission. Furthermore the roads are sited on land subject to a recent application for the extension of domestic gardens, which includes an area of planting through which the roads pass, the planting will help to screen the proposed roads, sufficient to allow approval.

The existing access road to which these new roads lead was provided in response to a condition attached to the original grant of planning permission for the residential development (see relevant planning history). The original access road for the farm passed adjacent to the gable of the residential property known as Thornley Moor Farm House situated to the north of the application site. During the original application process concerns were raised regarding the impact the expected increase in traffic associated with the residential development would have on the occupants of Thornley Moor Farm House in terms of noise and disturbance. As such, a condition was attached to the planning permission requiring a revised access road to be provided to

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the west of the existing farm house. That road has been provided, and the current application involves extensions to serve unit 2.

Members may recall previous concerns regarding site traffic continuing to use the original access road rather than the new road, contrary to the intentions of the planning conditions. This application provides an opportunity to further address this issue by entering into a legal agreement with the applicants that all residential traffic should use the new road rather than the original access road.

Conclusion

The proposed extensions and roads are considered acceptable. They will not affect the character of the area sufficient to warrant refusal of the application, and due to their siting will have no impact on adjacent occupants. It is considered appropriate that a Section 106 Agreement is used to ensure that all traffic associated with the residential development use the access subject to this application and not the original access to the farm and that all works associated with the unauthorised road construction to the north of the turning area that forms part of this application are also removed.

Following discussions with the applicant, it is understood that the planning application for a second access at the site, PLAN/2008/0479 which follows this item on the agenda, will be withdrawn if the officer recommendation on this application is accepted.

Recommendation

Approval subject to the completion of a Section 106 Agreement relating to the use of the access roads: and subject to the following condition: materials to match, removal of unauthorised section of road; 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.

Decision time Within 8 weeks. Target achieved.

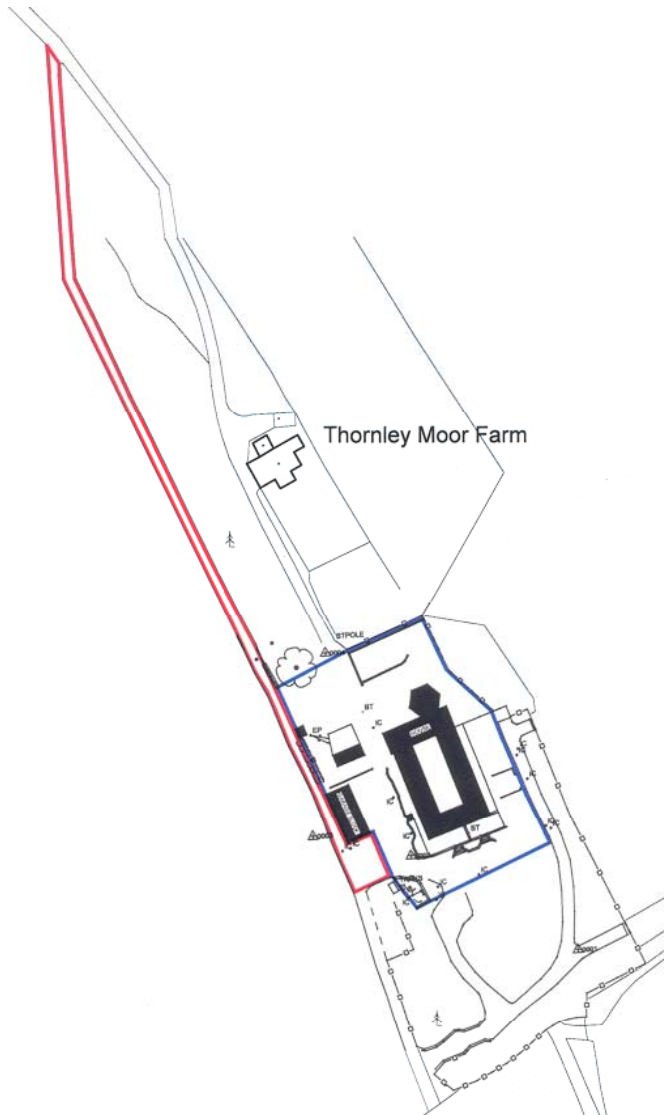
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PLAN/2008/0479

Thornley (Thornley & Wheatley Hill) - SECOND VEHICULAR ACCESS at THORNLEY MOOR FARM, CASSOP for HASWELL MOOR

Following agreement with the applicant, this application is to be withdrawn if the officer recommendation on the preceding application on the agenda, PLAN/2008/0357 is accepted.

Location Plan



The Application Site

The application relates to the access road leading to recently converted farm buildings at Thornley Moor Farm, situated to the south east of Cassop. The residential 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 access road leading to the above. Originally the access road to the farm passed the gable of Thornley Moor Farm House situated

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to the north of the application site. As part of the planning application for the residential development a new access road was provided to the west of Thornley Moor Farm House in order to protect the occupants from noise and disturbance associated with the access.

The Proposed Development

The current application is for the variation of this access road. Originally the access road was to provide one point of access to the residential development to the north of the approved garage block and existing storage building; the revised plans subject of this application include an additional access point to the south of the approved garage block. This application therefore only deals with the additional access and associated areas of hard standing.

Site History

PLAN/2006/0019 – Conversion of Farm Buildings into 3 no. dwellings – Approved 06.06.06. That application relates to the residential development to which the access road the subject of this application leads. The access road was required by a condition attached to the grant of planning permission.

Two applications relating to the same residential development were considered at the last Development Control and Regulatory Panel on 23 September 2008. A new garage building was approved (PLAN/2008/0358), and garden extensions to two of the units were approved subject to a legal agreement (PLAN/2008/0359).

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. Five 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 proposed second access will improve arrangements for larger vehicles such as refuse collection, oil tankers and septic tankers, in accessing the site.

With regard to the letter received objecting to the proposed works, concerns have been raised regarding the validity of the planning application in relation to site ownership and the accuracy of submitted plans and statements.

Durham County Council, Highways Authority, comments:

- The proposed second vehicular access would appear to be primarily required to accommodate refuse collection and septic tank emptying vehicles in particular. There would not appear to be any highway reasons to object to such an improvement, which would result in improved access arrangements to carry out such operations. The proposed second vehicular access is therefore acceptable from a highway point of view.

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Planning Considerations and Assessment

The main issues to consider in determining this application are the impact the proposed access would have on the character of the area and in particular the openness of the countryside, and the effect of the proposed access on adjacent occupants.

The existing access road was provided in response to a condition attached to the original grant of planning permission for the residential development (see relevant planning history). The original access road for the farm passed adjacent to the gable of the residential property known as Thornley Moor Farm House situated to the north of the application site. During the original application process concerns were raised regarding the impact the expected increase in traffic associated with the residential development would have on the occupants of Thornley Moor Farm House in terms of noise and disturbance. As such, a condition was attached to the planning permission requiring a revised access road to be provided to the west of the existing farm house. Planning permission is currently sought for a revision to the agreed road, which will result in an additional access being provided to the development. The proposed additional access is considered to be acceptable in principle, the works proposed are not sufficient to have any detrimental effects on the openness of the countryside or general character of the area. The proposed second access will also improve access arrangements to the residential development particularly for larger service vehicles, and should therefore improve the amenity of the occupants of the new dwellings. The proposed second access would be located further away from Thornley Moor Farm House than the agreed access point, and should not have any detrimental effects for the occupants of that property.

Members may recall previous concerns regarding site traffic continuing to use the original access road rather than the new road, contrary to the intentions of the planning conditions. This application provides an opportunity to further address this issue by entering into a legal agreement with the applicants that all residential traffic should use the new road rather than the original access road.

A letter of representation has been received in relation to this application. 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.

Conclusion

The proposed second access is considered acceptable in planning terms, the works proposed will not have any detrimental effects on the openness of the countryside or the general character of the area. The provision of a second access should improve access arrangements to the benefit of residents of the scheme. It is considered appropriate that a Section 106 Agreement is used to ensure that all traffic associated with the residential development use the access subject to this application and not the original access to the farm.

Recommendation

Approval subject to the completion of a Section 106 Agreement requiring that all traffic associated with the residential development will utilise the access road included as part of this application, 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.

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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

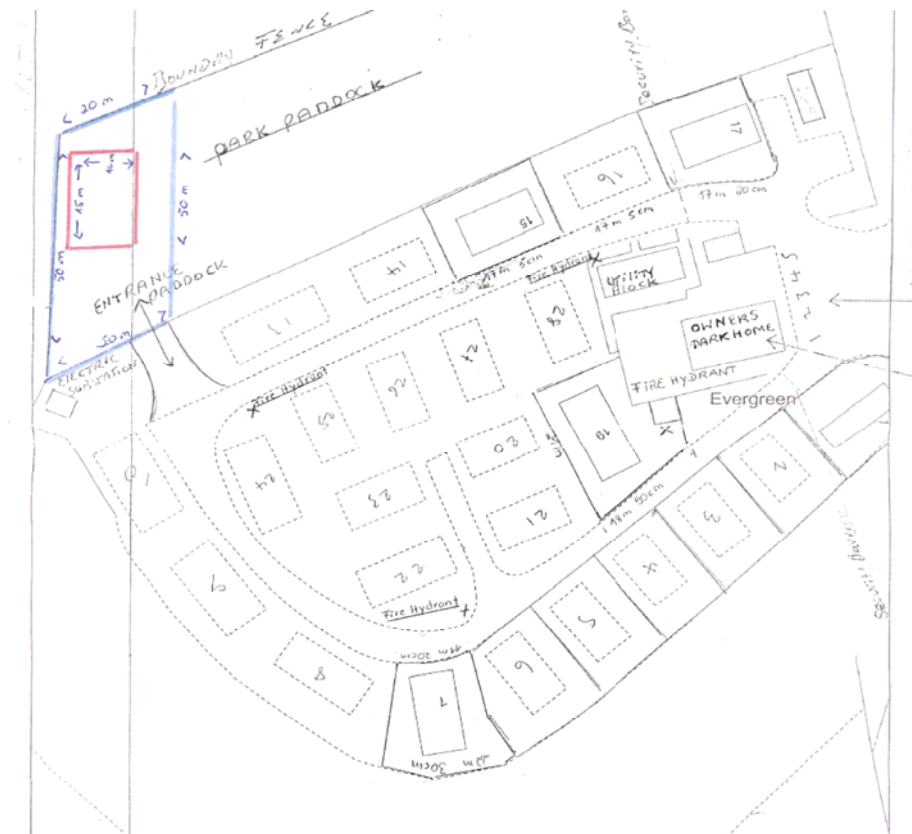
TAC47 - Footpaths and other public rights of way

Decision time Outside 8 weeks. Due to Panel Dates and Consultation.

PLAN/2008/0554

Monk Hesleden (Blackhalls) - RELOCATION OF DWELLING at EVERGREEN PARK, COAST ROAD, CRIMDON for MR R DRUMMOND

Location Plan



The Application Site

The application site is situated off the Coast Road in the Crimdon Dene area of the District. It is not within a settlement boundary as is classed as being in the countryside. Evergreen Park is an established rural enterprise that operates as a caravan park. The area of land to which this application relates however, lies outside of the caravan park boundary.

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The Proposed Development

Planning permission was granted in 2004 for the replacement of the existing owners bungalow with a larger dormer bungalow at the front of the caravan park. This permission has not been implemented and does not expire until 2009. The current application seeks outline permission for a further dwelling outside the boundary of the caravan park. The applicant has offered to relinquish the previous approval for the larger dormer bungalow. However, to ensure that the extant permission could not be implemented, the Council would need to formally revoke the planning permission. It may also be possible through a legal agreement.

As this application seeks outline approval, there are no specific details relating to the scale or design of the proposed dwelling (the applicant describes it as a 'family home'), the principle of a dwelling on the site is the only consideration. The proposed location of the dwelling is adjacent to, but outside the boundary of the caravan park and is more prominent than the approved site within the park.

Site History

04/177 – Replacement of owners bungalow with dormer bungalow. Approved.

08/0431 – Relocation of dwelling (Outline). Withdrawn.

Planning Policy

District of Easington Local Plan

GEN01 - General Principles of Development

ENV03 - Protection of the Countryside

Planning Policy Statements

PPS7 - Sustainable Development in Rural Areas

PPS3 – Housing

Consultations and Publicity

Parish Council – no objections.

DCC Highways – no objections.

Northumbrian Water – no objections.

Local Plans – objection – does not accord with relevant policy and no adequate justification.

Neighbours – no responses.

Planning Considerations and Assessment

The main planning considerations are as follows:

Applicants statement

New development in the countryside

Sequential approach to identifying housing sites

District of Easington Local Plan Policies

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Applicant's statement

The applicant has submitted a statement in support of the application which relates to the mental health of his son, this is also supported by the NHS trust. The applicant's son suffers from schizophrenia and it is stated that the current residence within the caravan park is not suitable due to the comings and goings that cause stress and trigger his illness, hence the quieter location outside of the caravan park would be of benefit.

The determination of planning applications must be made in accordance with relevant planning policies unless material considerations indicate otherwise. In this instance, although there is sympathy with the applicant's circumstances, the issues raised above would seldom outweigh the more general planning considerations.

New development in the countryside

Planning Policy Statement 7: Sustainable Development in Rural Areas is the national planning guidance relating to development in the countryside. PPS7 states that Local Planning authorities should strictly control new house building in the countryside, away from established settlements or from areas allocated for housing in development plans. It continues by making it clear that new houses in the countryside will require special justification for planning permission to be granted. The requirement for special justification relates to the essential need for a worker to live permanently at or near their place of work in the countryside. The proposal is not considered to accord with the advice contained within Planning Policy Statement 7: Sustainable Development in Rural Areas as the site lies outside of the settlement boundary in the countryside and is not an essential workers dwelling; a dwelling for the management of the caravan park already exists within the site, and there is an extant planning permission to replace this.

Sequential approach to identifying housing sites

Planning Policy Statement 3: Housing is the national planning guidance relating to housing development. Government policy in PPS3 is to maximise the re-use of previously developed land, and requires a sequential approach to the identification of housing sites, which prioritises previously developed land in urban areas. The proposal relates to a site that is Greenfield land and as such, it is not considered to accord with the advice contained within Planning Policy Statement 3: Housing.

Easington District Local Plan Policies

The District of Easington Local Plan Policy 3 states "Development outside the 'settlement limits' will be regarded as development within the countryside. Other than specifically allowed for by other policies, development in the countryside will not be approved." This proposal represents a new-build in the countryside and does not include the conversion of any existing structure; furthermore, the applicant in relation to this proposal has identified no functional need.

It is noted that the applicant has offered to relinquish the previous application for a dormer bungalow within the site if this application is approved. However, this is not considered relevant in consideration of this application. Whether or not it could be achieved, the siting of the approved dormer bungalow was considered acceptable as it would be a replacement for an existing dwelling located within the confines of the caravan park and would not be unduly prominent. The current proposal would be a

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more prominent form of development extending into the countryside beyond the boundary of the caravan site.

It is therefore considered that the proposal is contrary to the relevant development plan policies.

Conclusion

It is considered that the proposed development is contrary to the relevant national policy guidance and local development plan policies for Easington. The application relates to a site which is situated outside of the existing settlement boundary and which is a Greenfield site. Although the applicant has submitted a statement outlining his sons health problems, it is not considered that these circumstances outweigh the material planning considerations. The proposed development if allowed would result in residential development encroaching into the countryside and on a Greenfield site, which could act as a precedent for future developments on comparable sites across the district.

Recommendation Refusal for the following reason:

The proposal represents residential development in a prominent location within the countryside, outside the existing settlement boundaries and on a Greenfield site. In the absence of any agricultural or similar justification of need, the proposal is considered to be contrary to policies 1 and 3 of the District of Easington Local Plan, and Planning Policy Statements 3 and 7.

Decision time 6 weeks.

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PLAN/2008/0567

Seaham (Seaham North) - VARIATION OF CONDITION NO. 2 ATTACHED TO PLANNING PERMISSION PLAN/2007/0831 TO ALTER THE HOURS OF OPENING at 56 AMBLESIDE AVENUE, SEAHAM for MR M GRUFFERTY

Location Plan



The Application Site

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

The site is an existing hot food takeaway, which adjoins another hot food takeaway fish and chip shop.

The Proposed Development

The existing opening times are limited by planning condition to 5pm to 10.30pm on all days except Tuesdays. This application proposes to vary the conditions on the existing planning permission to allow the premises to open on Tuesdays between 5pm and 10.30pm and also Monday to Friday lunchtimes between 11am and 1.30pm.

Site History

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

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

05/560 – New shop front approved August 2005.

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

07/831 - Change of use to hot food take away approved by the Development Control and Regulatory Panel in January 2008.

Planning Policy

District of Easington Local Plan

GEN01 - General Principles of Development

Policy 35 – Amenity

Policy 111 – Hot food takeaways.

Consultations and Publicity

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

At the time of drafting three letters of objection have been received raising the following issues:

- Traffic problems
- Disturbance to local residents due to antisocial behaviour from youths congregating nearby.
- Litter problems.
- Planning conditions have not been adhered to.

Town Council – No response.

Environmental Health Officer – No response.

County Highways – No objections, no recorded history of any highways problems relating to this site.

Planning Considerations and Assessment

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

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

A planning application to convert this site to a pizza and kebab take away was refused permission on amenity grounds in 2000 and the Planning Inspectorate dismissed a subsequent appeal. Permission was also refused for similar development under delegated powers in 2007. In 2008 Officers recommended another hot food takeaway application on the same site for refusal. However, due to the limited opening hours, members considered that it would not have such an adverse impact on surrounding occupiers to warrant refusal of permission. As such, it was resolved that the application be conditionally approved, with conditions relating to the hours of opening requested by the applicant and agreement of odour equipment.

Material planning considerations have not changed since the last recommendation, and as such are relevant to this application. Therefore it is considered that the proposal is contrary to policy. The take away site boundary abuts the boundary of a

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residential property and is in close proximity to a number of other dwellings nearby. It is considered that in view of this close proximity, the extended opening hours will inevitably lead to an increased impact on the amenities of local residents from noise, litter and odour nuisance contrary to policies 1 and 35 of the Local Plan.

Policy 111 of the Local Plan supports hot food take away shops in towns or local shopping areas where there are no residential properties nearby. The application site is not within a designated shopping area and is located close to a number of residential properties. Although the site is now an established hot food takeaway, it is considered that the extended hours would increase the adverse impacts on adjacent and nearby residents, and are contrary to Policy 111 of the Local Plan.

Conclusion

The proposed increase in opening hours conflicts with Local Plan Policies 1, 35 and 111 due to the location of the premises and would lead to an increase in loss of amenity to surrounding occupiers. On this basis it is considered that the proposal is unacceptable.

Recommendation Refusal for the following reason:

The proposed variation of condition to extend opening hours, would result in an increased loss of amenity to surrounding occupiers in terms of noise, disturbance and odour. In view of this the proposal is considered to be contrary to Policies 1, 35 and 111 of the District of Easington Local Plan.

Decision time 6 weeks – Target achieved.

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