

Item no.

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

Date: **16 December 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.

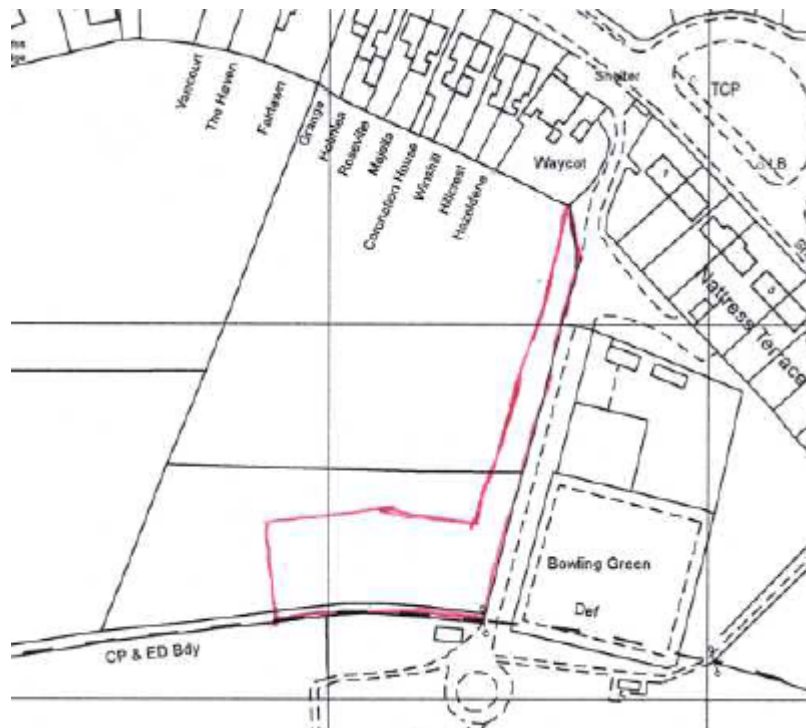
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D GENERAL APPLICATIONS

PLAN/2008/0453

Trimdon Foundry (Wingate) - CHANGE OF USE OF LAND TO GYPSY CARAVAN SITE AND ASSOCIATED WORKS (ACCESS TRACK, HARDSTANDING, LANDSCAPING, UTILITY BLOCK, SEPTIC TANK ETC), STABLES WITH YARD AREA AND PORTABLE BUILDING FOR USE AS TEMPORARY STABLES at LAND OFF WINGATE ROAD, TRIMDON STATION for MR J SMITH

Location Plan



The Application Site

The site is part of a sloping field of approximately 1.5 hectares, lying within but adjoining the southern boundary of the Trimdon Station settlement as defined in the former District of Easington Local Plan.

Until recently, the field was used wholly for the grazing of horses but the development the subject of this application has already been commenced insofar as caravans and a steel container have been brought onto the land, the access track has been created and some lengths of fencing have been constructed.

The Proposed Development

The proposal is to use the site as a private single-family gypsy-traveller site with the associated stabling of horses. In more detail, it is intended to station two caravans (one static and one touring) on the site with a utility building, enclosing that area with earth mounding and hedging, and to erect alongside it a single-storey building containing four individual stables and a tack room/feed store, together with an area of hardstanding for the parking of equine-related vehicles and to provide a workspace

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for visiting farriers etc. From an existing field entrance at the north-east corner of the field, a new farm-type access track would follow the field's eastern boundary to the caravan area at the top of the field.

Site History

07/664: Stables and general purpose building – Refused 12/07.

08/272: Stables and storage building (resubmission) - Refused 06/08.

Planning Policy

District of Easington Local Plan

ENV03 – Protection of the Countryside

ENV35 - Environmental Design: Impact of Development

ENV36 - Design for Access and the Means of Travel

GEN01 - General Principles of Development

HOU72 - Control of sites for travellers

Consultations and Publicity

Parish Council: Objection – access unacceptable on grounds of public safety having regard to amount of traffic visiting site; some works already carried out; enough gypsy-traveller sites in County Durham.

DCC Highways: Objection based on poor access onto C22 with inadequate sightlines. Additional information has been received from applicant and further Highways views are awaited.

Sedgefield District Council: No response.

Northumbrian Water: No objections.

Environment Agency: Objection – insufficient information on foul drainage. Further information has been provided but revised response has not yet been received.

EDC Landscape: No response.

EDC Environmental Health: No objections.

Neighbours: 20 individual letters of objection (from 18 addresses) and 29 standard, pre-printed objections (from 28 addresses) (8 of which also repeat individual objector addresses):

- detrimental effect on house prices;
- this improving area would be brought down, increased crime rate etc;
- visually undesirable development;
- excessive council tax bandings in area;
- inadequate access;
- health and safety risk to users of adjacent children's play area;

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- noise pollution;
- poor lighting conditions;
- low overhead electric cables;
- health and safety risk from waste and mud on footpath;
- no alternative access for emergency vehicles;
- land should not be available for private development;
- nuisance from smells, noise, vermin;
- chemicals, feed will be washed downhill to nearby houses;
- permission will result in expansion into huge travellers' site;
- development has commenced without planning permission;
- potential for huge influx of travellers;
- Local plan does not identify this land as suitable for gypsy encampment;
- plenty of gypsy sites in County Durham;
- septic tank will give off unpleasant smells;
- applicants have made threats to local residents;
- inappropriate use of agricultural land;
- damage caused to fences by horses;
- currently very low levels of crime in village;
- detrimental effect on wildlife;
- applicants are not from this area;
- site will be a mess when applicants decide to move elsewhere;

Planning Considerations and Assessment

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

- central government guidance;
- local planning policy;
- effects on local environment;
- highways matters;
- representations received.

Central Government Guidance

ODPM Circular 01/2006 "Planning For Gypsy And Traveller Caravan Sites" provides guidance on this subject. The Circular highlights that the Regional Spatial Strategy should identify the number of pitches required by each local planning authority. An assessment was carried out for the North East Assembly on gypsy and traveller needs in the region to give a broad indication of where accommodation needs arise. The study identified that a further twelve pitches will be needed in the joint local authority areas of Hartlepool, Easington and Sedgefield by the year 2020 and that there is a current need for four.

Circular 01/2006 states that the determination of applications for planning permission must be in accordance with the development plan unless material considerations indicate otherwise. The circular says that local planning authorities should be able to release sites for development sequentially, with sites identified in Development Plan Documents (DPD's) being used before 'windfall' sites. It should be noted that there are no sites identified in any DPDs within Easington. The circular also says that other considerations for gypsy and traveller site applications are likely to include the likely impact on the surrounding area, the existing level of provision and

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need for sites in the area, the availability (or lack) of alternative accommodation for the applicants and other personal circumstances.

The circular makes it clear that sites in rural and semi-rural areas not otherwise designated are acceptable in principle but advises that, in deciding where to provide gypsy-traveller sites, local planning authorities should consider first locations in or near existing settlements with access to local services.

As far as the proposed stable block is concerned, Planning Policy Statement 7 “Sustainable Development In Rural Areas” accepts that stabling is an appropriate use of land in the countryside and, while this application site is within the settlement boundary, being an open field gives it that same countryside feel.

In the light of this national planning guidance, it is considered that the proposed development does not constitute a proposal which is unacceptable in principle.

Local Planning Policy

Apart from general environmental and design policies ‘saved’ from the former Local Plan (policies 1 and 35), ‘saved’ policy 72 is the most relevant to this application. This policy refers specifically to the development of permanent, temporary or transit accommodation for travellers and states that sites will not be allowed in the green belt, the coastal zone or on visually intrusive sites in the countryside. The application site is not within any of these categories and, therefore, the proposal should be considered against the criteria set out in the policy.

The criteria set out in policy 72 requires sites to be within a reasonable distance of local facilities and services, have a safe and adequate access capable of serving the amount and nature of the traffic generated and have no seriously adverse effects on the amenity of people living and working in the vicinity. This last point relates to privacy, visual intrusion, noise, other pollution and traffic generation. All these matters need to be considered carefully when assessing the application.

On this basis, it is considered that the proposed development does not constitute a proposal which is unacceptable in principle in local policy terms.

Effects On Local Environment

The application site itself extends to some 0.09 of a hectare and is located in the south-east corner of a 1.5 hectares field. Immediately to the east of the field is a bowling green and a children’s play area and a trackway leading to a recreation ground and a football pitch which lie adjacent to the southern boundary of the application site. The site itself is barely noticeable from these two sides because the site boundary is delineated by high hedging, although the tops of the caravans are just visible above parts of the hedge.

To the north, the rest of the applicant’s field separates the application site from the houses on Wingate Road, which are over 100 metres away. Similarly, the new housing in Foundry Mews and Cinnamon Drive to the west and north-west are at distances ranging from 120-160 metres away beyond the rest of the applicant’s field and an adjoining field.

The proposal involves the creation of earthmounding and landscaping works on the north and west sides of the caravan area although the proposed stable block would be outside the mounded enclosure.

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While there have been two previous applications on this land for stabling and associated agricultural buildings, which were refused on visual grounds, the stable building now proposed is considerably smaller than the buildings proposed in those earlier applications. Additionally, with the rest of the development proposed in this present application, the stable block will not now be seen as an isolated structure in the field but as part of compact arrangement of structures and, thereby, be perceived as less of an intrusive feature in the landscape.

Having regard to all these circumstances, it is considered that the proposal will not necessarily have detrimental effects on either the environment generally or the amenities of nearby residents in particular either by reason of visual intrusion, noise or other pollution or by affecting privacy.

Highways Matters

The Highway Authority has objected to the proposal because the junction of the main access to the applicant's field with the classified road C22, Wingate Road, which is the main road through Trimdon Station, is poorly aligned in that the track joins the C22 at an angle. They are concerned that the alignment is particularly poor for vehicles approaching from the east along Wingate Road, but especially from a junction visibility point of view. The junction sight visibility to the east is very poor at only 2.4m x 25m (approximately) and, whilst to the west it is better at 2.4m x 40m (approximately), both fail to meet the recommended Manual For Streets standard of 2.4m x 43m.

The 2.4m x 25m sightline to the east would relate to oncoming vehicles at only 20mph, rather than approaching the 30mph design speed for the C22 which necessitates the required 2.4m x 43m visibility. It is particularly this sub-standard sight visibility to the east which is the reason for the objection.

The applicant's agent has responded to this objection by setting out an argument involving the likely traffic generation from the proposed development and supplying survey details of traffic using the junction but the Highway Authority is still of the opinion that the sub-standard junction sight visibility is a highway safety hazard and for that reason is maintaining the objection.

Representations Received

As can be seen from the 'Consultations and Publicity' section earlier in this report, the local publicity given to the application has resulted in considerable public objection with all the summarised points being raised in the correspondence.

Some of the points raised are not material to the consideration of this planning application and most of those that are relevant relate to amenity and highway safety matters, which have been discussed at some length in this report.

It does also seem that some of the points are based on an assumption on the part of some of the objectors that the proposal is for a large-scale site for several travelling families, rather than just for the applicant's own family, and that an exaggerated fear of potential amenity and security problems has resulted.

Trimdon Foundry Parish Council has also submitted an objection, with their main reason being the unacceptability of the vehicle access, a point which is confirmed by the Highway Authority.

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Conclusion

While this proposal has given rise to a significant amount of public objection, the use of the land is not considered to be unacceptable in principle, and is not considered to give rise to significant adverse effects on residential amenity. However, the Highway Authority has raised a significant objection on highway safety grounds, and the sub-standard junction visibility together with the increase in traffic movements are considered to be of sufficient concern to justify a refusal of planning permission.

Recommendation

1. REFUSE for the following reason:

It is considered that the junction of the access road leading to the application site with the C22, Wingate Road, is sub-standard in terms of its alignment and the available sight lines, particularly to the east for traffic joining the C22 and that the proposed development would be likely to result in an unacceptable increase in the number of traffic movements at this junction to the detriment of highway safety, contrary to Policies 1, 35, 36 and 72 of the District of Easington Local Plan.

2. Authority to be given to the Head of Planning and Building Control Services to take the necessary legal action to secure the satisfactory re-instatement of the land to its previous state as an open field.

Decision time

21 weeks (delayed by applicant's discussions with Highway Authority).

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PLAN/2008/0503

Thornley (Thornley & Wheatley Hill) - 20 NO. DWELLINGS at GORE HALL FARM, GORE LANE, THORNLEY for MS L BERESFORD

Location Plan



The Application Site

The site to which this application relates is situated within Thornley village. The site is currently occupied by Gore Hall Farm, which consists of a detached two-storey dwelling with several associated outbuildings. The dwelling is rendered and painted with a slate roof. The outbuildings are mostly rendered with corrugated roofs. There is a large modern sheet clad building on the Gore Lane frontage of the site. A retaining wall abuts the site on the road leading up hill towards Gore Hill Estate.

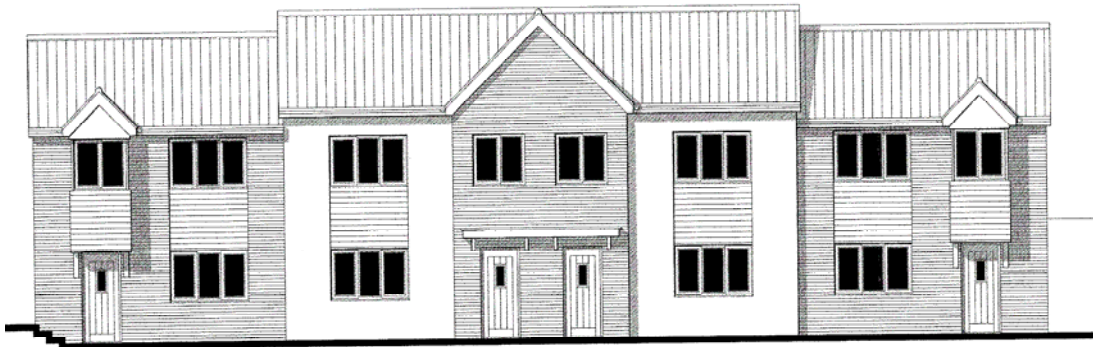
The site is bordered to the south by Gore Lane, to the east by residential properties, to the immediate north by grazing land with residential properties beyond and to the west by residential properties. The surrounding area is predominantly residential in a variety of architectural styles.

The Proposed Development

Planning permission is sought for the approval of Reserved Matters in relation to the previously approved outline permission. Outline approval was given for the principle of residential development of the site and the access from Gore Lane was also agreed. The current application deals with the siting, design, external appearance of the proposed development, and landscaping of the site.

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The proposed works include the erection of 20 no. dwellings on the site situated around the main access road that leads from Gore Lane on the southern boundary of the site to Hillside Crescent on the western boundary of the site. The proposed houses will be two-storey in height at the front of the site fronting Gore Lane, with three storey split-level properties provided in the centre of the site, where the land rises to the north. Each residential property is to have a private rear garden and allocated parking space. In total 31 parking spaces are proposed to serve the twenty houses.



The dwellings are proposed to be finished with the external walls in red brick as the main building material; cedar boarding and painted render will be utilised as design features.

The application site already contains significant areas of landscaping, particularly the copse of trees in the south west corner which are to be retained. There are also mature trees sited adjacent to the western boundary of the site that will also be retained. Additional planting works within the site will supplement existing landscaping.

Site History

05/179 – Residential Development (outline) – Conditional Approval August 2005.

Planning Policy

District of Easington Local Plan

GEN01 - General Principles of Development
ENV35 - Environmental Design: Impact of Development
ENV36 - Design for Access and the Means of Travel
ENV37 - Design for Parking
HOU67 - Windfall housing sites

National Planning Guidance

PPS1 - Delivering Sustainable Development
PPS3 - Housing

Consultations and Publicity

A site notice has advertised the application and neighbouring properties have been consulted.

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One letter of representation has been received from the public in relation to this application. A petition containing the signatures of 49 local residents supporting the views outlined in the letter of representation has also been received. Objections have been raised on the following grounds:

- The proposed access onto Hillside Crescent is situated halfway up the existing gradient and almost on a corner. It is considered that the proposed access constitutes a danger to new and existing traffic. The gradient of the existing road should be taken into consideration as the road becomes dangerous in wintry conditions.

Additionally to the single letter of representation and the petition, 23 copies of a standard letter have been received from local residents. Objections have been raised on the following grounds:

- Thornley is currently undergoing a period of re-development, which has led to the loss of many historic buildings. The loss of the farmhouse and associated buildings will mean that the village will be left with no history at all.
- Concerns about Bats being affected by the proposed development.

Easington District Council, Environmental Health Officer: A condition requesting a site-specific contaminated land risk assessment should be attached to any grant of planning permission. To protect the amenities of adjacent occupants, hours of operation should be limited.

Durham County Council, Highways Authority: During the application process the Highways Authority has been in discussion with the applicant. All concerns originally raised have now been overcome, the latest site layout is considered to be acceptable from a Highways perspective. No objections to the proposed development.

Durham County Council, Conservation Officer: Not in a conservation area but in the centre of Thornley. The site is a former farm and there are mature trees and traditional buildings on the site. The most important feature of the site are the mature trees for their contribution to greening the area. The farm buildings have lost their setting and although they could be converted, they do not make a significant contribution to the street scene that they should be retained. It is considered that the proposed development is acceptable in terms of layout, scale and appearance. Overall it is considered that the development would be successful.

Thornley Parish Council: No objections to the scheme although concerns are raised regarding the proposed access, as it will be hazardous, particularly at winter time to allow vehicles to enter the development from the road leading to Gore Hill Estate.

Durham Bat Group: Concerns raised in relation to the quality of the bat survey submitted in support of the application. The Bat Group advises that there is a real risk to bats from this development. It is accepted that subject to mitigation the proposed development could be completed without posing a threat to protected species.

Natural England: Based on the information provided, Natural England advises that the proposal is unlikely to have an adverse effect in respect of species especially protected by law, subject to a condition regarding mitigation measures being attached to any grant of planning permission.

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Northumbrian Water: A condition regarding the disposal of surface water should be attached to any grant of planning permission.

Planning Considerations and Assessment

This application is for the approval of reserved matters in relation to a previously approved outline planning application (see relevant planning history). The original outline planning approval has agreed the precedent of development of this site for residential purposes, including the demolition of the existing buildings and clearance of the site. The outline planning permission also approved an access point from Gore Lane.

The current application therefore deals with the siting, design, external appearance of the proposed development, and the landscaping of the site. The current proposal also includes changes to the access arrangement, with an additional access to that already approved onto Gore Lane, being provided onto Hillside Crescent. It is not the purpose of this report to assess the merits of the principle of development as it is considered that this has been set by the previous approval.

In determining this application the following issues need to be considered:

- Siting, Design and External Appearance
- Access Arrangements
- Landscaping
- Bats
- Affordable Housing and Open Space Provision

Siting, Design and External Appearance

The proposed layout of the site and design of the properties are considered to be acceptable. The proposed houses are considered to be in keeping with the character of the area in terms of design and scale. The provision of three storey properties at the rear of the site is considered acceptable due to the slope of the land. The proposed layout approximately matches that of the existing buildings, and ensures that the mature trees located in the southwest corner of the application site can be retained. It is considered that the buildings that will face onto Gore Lane will define the boundary of the site and enhance the street scene.

The proposed buildings are of appropriate scale and proportion for the area. The varied roofline with pitched gables reflects the general character of the area and is considered to be a particularly successful element of the scheme. The proposed development is also considered to make good use of the sloping site, with some of the proposed properties being split level, with the rear gardens being at a different level to the front gardens. The materials to be used are considered to be acceptable in principle, however, it is suggested that a condition should be attached to any grant of planning permission to ensure that exact materials to be used are agreed with the local planning authority prior to works commencing on site.

In terms of residential amenity, it is considered that the proposed development broadly conforms to the relevant development plan guidance in relation to the layout of new residential developments. Each of the proposed dwellings is to have a private garden and allocated parking space. Due to the siting of the proposed dwellings on the approximate site of the existing buildings it is not considered that the proposed development will have any detrimental effects on the occupants of neighbouring properties in terms of loss of amenity.

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Access Arrangements

The original outline permission for this site agreed an access point from Gore Lane on the southern boundary of the application site. The current proposal includes this access arrangement but also proposes an access point onto Hillside Crescent on the western boundary of the application site. The proposal would result in an adopted road running through the application site linking Gore Lane and Hillside Crescent.

As summarised previously, objections have been received from the Parish Council and local residents in relation to this additional access point. Concerns have been raised that due to the gradient of Hillside Crescent, which leads up to the Gore Hill Estate, any access point would be dangerous particularly in wintry conditions. However, during the application process Durham County Council as Highways Authority have been in discussions with the applicant, and although original objections were raised, amendments have been made to the scheme in line with Highways Authority comments and as such no objections are now raised on highway grounds.

The proposed access arrangements are considered acceptable, and the correct number of parking spaces is to be provided for this type of development. Subject to the works being completed in accordance with the submitted details it is not considered that the proposed development will have any detrimental effects in terms of highway safety.

Landscaping

The layout of the proposed development means that the majority of the existing trees on the site will be retained. The submitted information also includes details of existing planting that will further enhance the proposed development. In order to ensure the protection of the existing trees and to ensure the quality of the proposed landscaping any grant of planning permission should include conditions relating to tree survey work, tree protection scheme, and the agreement and timing of the landscaping works.

Bats

As the proposed works involve the demolition of existing buildings, the effect the development may have on protected species needs to be considered. The ODPM Circular 06/2005 and Defra Circular 01/2005 outline how statutory obligations relating to protected species relate to planning, and state that the presence and extent to which protected species will be affected, must be established before planning permission is granted. With regard to the current proposal, concerns have been raised by Durham Bat Group in relation to the quality of the submitted information, although in line with comments also received from Natural England, it is accepted that any risk to bats will be acceptable providing a condition is attached to any grant of planning permission ensuring that the works are carried out in accordance with the mitigation measures outlined in the submitted ecological report.

Open Space Provision and Affordable Housing

The proposed development involves the erection of more than nine houses, 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

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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.

Also, as the development is for the erection of more than fifteen dwellings, Council Policy is to request that a percentage of properties are provided on an affordable basis, either for rent or discounted sale. In this instance however, as the original outline consent was approved prior to the Council's Affordable Housing Statement being adopted it is not considered reasonable for the Local Planning Authority to request affordable housing provision on this site.

Conclusion

The proposed development is considered to accord with the relevant development plan policies. The development as described is considered to be in accordance with the outline approval.

Concerns have been raised regarding the proposed access arrangements for the site from local residents and the Parish Council, however amendments have been made to the scheme at the request of the Highways Authority, and as such it is not considered that the proposed development will have any detrimental effects on highway safety.

The proposal will result in the development of what has previously been accepted as being a "brownfield" site within a prominent location in the village of Thornley to the benefit of the character of the area. The proposed design and layout of the development is considered acceptable, and due to the proposed siting of the properties it is not considered that there will be any detrimental impacts on adjacent occupants.

Recommendation

Approval subject to the completion of a Section 106 Agreement relating to off site open space provision, and subject to the following conditions: Materials, means of enclosure, landscaping works and timing, tree survey, tree protection works, hours of construction, contaminated land risk assessment, bat mitigation measures, and Northumbrian Water requirements; 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

ENV35 - Environmental Design: Impact of Development
ENV36 - Design for Access and the Means of Travel
ENV37 - Design for Parking
GEN01 - General Principles of Development
HOU67 - Windfall housing sites
PPS1 - Delivering Sustainable Development
PPS3 - Housing

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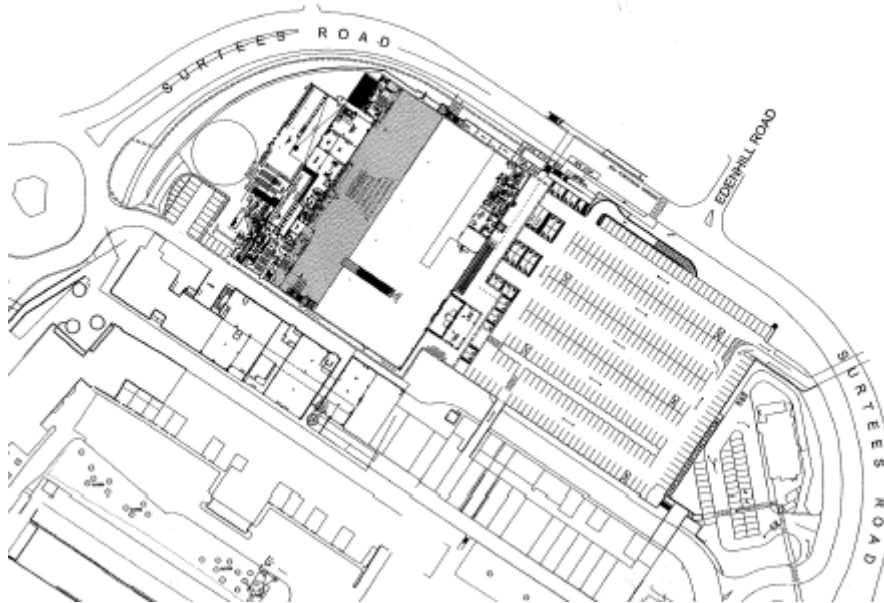
Decision time

Outside 13 weeks – target not achieved due to consideration of requested amendments.

PLAN/2008/0668

Peterlee (Dene House) - WAREHOUSE ENCLOSURE at ASDA STORES LTD, SURTEES ROAD, PETERLEE for ASDA STORES LTD

Location Plan



The Application Site

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

The existing store is largely a single storey structure, with areas of warehousing, storage and plant situated at the rear. The existing store comprises a gross floor area of 7,620 sq. m. (82,015 sq. ft.) with a net retail area of 4500 sq. m. (48,437 sq. ft). Planning permission has recently been approved for the creation of a mezzanine floor that will increase the floor area by 1,858 sq. m (20,000 sq. ft). A large car parking area is sited to the south-east of the store, with vehicular access provided from the roundabout at the junction between Surtees Road and Yoden Way to the east. At the rear of the store to the northwest is a service yard with vehicular access provided onto a roundabout on Surtees Road.

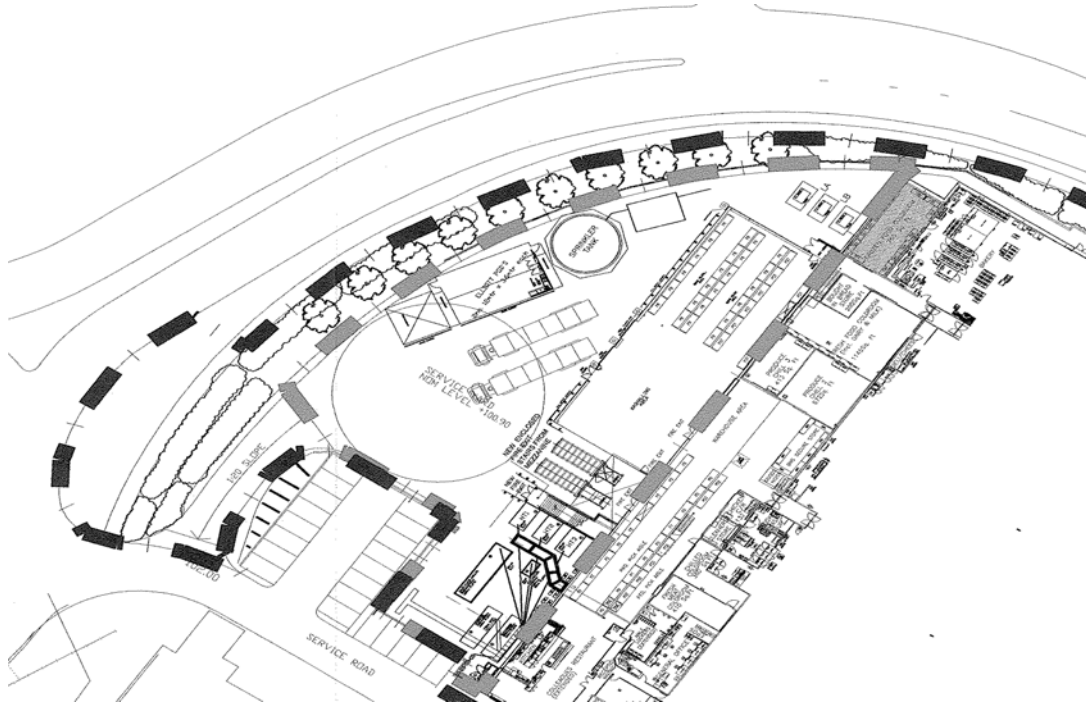
The current application specifically deals with the service yard area at the rear of the store and the existing warehouse structure.

The Proposed Development

Planning permission is sought for a warehouse extension to the existing store. This would involve enclosing the rear canopy with external walls of similar cladding material to the main building. The proposed development will result in an increase to the gross floor area of the store by 524 sq. m. The height and overall size of the

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building will not be affected by the proposed development. No works are proposed to the car park and similarly, there will be no change to the sales floor of the store. The proposed works will not have any effect on the ability of service vehicles to manoeuvre on site.



The applicant has stated that the application seeks to rationalise the current warehouse and storage arrangements at the store, allowing for a more efficient operation and better working environment for staff. It is also stated that the warehouse extension has been sympathetically designed to reduce visual impact and to complement the existing store design. It is suggested that the proposed works will negate the requirement for the erection of temporary scaffolding to accommodate seasonal stock, which the applicant understands may have caused complaints locally.

Site History

98/706 – Asda Retail Store – Approved June 1999

05/696 – Storage Building in rear service yard – Approved October 2005

06/278 – Ground Level Servicing Area with George Clothes Shop – Approved July 2008

PLAN/2008/0384 – Provision of Mezzanine Floor and Additional Storage Space – Approved July 2008

PLAN/2008/0670 – Temporary Store - Pending

Planning Policy

District of Easington Local Plan

GEN01 - General Principles of Development

ENV35 - Environmental Design: Impact of Development

SHO101 - Protection and promotion of town centres

P15 - Peterlee Town Centre

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National Planning Guidance

PPS1 - Delivering Sustainable Development

PPS6 - Planning for Town Centres

Consultations and Publicity

A site notice has advertised the planning application and neighbouring properties have been consulted. At the time of finalising the report no letters of representation have been received from the public.

Durham County Council, Highways Authority: The proposed warehouse structure will extend into the rear service yard area. In view of this the applicant must ensure that sufficient space is retained in the rear service yard area to accommodate the necessary turning manoeuvres of all visiting delivery vehicles, to ensure that all delivery vehicles are able to enter and exit the site in a forward gear.

Northumbrian Water: No objections to the proposed development.

In order to determine the application inside the requisite time frame the recommendation report to panel was finalised prior to the public consultation period expiry. Any further comments received will be reported to Members at the Panel meeting prior to the application being determined.

Planning Considerations and Assessment

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

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

Relevant Development Plan Policies

Planning Policy Statement 1: Delivering Sustainable Development (2005) sets out the Government's main objectives for the planning system. These are largely based on the principles of sustainable development through making a more efficient and effective use of land and promoting a strong, stable and productive economy that aims to bring jobs and prosperity for all. The proposed works can be considered to accord with the general aims of PPS1 by making a more efficient use of the existing building, and enhancing the existing stores warehousing and servicing areas.

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

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

With regard to the District of Easington Local Plan, policies 35 and 101 are considered particularly relevant in determining this application. Policy 35 deals with the design and layout of development and requires that new developments are appropriate in terms of character and scale, provide appropriate landscaping and screening and have no serious adverse effects on the amenity of people living and working within the vicinity of the site. The proposed works are considered to be acceptable in terms of design and scale. The proposed works will improve the appearance of the rear of the store and provide a better working environment for employees.

Policy 101 relates to the protection and promotion of town centres and sets out the requirement to protect and promote the role of Peterlee and Seaham town centres as the main retailing centres in the district; as the proposal relates to an existing retail unit within Peterlee town centre the proposal is considered to accord with Policy 101.

The proposed works are considered to accord with the relevant policies of the Local Plan.

Transport and Highways

The proposed extension to the warehouse will extend into the existing service yard. Durham County Council, Highways Authority has raised no objections to the scheme, but has stated that the applicant should ensure that the extension would not affect the safe manoeuvrability of vehicles entering and exiting the site. The applicant has confirmed that the warehouse extension has been designed so as to not affect vehicle manoeuvrability; it is further suggested that as the warehouse will negate the requirement for the erection of temporary scaffolding to accommodate seasonal stock within the service yard, that vehicle manoeuvrability may improve as a result of the proposed works.

Impact on Surrounding Properties

The proposed works relate to the existing servicing yard at the rear of the established Asda Store. The proposed extension is relatively small in relation to the existing store, and is well sited away from any neighbouring residential properties. It is considered that the proposed works will improve the appearance of the rear of the store and that the proposed extension will be more in keeping than the temporary scaffolding, which it will replace on a permanent basis.

Conclusion

The proposed works are considered to accord with the relevant development plan policies. The development will improve the appearance of the store to the benefit of the character of the area and should be supported by the Council.

Recommendation

Approval subject to the following conditions: materials to match existing.

Item no.

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

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

National Planning Guidance

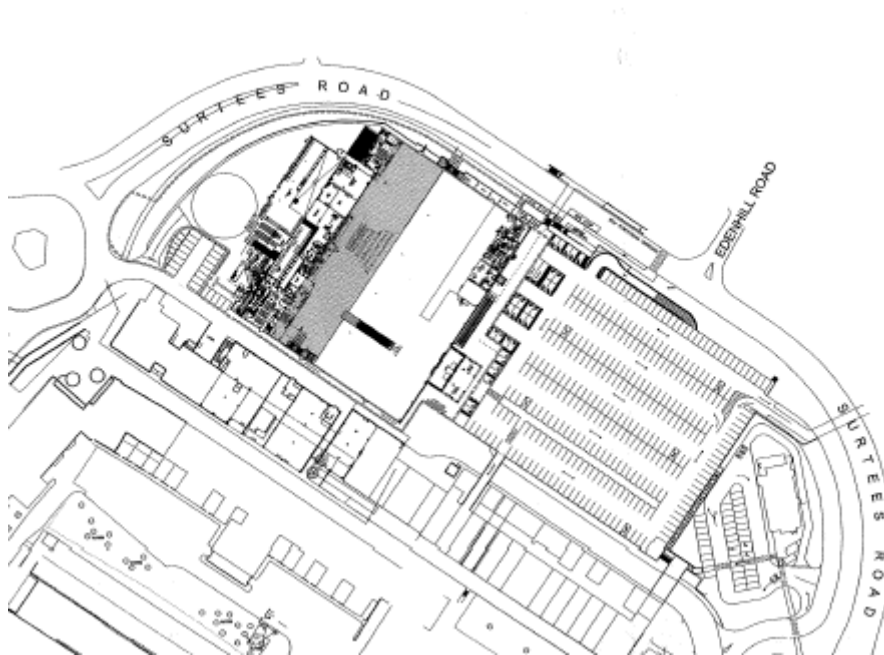
PPS1 - Delivering Sustainable Development
PPS6 - Planning for Town Centres

Decision time Within 8 weeks, target achieved.

PLAN/2008/0670

Peterlee (Dene House) - ERECTION OF A NEW TEMPORARY STRUCTURE FOR THE SALE OF GOODS at ASDA STORES LTD, SURTEES ROAD, PETERLEE for ASDA STORES LTD

Location Plan



The Application Site

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

The existing store is largely a single storey structure, with areas of warehousing, storage and plant situated at the rear. The existing store comprises a gross floor

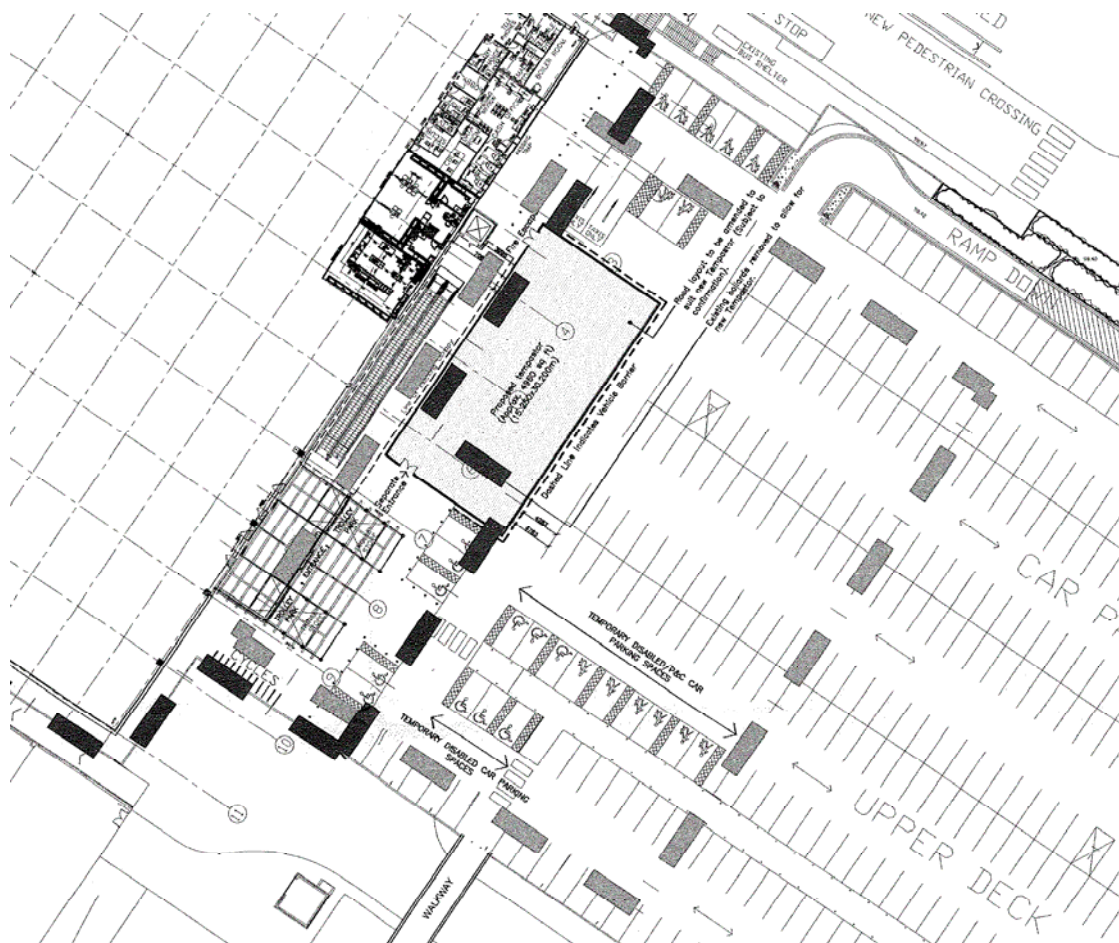
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area of 7,620 sq. m. (82,015 sq. ft.) with a net retail area of 4500 sq. m. (48,437 sq. ft). Planning permission has recently been approved for the creation of a mezzanine floor that will increase the floor area by 1,858 sq. m (20,000 sq. ft). A large car parking area is sited to the south-east of the store, with vehicular access provided from the roundabout at the junction between Surtees Road and Yoden Way to the east. At the rear of the store to the northwest is a service yard with vehicular access provided onto a roundabout on Surtees Road.

The current application specifically relates to an area of car park immediately adjacent to the front of the existing store.

The Proposed Development

Planning permission is sought for the erection of a temporary structure at the front of the existing store, on an area of car park. The purpose of the temporary structure is to provide retail floor space during the construction phase of the approved mezzanine floor (see relevant planning history); the proposed temporary store will be removed once construction works have been completed. The proposed building will be steel framed with semi-permanent walls and roof sections of a similar appearance to the existing store. The proposed temporary store will provide a total of 461 sq. metres of additional floor space. The siting of the temporary store adjacent to the existing store's main entrance will require the temporary removal of 19 no. car parking spaces, including disabled bays, which will be re-located elsewhere in the store car park.



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Site History

98/706 – Asda Retail Store – Approved June 1999

05/696 – Storage Building in rear service yard – Approved October 2005

06/278 – Ground Level Servicing Area with George Clothes Shop – Approved July 2008

PLAN/2008/0384 – Provision of Mezzanine Floor and Additional Storage Space – Approved July 2008

PLAN/2008/0678 – Warehouse Extension - Pending

Planning Policy

District of Easington Local Plan

GEN01 - General Principles of Development

ENV35 - Environmental Design: Impact of Development

SHO101 - Protection and promotion of town centres

P15 - Peterlee Town Centre

National Planning Guidance

PPS1 - Delivering Sustainable Development

PPS6 - Planning for Town Centres

Consultations and Publicity

A site notice has advertised the planning application and neighbouring properties have been consulted. At the time of finalising the report no letters of representation have been received from the public.

Easington District Council, Policy officer, comments: The site is located at the current Asda store on Surtees Road in Peterlee Town Centre. Saved Policy P15 defines Peterlee town centre and confirms the sites location within it. The application proposes a small temporary structure on the frontage of the current Asda store. The site is within the town centre and is therefore accessible, of a modest scale and would not have any unacceptable impacts on the town centre. There is therefore no objection to the application on planning policy grounds.

Durham County Council, highways Authority: The proposed temporary store will displace car parking from the front of the store with the following resultant effect, the 11no. existing disabled persons car parking spaces are displaced but numerically retained, 4 parent/toddler type car parking spaces are lost and 15 able bodied persons car parking spaces are lost. It is difficult to assess from a highway point of view whether or not the loss of the car parking will have an adverse effect on the Town Centre or the Asda premises in particular, as such, no highways objection is raised to the proposed works.

In order to determine the application inside the requisite time frame the recommendation report to panel was finalised prior to the public consultation period expiry. Any further comments received will be reported to Members at the Panel meeting prior to the application being determined.

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

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

Relevant Development Plan Policies

Planning Policy Statement 1: Delivering Sustainable Development (2005) sets out the Government's main objectives for the planning system. These are largely based on the principles of sustainable development through making a more efficient and effective use of land and promoting a strong, stable and productive economy that aims to bring jobs and prosperity for all. The proposed works can be considered to accord with the general aims of PPS1 by supporting the creation of a mezzanine floor within the existing store that will result in a more efficient use of the site.

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

The current proposal is consistent with the guidance set out in PPS6. The proposal will support the creation of a mezzanine floor within the existing store that will make more efficient use of an existing building and increase the density of development within the existing town centre. The proposals will reinforce the role and function of Peterlee town centre as a key shopping and leisure destination. The existing Asda store is situated in a highly accessible location within Peterlee town centre.

With regard to the District of Easington Local Plan, policies 35 and 101 are considered particularly relevant in determining this application. Policy 35 deals with the design and layout of development and requires that new developments are appropriate in terms of character and scale, provide appropriate landscaping and screening and have no serious adverse effects on the amenity of people living and working within the vicinity of the site. The proposed works are considered to be acceptable in terms of design and scale. The proposed temporary store is well sited away from any neighbouring properties, and as such will have a limited visual impact.

Policy 101 relates to the protection and promotion of town centres and sets out the requirement to protect and promote the role of Peterlee and Seaham town centres as the main retailing centres in the district; as the proposal relates to an existing retail unit within Peterlee town centre the proposal is considered to accord with Policy 101.

The proposed works are considered to accord with the relevant policies of the Local Plan.

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Transport and Highways

The proposed erection of the temporary structure at the front of the existing Asda store will result in the loss of a total of 19no. car parking spaces whilst the approved mezzanine floor is constructed within the existing building. Durham County Council have confirmed that they are unsure as to whether or not this loss of car parking will have any effect on Peterlee town centre or the Asda store, although they have confirmed that they do not object to the scheme. With regard to the Highway Authority's comments, it is considered that the loss of the relatively small number of car parking spaces for a temporary period of time is not sufficient to warrant refusal of the application. It is suggested that a condition be attached to any grant of planning permission to ensure that the relocation of the disabled parking bays is completed before the temporary structure is erected.

Impact on Surrounding Properties

The proposed temporary store will be visible from surrounding properties, however it is well sited at the front of the existing store, and is a sufficient distance from any adjacent building to not affect amenity, particularly as it will only be there for the construction period of the mezzanine floor, estimated to be a maximum of six months.

Conclusion

The proposed works are considered to accord with the relevant development plan policies. The temporary store will provide additional retail floor space whilst construction works take place inside the existing Asda store; providing the temporary structure is removed once construction works are completed and the car park reinstated, it is considered that the Council should support the proposed works.

Recommendation

Approval subject to the following conditions: temporary permission during construction works, car parking works prior to commencement.

Reason for Approval

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

District of Easington Local Plan

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

National Planning Guidance

PPS1 - Delivering Sustainable Development
PPS6 - Planning for Town Centres

Decision time Within 8 weeks, target achieved.

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E Background Papers

The following background papers have been used in the compilation of this report.

Durham County Structure Plan
District of Easington Local Plan
Planning Policy Guidance Notes
Planning Policy Statements
Regional Spatial Strategy
DETR Circulars
Individual application forms, certificates, plans and consultation responses
Previous Appeal Decisions



Graeme Reed
Head of Planning and Building Control