

# Item no.

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

Date: **13 January 2009**

Report of: **Head of Planning and Building Control Services**

Subject: **Applications under the Town and Country Planning Acts  
Town and Country Planning Act 1990  
Planning (Listed Buildings and Conservation Areas) Act 1990**

Ward: **All**

## **A INTRODUCTION**

Members are advised that in preparing the attached report full consultation responses are not presented. Care is taken to ensure that principal issues of all relevant responses are incorporated into the report. Notwithstanding this Members are invited to view all submitted plans and consultation responses prior to the Panel meeting by contacting the Head of Planning and Building Control Services.

The Easington Local Plan was adopted by the District of Easington on 28<sup>th</sup> December 2001. Together with the Durham County Structure Plan it is a material consideration in the determination of planning applications. However the Planning and Compulsory Purchase Act 2004 determined that all Local Plans would expire three years after the Act came into force. This took effect on the 27<sup>th</sup> September 2007. In order to maintain continuity in the development plan system, the Council identified policies that should be 'saved' for an extended period until alternative policies are adopted in the Local Development Frameworks. Direction from the Secretary of State has been received and all of those policies have been retained. The saved policies and Planning Policy Statements from the Government will be considered in the determination of planning applications. A view as to whether the proposals generally accord with them is identified in the relevant section.

Section 54A of the 1990 Town & Country Planning Act (as amended) requires the Local Planning Authority to have regard to the development plan policies when they are relevant to an application and hence are a material consideration. Where such policies are material to a proposal, section 54A requires the application to be determined in accordance with the Development Plan policies unless material considerations indicate otherwise.

The recommendations contained in this report have been made taking into account all material planning considerations including any representations received and Government guidance in Planning Policy Guidance Notes and Circulars. Consideration has been given to whether proposals cause harm to interests of acknowledged importance.

Members attention is drawn to information now provided in respect of time taken to determine applications. Following each recommendation a determination time is provided based on a decision at this Panel. Where a decision time exceeds the 8 week target a reason for this is given in brackets.

In considering the applications and preparing the report the District of Easington has fully taken into account the duties imposed on Local Planning Authorities by the Human Rights Act 1998. In particular, regard has been given to Articles 6, 7, and 8,

# Item no.

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.

# Item no.

## D OTHER APPLICATIONS

PLAN/2007/0814

**Easington Colliery (Easington Colliery) - CHANGE OF USE OF PASTURE LAND FOR PLANT MACHINERY TRAINING INCLUDING ERECTION OF SCAFFOLDING AND USE OF BARN AS TRAINING CENTRE at EASINGTON LEA FARM, EASINGTON for MR D ROBINSON, TRAINING SUPPORT FOR INDUSTRY**

### Location Plan



### The Application Site

The application relates to Easington Lea Farm situated to the north of Easington Colliery and away from the built up area. In particular it relates to a field located on the western side of the farm and a large former agricultural building situated in the centre of the group of buildings.

### The Proposed Development

Planning permission is sought for the change of use of the barn and adjacent field from agriculture to form a Training Support for Industry Training Centre. The existing building is to be converted and used as a classroom with associated canteen and

# Item no.

toilet facilities, and as a storage area and training area. The adjacent field is to be used as a training area. The Training Centre will supply on site training to local companies in land based and construction industries; specifically the training centre will provide courses in forklift trucks, mobile plant and machinery, cranes and associated courses in safety awareness.

The field subject of the application is to be used as a practical training area for operating vehicles and plant. The practical training will involve a maximum of four vehicles operating on the site at any one time. The outdoor training is to take place on a daily basis. Within the field various structures are used as part of the training, these include a lorry trailer and scaffold tower. The scaffold tower as erected has an approximate height of ten metres.

The proposed Training Centre will employ a total of four full time employees with one part time job also being provided. It is proposed that the hours of operation would be 0800-1630 Mondays to Fridays and 0830-1200 on Saturdays.

In support of the proposal the applicant has stated that customers are urging him to develop specialised training courses, as at present these are not provided for in the north east. It is suggested that the proposal would represent an acceptable form of diversification for an agricultural holding that is no longer economically viable. The applicant has stated that the benefits of the proposal would include:

- Encourage rural enterprise by introducing a new business venture with additional employment and spin off trainees requiring accommodation in the locality.
- The training area would be well screened by existing trees and hedgerows in terms of its landscape setting. There would be no significant alterations to the levels of the land, as reinstatement of the trenches etc, would occur daily.
- The site does not include the best or most versatile agricultural land; therefore little effect on agriculture.
- The activities outside the building would not differ significantly from normal agricultural practices.
- In practice there would be little difference than if farming activities were taking place.

The application is for retrospective permission as some of the works and operations have already commenced on site.

## **Site History**

None relevant.

## **Planning Policy**

### District of Easington Local Plan

GEN01 - General Principles of Development

ENV03 - Protection of the Countryside

ENV07 – Area of High Landscape Value

ENV35 - Environmental Design: Impact of Development

### National Planning Guidance

PPS7 - Sustainable Development in Rural Areas

# Item no.

## Consultations and Publicity

A site notice has advertised the application and neighbouring properties have been consulted. Two letters of representation have been received in relation to the proposal; objections have been raised on the following grounds:

- The application site is considered to represent greenbelt, the proposed development would be out of keeping with the character of the area. The proposed use is not in keeping with the former agricultural use of the land and is considered to be out of keeping with its setting.
- The proposed use is not considered to be in keeping with this location. Similar providers of plant training in the northeast are based on industrial estates where activities such as those proposed can be carried out with much less impact on people or the environment and invariably access is much improved.
- The proposed development will set a precedent for future development; if the proposed business were to fail then the site would be considered 'Brownfield' and therefore could potentially be developed. It is suggested that if the application be allowed a condition should be imposed requesting the land be put back to its former state if the business were to fail.
- Concerns have been raised regarding the increase in the level of traffic using Petwell Lane – which is a single-track road. Access to the farm for trucks, trailers and low loaders is causing damage to the access road.
- The proposed development will have detrimental effects on the occupants of adjacent dwellings by way of noise, general disturbance and dust. The closest residential property is situated approximately 10 metres from the boundary of the application site. Concerns have been raised that the proposed hours of operation include a weekend, it is suggested that the Training centre should not operate at weekends to protect the amenity of adjacent occupants.
- The spoil and earth mounds affect the outlook from the adjacent residential property to the detriment of residential amenity and has visual impact on the landscape.
- The existing planting/landscaping around the site is not sufficient to screen the works that take place on site.
- The proposed development will result in the loss of agricultural land, which has been used successfully for the planting of crops in recent years.
- Concerns have been raised that the plans submitted are deliberately obscure and do not allow for a valid judgement to be made regarding how some of the proposed works would be carried out.

Easington District Council, Planning Officer, comments:

- The field subject to this application is situated in open countryside, beyond the settlement boundary of Easington. It is in rolling open countryside and is close to, and visible from, the Area of High Landscape Value at Hawthorn Dene. The proposed use is considered to be an industrial use, best located on an industrial estate. It will have a significant visual impact.

# Item no.

- There are substantive policy objections. The proposal is contrary to Policy 3 of the District of Easington Local Plan, which seeks to ensure that development takes place within settlement boundaries and not in open countryside. It is also contrary to Policy 7, which seeks to protect the special character, appearance and quality of the Area of High Landscape Value.

Easington District Council, Environmental Health Officer, comments:

- The hours of operation of the business should be controlled in order to protect the amenity of adjacent residents.
- The main concern relates to the possibility for noise disturbance linked to the vehicles operating in the field.
- A condition requesting the erection of a suitably close-boarded fence should be attached to any grant of planning permission. A close-boarded fence correctly positioned will mitigate any impact on neighbouring properties by noise.

Durham County Council, Highways Authority, comments:

- The proposed works are sited adjacent to a Public Right of Way, which runs along the northern boundary of the site before crossing the field situated to the west of the farm. If the proposed works are to affect the Public Right of Way the applicant will have to contact the Rights of Way Officer at Durham County Council.
- The traffic volumes and sizes of the vehicles referred to on the planning application form would be regarded as negligible in relation to the local highway network. The proposals would appear to be reasonable from a highway point of view.

Durham County Council, Rights of Way Officer, comments:

- The adjacent Public Right of Way must remain open and unobstructed at all times.

East Durham Business Service, comments:

- No objections in principle to the application that will provide enhanced training facilities in the district.

Due to the nature of the application it is considered that the proposed change of use represents a departure from the Local Plan. The recommendation report was finalised prior to the relevant public consultation period expiring. 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 consider in determining this application are:

- Relevant Development Plan Policies
- Residential Amenity
- Highways and Traffic

# Item no.

## Relevant Development Plan Policies

The application site relates to an area of land situated outside the established settlement boundaries as defined in the District of Easington Local Plan, as such the proposed development is considered to represent development in the countryside. Policy 3 of the Local Plan presumes against development in the countryside unless allowed for under other development plan policies. Planning Policy Statement 7: Sustainable Development in Rural area gives national planning guidance for development in the countryside. With regard to countryside protection and development in the countryside it states that Local Planning Authorities should support proposals that deliver diverse and sustainable farming enterprises and support other countryside-based enterprises and activities, which contribute to rural economies. PPS7 also discusses the re-use of redundant building in the countryside and advises that the Government's policy is to support the re-use of appropriately located and suitably constructed existing buildings, and that preference for the re-use should be for economic development.

The current proposal relates to the use of land and an existing building as a Training Centre, where both practical and theory courses will be provided. It is accepted that such a use would normally be found on an industrial estate, but it is considered that if such a business were of a suitable scale it would represent development, that would offer diversification of a currently redundant agricultural unit, provide for the re-use of a currently vacant agricultural building, and contribute to the local economy. Therefore although the development is strictly a departure from the Local Plan, for the reasons outlined above, it is considered an acceptable departure. Due to the nature of the proposed development the use of the land will have minimal visual effects on the character of the area. The work associated with the practical training will be carried out at ground level and earthworks will be on a temporary basis, as such existing boundary treatments will screen works associated with the practical element of the training centre. Therefore it is considered that the proposal can be considered to broadly accord with Policy 3 of the Local Plan and advice contained within PPS7.

The site lies close to an Area of High Landscape Value (AHLV) as identified in the Local Plan. Policy 7 of the 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. The application site is not situated within the Area of High Landscape value, although it is accepted that it would be visible from the landscape designation. However, it is not considered that the proposal, subject to conditions relating to landscaping works, would detract from the landscape designation. A suitable planting scheme would be sufficient to screen the proposed development and operations, and protect the special character of the area.

## Residential Amenity and Character of the Area

Policy 35 of the Local Plan deals with the impact of development. It states 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; provide adequate open space, appropriate landscape features, and screening where required; and 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.

# Item no.

Representations have been received in relation to the change of use. Concerns have been raised regarding the impact the proposed business is having on adjacent occupants and the general character of the area. It is suggested that the change of use is not in keeping with the rural setting and that the operations of the site are having detrimental effects on the occupants of adjacent occupants by way of noise, disturbance and dust.

It is accepted that if allowed to operate without restrictions, the development could have detrimental effects on the occupants of adjacent dwellings. The vehicular movements and activities would be similar to those expected of agricultural operations, but would be of a more frequent and intensive nature. However, it is considered that through the use of conditions, any detrimental effects could be mitigated sufficiently to minimise any adverse impacts. It is suggested that planning permission should only be granted for a temporary period initially, to enable the impacts of the development to be properly assessed. The applicant requested a minimum period of two years, however officers consider this length of time to be inappropriate if the development causes problems; a temporary permission for one year is considered to be a more reasonable period to ensure that the Local Planning Authority can assess any impact the proposed development has on adjacent occupants. Furthermore conditions limiting operating hours and the heights of structures and spoil heaps allowed on the site would limit the impact the proposal would have on adjacent occupants, and ensure that the proposed change of use would not impact on the character of the area. A suitable landscaping scheme and fencing as requested by the Environmental Health Officer would also screen the application site from adjacent occupants and diminish any detrimental visual impacts.

## Highways and Traffic

Concerns have been raised in relation to increased traffic using Petwell Lane, the main access road leading to the application site. Durham County Council, Highways Authority, have raised no concerns in relation to the proposed development, as such it is considered that the proposal is acceptable from a highways perspective.

## **Conclusion**

The proposed development will result in the re-use of an agricultural building and adjacent land. Although the proposed use would be more appropriate in an industrial setting, it is considered that the use of conditions relating to a temporary permission, hours of operation, landscaping, maximum heights of development, can mitigate any negative effects on the character of the area and adjacent occupants sufficiently to allow a departure from the Local Plan in this instance.

## **Recommendation**

Delegated Authority be given to the Head of Planning and Building Control Services to approve the application once the relevant public consultation period has expired, providing no issues not already covered in this report arise, subject to the following conditions: Temporary Use (1 Year), Hours of Operation; Landscaping Scheme; Maximum Heights for Temporary Structures on the Site; Maximum Heights for Spoil and Soil Heaps; Means of Enclosure.

## **Reason for Approval**

The proposal is considered to be an acceptable departure from the Statutory Development Plan due to the nature and scale of the use, subject to appropriate planning conditions.



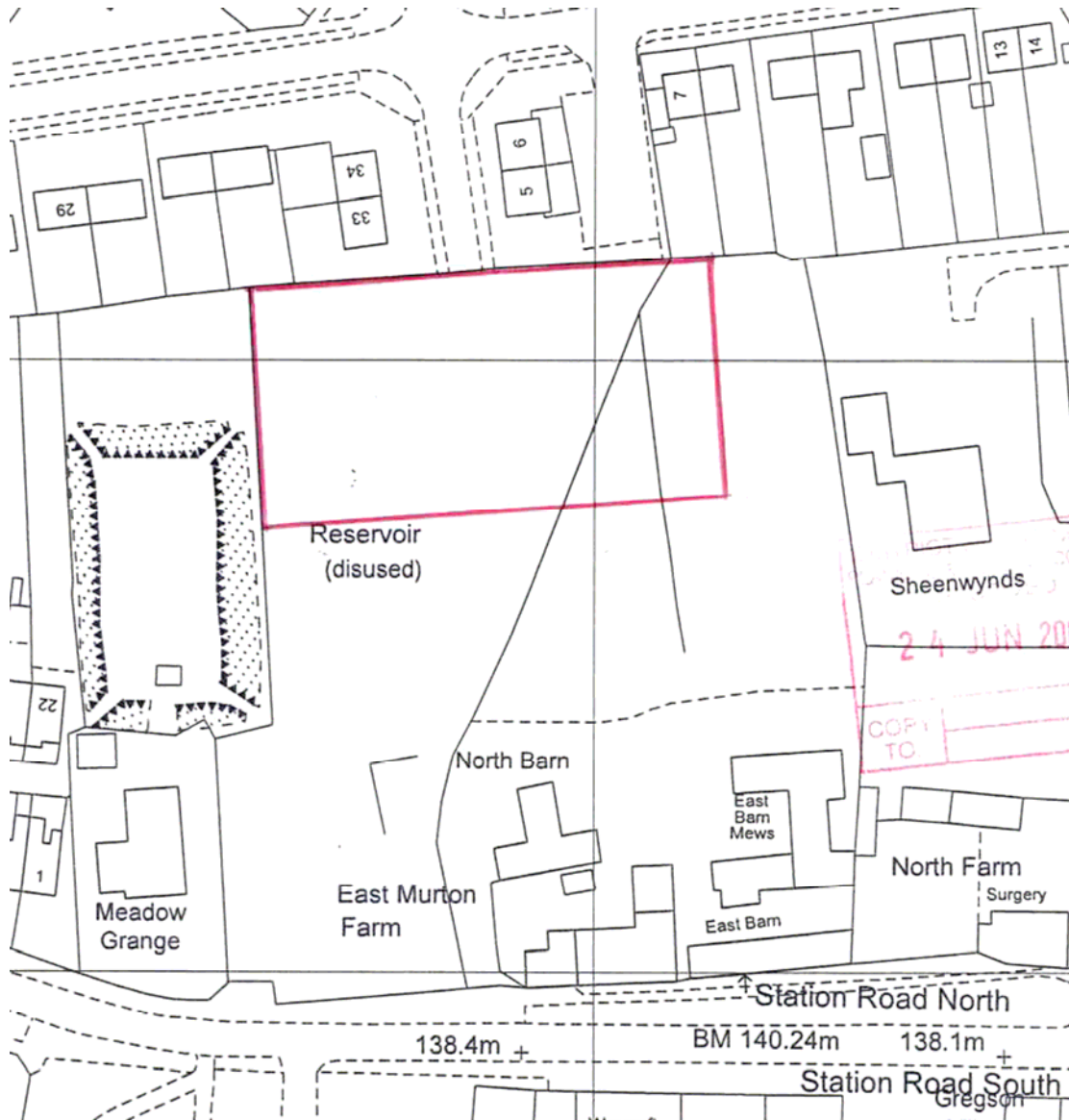
# Item no.

**Decision time** Outside 8 weeks - target not achieved, due to additional information sought.

**PLAN/2008/0411**

**Murton (Murton West) - RESIDENTIAL DEVELOPMENT(OUTLINE) at EAST MURTON FARM, STATION ROAD NORTH, MURTON for MR GARY TURNBULL**

## Location Plan



## The Application Site

The application relates to an area of land situated to the northwest of the existing East Murton Farm Buildings, which are sited on Station Road North in the village of Murton. The existing group of farm buildings known as East Murton Farm have recently been converted to form a group of residential dwellings. The land subject to the current application has most recently been in use as part of the previous

# Item no.

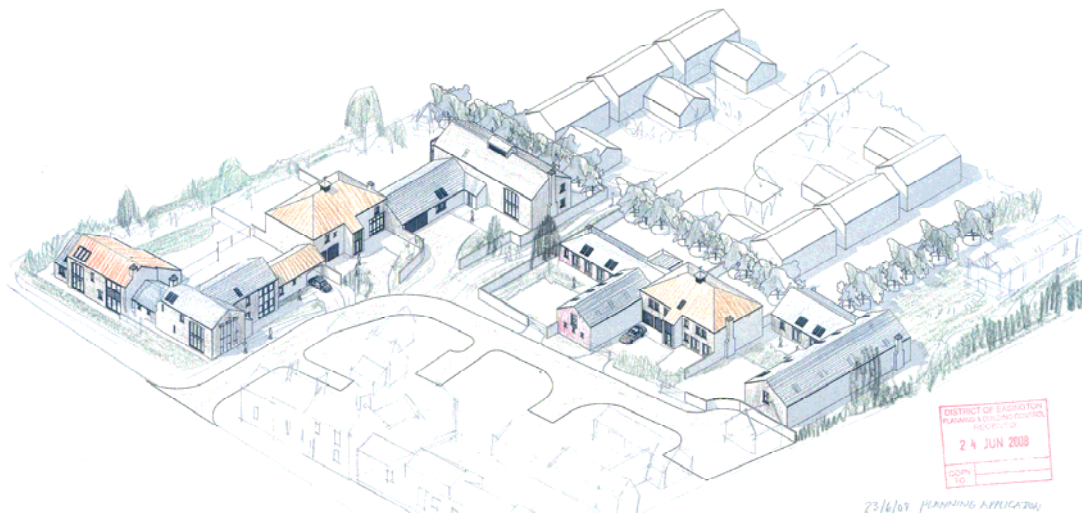
agricultural holding on the site, and at present it appears to be un-maintained grass land.

The land is bounded to the north by residential properties, to the south and east is a section of land that was also originally part of the agricultural holding and which is subject to a separate application for planning permission, also on this agenda, Reference PLAN/2008/0412. To the west of the current application site lies a disused reservoir, which has recently had planning permission approved for the erection of four houses.

## The Proposed Development

This application is for outline planning permission for the erection of six dwellings on the site. The application includes details of access to the site and the layout of the proposed development. The appearance of the dwellings, scale of the buildings, and landscaping of the site are reserved and will be subject of a subsequent planning application.

The submitted information shows a vehicular access from Station Estate to the north of the application site with three residential properties provided either side of the access road. Each property is shown to have private rear gardens and individual driveways at the front.



## Site History

03/155 – Residential Development (outline) – Refused – 01/05/2003. This application was refused as it involved the development of a Greenfield site, and as such the proposal was considered to be contrary to policy 67 of the Local Plan – which prioritises the development of previously developed sites.

Decisions have recently been made on two planning applications that relate to land situated adjacent to the application site.

04/554 – Conversion of existing farm buildings (East Murton Farm) to from 3 no. dwellings – Approved 24/09/2004.

04/863 – 4 no. dwellings on former reservoir site – Approved 16/12/2004.

# Item no.

## **Planning Policy**

### District of Easington Local Plan

ENV35 - Environmental Design: Impact of Development  
GEN01 - General Principles of Development  
HOU66 - Provision of outdoor play space in new housing development  
HOU67 - Windfall housing sites  
PPS1 - Delivering Sustainable Development  
PPS3 - Housing  
TAC47 - Footpaths and other public rights of way

## **Consultations and Publicity**

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

Easington District Council, Policy Officer, comments:

- The proposal relates to a Greenfield site and as such the relevant local Plan Policy does not presume in favour of development. However, the site is situated within the village of Murton and as such is considered to be in a sustainable location. The proposed development is in accordance with latest government advice.

Easington District Council, Tree Officer, comments:

- Concerns raised regarding the accuracy of the information submitted in relation to trees on site. It is suggested that an Arboricultural Impact Assessment and Tree Constraints Plan are secured by conditions attached to any grant of planning permission.

Easington District Council, Environmental Health, comments:

- A site specific land contamination report should be provided in relation to the scheme, this can be secured by condition. Hours of operation should be restricted to protect the residential amenities of adjacent occupants.

Durham County Council, Highways Authority, comments:

- The Public Rights of Way that crosses the site will need to be diverted as part of the application. The applicant will need to secure the necessary permissions before works commence on site.
- Issues in relation to the adoption of the proposed access road would need to be addressed through the submission of a revised site layout plan in line with comments from the Highways Authority. These revisions can be secured through a planning condition.

Northumbrian Water, comments:

- Conditional Approval in relation to the discharge of surface water.

# Item no.

Ramblers Association, comments:

- Concerns have been raised regarding the accuracy of the submitted information in relation the public footpath.

## **Planning Considerations and Assessment**

This application is for the approval of outline permission. The current application therefore deals with the principle of development and the proposed access to, and layout of the site. The external appearance and scale of the proposed development, and the landscaping of the site are reserved; and will be considered under a subsequent application.

The main issues to consider in determining this application are considered to be:

- Relevant Development Plan Policies
- Access Arrangements
- Layout of Development

### Relevant Development Plan Policies

The application site is a greenfield site located in the centre of the village of Murton, previously used for agricultural purposes.

Policy 67 of the Local Plan supports residential development on sites within settlement boundaries where they are previously developed sites in order to encourage the effective use of land. As this site is not previously developed, there is no presumption that residential development will be acceptable in principle, but the proposal should be assessed against the need to secure effective use of the land, and the objective of creating mixed and sustainable communities as advocated in Planning Policy Statement 3 (PPS3).

Paragraph 10 of PPS3 defines a suitable housing location as one that will offer a range of community facilities and have good access to jobs, key services and infrastructure. The site location should also be assessed in terms of where it will contribute to cutting carbon emissions by focusing development in locations with good accessibility by means other than the private car. Murton is one of the larger villages in the District which has a service and employment function to support further residential development. It is regarded as a preferred key settlement to support the role of Seaham as a main town in options for the Easington Local Development Framework Core Strategy. The proposed development site is located in the centre of the settlement, close to amenities, and is, therefore, considered to be sustainable and a suitable location for housing.

To be acceptable, development on urban Greenfield sites should not undermine the development of previously developed land in the vicinity, or the Council's strategy for housing renewal. The small scale of the proposed development is not considered to have an adverse impact on future plans for other sites with development potential in Murton, as such the proposal is considered to accord with advice contained with PPS3.

### Access Arrangements

# Item no.

The proposed access onto Station Estate is considered acceptable in principle. Durham County Council have been consulted on the application, and subject to the minor alteration for adoption purposes, no objections have been raised on highway grounds. The Ramblers Association's concerns regarding accuracy of the plans will be resolved through the submission of a subsequent application for diversion of the public right of way.

## Layout of Development

The proposed layout of the site is considered to accord with the relevant development plan policies. The relevant guidelines contained within the District of Easington Local Plan in relation to new residential developments have been followed. Due to the siting of the proposed houses, the residential development should have no effect on adjacent occupants by way of loss of residential amenity. All proposed houses are to have rear gardens in accordance with guideline contained within the Local Plan.

## **Conclusion**

The proposed development is considered to accord with the relevant development plan policies. The proposed development will make more efficient use of the existing site, which is situated within the village of Murton. Subject to the suggested conditions outline planning permission should be approved.

## **Recommendation**

Approval subject to the following conditions: Reserved Matters, Contaminated Land, Revised Site Layout (Highways Authority), Surface Water Drainage Scheme, Arboricultural Impact Assessment, and Tree Constraints Plan.

## **Reason for Approval**

### District of Easington Local Plan

ENV35 - Environmental Design: Impact of Development  
GEN01 - General Principles of Development  
HOU66 - Provision of outdoor play space in new housing development  
HOU67 - Windfall housing sites  
PPS1 - Delivering Sustainable Development  
PPS3 - Housing  
TAC47 - Footpaths and other public rights of way

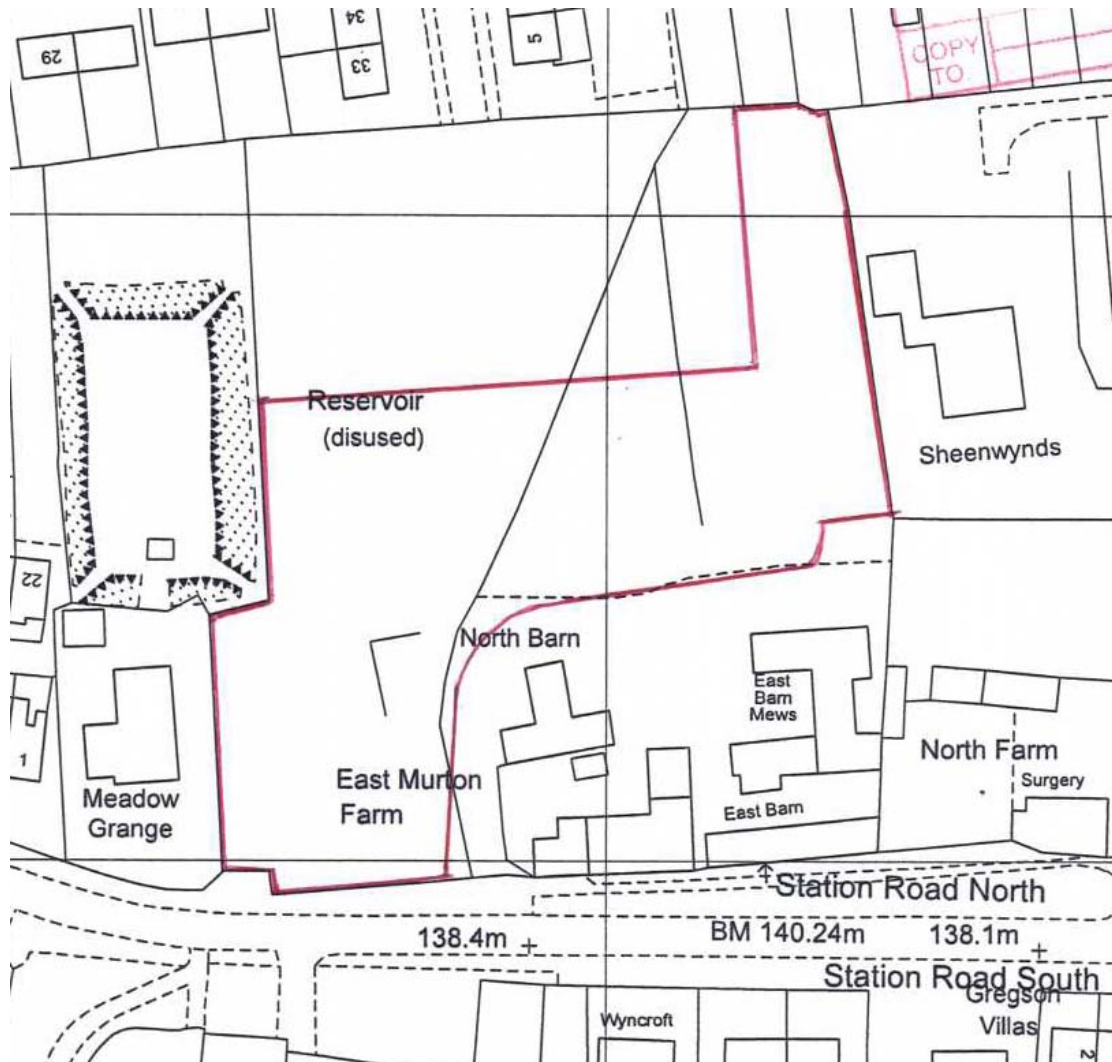
**Decision time** Outside 8 weeks, - target not achieved due to consultation requests.

# Item no.

PLAN/2008/0412

**Murton (Murton West) - RESIDENTIAL DEVELOPMENT COMPRISING 7 NO. DWELLINGS at EAST MURTON FARM, STATION ROAD NORTH, MURTON for MRS A TURNBULL**

## Location Plan



## The Application Site

The application relates to an area of land situated to the west and north of the existing East Murton Farm Buildings, which are sited on Station Road North in the village of Murton. The existing group of farm buildings known as East Murton Farm have recently been converted to form a group of residential dwellings. The land subject to the current application has most recently been in use as part of the previous agricultural holding on the site, and at present it appears to be un-maintained grass land. Some areas appears to be in use as domestic garden linked

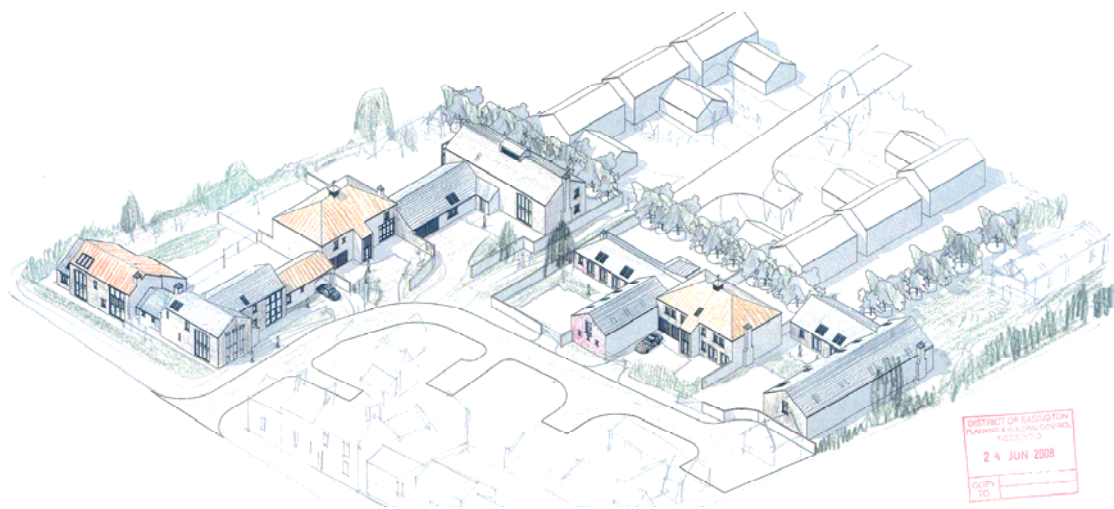
# Item no.

to the properties on East Murton Farm, although any such use is not authorised. A public footway runs through the application site, north to south.

The land is bounded on all sides by residential properties, apart from to the northeast, where a section of land that was also originally part of the agricultural holding is subject of a separate application for planning permission also on this agenda, Reference PLAN/2008/0411. Beyond this area of land lies a disused reservoir, which has recently had planning permission approved for the erection of four houses.

## The Proposed Development

Planning permission is sought for the erection of seven dwellings, which will be served from the existing access road that serves the recently completed residential conversions on the East Murton Farm site.



It is proposed that the seven new dwellings would have a barn-like character in sympathy with the old listed farm buildings adjacent. The dwellings would be finished in a range of different materials and detailing such as window design will be in accordance with the character of the locality.

## Site History

03/155 – Residential Development (outline) – Refused – 01/05/2003. This application was refused as it involved the development of a Greenfield site, and as such the proposal was considered to be contrary to policy 67 of the Local Plan – which prioritises the development of previously developed sites.

Decisions have recently been made on two planning applications that relate to land situated adjacent to the application site.

04/554 – Conversion of existing farm buildings (East Murton Farm) to from 3 no. dwellings – Approved 24/09/2004.

04/863 – 4 no. dwellings on former reservoir site – Approved 16/12/2004.

## Planning Policy

*District of Easington Local Plan*



# Item no.

GEN01 - General Principles of Development  
ENV35 - Environmental Design: Impact of Development  
TAC47 - Footpaths and other public rights of way  
HOU66 - Provision of outdoor play space in new housing development  
HOU67 - Windfall housing sites

## *National Planning Guidance*

PPS1 - Delivering Sustainable Development  
PPS3 - Housing

### **Consultations and Publicity**

The application has been advertised in the local press and by a site notice. Neighbouring properties have also been consulted. Two letters of representation have been received from members of the public. Objections have been raised on the following grounds:

- The proposal is not considered to accord with the relevant Local Plan Policies in relation to residential development as the proposed works relate to greenfield land, which is not allocated for development. It is suggested that there is an oversupply of brownfield sites in Murton particularly where local authority housing has been cleared; as such there is no need for the development of this site.
- Recently constructed houses on other sites within Murton are not currently being sold; should more houses be allowed when there does not appear to be any demand.
- The proposed development does not comply with specified distances between principal and secondary windows (21m and 14m) in relation to adjacent residential properties, particularly Meadow Grange situated on the western boundary of the site, and the recently approved houses on the old reservoir.
- Concerns that the proposed development will be built at a higher level than the adjacent bungalow known as Meadow Grange, to the detriment of residential amenity.
- The field to be lost is a National Heritage site as it is one of the last remaining examples of medieval furrowed field farming methods, and should not be lost.
- The proposed development would result in the loss of agricultural land and is contrary to national guidance in this respect.

Easington District Council, Planning Policy Officer, comments:

- The proposed development is considered to be contrary to development plan policies that seek to prioritise the re-use of previously developed land over Greenfield sites. However, the proposal does accord with advice contained within PPS3: Housing. The proposed development relates to a sustainable location within the village of Murton and will provide new houses that will widen the choice of housing available in Murton. The proposal is considered to accord with PPS3 and should be supported.

Easington District Council, Environmental Health, comments:

- A site specific land contamination report should be provided in relation to the scheme, this can be secured by condition. Hours of operation should be restricted to protect the residential amenities of adjacent occupants.

Durham County Council, Highways Authority, comments:

- The Public Right of Way that crosses the site will need to be diverted as part of the application. The applicant will need to secure the necessary permissions before works commence on site.



# Item no.

- Issues in relation to the adoption of the proposed pedestrian link through the site would need to be addressed through the submission of a revised site layout plan in line with comments from the Highways Authority. These revisions can be secured through a planning condition.

Northumbrian Water, comments:

- Conditional Approval subject to the agreement of a scheme for the disposal of surface water.

## **Planning Considerations and Assessment**

It is considered that the main issues to be considered in determining this application are:

- Relevant Development Plan Policies
- Relevant planning history
- Layout and Design
- Residential Amenity
- Other Considerations

### Relevant Development Plan Policies

The application site is a Greenfield site located in the centre of the village of Murton, previously used for agricultural purposes.

Policy 67 of the Local Plan supports residential development on sites within settlement boundaries where they are previously developed sites in order to encourage the effective use of land. As this site is not previously developed, there is no presumption that residential development will be acceptable in principle, but the proposal should be assessed against the need to secure effective use of the land, and the objective of creating mixed and sustainable communities as advocated in Planning Policy Statement 3: Housing (PPS3).

Paragraph 10 of PPS3 defines a suitable housing location as one that will offer a range of community facilities and have good access to jobs, key services and infrastructure. The site location should also be assessed in terms of where it will contribute to cutting carbon emissions by focusing development in locations with good accessibility by means other than the private car. Murton is one of the larger villages in the District which has a service and employment function to support further residential development. It is regarded as a preferred key settlement to support the role of Seaham as a main town in options for the Easington Local Development Framework Core Strategy. The proposed development site is located in the centre of the settlement, close to amenities, and is, therefore, considered to be sustainable and a suitable location for housing.

To be acceptable, development on urban Greenfield sites should not undermine the development of previously developed land in the vicinity, or the Council's strategy for housing renewal. The small scale of the proposed development is not considered to have an adverse impact on future plans for other sites with development potential in Murton.

As the location is considered to be acceptable, PPS3 states that the proposed development should also contribute to creating mixed and sustainable communities. Paragraph 69 of PPS3 advises that this should be high quality housing to offer a mix

# Item no.

and choice that reflects the need and demand for housing. The proposal for seven large dwellings will widen the choice of housing available in the village, which, as a former colliery village, has a predominance of older terraced property.

## Relevant Planning History

As noted in the planning history section a previous application for Outline permission for residential development on the site was refused. The reason for refusal was that the application related to a Greenfield site and as such was considered contrary to the relevant development plan policies that prioritised the development of previously developed sites. However, as noted above, the proposed works are now considered to accord with the latest government guidance in relation to housing, which enhances the importance of location in assessing sites for residential development, over the previous use of the land. For the reasons outlined previously the current proposal is considered to accord with the current development plan policies.

## Layout and Design

The proposed layout and design of the proposed development are considered to be acceptable. The design of the proposed houses is considered to complement the setting of the adjacent Listed East Murton Farm House and being in keeping with the general character of the area. They have been designed to appear as part of the existing group of farm buildings. The use of a range of different materials will create interest and give the appearance of a group of buildings constructed over time rather than a new build residential development.

The proposed layout of the seven dwellings around the central access road is considered acceptable. The relevant guidelines contained within the District of Easington Local Plan in relation to the layout of new residential developments have been accorded with. All the proposed dwellings will have private gardens of a scale commensurate with the dwelling size.

Durham County Council have been consulted with regard to the application, and have raised no objections. Minor alterations need to be made to the access arrangements; it is suggested that a condition be attached to any grant of planning permission to ensure that the development is completed in line with Highways Authority comments.

## Residential Amenity

Concerns have been raised by members of the public in relation to the impact the proposed development will have on the occupants of adjacent residential properties by way of loss of residential amenity. However as stated previously it is considered that the proposed layout of the development accords with the relevant development plan guidelines in relation to adjacent developments.

Specifically concerns have been raised regarding the impact the proposed development would have on the existing bungalow known as Manor Grange situated to the west of the application site on the road frontage, and the approved dwellings to be built on the old reservoir to the northwest of the application site. With regard to the impact on the bungalow known as Manor Grange, the main windows of the bungalow

# Item no.

sited on the eastern elevation would look into the rear gardens of proposed dwellings rather than directly onto a gable wall. As such there should be little impact in terms of loss of light or outlook sufficient to warrant refusal of the application. No windows are proposed that will look directly into the existing bungalow on the two closest properties. Users of the garden areas proposed might impact on the existing bungalow, although it is considered this can be overcome by suitable boundary treatments that could be controlled by condition. Some of the windows in plot three of the proposed development face towards the existing windows situated on the eastern elevation of the bungalow, however, the requisite 21 metre distance is achieved between elevations, and as such there should be limited impact in terms of privacy. With regard to the recently approved, but as yet not constructed, four dwellings on the former reservoir site, all privacy distances and amenity guidelines are met; as such there should be no adverse impact on residents sufficient to justify refusal of planning permission.

## Other Considerations

Concerns have also been received from members of the public on the following grounds: the lack of demand for housing, the loss of a national heritage field, and the loss of agricultural land.

In relation to the lack of demand for housing in Murton, it is not considered that this is a consideration in determining the application, as stated previously this site is considered to be an acceptable location for residential development.

In relation to the loss of a national heritage site – in relation to Medieval Field farming method; no evidence has been provided to Officers in this regard, as such it is not considered a sufficient reason not to support the proposal.

The loss of agricultural land is a planning consideration; development plan policies seek to protect agricultural land, however, in this instance due to the siting of the land in the middle of an urban area the importance of the site in agricultural terms is not considered sufficient to warrant refusal of the application. The land has not been in active agricultural use for some time.

## **Conclusion**

The proposed development is considered to accord with the relevant development plan policies. The proposed development will enhance the setting of the adjacent Listed Building, and general character of the area to the benefit of the locality as a whole.

Due to the siting and design of the proposed development it is not considered that the proposed works will have any detrimental effects on the occupants of adjacent properties sufficient to warrant refusal of the application.

The concerns raised by members of the public are not considered sufficient to overcome the policy support for the scheme, as such subject to the suggested conditions planning permission should be approved.

## **Recommendation**

Approval subject to the following conditions: Materials to be Agreed, Means of Enclosure, Landscaping Plan to be Agreed, Timing of Landscaping, Revised Site Plan (Highways Comments), Contaminated Land Report, Surface Water Drainage Scheme.

# 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*

ENV35 - Environmental Design: Impact of Development  
GEN01 - General Principles of Development  
HOU66 - Provision of outdoor play space in new housing development  
HOU67 - Windfall housing sites  
PPS1 - Delivering Sustainable Development  
PPS3 - Housing  
TAC47 - Footpaths and other public rights of way

**Decision time** Outside 8 weeks, target not achieved due to consultation requirements.

## PLAN/2008/0532

**Thornley (Thornley & Wheatley Hill) - 5 NO. DWELLINGS (OUTLINE) at LAND ADJACENT GORE HALL FARM, THORNLEY for P F TRADING NORTH EAST LTD**

## Location Plan



## The Application Site

The application relates to a site situated within Thornley, at the top of a small hill, north of Gore Hall Farm (subject of a recent planning application – see relevant site history). The site is bounded to the north and east by existing housing.

# Item no.

The application site extends to approximately 0.39 ha. The site forms a roughly rectangular grassed area of land, which is currently un-maintained and displays evidence of anti-social behaviour, such as fly tipping and fires. The site undulates, rising from the entrance of the site on the western boundary towards the eastern end of the site, which is the highest and flattest part.

Prior to the development of existing housing to the north of the site, which was built between 1970 and 1979, the site was used as part of an agricultural unit.

## The Proposed Development

Permission is sought for outline planning permission to provide 5 no. detached dwellings on the site. Details of the access have been submitted, which is to be from Hillside Crescent situated to the west of the application site. An indicative layout plan has been submitted with the application that shows five properties situated adjacent to the proposed access road; a play area and open space are to be provided at the eastern end of the site.



The layout of the site, appearance and scale of the buildings and landscaping are reserved matters and will be subject to a future application, prior to any development taking place. The current application deals with the principle of development and the proposed access arrangements.

## Site History

# Item no.

None relevant to the application site, however, Gore Hall Farm, immediately to the south of the application site, has been subject to recent planning applications:  
05/179 – Outline Permission – Residential Development – Approved 05/08/2008.  
PLAN/2008/0503 – Reserved Matters – 20 no. houses – Minded to Approve subject to S.106 in relation to Open Space – 25/11/2008.

## **Planning Policy**

### *District of Easington Local Plan*

GEN01 - General Principles of Development  
ENV35 - Environmental Design: Impact of Development  
HOU67 - Windfall housing sites

### *National Planning Guidance*

PPS1 - Delivering Sustainable Development  
PPS3 - Housing

## **Consultations and Publicity**

The application has been advertised in the press and by a site notice. Neighbouring properties have also been consulted. Five letters of representation have been received; objections have been made on the following grounds:

- Privacy to existing residents situated to the north of the application site; the proposed houses will be sited too close.
- The proposed works together with the adjacent Gore Hall Farm proposal will substantially change the character of the area. Concerns that the building works will lead to a cluttered appearance.
- Concerns with proposed building methods; due to the slope of the land structural problems could be caused for the houses situated to the north of the application site.
- The proposed access road and footway which will be sited to the rear of existing properties could be used as a meeting place for under age drinkers; adding to anti-social behaviour, which is already a problem in Gore Hill Estate.
- The proposed access road and footway will become a cut through and perfect “race track” for motorcycles; already a problem in the locality.
- The proposed play area and open space will add to the opportunities for anti-social behaviour in the locality.
- The proposed access road, which leads onto a dangerous gradient and bend, will have detrimental effects on highway safety particular in wintry conditions.
- There are other sites available for housing in Thornley.

Easington District Council, Planning Policy Officer, comments:

- The application relates to a Greenfield site situated in the centre of the village of Thornley, and forms part of a larger site at Gore Hall farm, part of which has already received approval for residential development. The proposal is considered to represent development in a sustainable location, and as such is in accordance with relevant development plan policies.

Durham County, Highways Authority, comments:

# Item no.

- Concerns have been raised regarding the proposed access footpath to the open space, which was to be sited on the northern side of the access road – it is proposed that this should be removed through the use of a planning condition.
- The proposed access arrangements are considered acceptable; the required visibility splays and junction radii are achieved. No highway safety objections.

## **Planning Considerations and Assessment**

This application is for the approval of outline permission. The current application therefore deals the principle of development and the proposed access to the site. The siting, design, external appearance of the proposed development, and the landscaping of the site are reserved for later approval; and will be considered under a subsequent application.

The main issues to consider in determining this application are considered to be:

- Relevant Development Plan Policies
- Access Arrangements
- Public Representations

### Relevant Development Plan Policies

The application site is a Greenfield site located in the centre of the village of Thornley, and forms part of a larger site at Gore Hall farm, part of which has already received approval for residential development.

Policy 67 of the Local Plan supports residential development on previously developed sites within settlement boundaries in order to encourage the effective use of land. As this site is not previously developed, there is no presumption that residential development will be acceptable in principle. However, the proposal should be assessed against the need to secure effective use of the land, and the objective of creating mixed and sustainable communities as advocated in Planning Policy Statement 3: Housing (PPS3).

Paragraph 10 of PPS3 defines a suitable housing location as one, that will offer a range of community facilities and have good access to key services and infrastructure. As the site is located in the centre of the settlement, close to amenities, it is sustainable and can, therefore, be considered as a suitable location for housing.

Paragraph 69 of PPS3 requires that a housing proposal does not undermine any housing renewal objectives, and further advises what is required to achieve high quality housing. This includes ensuring development achieves a good mix of housing in suitable locations, using land efficiently, and that the proposal reflects the need and demand for housing. Recent development patterns in Thornley have seen considerable development in the western part of the village with the contrast of clearance and very limited development in the eastern part of the village. With this in mind, the Council recently commissioned a renewal strategy to try and address these concerns. Work on this is ongoing with the ultimate aim of providing a strategy that will reconnect the old village centre with the rest of the village, and to provide an estate masterplan to re-integrate the vacant and underused sites in the east. It is not considered that this proposal for five dwellings in the centre of the village will undermine this programme. The proposal for five large dwellings will also widen the

# Item no.

choice of housing available in the village, which, as a former colliery village, has a predominance of older terraced property.

The application includes an area of open space, which is to be provided as part of the development. The proposed open space will have recreational and amenity benefits for the locality, and go further towards making a more effective use of the current site.

## Access Arrangements

The proposed access onto Hillside Crescent is considered acceptable; the required visibility splays and junction radii have been provided. Durham County Council have been consulted on the application, and subject to the removal of a proposed footway, no objections have been raised on highway grounds.

## Public Representations

Objections have been received from members of the public. Concerns have been raised regarding the access arrangements, which as stated previously are considered acceptable.

Concerns over anti-social behaviour should be considered, however, it is not considered that the outline approval would directly cause anti-social behaviour. The proposed play area and open space will provide recreation and amenity benefits for the locality. The development will eliminate current anti-social problems on the site, and furthermore it is considered that the proposed layout, with the houses looking onto the access road for the open space/play area, will make anti-social behaviour less likely.

Concerns have been raised regarding the proximity of the proposed houses to those existing on Gore Hill Estate, and the relationship between the houses subject to this current application and those proposed on Gore Hall Farm to the south. Although approval of the siting of dwellings is not currently being sought, the indicative layout plan submitted with the application demonstrates that all required privacy distances could be met between the existing properties to the north and the proposed houses to the south. Nevertheless, the current proposal deals only with the principle of development and access arrangements. Planning officers are satisfied that the site subject to this application can accommodate five new dwellings and conform to relevant development plan guidelines in terms of site layout, privacy and amenity standards.

Residents have also raised concerns regarding the proposed siting of the houses on a down slope below the existing houses situated on Gore Hill Estate, and the fear that building works may lead to structural damage to the existing properties. The effect that any building works may have on adjacent dwellings, in terms of movement or structural damage, would be a matter for the developer and is not a planning consideration that should be assessed in determining this application. In any event, no evidence has been provided to support the objections, and officers do not expect the proposed development to result in any structural problems for adjacent properties.

Objections have also been received, stating that the proposed application site should not be developed, as other more suitable sites are available within Thornley. It is accepted that there are other sites in Thornley, which it would be preferable to see



# Item no.

developed, however, for the reasons outlined in relation to the relevant development plan policies, the development of this site should be supported.

## **Conclusion**

The proposed development is considered to accord with the relevant development plan policies. Local residents have raised objections, however, the issues raised are not considered to outweigh the policy support for the application. The proposed development will make more efficient use of the existing site, which is situated within the centre of the village of Thornley; it will also provide large detached houses that will enhance the housing stock of the village.

## **Recommendation**

Approval subject to the following conditions: Reserved Matters, Materials, Means of Enclosure, Contaminated Land, Revised Site Layout (Highway Comments), Landscaping Scheme, Landscape Timing, detailed proposals for play area.

## **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  
HOU67 - Windfall housing sites  
PPS1 - Delivering Sustainable Development  
PPS3 - Housing

**Decision time** Outside 8 weeks, - target not achieved due to consultation requirements.

## **PLAN/2008/0639**

**Seaham (Dawdon) – ERECTION OF DWELLINGHOUSE (OUTLINE) at THERESA STREET, SEAHAM for MR E PLEBAN**

## **Location Plan**

# Item no.



## The Application Site

The site is an essentially triangular shaped piece of land comprising approximately 0.1ha at the southern end of Dawdon, with a 'leg' linking northwards to Embankment Road. The gardens of the cottages in Theresa Street run along the site's north-west side, Hazel Dene adjoins to the south and the Hartlepool-Sunderland railway runs along an embankment to the east.

The site is currently occupied by a substantially-constructed outbuilding and a number of small trees.

## The Proposed Development

The application proposes the erection of a detached dwellinghouse. It is in outline form with all matters including design, layout and scale reserved for later approval.

## Site History

- |        |   |
|--------|---|
| 76/623 | Use of existing building as garage for private car and storage of painting and decorating equipment – Approved 11/76 (temporary for 1 year) |
| 77/721 | Continued use of existing building as garage for private car and storage of painting and decorating equipment – Approved 04/78              |
| 95/144 | Agricultural building – Approved 04/95  |
| 07/423 | Siting of residential caravan – Refused 08/07   |
| 07/424 | Extension to existing building to form art studio and store – Refused 09/07.  |

## Planning Policy

# Item no.

District of Easington Local Plan

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

ENV19 - Management of Areas of Nature Conservation Interest

ENV35 - Environmental Design: Impact of Development

GEN01 - General Principles of Development

HOU67 - Windfall housing sites

## Consultations and Publicity

Town Council	No response.
DCC Highways	2 parking spaces needed; gates to open into the site, not outwards.
Northumbrian Water:	No objections.
Network Rail:	All drainage to lead away from railway property; all operations to be carried out in 'fail-safe' manner; earthworks in vicinity of rail land to respect integrity of that land; security of railway boundary to be maintained; maintenance of railway boundary not to be impeded; any buildings to be at least 2m from railway land; restrictions on tree planting near railway boundary; would wish to be involved in consideration of any landscaping scheme in connection with proposed development..
EDC Landscape	No trees of particular merit on site but suggest 'no topping, lopping or felling' condition if approved..
EDC Environmental Health Neighbours	No response. 1 objection from adjacent neighbour– effect on privacy and 'personal space'; effect on wildlife; disruption of use of adjacent footpath.

## Planning Considerations and Assessment

The material considerations to be taken into account in assessing this application are

- Housing policy;
- The effects of the development on the surroundings;
- The effects on nearby occupiers;
- Highways matters;
- Objections.

### Housing Policy

This site has previously been occupied by a building, albeit some 30 years ago, which had planning permission for the dual use of garaging a private car and the storage of painting and decorating equipment.

That use appears to have been followed by an allotment use and the site was described as such in 1995 when the current applicant was granted planning permission for an 'agricultural building'.

The applicant has asserted in his Design And Access Statement that this building has been used for "storage and domestic recreational purposes since 1997" and, in the absence of any evidence to the contrary, it does appear that the land is used in conjunction with the domestic occupancy of no. 1 Theresa Street. Indeed, in 1998, the then Head of Development and Building Control wrote to the applicant to confirm

# Item no.

that “the occasional use of your garden shed for overnight use would not constitute a material change of use”.

In these circumstances, it is concluded that the application site constitutes previously developed land and, therefore, benefits from ‘saved’ policy 67 of the former District Of Easington Local Plan which agrees in principle the residential development of such ‘brownfield land’.

Additionally, the site is clearly included in the annotation ‘housing renewal/improvement area’ on the Seaham Inset Map to the Local Plan and a very similar site, about 25 metres away at the southern end of Melbury Street/Queen Alexandra Road, was granted planning permission for a dwelling in 2001, renewed in 2006.

## Effects On Surroundings

Adequate space for the erection of a dwelling on the site is available after the 21m spacing standard is applied from the front of the cottages in Theresa Street, which are the only other residential properties adjacent to the site. Adequate clearance to the railway embankment on the east side of the site can be achieved to satisfy the requirements of Network Rail and, subject to appropriate siting and design, it is considered that the erection of a dwelling on this land could be accommodated without any adverse effects on Hazel Dene which adjoins the site’s southern boundary.

Conversely, suitable soundproofing works relating to the protection of the new house from noise from the adjacent railway should be built into the design of the building and it is considered that such works need to be required by condition at this outline stage.

## Effects On Nearby Occupiers

The only nearby occupiers are the residents of the bungalows in Theresa Street. The application site is of such shape and size that a new dwelling can be accommodated on the site with adequate separation from the fronts of those properties to ensure that normal privacy distances are achieved. There does not appear to be any reason to believe that the proposed development should give rise to any adverse effects on the amenities of the existing residents.

## Highways Matters

Apart from requiring two vehicle parking spaces to be provided on the site and that the entrance gates do not open outwards onto Embankment Road, the Highway Authority has no objections to the proposal. These matters can be addressed satisfactorily when full details are submitted if this outline application is granted.

## Objections

Only one objection has been received to this proposal, from an adjacent resident who has cited the effect on privacy and ‘personal space’ which he considers would result from the development, but, as has been mentioned above, normal spacing standards can be achieved, so it is not considered that this objection can be supported.

# Item no.

The objector has also queried the effect on the wildlife which presently frequents the site but, since the various birds and squirrels are likely to be visitors from the adjoining area of open space and woodland known as Hazel Dene, worries about their future seem unfounded.

Similarly, no disruption of the footpath through the dene is considered likely to result from reasonably carried out construction operations on the site.

Various additional comments have been made about the applicant's alleged unneighbourliness to other residents but these are not matters which can have any relevance to the Panel's consideration of this application.

## **Conclusion**

This proposal is considered acceptable in policy terms, being a brownfield site within the Seaham settlement boundary. It is further considered that a dwelling could be accommodated spatially on the land without any adverse effects on either the general amenity of the area or the residential amenities of the occupiers of nearby existing properties.

Subject to the suggested conditions, it is recommended that outline planning permission should be granted.

## **Recommendation**

Approval subject to:

Standard outline conditions, retention of trees, contaminated land risk assessment, limit on times of construction works, and sound insulation measures.

## **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*

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

ENV19 - Management of Areas of Nature Conservation Interest

ENV35 - Environmental Design: Impact of Development

GEN01 - General Principles of Development

HOU67 - Windfall housing sites

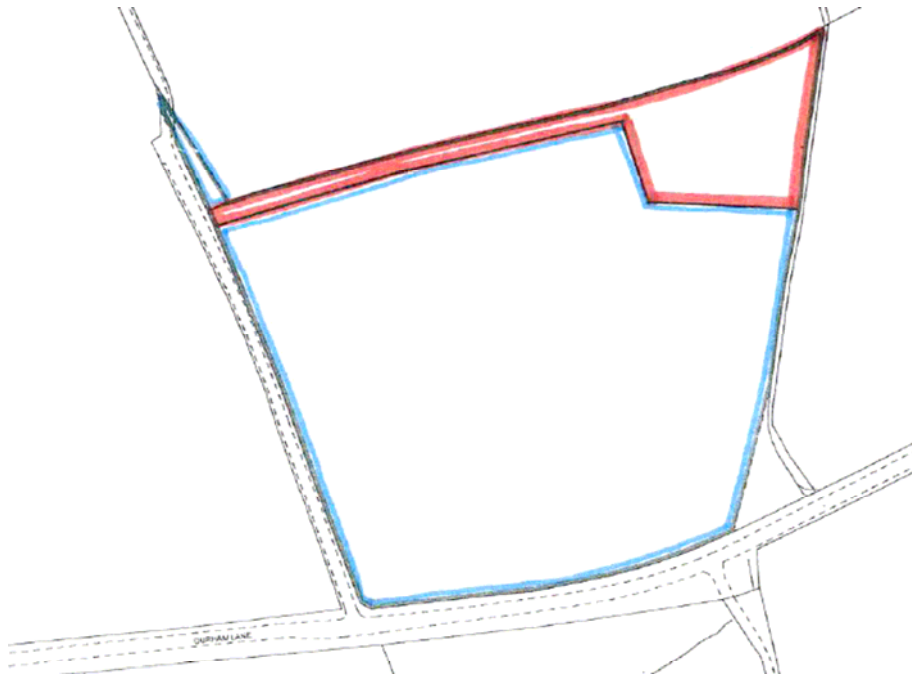
**Decision time**            11 weeks (delayed by decision to report to Panel)

## **PLAN/2008/0692**

**Haswell (Haswell & Shotton) - ERECTION OF RESPITE CARE CENTRE TO ACCOMMODATE RESPITE CARE COTTAGES, MANAGERS HOUSE & STABLES WITH ANIMAL SHELTERS at LAND AT DURHAM LANE, HASWELL for KINDSTREAM LTD**

## **Location Plan**

# Item no.



## The Application Site

This application site lies adjacent to the B1283 (Durham Lane), it is located outside of a settlement boundary in the countryside. It is a previously undeveloped (Greenfield) site, which is currently used for grazing and is identified in the Local Plan as being in a wildlife corridor. The site boundary is defined by Durham Lane to the south, an access track to High Ling Close farm to the west, a stream (Loaning burn) to the east and a hedgerow to the north.

## The Proposed Development

The applicants (Kindstream) currently provide facilities for people with learning difficulties and mental health problems across the district, fourteen of which are based at High Ling Close Farm. This farm is located to the north of the application site and is separated from it by a field, which is not in the ownership of the applicant.

The applicants have provided a design and access statement with the application which gives an overview of the company and details of the development proposals, this is summarised as follows:

“Kindstream provides services and assistance to vulnerable people in the East Durham Area. Services are delivered to a high standard and are monitored and regulated by Social Services. We currently have the capacity to provide accommodation based services for 57 individuals with mental health problems and learning disabilities and we also provide day services for 14 individuals. The day services are provided at High Ling Close Farm where Kindstream owns 17.5 acres of land and farm buildings. Service users work with the animals at the farm which include horses, pigs, goats, llamas and chickens.

We would like to expand these services as there is currently high demand for places at the day centre and we are working at full capacity.”

This is an outline application which seeks approval for a respite care centre to accommodate respite care cottages, stables and animal shelters and a managers house. Details of access, appearance, landscaping, layout and scale are all reserved

# Item no.

matters and therefore this application only seeks approval in principle for the development in the location identified.

## **Site History**

PLAN/2007/0156 – Change of use to provide agricultural and horticultural training facilities for adults with learning difficulties and erection of a portacabin (approved). Note: this application site is at High Ling Close Farm, which is situated to the north of, and detached from the current application site.

## **Planning Policy**

District of Easington Local Plan

GEN01 - General Principles of Development  
ENV03 - Protection of the Countryside  
ENV17 - Identification and Protection of Wildlife Corridors  
ENV35 – Design and layout of development

Planning Policy Statements

PPS7 - Sustainable Development in Rural Areas

## **Consultations and Publicity**

Neighbours – no responses

Parish Council – objection. The land is situated in Green Belt, outside the settlement boundary and the purpose is to build residential accommodation. The application site is also accessed by a busy main road and there are concerns regarding additional traffic that the proposal would create.

DCC Highways – Traffic movements associated with the development appear to be negligible. However, the existing hedgerow to the east of the junction onto the B1283 should be reduced in height to 1 metre or alternatively set back to the rear of the 2.4 x 215 metres junction sight visibility splay.

Northumbrian Water – no objections.

Environment Agency – no response.

District of Easington Countryside Officer – “There is a clear indication that the boundary hedge of the field is an important feature both historically and as a feature for wildlife to utilise for movement, such as bats using it for navigation means, there is evidence of bats utilising the area around the farm complex at Sandy Carrs along the main B1283. Compaction of the soil structures due to constant utilisation of plant material adjacent to the hedge as well as possible pollution of the soil through plant materials could damage the hedge, unless the hedge is protected against such materials prior to any construction and during development.

The stream (Loaning burn) is approximately 0.5 metres from the eastern boundary of the site and could well be polluted by plant materials. The stream is teeming with vegetation and although it is not clear what wildlife is utilising the stream, it is an important feature which needs to be considered.

It appears that this development is needed within the local community and is a brilliant concept for the service users to develop their skills but the location of the development should be integrated closer within the confines of the farm complex at

# Item no.

High Lings Close, this would be ideal and conserve the natural environment from further development”.

Environmental Health – no response.

Local Plans – concerns regarding location of development, impact on wildlife corridor and considers that the evidence submitted in order to satisfy financial and functional tests is not adequate.

## **Planning Considerations and Assessment**

Development in the countryside should not be approved under the terms of Policy 3 of the Local Plan, except where specifically allowed for by other policies. These other policies are now to be found in Central Government’s Planning Policy Statement 7 (PPS7), Sustainable Development in Rural Areas.

PPS7 advises that new building in the countryside should be strictly controlled to protect the countryside for its intrinsic character, the diversity of landscapes, heritage and wildlife. In this regard, it should be noted that the site is located in a Wildlife Corridor, the integrity of which should be protected from unnecessary development under the terms of Local Plan Policy 17. The applicant has not provided any evidence with the application to demonstrate that wildlife would not be adversely affected by the development.

It is evident that the nature of the proposal requires a countryside location, and it is considered that the proposed land use is acceptable in principle, but Paragraph 31 of PPS 7 determines that a supportive approach to farm diversification should not result in excessive expansion and encroachment of building development into the countryside. It should be noted that this site is located in the countryside at some considerable distance from the nearest settlements of Haswell, Haswell Plough, Shotton and Easington. It is also detached from the farm buildings at High Ling Close farm where the existing activities take place. It is considered that if approved, the proposal would appear isolated and would have a serious adverse impact on the countryside setting and would set a precedent for similar development in the District.

It was advised at pre-application stage that opportunities should be explored to site the proposed development in a less isolated location, the applicant has chosen not to do this. Paragraph 35 of PPS7 determines that where new or additional facilities are required, these should normally be provided in, or close to, villages. Proximity to farmsteads or other groups of buildings can also suffice to reduce adverse impacts of the proposal on the countryside. It is considered that the isolated location of this proposal and the need for a new access road would have a significant adverse impact on the countryside setting.

Where dwellings are included in the proposal, PPS7 also requires that the same functional and financial tests should be applied to dwellings associated with rural-based enterprises as are applied to agricultural dwellings. These are defined in Annex A: new dwellings should only be allowed where there is a clearly established existing need, where it is essential for the proper functioning of the enterprise for one or more workers to be readily available both day and night, and this cannot be provided by other existing accommodation in the area. The financial test relates to economic viability, usually evidence that the enterprise is financially sound. This usually requires that the enterprise has been established for at least 3 years, and profitable for at least one. Where the functional and financial tests are met, a new dwelling to support a new enterprise should be temporary in nature for the first three years until it is established that the enterprise has a clear prospect of remaining viable. This would



# Item no.

normally be a caravan or similar easily dismantled structure. It is not considered that the material provided in support of this outline application is sufficient to satisfy the financial and functional tests required under the terms of PPS7.

## **Conclusion**

The types of activity and land use proposed have already been established nearby at High Ling Close Farm. However the development as proposed is not considered acceptable due to its exposed and isolated location. The development would have a serious adverse impact on the countryside setting and could potentially have adverse impacts on wildlife. Alternative locations, such as next to the existing farm buildings, were suggested at pre-application stage, which could have resulted in a more favourable recommendation, but the applicant has chosen not to follow the advice. In addition to this the applicant has provided insufficient information to satisfy the financial and functional tests for a dwelling as set out in PPS7, or to confirm that there would be no adverse impacts on the wildlife corridor..

## **Recommendation**

Refusal for the following reasons:

1. The proposal involves development in a prominent, isolated location in the countryside, adversely affecting the character and appearance of the area, contrary to Policies 1, 3 and 35 of the District of Easington Local Plan and PPS7.
2. The proposal includes residential development in the countryside for which insufficient evidence of need has been submitted, contrary to Policies 1 and 3 of the District of Easington Local Plan and PPS7.
3. Insufficient information has been provided to allow the Local Planning Authority to assess whether or not the proposed development would have adverse effects on a designated wildlife corridor, contrary to Policy 17 of the District of Easington Local Plan.

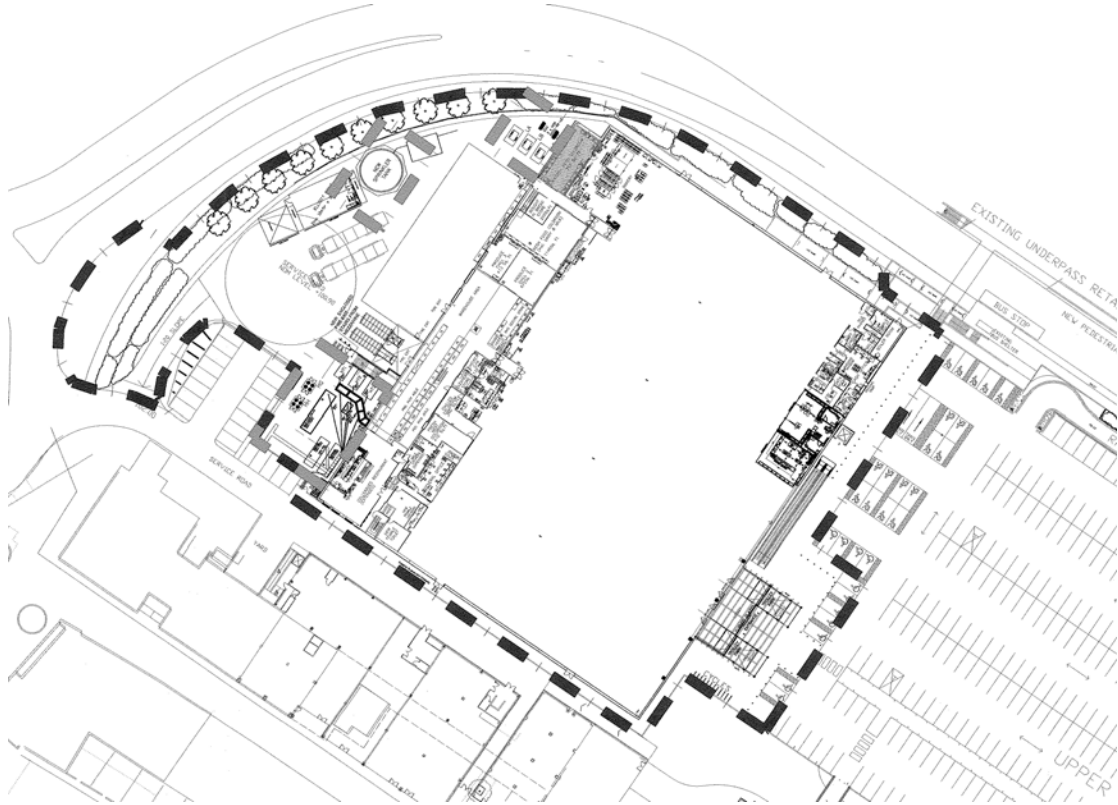
**Decision time**                      7 weeks – target achieved

## **PLAN/2008/0694**

**Peterlee (Dene House) - INSTALLATION OF ADDITIONAL PLANT EQUIPMENT at ASDA STORES LTD SURTEES ROAD, PETERLEE for ASDA STORES LTD**

## **Location Plan**

# Item no.



## **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.

## **The Proposed Development**

Planning permission is sought for the installation of additional plant in the rear service yard of the existing store, specifically the application will increase the amount of refrigeration and air handling equipment on the site, which will involve the increase in size of the existing sprinkler tank and associated works. 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 forms part of several applications which have recently been determined or that are currently under consideration by the Council, which will enable Asda to largely improve the back of house infrastructure at the store. In particular it is stated that the additional plant is required to allow the

# Item no.

warehousing extension recently approved to take place. The applicant has stated that the siting and design of the proposed equipment has been chosen to be in keeping with the existing store and so as to not impact on any adjacent properties.

## **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/2008/0668 – Warehousing Extension – Approved December 2008

PLAN/2008/0670 – Temporary Store – Approved December 2008

PLAN/2008/0705 – Scaffold Enclosure at rear of Warehouse - 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.

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 facilities.

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

# Item no.

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 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.

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 installation of additional plant equipment within the existing service yard will not impact on highway safety.

### Impact on Surrounding Properties

The proposed works relate to the existing servicing yard at the rear of the established Asda Store. The proposed plant to be installed will increase the height of the existing sprinkler unit situated in the rear service yard, but it is well sited away from any neighbouring residential properties, and as such it is not considered that the proposed works will have any detrimental effects on adjacent occupants in terms of loss of residential amenity. It is considered that a suitable landscaping scheme will further reduce any impact the proposed development may have and improve the general appearance of the rear service area. A landscaping scheme should be required by a condition attached to any grant of planning permission.

### **Conclusion**

The proposed works are considered to accord with the relevant development plan policies. The development will improve facilities without impacting on adjacent occupants, and should be supported by the Council.

### **Recommendation**

Approve subject to the following conditions: Materials to Match; Landscaping Scheme and Timing.

### **Reason for Approval**

# Item no.

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

P15 - Peterlee Town Centre

SH0101 - Protection and promotion of town centres

**Decision time** Within 8 weeks. Target achieved.

**PLAN/2008/0705**

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

**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 north-west is a service yard with vehicular access provided onto a roundabout on Surtees Road.

# Item no.

The current application specifically deals with a temporary scaffolding structure situated in the service yard area at the rear of the store.

## **The Proposed Development**

Retrospective planning permission is sought for the provision of a temporary scaffold enclosing the rear warehouse. The scaffold is sited under an existing canopy at the rear of the store, and is used to provide weather protection for stock and goods within the existing warehouse during peak trading time i.e. Christmas. The scaffold has been erected each year without the benefit of planning permission; the applicant is now seeking to regularise this situation. A recent application for the permanent enclosure of the warehouse has recently been approved by the Council (see relevant planning history), the applicant has confirmed that the temporary scaffolding will only be erected over the winter period while the excess stock is required, and that once the permanent warehouse extension is completed there will be no requirement for the scaffolding.

## **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/2008/0668 – Warehousing Extension – Approved December 2008

PLAN/2008/0670 – Temporary Store – Approved December 2008

PLAN/2008/0694 – Additional plant installation - 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**

Neighbouring properties have been consulted. At the time of finalising the report no letters of representation have been received from the public.

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
- 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

# Item no.

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 facilities.

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 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 on a temporary basis; as such any planning permission should be limited seasonally and for a temporary period, whilst the permanent extension of the warehouse is completed (see relevant planning history).

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.

## Impact on Surrounding Properties

The proposed works relate to the existing servicing yard at the rear of the established Asda Store. The temporary scaffolding as erected is sited under a canopy which projects from the main building, and is needed whilst works to complete the permanent extension of the warehouse are progressed. The scaffolding is not considered to be acceptable as a permanent solution to warehousing requirements at the store due to its appearance which is not in keeping with the rest of the store. As such any grant of planning permission for the scaffolding as erected, should be seasonally and for a temporary period until the permanent warehouse extension is completed. Clarification is awaited from the applicant with regard to their requirements in relation to when and for how long the scaffolding is required.

# Item no.

Clarification of restrictions officers consider relevant will be reported to Members at the Panel meeting prior to the application being determined.

## **Conclusion**

The proposed works are considered to broadly accord with the relevant development plan policies. The development will allow a temporary improvement to warehousing at the store whilst a more permanent solution is progressed, without impacting on adjacent occupants sufficient to warrant refusal of the application. Subject to a condition that clarifies when and for how long the scaffolding can be used; the Council should support the application.

## **Recommendation**

Approval subject to the following conditions: seasonal use and temporary period.

## **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

SHO101 - Protection and promotion of town centres

**Decision time**            Within 8 weeks. Target Achieved.



# Item no.

## **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**