

Item no.

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

Date: **24 February 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 28th 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 27th September 2007. In order to maintain continuity in the development plan system, the Council identified policies that should be 'saved' for an extended period until alternative policies are adopted in 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,

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the First Protocol and Section 6. Where specific issues of compliance with this legislation have been raised these are dealt with within each report.

B SPEAKING AT THE PANEL

The District Council is one of the few Councils in the country who allows verbal representations when decisions on planning applications are being made. The Panel has to balance listening to views with the efficient conduct of the business of the Panel. The following procedures have therefore been agreed. These procedures will be adhered to in respect of the items within this report. Members of the public will also be expected to follow these both in their own interests and that of other users of the service.

1. The Planning Officer will present his report.
2. Objectors and supporters will be given the opportunity to speak. Five minutes will be given to each speaker. If there is more than one speaker upon an issue, the District Council recommends the appointment of a spokesperson and that speakers register their request prior to the Panel meeting.
3. After registered speakers have had their say the Chair of the Panel will ask if there is any other member of the public who wishes to speak. Those who do may be allowed to speak. The Chair of the Panel will exercise discretion in this regard. Where the number of speakers or the repetitive nature of the points that may be raised may impact on the other business of the Panel then the Chair will restrict the number of speakers and progress the matter.
4. The applicant or representative may then speak for a duration of up to five minutes.
5. At the discretion of the Chair, objectors or supporters or applicants may ask officers questions then may be asked questions by Members and Officers
6. The Members of the Panel will then finally debate and determine the application with the assistance of officers if required.

C RISK ASSESSMENT

A risk assessment has been carried out in respect of individual cases. Overall, it is concluded that any risks to the Council, for example relating to an appeal being lost and costs awarded against the Council, are low, provided that decisions are made in accordance with recommendations. Risks will increase when decisions are made contrary to recommendations, and the degree will vary depending on the particular case.

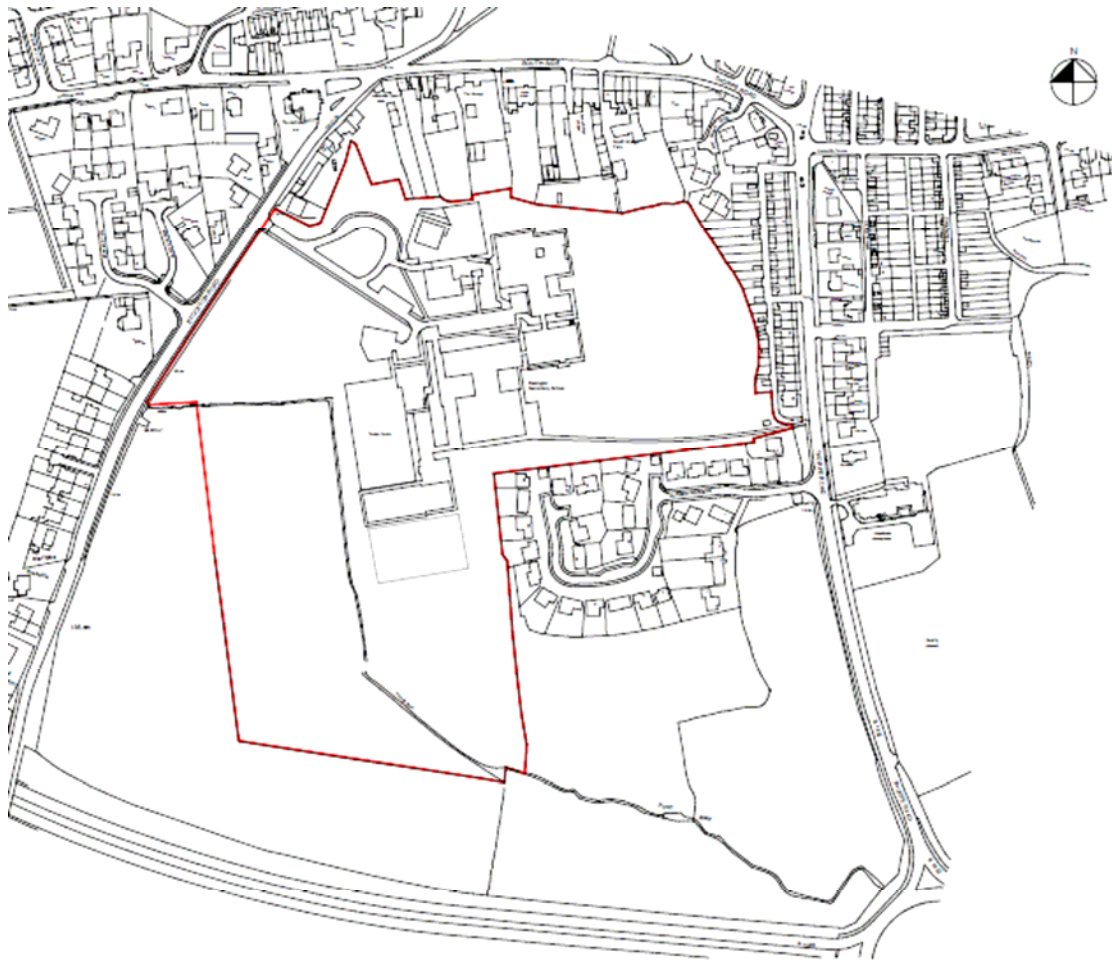
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D OTHER APPLICATIONS

PL/5/2009/0016

Easington Village (Easington Village & South Hetton) - PROVISION OF NEW TWO STOREY SCHOOL BUILDINGS WITH PART DEMOLITION AND ALTERATIONS TO EXISTING SCHOOL BUILDINGS at EASINGTON COMMUNITY SCIENCE COLLEGE, STOCKTON ROAD, EASINGTON VILLAGE for MR STEPHEN NICKSON, CARILLION CONSTRUCTION LTD

Location Plan



The Application Site

The application site is located at Easington Village on the existing Easington Community Science College site. The existing school buildings occupy the centre of the site with playing fields to the east, south and west of the site.

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The Proposed Development

Proposed layout plan



The proposals are for demolition, alterations and additions to the existing secondary school as part of the 'Building Schools for the Future' National Programme. The proposed scheme provides 7218 square metres of educational buildings, comprising 3683 square metres of new build, 2516 square metres of remodelled buildings and 1019 square metres of renovated buildings. All works will be carried out within the existing school site on a phased basis to avoid disruption of staff and pupils. The size of the school would be similar to the existing although the pupil numbers are expected to decline slightly. Therefore, once opened, there should not be any additional traffic generated by the new school. During the construction phase there would be additional traffic resulting from the works taking place.

Site History

None relevant.

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Planning Policy

District of Easington Local Plan

GEN01 - General Principles of Development

ENV03 - Protection of the Countryside

ENV35 - Environmental Design: Impact of Development

Consultations and Publicity

This is a matter that is to be determined by Durham County Council and as such, only internal consultations have been carried out. The County Council carries out the main consultation exercise for this type of application, including with the public.

Local members have been notified of the application.

Environmental Health – The site is close to residential properties, to avoid disturbance to residents, hours of construction should be limited to Monday to Friday 8am until 6pm and Saturday 8am until 1pm. In addition to this, any electricity supply required for security and/or lighting should be powered through mains electricity rather than a generator, any lighting should also be assessed so as not to cause a nuisance to surrounding residents.

Landscape - The County Council Ecology Team has checked this proposal for the presence of bats by way of a risk assessment and it is considered a low risk.

Planning Considerations and Assessment

This is a matter that is to be determined by Durham County Council and as such, the District Council's role as a consultee is only to provide comment.

It is considered that the proposals are generally acceptable in planning terms. The school is an established use on this site and the development would significantly improve the existing facilities. However, in addition to the comments raised by Environmental Health and Landscape, concerns have also been raised by a local member regarding the movement of construction traffic.

Construction traffic arriving and departing during the same time as the morning and afternoon drop-off times at the nearby primary school could result in severe traffic problems. The applicants have confirmed that construction traffic will not be arriving or departing during these times, however it is considered appropriate that this should be ensured by imposing a planning condition. In addition to this any large construction vehicles exiting right out of the main school entrance could cause problems on the narrow roads around the village green, therefore it would be preferable if construction traffic could exit left onto the southbound A19 at all times. With regard to parking, the County Council have confirmed that there would be 1 space for every 2 members of staff, this is slightly above the level as required by the adopted County Council parking and access standards. Cycle parking is also provided.

It is also noted that the buildings do not incorporate any facility for renewable energy generation. Policy 38 of the Regional Spatial Strategy states that "In advance of local targets being set in DPD's, major new developments of 1000m2 of non-residential floorspace should secure at least 10% of their energy supply from decentralised and renewable or low-carbon sources, unless, having regard to the type of development involved and its design, this is not feasible or viable." As such it is considered

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appropriate that a condition be imposed to ensure that 10% of generated energy comes from a renewable source.

In order to respond to the various concerns raised, it is suggested that the following conditions be imposed should the planning application be approved:

- Hours of construction should be limited to Monday to Friday 8am until 6pm and Saturday 8am until 1pm and at no other times
- Construction traffic should not arrive or depart from the site between the hours of 8am and 9am, and 3pm and 4pm Monday to Friday
- Construction traffic exiting the site onto Stockton Road should turn southbound onto the A19 at all times
- Wheel washing facilities should be available and used by all construction traffic exiting the site
- At least 10% of the energy supply should come from decentralised and renewable or low-carbon sources, unless, having regard to the type of development involved and its design, this is not feasible or viable

Conclusion

Subject to the suggested conditions being imposed, it is considered that the proposals are generally acceptable in planning terms. The school is an established use on this site and the development would significantly improve the existing facilities. The proposal is considered to be in accordance with the relevant Local Plan Policies.

Recommend that the District Council supports the proposal in principle, subject to the County Council giving due consideration to imposing planning conditions as identified above

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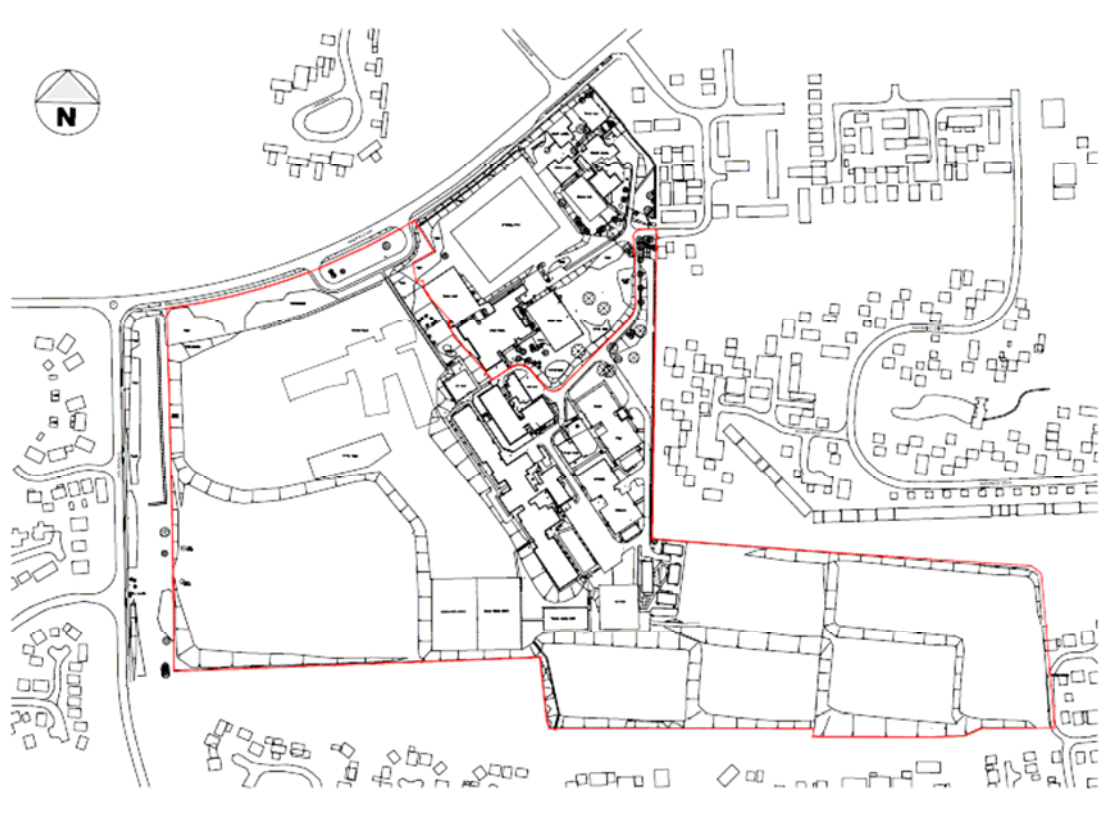
PL/5/2009/0017

Peterlee (Passfield) - NEW THREE AND PART FOUR STOREY SECONDARY SCHOOL, SPORTS FACILITY AND ASSOCIATED EXTERNAL WORKS WITH DEMOLITION OF EXISTING SCHOOL at SHOTTON HALL COMPREHENSIVE SCHOOL WAVENEY ROAD, PETERLEE for CARILLION CONSTRUCTION

PL/5/2009/0018

Peterlee (Passfield) - NEW SINGLE STOREY PRIMARY SCHOOL WITH ASSOCIATED EXTERNAL WORKS AND DEMOLITION OF EXISTING BUILDING at SHOTTON HALL PRIMARY SCHOOL, WAVENEY ROAD, PETERLEE for MR STEPHEN NICKSON, CARILLION CONSTRUCTION

Location Plan



The Application Site

Shotton Hall Schools are located in the South West of Peterlee with nearby connections to the B1320 providing links to Peterlee centre and the A19 servicing the wider community. Residential properties are close to the boundary of the school site on all sides.

The Proposed Development

The redevelopment of both the Primary School and Secondary School buildings arises from the Government's Building Schools for the Future Programme.

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The proposed new secondary school building would be located along Passfield Way and would be clearly visible from the main road, with a new vehicle access leading to the car park from this road. Within the site there will be a bus parking and circulation area linked by footpaths to the school. The circulation area also provides access to the staff car park which would cater for 72 cars. This would slightly exceed the recommended standards in the Durham Parking and Access Guidelines. Cycle bays would also be provided.

The new building would be modern in design and comprises mainly of three storey teaching areas and would be constructed of brick, canopies, glass, cladding and rendered areas. The building will have an overall height from ground level of 12.2 metres and a ground floor footprint of 3822 square metres.

Proposed layout of secondary school



The proposed new primary school site is located on the existing campus on the land adjacent Passfield Way and Waveney Road. The proposed entrance to the site utilises the existing entrance at Waveney Road to the east, this should ultimately alleviate the volume of traffic from the housing estate at Waveney Road by means of the new secondary school access coming from Passfield Way only. 30 parking bays will be provided for staff along with cycle bays.

The new ground floor footprint of the building would be 2250 square metres. The design of the new building is contemporary and modern and it would mainly be constructed from a charcoal brick with contrasting renders.

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Proposed layout of Primary School



Site History

None relevant.

Planning Policy

District of Easington Local Plan

GEN01 - General Principles of Development

ENV35 - Environmental Design: Impact of Development

Consultations and Publicity

This is a matter that is to be determined by Durham County Council and as such, only internal consultations have been carried out. The County Council carries out the main consultation exercise for this type of application, including with the public.

Local members have been notified of the application.

Environmental Health – The site is close to residential properties, to avoid disturbance to residents, hours of construction should be limited to Monday to Friday 8am until 6pm and Saturday 8am until 1pm. In addition to this, any electricity supply required for security and/or lighting should be powered through mains electricity rather than a generator, any lighting should also be assessed so as not to cause a nuisance to surrounding residents.

Landscape - Shotton Hall Comprehensive School. This school has been surveyed for emerging bats by the County Council Ecology Team and no bat roosts were found.

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Shotton Hall Primary School. I understand that this school has only been surveyed by means of a 'walk over' general wildlife survey by the County Council Ecology Team. There were reasonable levels of bat foraging activity recorded in the Comprehensive School bat emergence survey, therefore I consider it essential that a similar bat emergence survey is undertaken before the buildings are demolished. This proposal should never have reached the planning application stage without such a survey for European Protected Species being undertaken to support the planning process.

Planning Considerations and Assessment

This is a matter that is to be determined by Durham County Council and as such, the District Council's role as a consultee is only to provide comment.

It is considered that the proposals are generally acceptable in planning terms. The school is an established use on this site and the development would significantly improve the existing facilities. In addition to the comments raised by Environmental Health and Landscape, it is noted that the buildings do not incorporate any facility for renewable energy generation. Policy 38 of the Regional Spatial Strategy states that "In advance of local targets being set in DPD's, major new developments of 1000m² of non-residential floorspace should secure at least 10% of their energy supply from decentralised and renewable or low-carbon sources, unless, having regard to the type of development involved and its design, this is not feasible or viable." As such it is considered appropriate that a condition be imposed to ensure that 10% of generated energy comes from a renewable source.

In order to respond to the various concerns raised, it is suggested that the following conditions be imposed should the planning application be approved:

- Hours of construction should be limited to Monday to Friday 8am until 6pm and Saturday 8am until 1pm and at no other times
- Wheel washing facilities should be available and used by all construction traffic exiting the site
- A bat risk assessment should be carried out on the primary school before demolition takes place and any necessary mitigation measures identified.
- at least 10% of the energy supply should come from a decentralised and renewable or low-carbon sources, unless, having regard to the type of development involved and its design, this is not feasible or viable

Conclusion

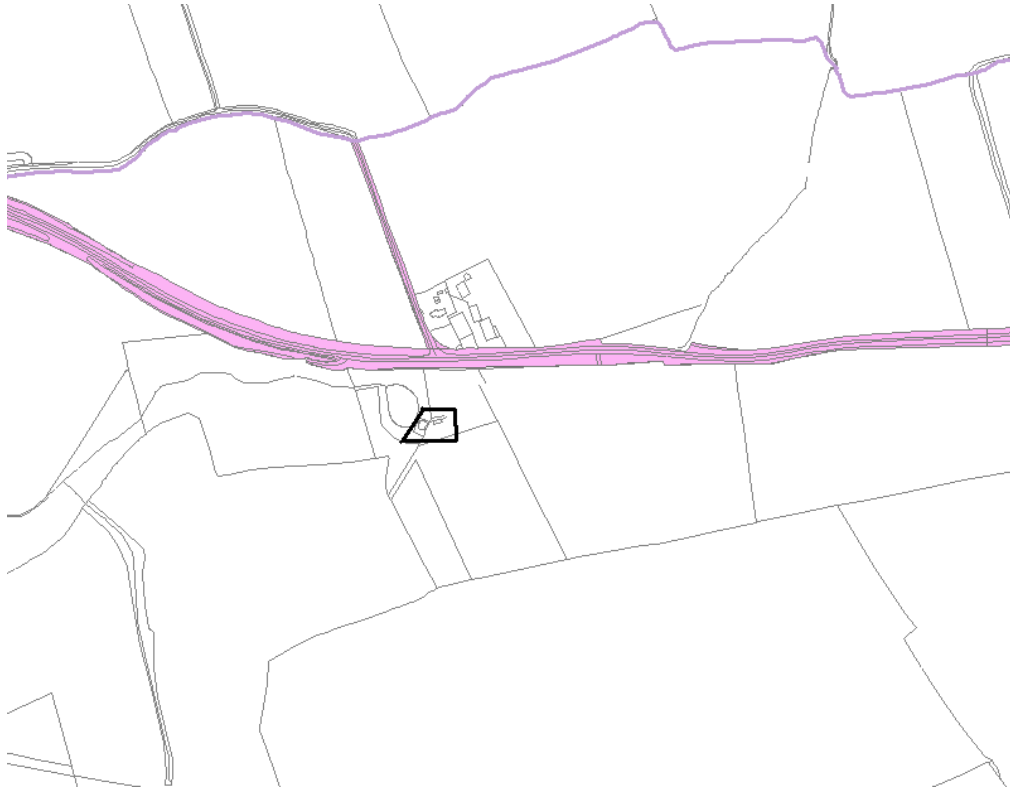
Subject to the suggested conditions being imposed, it is considered that the proposals are generally acceptable in planning terms. The schools are an established use on this site and the development would significantly improve the existing facilities. The proposal is considered to be in accordance with the relevant Local Plan Policies.

Recommend that the District Council supports the proposal in principle, subject to the County Council giving due consideration to imposing planning conditions as identified above.

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PL/5/2009/0026

Seaton with Slingley (Seaham North) - TIMBER FRAME AND TIMBER CLAD ENTRANCE WAY, 2 NO. LOCK-UP STORAGE EQUIPMENT CONTAINERS, CCTV, STEEL CONTAINER, TIMBER FRAME LEAN TO AND OFFICE BUILDING at LAND SOUTH OF SHARPLEY HALL FARM, SEATON for MR S W WEIGHTMAN



The Application Site

The site forms part of the established “Massive Attack” paintball leisure facility located in open countryside approximately one kilometre to the west of Seaton. The site overall includes a paintball playing area, a collection of buildings to service the use, and associated car parking, mounding and landscaping.

The Proposed Development

The structures the subject of this application lie between the paintball playing area and a screening mound towards the front of the site and form the facilities used by visitors to the site such as toilets, seating and equipment storage.

The application is mostly retrospective and consists of the following:

- Timber frame entrance
- Two lock up storage containers
- CCTV container
- Steel container
- Timber frame lean to buildings
- Office container

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The steel containers are used to store clothing and general paintball equipment, as well as an office for administration. There are seating and induction areas of stained timber construction amounting to about 80 square metres

The photograph below shows the area where the structures are located.



Site History

04/0379 – Change of use to Paintball operation and associated works – Withdrawn

05/0665 – As above – Approved

PLAN/2008/0240 – Steel storage containers and lean to structures - Withdrawn

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 amenity

Consultations and Publicity

A site notice has been posted and local residents consulted. At the time of drafting no objections have been received from residents.

Parish Council – No comments received.

Environmental Health – No objections.

County Highways – No objections – however the access should be upgraded.

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Planning Considerations and Assessment

The main planning issue relating to this application is the visual impact of the additional structures and whether they have a material impact on the character and appearance of the area or the amenities of local residents. In addition, whether any additional activity has or will result from the development.

As the majority of structures are already in place it is relatively easy to assess their visual impact on the locality.

Site inspection reveals that the structures are well hidden from view from the entrance area to the site by the extensive landscaped mound that has been created to the front of the site. This also serves to screen the development from view from the adjacent public highway and from the two residential properties to the north of the site. The aerial photograph below shows the relationship between the existing structures at the bottom of the picture and the public highway at the top with the intervening landscaped mound.



It is considered that the structures are well hidden from public view and do not constitute a visual intrusion within the locality nor impose on the amenities of local residents and as such are acceptable in planning terms. Furthermore, in view of the nature of the additional structures – which are mainly for storage of equipment and other miscellaneous uses – it is considered that there will be no material increase in activity at the site sufficient to cause harm to the amenity of local residents or harm to the character of this rural location.

The development the subject of this application lies in the countryside, and therefore needs to be assessed against Local Plan policies that seek to protect the countryside from inappropriate development. However, the development is associated with an established leisure use and is located adjacent to and forms part of an approved grouping of buildings. On this basis, the development is considered to accord with Local Plan policies.

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The Highway Authority considers that the access needs to be upgraded to a standard suitable to accommodate coaches.

Conclusion

It is considered that the physical extent of the proposed and existing structures is restricted to such an extent that their impact on the wider environment is negligible both in visual terms and in terms of their paintball customer generation.

The extensive landscaped mounding nearby serves to screen the structures from public view and from nearby residential properties and as such it is considered that there are no planning reasons why planning permission should not be granted in this instance.

Recommendation

Approval subject to the following conditions:
Upgrading of access.

Reason for Approval

It is considered that the development complies with the Local Plan policies referred to above.

Decision time 5 weeks – Target achieved.

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PLAN/2008/0511

**Monk Hesleden (Blackhalls) - CONVERSION AND REFURBISHMENT OF DWELLING
at BUILDING REAR OF CRIMDON TERRACE, BLACKHALL for MR G ANGUS**

Location Plan



The Application Site

The existing building subject to this application is situated at the rear of Crimdon Terrace, on the Coast Road to the south of the village of Blackhall. The building appears to have been originally constructed as stables with hayloft above, most recently it has been used in association with previous market garden and building merchants uses. There is little planning history in relation to the site, and it is understood that the building has been vacant for a number of years.

The building subject to the application is primarily single storey with a small first floor element at the eastern end. The building is finished in red brick with red pantile roof

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tiles. A section of the original building appears have been demolished as a small area of hard standing and the remains of walls are visible at its western end.

The application site includes an area of grassed land to the south of the existing building which does not appear to be in use. The site also includes an area of land situated between two gardens serving properties on Crimdon Terrace, which is currently fenced off from the rest of the application site and appears to be used as an informal parking area for the adjacent residential properties.

The Proposed Development

Planning permission is sought for the conversion of the existing building to form a single dwelling house. Originally the proposal included the erection of a large extension to increase the floor area of the property, however, following discussions during the application process, the size of the extension has been reduced, and now permission is only sought for the re-build of an original part of the building on its current western gable. The proposed conversion and minor re-building works will provide a modest two-bedroom property. The proposal includes the use of the land situated to the south of the existing building as a private garden. The proposed building works will be completed in materials to match the existing building.

Access will be provided to the property from a new access road to be provided from the rear lane serving Crimdon Terrace which leads from the A1086/ Coast Road situated to the east of the application site. The access route will pass between Nos. 6 and 7 Crimdon Terrace.

Site History

None relevant.

Planning Policy

District of Easington Local Plan

GEN01 - General Principles of Development

ENV03 - Protection of the Countryside

ENV35 - Environmental Design: Impact of Development

National Planning Guidance

PPS1 - Delivering Sustainable Development

PPS7 - Sustainable Development in Rural Areas

Consultations and Publicity

A site notice has advertised the application and neighbouring properties have been consulted. Eighteen letters of representation have been received. Objections have been raised on the following grounds:

- Concerns over the proposed access road for the development. The land to be used for access is currently used for parking and turning for vehicles exiting the back lane of Crimdon Terrace. The use of the proposed access road and associated increase in traffic will cause safety issues for vehicles using the rear lane and children playing on the lane.
- The land to be used to provide the proposed access has always been used by residents of Crimdon terrace for car parking/children playing. It is questioned whether Mr Angus can use the proposed land for access.
- Building works on the application site may cause structural problems or flooding for properties situated on Crimdon Terrace.

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- The building subject to this application has never been used as a residential dwelling contrary to statements made in the application submission.
- Concerns raised regarding the proposed septic tank, and the potential effect it may have on adjacent occupants by way of smell and run-off.
- Concerns regarding Bats and Owls that currently use the building subject of the application, being affected by the proposed works.
- Concerns have been raised regarding the proposed house overlooking existing properties situated on Crimdon terrace resulting in a loss of privacy for existing residents.
- There are currently no services on the application site (water/gas/electricity), concerns are raised that works to connect the development will disrupt existing residents.
- The building subject to the application is situated directly on the boundary of a property situated on Crimdon Terrace. Concerns have been raised that building works will not be able to progress without access to the neighbouring property.

Easington District Council, Structures Section, comments:

- The existing building appears to be structurally sound. It is recommended that all structural repair and consolidation work to the upper masonry panels is substantially complete before commencing upon typical conversion operations of foundation underpinning or forming openings in the existing walls.

Easington District Council, Countryside Officer, comments:

- Originally concerns were raised regarding the impact the development may have on Bats and Owls. However, following the submission of a Bat and Barn Owl Risk Assessment during the application process, subject to conditions in relation to wildlife mitigation measures being attached to any grant of planning permission, no objections are raised to the proposed development.

Durham County Council, Highways Authority, comments:

- The access to the public highway enclosed within the red line boundary would appear to be reasonable on the basis of the applicant having vehicular and pedestrian access rights over the proposed private access road between the public highway to the A1086 Coast Road and the application site.

Monk Heseleden, Parish Council, comments:

- No objections.

Northumbrian Water, comments:

- No objections.

Planning Considerations and Assessment

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

- Relevant Development Plan Policies
- Access and Ownership Issues
- Protected Species
- Other Public Representations

Relevant Development Plan Policies

As the proposed development falls outside of the settlement boundary for Blackhall the proposed works are considered to represent development in the countryside.

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Policy 3 of the District of Easington Local Plan is intended to protect the countryside and outlines the council's approach to development outside of settlement boundaries. It states that other than where allowed for under specific policies development in the countryside will not be approved.

Planning Policy Statement 3: Housing is the national planning guidance relating to housing development. Government policy in PPS3 is to maximise the re-use of previously developed land, and requires a sequential approach to the identification of housing sites, which prioritises previously developed land in urban areas.

PPS7 states that the Government's policy is to support the re-use of appropriately located and suitably constructed existing buildings in the countryside where this would meet sustainable development objectives. PPS7 states that the criteria to be assessed when determining a proposed conversion of an existing building to residential should include: the potential impact on the countryside and landscape and wildlife; specific local economic and social needs and opportunities; settlement patterns and accessibility to service centres, markets and housing; the suitability of different types of buildings, and of different scales, for re-use; and, the need to preserve, or the desirability of preserving, buildings of historic or architectural importance or interest, or which otherwise contribute to local character.

Planning permission is sought for the conversion of an existing structure most recently used for the storage of materials associated with a builders yard, to form primarily a single storey residential dwelling. The proposed works will involve some new build, with a relatively small extension being provided on an existing area of hard standing adjacent to the western gable of the existing building. The application site is situated adjacent to a group of existing residential properties, with direct access being provided onto a main road, which is served by a local bus service with links to Blackhall and Hartlepool. The building to be converted is considered to be suitable for conversion and is structurally sound. The amount of new build proposed is considered to be minor and not sufficient to warrant consideration of the development as a new build. The proposed works are considered to accord with the relevant development plan policies with regard to the conversion of existing buildings in the countryside for residential purposes. The proposal is therefore considered to accord with advice contained within Local Plan Policy 3 and PPS3 and PPS7.

Access and Ownership Issues

Representations received in relation to this application have raised concerns about the proposed access road to the development specifically in relation to whether or not the applicant has right of access over the land. Information submitted by objectors and the applicant in relation to the land ownership appear to show that there is no registered owner for the land in question, but that the applicant has registered a caution against the registration of the land. As there is no registered owner of the land in theory the applicant would have a right to access the application site over the disputed land, unless challenged legally by someone with an interest in the land.

In principle land ownership is not an issue to be considered when determining planning applications. In this instance the applicant has been made aware of the concerns raised by objectors, and it is his responsibility to ensure that he can legally use the proposed access route to the development. If he is unable to secure a legal right to use the proposed access road, a revised planning application would need to be submitted proposing revised access arrangements. The Local Planning Authority understands that an alternative access route may be possible, as such the concerns raised regarding the land ownership issue are not considered to be sufficient to warrant refusal of planning permission for the conversion of the existing property of the site to form a dwellinghouse.

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Durham County Council, Highways Authority have been consulted on the application and have raised no objections to the proposed scheme.

Protected Species

As the proposed works involve the conversion of an existing building, the effect the development may have on protected species needs to be considered. The ODPM Circular 06/2005 and Defra Circular 01/2005 outline how statutory obligations relating to protected species relate to planning, and state that the presence and extent to which protected species will be affected, must be established before planning permission is granted. With regard to the current proposal, the Council's Countryside Officer originally raised concerns together with members of the public in relation to the impact the development may have on Bats and Owls. However, during the application process further information was provided by the applicant, and it is now accepted that any risk to bats or owls will be acceptable providing a condition is attached to any grant of planning permission ensuring that the works are carried out in accordance with the mitigation measures outlined in the submitted ecological report.

Other Public Representations

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

Concerns have been raised regarding the proximity of the proposed house to those existing on Crimdon Terrace, and the likely loss of privacy for existing residents. It is considered that the proposed development is in accordance with guidance contained within the Local Plan in relation to the spacing of residential properties and privacy distances.

Residents have also raised concerns regarding the impact the proposed building works may have on the existing residential properties situated down slope on Crimdon Terrace, by way of drainage issues and structural problems. 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 there is no reason to expect the proposed development to result in any structural problems for adjacent properties. In terms of concerns in relation to drainage, originally the proposed dwelling was to be served by a septic tank, however, during the application process this has changed and the applicant has now confirmed that a connection will be provided to the main sewer to the east of the site. As such it is not considered that the proposed building works should have any detrimental effects in terms of drainage or structural problems sufficient to warrant refusal of the application.

Concerns raised regarding service (water/gas/electricity) provision on the site and requirements to access adjacent properties to complete building works are not considered to be issues which should be considered when determining planning applications, and are issues for the developer to resolve.

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Conclusion

The proposed development is considered to represent the acceptable conversion of an existing building to form a dwellinghouse. The proposed works will result in the re-use of currently vacant building to the benefit of the character of the area.

Concerns raised by local residents have been noted, however it is not considered that any of the issues raised are sufficient to overcome the policy support for the proposal. Subject to the suggested conditions, planning permission should be approved.

Recommendation

Approval subject to the following conditions: Materials; Means of Enclosure; Landscaping; Landscape Timing; Structural Works; and, Wildlife Mitigation.

Reason for Approval

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

District of Easington Local Plan

ENV03 - Protection of the Countryside

ENV35 - Environmental Design: Impact of Development

GEN01 - General Principles of Development

PPS1 - Delivering Sustainable Development

PPS7 - Sustainable Development in Rural Areas

Decision time

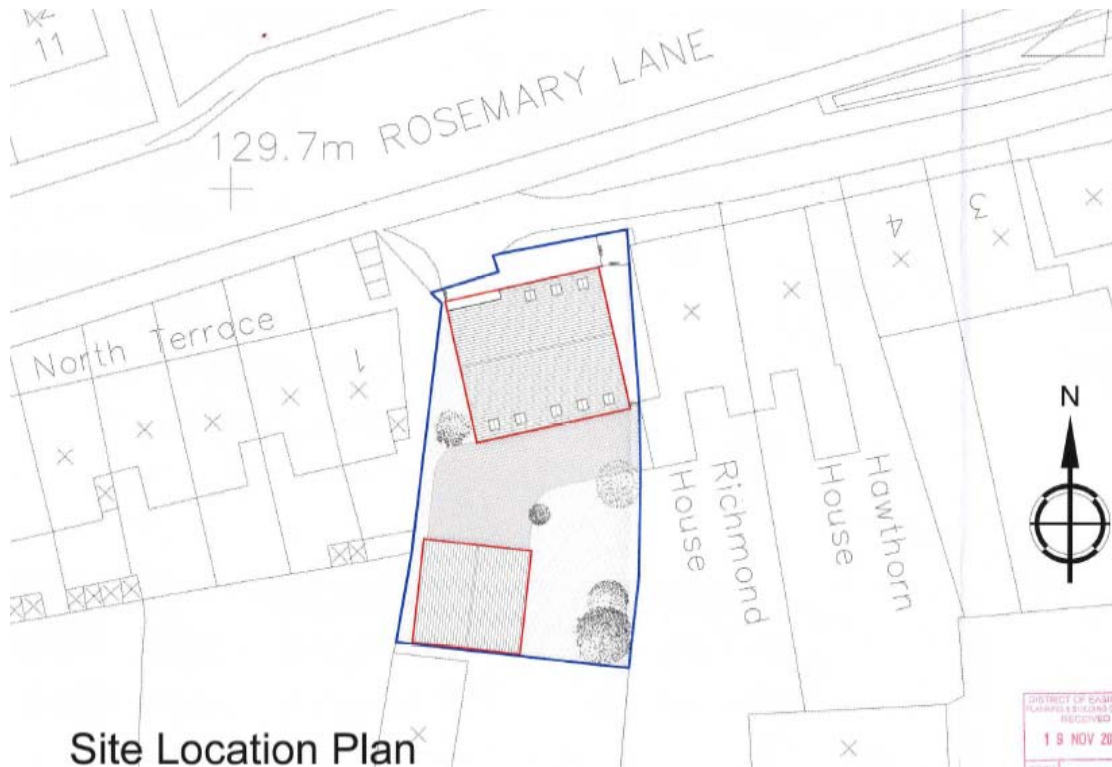
Outside 8 week, due to amendments being sought.

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PLAN/2008/0688

Easington Village (Easington Village & South Hetton) - HOUSE AND DETACHED GARAGE at LAND AT ROSEMARY LANE, EASINGTON for MRS F TATE

Location Plan



The Application Site

The site is an open area of land between houses on the south side of the Rosemary Lane frontage of the main road into Easington from the A19.

Located within the Easington Conservation Area, the site is roughly rectangular in shape and extends to some 360 square metres. It is part of the land attached to the remaining Claypool Farm buildings, which lie to the south, facing the village green.

The Proposed Development

The proposal involves the erection of a five-bedroomed, two-storey house, which also has living accommodation in the roofspace, with a detached double garage at the back of the site. Vehicle access to the garage would be gained through an archway built into the house and using the existing site access.

Site History

- 77/483: Use of former farmyard as riding centre – Refused 10/77.
Appeal allowed 08/78 (temporary to 03/80).
- 5/80/310: Riding school renewal – Approved 06/80 (temporary to 12/81).
- 5/81/867: Riding school renewal – Approved 02/82 (temporary to 08/83).
- 5/82/411: Detached dwelling – Deemed refused 10/82.

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5/82/707: Detached dwelling and garage – Refused 04/83.
00/195: Private garage – Permitted development 05/00.
08/174: 3 dwellings – Refused 05/08.
08/448: 3 dwellings (resubmission) – Refused 09/08.

Planning Policy

District of Easington Local Plan

ENV22 - Preservation and Enhancement of Conservation Areas
ENV35 - Environmental Design: Impact of Development
ENV36 - Design for Access and the Means of Travel
GEN01 - General Principles of Development

National Planning Guidance
PPG15 – Planning and the Historic Environment

Consultations and Publicity

Parish Council: Objection:

- proposed building would detract from appearance of Rosemary Lane;
- loss of attractive gap in street;
- Hawthorn hedge should be protected;
- proposal will add to traffic problems.

DCC Highways: Acceptable scheme.

DCC Conservation: Proposal acceptable – should be approved with conditions relating to external materials and rooflights.

Northumbrian Water: Sewerage and water main information provided.

Neighbours: 1 letter of support:

- hedge is Maple, not Hawthorn and was planted 15 years ago.

Objection from 1 North Terrace:

- loss of light and view;
- Party Wall Act has been ignored;
- Design of house not in keeping with existing;

Objection from Richmond House:

- overshadowing;
- no attempt to comply with Party Wall Act;
- parts of adjacent buildings are omitted from submitted drawings;
- excavation work on site is impractical;
- various comments about inaccuracy and ambiguity of submitted drawings;
- vehicle access would involve encroachment over land not in applicant's ownership;
- excavation works would be needed on land not in applicant's ownership;
- whole concept out of keeping with conservation area;
- reduction in ground levels on site will destabilise property, particularly kitchenette.

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Petition from 'residents of Easington' (38 names; 8 from duplicated addresses):

- proposed dwelling out of keeping with properties on either side and not appropriate to conservation area status.

Press/Site notices: Objection from resident of Tudor Grange:

- out of character design;
- loss of old Hawthorn hedge;
- overshadowing of adjacent properties.

Planning Considerations and Assessment

The material considerations pertinent to this application are:

- Housing policy;
- Effect on conservation area;
- Effects on neighbours;
- Objections.

Housing Policy

This site was formerly part of the farmyard to Claypool Farm but has previously had a building on it and has been used for non-agricultural purposes in the meantime. It lies inside the Easington settlement boundary as defined in the former District of Easington Local Plan and, therefore, it falls to be considered as a windfall housing site on which housing development is acceptable by virtue of 'saved' local plan policy 67.

Effect On Conservation Area

The architectural design of the building is a result of pre-application discussions, involving the County Council's Conservation Officer and including a refused planning application. It is now considered to be acceptable in its conservation area context. The relationship between the proposed building and its neighbours is shown in the elevational drawing reproduced below.



ELEVATION TO ROSEMARY LANE

This acceptable design has been achieved by keeping the massing of the building similar to the adjacent buildings and dropping the building down into the site to ensure that the ridge and eaves lines of the roofs on the existing buildings are closely matched. To this end and because the respective eaves heights of Richmond House

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and North Terrace differ, part of the building has been set back from the main front elevation to provide two different eaves heights on the new house.

While not all the windows in the front elevation of the proposed house follow exactly either the level or detailed design of the windows on the immediately adjacent buildings, they have been designed following the proportions of a Victorian sash and casement window, with timber frames and heavy heads and sills, thereby generally mirroring the proportions of similar windows on those existing buildings and others in the vicinity of the site.

Good quality facing brickwork and natural slate on the roof will reflect the surrounding building fabric and it is considered that the new building will sit happily in what is currently an inappropriate gap in the frontage to Rosemary Lane, the main features of which are an unprepossessing retaining wall and hedge.

Overall, the proposal is considered to accord with Policy 22 of the Local Plan which requires development to preserve or enhance the Conservation Area within which it is located. This also reflects Government guidance in Planning Policy Guidance Note 15.

Effects On Neighbours

Although there are residential properties on the north side of Rosemary Lane, they are set well back from the road at this point (variously some 29 metres and 34 metres distant) and it is considered that the new building will not adversely affect the amenities of their occupiers in any way. Similarly, the old Claypool Farm house, to the south of the application site is some distance away from the common boundary and no adverse effects on its occupiers can be anticipated.

The only two houses which could be considered to be directly affected by the proposed development are Richmond House, adjacent to the site to the east and no. 1 North Terrace, adjacent to the west.

The proposed new house is of a similar depth from front to back as the adjacent houses, so the only effects on the existing residents' amenities which are considered material relate to windows in the gables of those houses which overlook the site.

There are no habitable room window openings in the gable of Richmond House but there is a window opening located at half-landing level, which gives light to the staircase and landing areas. The proposed house would be approximately 2.1 metres away from that window, which distance is considered to be sufficient to ensure that no unreasonable overshadowing effects result. (It should be noted that this space has been increased from approximately 1.7 metres in a previous application on the site, which was a contributory reason for the refusal of that earlier application.)

The gable wall of no. 1 North Terrace contains two small windows, one an obscurely glazed bathroom window and the other a secondary window to the kitchen. There is also the glazed side of a small rear porch projecting beyond the main gable. The new house would be approximately 4 metres from these windows, so, again, it is considered that no unreasonable overshadowing effects would result.

The detached garage is of such a size and in such a position that it would not have any adverse effects on either of the neighbouring properties.

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Objections

There have been three individual objections received and a petition organised by one of those objectors. Easington Village Parish Council has also objected. The points raised in the objections which are relevant to the material planning considerations pertinent to this application relate to the likely effects of the proposal on immediately adjacent properties and the conservation area and they have been addressed earlier in this report.

One strongly voiced matter which has not been covered is that of the rights of the occupiers of buildings adjacent to the site under the Party Wall Act. This is not a material planning consideration and is a matter which would need separate resolution between the residents and the developers if planning permission is granted.

One of the objectors has raised a number of items which he considers to be anomalies or inconsistencies in the submitted application. However, it is sufficiently clear and detailed for it to be properly considered.

Conclusion

While this application has generated some local representations, it is considered that, on balance, and with the suggested conditions, the proposed development constitutes an acceptable form of development in the Easington Conservation Area without unacceptably detracting from the residential amenities of the occupiers of adjacent and nearby properties.

Recommendation

Approval subject to conditions:

Standard time limit; external materials; slate roof; rooflights; means of enclosure; contaminated land risk assessment;

Reason for Approval

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

District of Easington Local Plan

ENV22 - Preservation and Enhancement of Conservation Areas

ENV35 - Environmental Design: Impact of Development

ENV36 - Design for Access and the Means of Travel

GEN01 - General Principles of Development

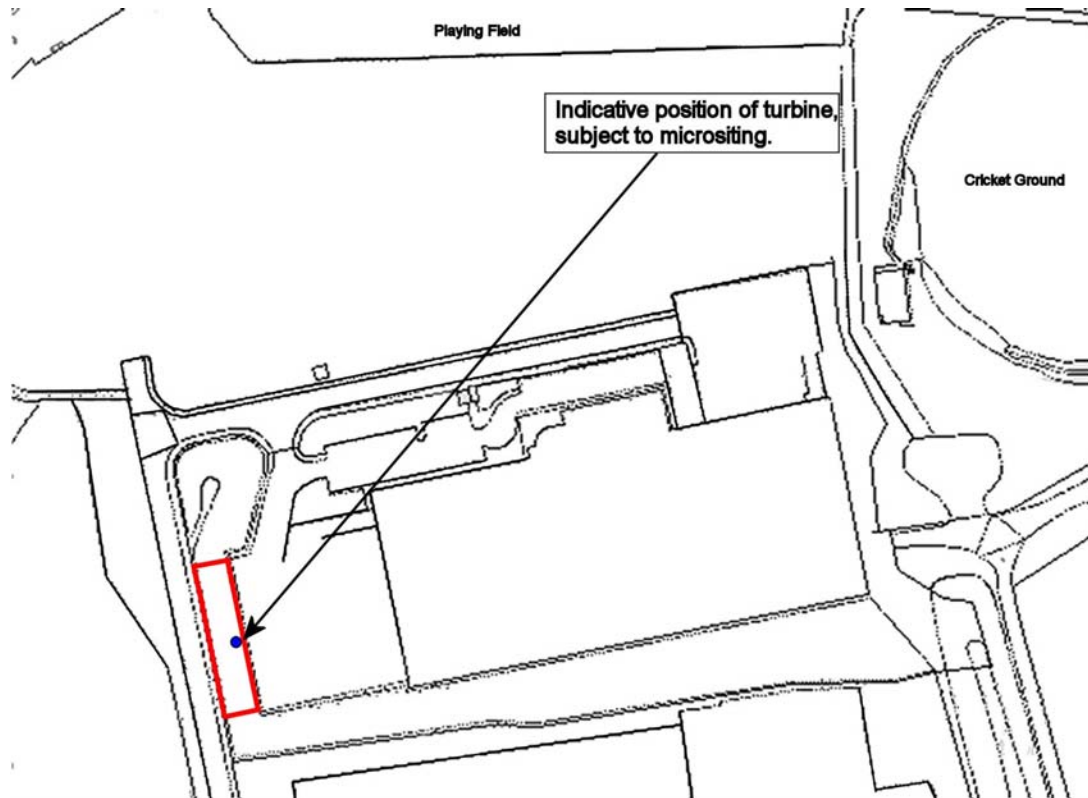
Decision time 13 weeks (delayed by need to renotify neighbours)

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PLAN/2008/0709

Seaham (Dawdon) - SINGLE 600 KW WIND TURBINE at PLOTS 7 & 8 FOX COVER INDUSTRIAL ESTATE, SEAHAM for CUMBRIAN SEAFOODS LTD

Location Plan



The Application Site

The application relates to Cumbrian Seafoods Ltd site on Foxcover Business Park in Dawdon. The site originally formed part of an Enterprise Zone, as such it is recognised as being suitable for industrial and commercial development. The site is situated to the south of Seaham, with vehicular access provided from the A182 Seaham Link Road.

There are no existing residential properties immediately adjacent to the site. The residential areas of Dawdon are situated to the north. The nearest individual properties are found on Ash Crescent and Fern Crescent in Parkside approximately 450m to the northwest of the site, and Shrewsbury Street, Mount Stewart Street, and Melbury Street in Dawdon approximately 450m to the northwest of the site. A new building has recently been erected to the north of the application site, which is also occupied by Cumbrian Seafoods Ltd, this is situated between the proposed wind turbines and any residential properties.

The Proposed Development

Planning permission is sought for the erection of one Bonus 44 600 kw wind turbine within the Cumbrian Seafoods site on the Fox Cover industrial Estate. The turbine

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would be 45 metres in height to the hub, with three blades of 22 metres radius, giving an overall height of 67 metres.

A supporting statement has been submitted with the application; in summary it states:

- The application relates to a site within an industrial setting and it is suggested that the siting of the single turbine would be acceptable in terms of appearance in the landscape.
- The revised scheme for the single turbine overcomes the reasons for refusing the previous application for wind turbines on this site. Although the revised scheme is for the erection of a taller turbine, the turbine will be 3 bladed, more aesthetically pleasing in appearance, quieter and should not give rise to shadow flicker for any residential properties.
- Concerns were raised by Seaham Town Council in relation to the impact the previous wind turbines would have on the adjacent Welfare Park. None of the activities carried out at the recreation ground would be prejudiced in anyway by the presence of the currently proposed wind turbine, either due to noise, flicker or visual impact.
- Appropriate Noise and Shadow Flicker assessments have been carried out and submitted with the application. No problems are anticipated in relation to any residential properties.
- The operation of a wind turbine on the application site will make a small, but nonetheless valuable contribution to reducing dependence on fossil fuels and turning to renewable energy sources. The development of renewable energy is considered to be in accordance with PPS1 and PPS22, the Regional Spatial Strategy and relevant policies of the District of Easington Local Plan.
- Cumbrian Seafood Ltd see the proposed wind turbine as a key component in reducing the carbon footprint of the business, and providing a significant proportion of the site's energy needs. Installation of the turbine will provide an insulation against cost increases of future energy prices and assist the business in remaining competitive, and reducing the risk of any detrimental effect on the business.

Site History

Foxcover Business Park was part of an Enterprise Zone. The Enterprise Zone designation ended in November 2005. The main building adjacent to which the proposed turbines are to be erected was constructed under the terms of the Enterprise Zone.

Relevant planning applications

PLAN/2007/0206 - Distribution Warehouse and Offices – Approved

This application relates to the recently constructed building to the north of the application site, which is also occupied by the applicants.

PLAN/2008/0620 – 2 No. Wind Turbines – Refused – Currently subject of an Appeal to the Planning Inspectorate. The Council refused the application due to concerns in relation to noise and shadow flicker.

Planning Policy

District of Easington Local Plan

GEN01 - General Principles of Development

ENV35 - Environmental Design: Impact of Development

National Planning Guidance

PPS1 - Delivering Sustainable Development

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PPS22 - Renewable Energy

Consultations and Publicity

The application has been advertised in the local press and by site notices. Neighbouring properties have also been consulted. Six letters of representation have been received.

Four letters have been received objecting to the proposed wind turbines. Objections are raised on the following grounds:

- Detrimental effect on adjacent residents by way of visual impact and noise. There is already a problem with smell from the factory.
- Detrimental effects on local house prices as a result of the proposed Wind Turbine.
- Health and Safety concerns in relation to breakdown of wind turbines. Recent cases have seen parts fall from turbines and wind turbines catching fire.

Two letters of representation have been received in support. It is considered that the proposed works would be environmentally positive.

Easington District Council, Environmental Health Officer, comments:

- No objections to the proposal.

Easington District Council, Countryside Officer, comments:

- Subject to the suggested conditions contained within the submitted Bat Risk Assessment, the proposal is likely to present a low risk to bats, and as such raise no objections to the proposal.

Durham County Council, Highways Authority, comments:

- No highway grounds to object to the wind turbines as proposed.

East Durham Business Service, comments:

- The proposed wind turbine will:
 - Reduce the company's energy costs at a time of volatility in the pricing of energy and at a time of economic recession.
 - Demonstrate the environmental credentials of the company to its stakeholders, prominent amongst whom are its customers who are pushing suppliers to be environmentally sustainable.
 - Help cement the company's position as Seaham's major private employer. Cumbrian Seafoods has invested £14 million so far in its two factories, has a turnover of £100 million from the site and employs 500 full time staff in Seaham, 350 of whom live locally. In addition Cumbrian Seafoods is a significant customer of Yearsleys who are also based at Foxcover Industrial Estate.
 - Provide an environmentally sustainable method of energy generation.
- The benefits to Cumbrian Seafood, the local economy and the environment are therefore clear. Providing that the wind turbine has no demonstrable impact on neighbouring businesses, and none is envisaged, EDDBS strongly support the application.

Ministry of Defence, Safeguarding Officer, comments:

- No comments.

Durham Heritage Coast, comments:

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- Durham Heritage Coast formally objects to the application, on the grounds that the proposed wind turbine would be visible from the Heritage Coast designation and detract from the special character of the coast line.

Seaham Town Council, comments:

- Subject to this proposal having no detrimental effect on proposals for the Film Studio development Seaham Town Council have no formal objections to the application. If the application is subsequently approved we would wish to see a condition set against it in connection with the 'flicker' issues where Cumbrian Seafoods have advised us that they are prepared to programme the turbine to power down on those period during December and January when they acknowledge there could be a flicker problem relating to the groundmans' bungalow situated in Dawdon Welfare Park.

Planning Considerations and Assessment

In assessing this application it is considered that the main issues are:

- Policy Considerations
- Economic Considerations
- Visual and Landscape Impacts
- Ecology and Protected Species
- Other Issues

Policy Considerations

The main issues in assessing this proposal are whether the development complies with national and local planning policy and its impact on the site and surrounding area.

Policies contained within both the Durham County Structure Plan and Easington District Local Plan reflect Government planning guidance as contained in planning Policy Statement 22 – Renewable Energy (PPS22) and promote the generation of energy from renewable resources.

In relation to the siting of wind turbine development, PPS22 recognises that turbines can have extensive visual and landscape effects. Although the turbine will inevitably be visible from many locations simply because of its size; due to its location within an industrial estate, it is considered that it will not have any significant adverse impact on the landscape generally.

Some dwellings are situated in the vicinity of the application site and as such the proposal may have an effect on residential amenity by way of noise. The projected noise levels emitted from the turbine have been submitted with the application. PPS22 notes that, compared to other everyday activities, wind turbines are generally quiet in operation. Technical information submitted in support of the application confirms that noise levels for the turbine would be in accordance with the recommended guidance set out in PPS22.

Large structures including wind turbines can interfere with telecommunication systems by reflecting and scattering electromagnetic signals. The applicant has carried out consultation with Ofcom, the independent regulator for UK communication industries; no objection to the development has been raised. Wind turbines can theoretically interfere with television reception mainly where the antenna is pointing at the wind turbine to see the transmitter. In this instance no transmitter is in the direction of the turbine from any residential property.

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The issue of 'shadow flicker' is the effect created when rotating turbine blades are located between the sun and residential or other properties. Technical information submitted with the application confirms that only one dwelling has the potential to be affected by shadow flicker, as such subject to a condition ensuring shut down of the turbine at times when Shadow Flicker may occur, the proposal should not have any detrimental effects on residential amenity by way of shadow flicker, in accordance with advice contained within PPS22.

The proposal to erect the wind turbine in this location, is, therefore, generally in accordance with national, regional, and local planning policies and has very limited direct environmental effects on local residents and/or businesses.

Economic Considerations

The applicant has provided a statement in support of the application. As discussed previously the supporting statement outlines the impact of the business in providing up to 500 jobs, approximately 350 for the local economy, and the importance of proposed wind turbines to the continual success of the business.

East Durham Business Service has assessed the economic arguments put forward by the applicants in order to justify the need for the wind turbine. The Business Service is supportive of the proposed scheme, they have highlighted the importance that Cumbrian Seafoods have given to the project in terms of reducing their carbon footprint, reducing cost, remaining attractive to customers, and safeguarding the business from future cost increases. The Business Service agree that the Wind Turbine project is key for Cumbrian Seafoods who are the major private employer in Seaham, and as such is important for employment in the local economy as a whole.

Visual and Landscape Impacts

In terms of visual impact and the effect the proposed wind turbine will have on adjacent uses, it is considered that the development is acceptable in the proposed location. The application site is situated within a recognised industrial and commercial area, primarily characterised by a range of large commercial buildings. The proposed wind turbines will be visible from surrounding properties, including Dawdon Welfare Park and residential properties situated to the north of the application site, however, it is argued that the turbines represent the type of development that it would be expected to find in such an industrial setting. National government guidance is supportive of such proposals, and with the current drive towards the use of renewable energy it is considered that the benefits of wind turbines in terms of energy provision outweigh any visual effects this turbine may have. Due to the scale and siting of the proposed wind turbine it will only be visible in the locality, and will not have a significant effect on the wider landscape.

Durham Heritage Coast have raised concerns in relation to the proposed development, stating that as the proposed wind turbine would be visible from the coast the intrusion into the setting of the Heritage Coast boundary would be significant and draw attention away from the nationally recognised landscape. However, although it is accepted that the proposed wind turbine would be visible from some parts of the coast, it is not accepted that this is a sufficient reason for refusing the application. The application relates to the erection of a wind turbine on an established industrial estate, and is a feature that would expect to be found in such a location.

Ecology and Protected Species

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The submitted Bat Risk Assessment concludes that the proposed wind turbines will have a low risk to bats. The Council's Countryside Officer has agreed with this assessment, and subject to measures designed to further reduce any risk to bats has recommended that the application be approved. The mitigation measures proposed are for additional security lighting to be provided to the western edge of the application site, and for landscaping works to remove any planting currently sited adjacent to the proposed turbines, and replace elsewhere within the factory site.

Other Considerations

A wind turbine such as that proposed by virtue of its height can have detrimental effects on aviation in the area in which it is sited. In this instance however due to its siting it has not been necessary to consult either Newcastle or Durham Tees Valley Airport as the application site falls outside their safeguarding areas. The Ministry of Defence have been consulted with regard to this application; no comments have been received.

Objections to the proposed wind turbines have been received from adjacent residents. Concerns have been raised regarding: the visual impact of the development; noise associated with the development; the impact the proposal will have on the adjacent residents and uses such as Dawdon Welfare Park.

Concerns have been raised regarding noise and shadow flicker associated with the proposed wind turbine. Technical information has been submitted with the application that demonstrates that noise levels expected to be associated with the development and instances of Shadow flicker will be in line with guidelines outlined in the relevant national planning guidance. Easington District Council's Environmental Health Officer has raised no objections to the proposed application. It is suggested that conditions be attached to any grant of planning permission to set the maximum noise levels that can be associated with the wind turbine, and ensure that the wind turbine is shut down when instances of Shadow Flicker may occur.

Conclusion

In conclusion the proposed wind turbine is considered to be in accordance with the relevant development plan policies; it is acceptable visually and is not considered to threaten the amenities currently enjoyed by adjacent occupants. In support of the application it is stated that the proposed turbine will assist in securing economic viability of the applicant company within Seaham.

Recommendation

Approval subject to the following conditions: Time Limit; Protected Species Mitigation; Landscaping Works; Operation Noise Limits; Shadow Flicker Control.

Reason for Approval

The proposal is considered to accord with national planning guidance contained within PPS22; Renewable Energy. The proposal is considered to accord with policies 1 and 35 of the District of Easington Local Plan. There are no material considerations sufficient to outweigh the support for this proposal.

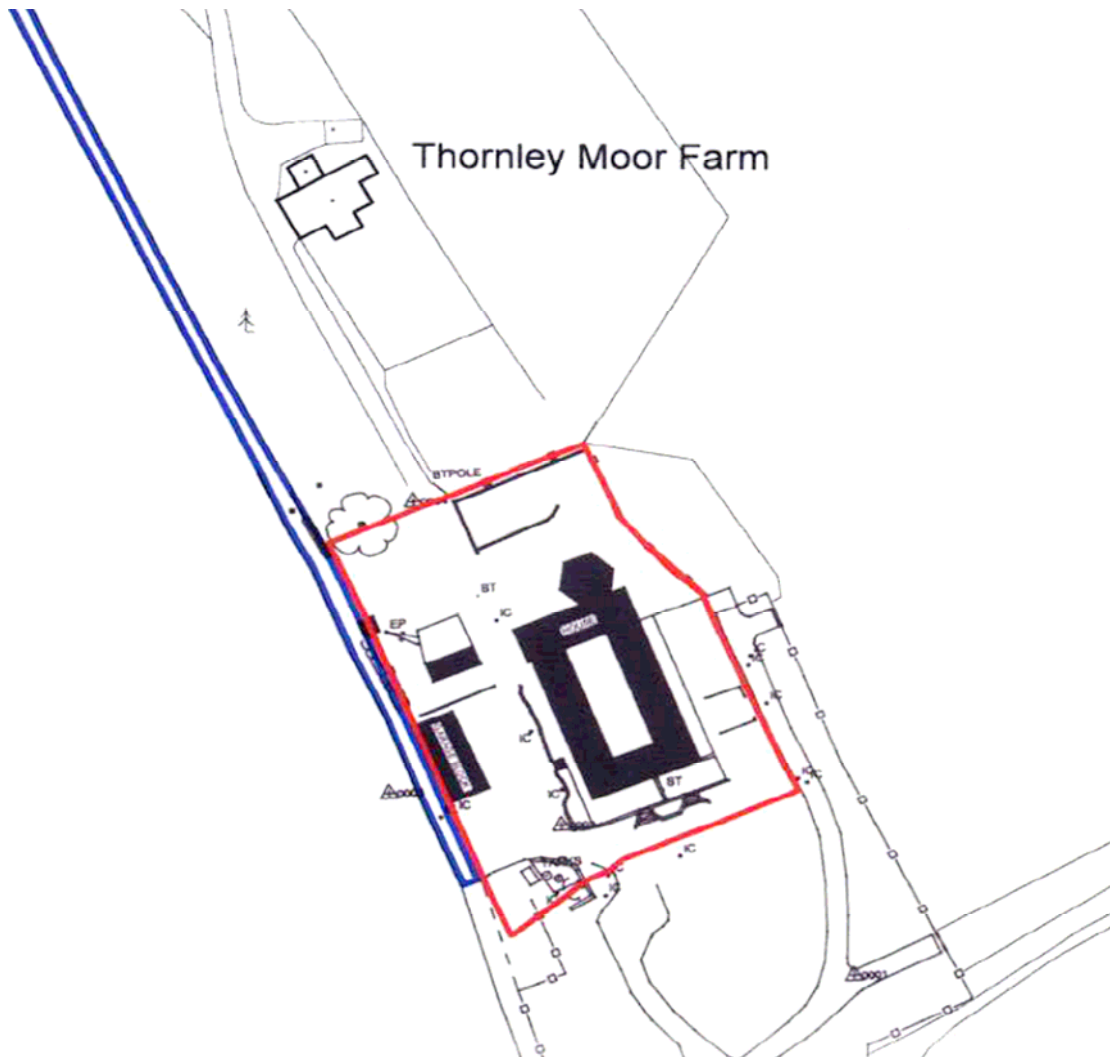
Decision time Outside 8 weeks. Target not achieved due to consultation requirements

Item no.

PLAN/2008/0715

Thornley (Thornley & Wheatley Hill) - ALTERATIONS TO ELEVATIONS TO UNIT 1 AND INSTALLATION OF 3 NO. OIL TANKS(RETROSPECTIVE) at THORNLEY MOOR FARM, CASSOP for HASWELL MOOR DEVELOPMENTS

Location Plan



The Application Site

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

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This application specifically relates to the northern elevation of the development and area of the curtilage associated with the recently approved residential dwellings.

The Proposed Development

Planning permission is sought for retrospective alterations to the two storey dwelling on the northern side of the development, and for the installation of three oil tanks within the curtilages of the approved dwellings, one to serve each dwelling.

The alterations to the two-storey dwelling include:

- The inclusion of a timber door with stone lintel above and stone quoins surrounding on the northern elevation.
- The introduction of brick to the surrounds of the first floor windows of the northern elevation.
- The re-using of brickwork around the solid timber door on the northern elevation.
- The introduction of stone quoins around the windows on the western elevation.
- The introduction of stone quoins at the corner points of the dwelling.
- The introduction of stone detailing around the windows on the southern elevation.
- The introduction of brick detailing around the windows on the eastern elevation.
- The introduction of stone lintels to the top and bottom of the windows on the southern elevation.

The oil tanks are of black titanic plastic: one of the oil tanks is sited adjacent to the western boundary of the site, screened by existing buildings and hedgerows; the further two oil tanks are sited to the south west of the dwellings adjacent to the septic tank for the development, these tanks will be screened by an existing wall and landscaping.

Site History

PLAN/2006/0019 – Conversion of Farm Buildings into 3 no. dwellings – Approved 06.06.06. This application relates to the northern elevation of the approved dwellings.

Three other applications have been determined in relation to this site since the original residential approval was granted: a new garage building was approved (PLAN/2008/0358); garden extensions to two of the units were approved subject to a legal agreement (PLAN/2008/0359); and, a domestic extension and change of use of agricultural access to domestic was approved subject to a legal agreement (PLAN/2008/359).

Planning Policy

District of Easington Local Plan

GEN01 - General Principles of Development

ENV03 - Protection of the Countryside

ENV35 - Environmental Design: Impact of Development

Consultations and Publicity

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A site notice has advertised the application and neighbouring properties have been consulted. One letter of representation has been received. Objections have been raised on the following grounds:

- Concerns have been raised regarding accuracy of the submitted plans, it is suggested that the location of the proposed oil tanks is shown incorrectly.
- The original planning application for this development gave permission for the conversion of the existing buildings; however, most of the original buildings have been demolished and re-built against Council policy. The current application will allow further changes from the original buildings contrary to Council Policy.
- Concerns have also been raised regarding the oil tanks, in particular that they are not contained in a bund tank to prevent any leakages. This is of particular concern as oil tanks 2 and 3 are situated adjacent to a septic tank and could lead to contamination.

Easington District Council, Environmental Health officer, comments:

- No objections.

Durham County Council, Conservation Officer, comments:

- Concerns have been raised regarding the retrospective works. It is considered that the changes made to the scheme are too domestic in appearance and not in keeping with the original barn.

Durham County Council, Highways Authority, comments:

- No objections.

Planning Considerations and Assessment

The works subject to this application have already been completed. The structural works to the north elevation were carried out as part of the conversion, and the oil tanks were installed subsequently. As such retrospective permission is sought for the development. The main issues to consider in assessing this application are:

- Impact of the proposed alterations (retrospective)
- Neighbour Objections

Impact of the proposed alterations (retrospective).

Policy 35 of the Local Plan deals with the design and layout of the development and 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. It is also stated that new development should have no adverse effects on the amenity of people living and working in the vicinity of the development site and the existing use of adjacent land or buildings in terms of privacy, visual intrusion, noise, other pollutants and traffic generation.

Durham County Council's Conservation Officer has raised concerns regarding the alterations, and has suggested that the works are not in keeping with the original barns. The original planning permission was for the conversion of the original agricultural buildings to form three residential dwellings, the Conservation officer is concerned that the changes result in a domestic appearance rather than agricultural. As such it is suggested that the proposed alterations should not be allowed, and are not in accordance with Policy.

The works as implemented are not in accord with the approved conversion scheme, involving more new build than was originally indicated. However, a refusal of planning permission would imply that enforcement action should follow. The Council would

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then need to specify the works necessary to remedy the breach of planning control. The works to the two storey dwelling are considered to be in keeping with the development as completed. The materials and design features used are in keeping with features found on the adjacent dwellings and approved outbuildings. It is not considered that the exterior changes have an adverse impact on the finished appearance of the development sufficient to warrant refusal of planning permission. Furthermore the development is not considered to have a detrimental impact on adjacent dwellings due to the siting of the property in relation to neighbours.

The oil tanks are considered to be acceptable in terms of scale and siting. They are considered to be in keeping with the use of the land as a residential curtilage and it is not considered that they will have any adverse effect on the amenities of adjacent occupants taking account of the proposed screening.

Neighbour Objections

One letter of representation has been received from a neighbouring property in relation to this application. Concerns have been raised regarding: the accuracy of the submitted plans; the fact that the proposal further allows for the removal of the original building, contrary to the original planning permission; and, concerns in relation to leakages from the proposed oil tanks.

Planning Officers are content that the submitted information reasonably shows the positioning of the oil tanks; any marginal discrepancy is considered acceptable as the application is for retrospective permission and the exact location of the installed oil tanks have been noted. This is not considered to be a sufficient reason not to progress the planning application.

The original planning permission in relation to this site allowed the conversion of the existing farm buildings to form three dwellings. During the construction works on site, parts of the original buildings have been re-built, and it is correct that substantial parts of the development are new build. However, the alterations the subject of this application are relatively minor, and as stated previously are considered to be in keeping with the development as a whole, and would not justify enforcement action.

The concerns raised regarding possible leakage from the oil tanks are not considered to be a planning consideration. Any concerns in relation to possible leakages would be controlled through Building Regulations.

Conclusion

The development is considered to broadly accord with the relevant development plan policies. The alterations to the exterior of the building, and the installations of the oil tanks are considered to be in keeping with the existing development. Due to their siting it is not considered that the developments have any detrimental effect on neighbouring occupants.

Recommendation

Unconditional Approval.

Reason for Approval

The proposed works are considered to be in accordance with the following development plan policies:

District of Easington Local Plan

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

Decision time Outside 8 weeks. Target missed due to consultation requirements.

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