

# Item no.

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

Date: **26 February 2008**

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

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

Ward: **All**

## **A INTRODUCTION**

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

The District of Easington Local Plan was adopted by the District of Easington on 28<sup>th</sup> December 2001 and together with the Durham County Structure Plan it has been a material consideration in the determination of planning applications. However the Planning and Compulsory Purchase Act 2004 determined that all Local Plans would expire three years after the Act came into force. This took effect on the 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 Local Development Frameworks. Direction from the Secretary of State has been received and all of those policies have been retained. The saved policies and Planning Policy Statements from the Government will be considered in the determination of planning applications. A view as to whether the proposals generally accord with them is identified in the relevant section.

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

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

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

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In considering the applications and preparing the report the District of Easington has fully taken into account the duties imposed on Local Planning Authorities by the Human Rights Act 1998. In particular, regard has been given to Articles 6, 7, and 8, the First Protocol and Section 6. Where specific issues of compliance with this legislation have been raised these are dealt with within each report.

## **B SPEAKING AT THE PANEL**

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

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

## **C RISK ASSESSMENT**

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

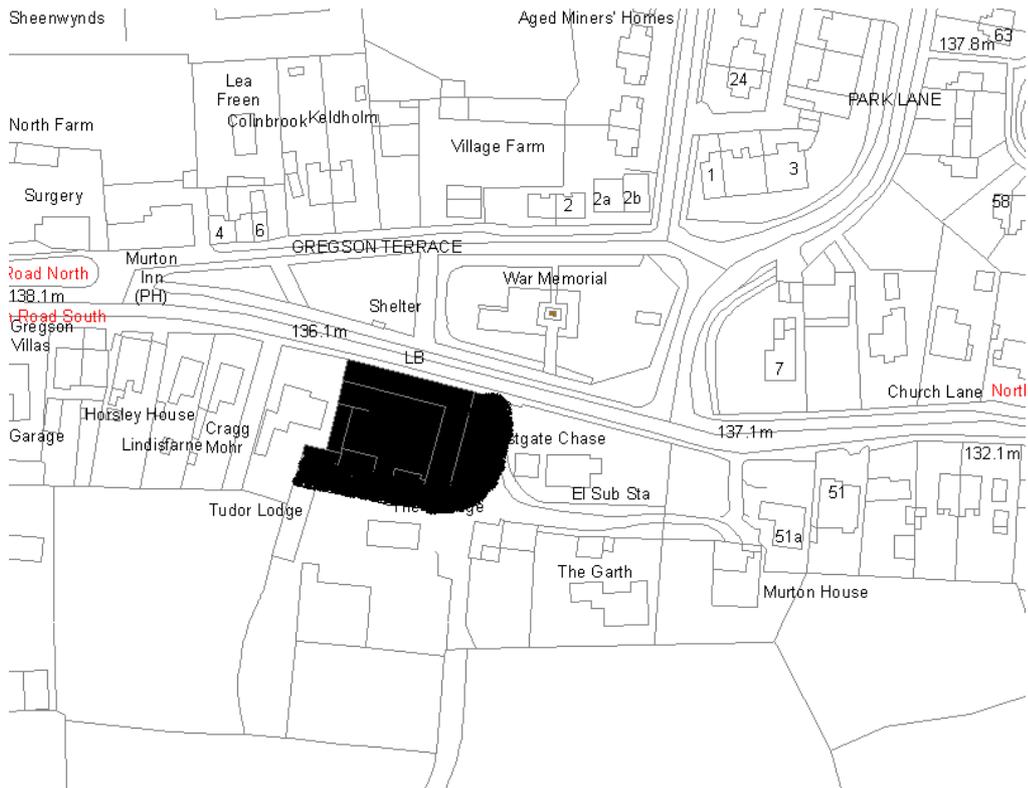
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## D GENERAL APPLICATIONS

PLAN/2006/0558

**Murton (Murton West) - 6 NO. HOUSES AND 4 NO. APARTMENTS at MURTON HOUSE FARM, THE VILLAGE, for MIRRORED LEISURE LTD - AMENDED PLANS**

### Location Plan



### The Application Site

The site comprises of a group of disused brick and stone agricultural buildings in the centre of Murton. The buildings front onto Church Lane and extend back into the site, creating a courtyard area within. Residential properties lie to each side and to the rear of the site; an agricultural storage building is also located to the rear of the site.

### Site History

- 04/0814 – Convert buildings to three dwellings – Approved January 2005.
- 06/0558 – Erection of 6 houses and 4 apartments – Approved September 2006
- 06/0908 - Erection of 6 houses and 4 apartments – Refused February 2007.

The 2006 planning application was submitted to clear the site and erect 10 units of accommodation. Planning permission was granted under delegated powers in September 2006, however subsequent to that decision it was noted that proper publicity of the application was not carried out, and that the decision had been incorrectly made under delegated powers, possibly

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jeopardising the validity of the decision. Accordingly it was therefore decided to seek a fresh application from the developers with a view to issuing a “safe” decision. That application was referred to the Development Control and Regulatory Panel in February 2007, and permission was refused.

Following the refusal of planning permission, the applicants did not exercise their right of appeal during the six month period allowed for this. Subsequently, the Council received indications that developers may be interested in the site, and Counsel’s advice was sought on the legal position. This indicated that the original permission, although not issued in accord with correct procedures, was valid unless and until successfully challenged through court proceedings in the form of Judicial Review. At that point, and following consultation with Councillors, officers commenced negotiations with the applicants to establish whether amendments to the approved scheme could be agreed such as to mitigate the impacts of the development. The current submission is the outcome of those negotiations.

## **The Proposed Amended Development**

Revisions are proposed to the scheme which received planning permission in September 2006 with a view to reducing the potential impact on the amenities of adjacent residents and improving the overall setting of the development when seen in the context of the village green and Listed War Memorial on the opposite side of Church Lane.

The original approved application related to the demolition of the disused outbuildings on this village centre site, and the erection of 6 houses and 4 apartments. The development consisted of a grouping of two and three storey dwellings formed around a courtyard with some units immediately fronting Church Lane. Access was as now, and shared with an agricultural use to the rear. External materials were to be brick and concrete tile.

The highway authority had secured amendments to the access layout and turning head and were satisfied that the development, whilst representing an increase in traffic at this location, would not be likely to cause road safety issues sufficient to warrant objecting to the proposals.

The revised plans now before Members can be summarised as follows:

- The frontage terrace of houses will be stepped back from the apartment block on the road frontage, and from its approved building line, by 2m
- The whole frontage terrace will be moved away from the adjacent bungalow, by a further 1m
- The rear courtyard garage block/dwelling will be reconfigured and repositioned within the site to give more distance between it and the adjacent bungalow.

Whilst the original scheme was considered acceptable by officers, it is considered that the amendments proposed represent a considerable improvement and will result in a much reduced impact on the amenities of adjacent residents. Specifically, the repositioning of the frontage block further back and away from the adjacent bungalow will reduce its visual impact on the bungalow and prevent any overlooking from rear windows. Similarly, the relocation of the rear building will reduce visual impact and overshadowing to the rear of the bungalow. In addition, the stepping back of the frontage

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terrace will improve its visual appearance and have a beneficial effect on the setting of the War Memorial and Village Green opposite.

There will be no effect on the access to the site, which remains as originally proposed and acceptable to the Highway Authority.

## **Planning Policy**

*District of Easington Local Plan*

GEN01 - General Principles of Development  
Policy 35 – Design and layout.  
Policy 67 – Development within settlements.

## **Consultations and Publicity**

Local residents have been consulted on the amendments. No comments have been received at the time of preparing this report; the Panel will be advised of any representations received subsequently.

Parish Council – Comments awaited

Conservation Officer – Comments awaited

County Highway Authority – Comments awaited.

## **Comment**

Officers considered that the initial planning application to redevelop this site was acceptable, however Members took an alternative view to the subsequent application in 2007. Reasons for refusal were based on concerns about impact on the adjacent bungalow and the village green opposite, and about highway safety. The applicants have taken Members' views into account and have prepared and submitted revised plans as described above.

Officers remain of the opinion that the overall development is acceptable and will not significantly harm the character of the locality or the amenity of local residents. The amendments proposed are considered to mitigate the impact of the development on the setting of the village green and further reduce any perceived loss of amenity to nearby residents.

Notwithstanding members' previous concern about highway safety, it is reiterated that Durham County Council as Highway Authority consider the proposals to be acceptable.

## **Conclusion**

Legal advice has indicated that the original planning permission appears valid, and a developer may choose to implement that scheme. The amended plans are considered to achieve significant improvements in terms of overall impact, and represent a preferred alternative.

In view of the above therefore it is considered that the revised plans should be accepted as an amendment to planning permission 06/0558.

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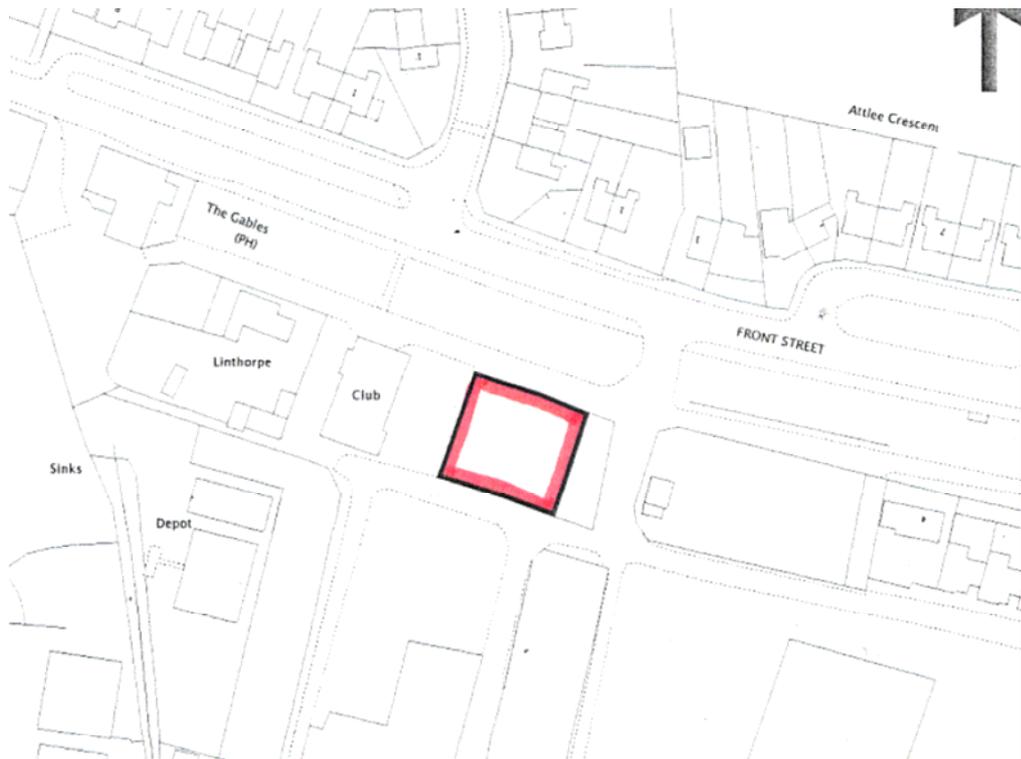
## Recommendation

That the revised plans be accepted as an amendment to planning permission 06/0558.

## PLAN/2007/0849

**Haswell (Haswell & Shotton) - RESIDENTIAL DEVELOPMENT at LAND SOUTH OF FRONT STREET, HASWELL PLOUGH for THE PERSONAL REPRESENTATIVES OF J LONG DECEASED**

## The Application Site



This application site lies within the settlement boundary of Haswell Plough on a former allotment garden. Now disused and unsightly, it has had a number of outbuildings erected on the site which were related to the previous allotment use.

## The Proposed Development

This application seeks outline planning permission for residential development. As such, no details have been provided at this stage – these would be submitted at a later date in the form of a reserved matters application.

## Site History

No history on this site – but adjacent site approved on 17/10/2006 for residential development (PLAN/2006/0630)

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## **Planning Policy**

*District of Easington Local Plan*

GEN01 - General Principles of Development  
HA03 - land south of Durham Lane, Haswell Plough  
HOU67 - Windfall housing sites

## **Consultations and Publicity**

Parish Council – no response  
DCC Highways – no objections  
Environmental Health – Contaminated land assessment required  
Local Plans – Proposal is considered acceptable  
Neighbours – no responses

## **Planning Considerations and Assessment**

### **Impact on neighbours/street scene**

This land is considered a 'brownfield windfall site', and is therefore an acceptable site for residential development in principle. It is considered that the development of this site would improve the street scene in this location and therefore enhance the amenity for local residents. This site is in a prominent location when accessing the District from Durham City.

## **Planning Policy**

This site is part of a larger area of rundown former allotment land which is identified in policy Ha3 of the Local Plan as being in need of reclamation with a view to then being redeveloped for informal recreation, open space, allotments and housing uses. A parcel of land adjacent to this one, and also covered by policy Ha3 has recently been approved for residential development and this application must be taken into consideration.

Policy Ha3 prevents the development of any permanent structures in the interim until the site is reclaimed. The policy was prepared at a time when the Council was undertaking compulsory purchase of a number of sites in the District identified for redevelopment to support regeneration programs. A redevelopment brief was prepared for this site which advocated residential development along the frontage, to consolidate the settlement form and create improvements along a key route from Durham into the District. The land behind this site was proposed for community uses. In the intervening years, it has not been possible to implement the proposed scheme due to other funding priorities of the Council and the likelihood of the need for compulsory purchase proceedings to secure land assembly. Future use of the whole site will be considered in the emerging Local Development Framework. Given that implementation mechanisms are an essential part of policy proposals in the LDF, it is considered that the current adopted policy will not be appropriate in the new plan and restrictions on development which otherwise meets the objectives of the site would not be reasonable. Consequently, the proposal for residential development on a site along the road frontage is considered to be acceptable, and would assist in the regeneration of this area.

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## Conclusion

It is considered that this proposal is acceptable in light of the adjacent approval and Local Plan comments.

## Recommendation

Approval subject to the following conditions: Reserved matters (layout of site, scale of building(s), appearance of building(s), access to site and landscaping of site); time limit details; contaminated land survey

## Reason for Approval

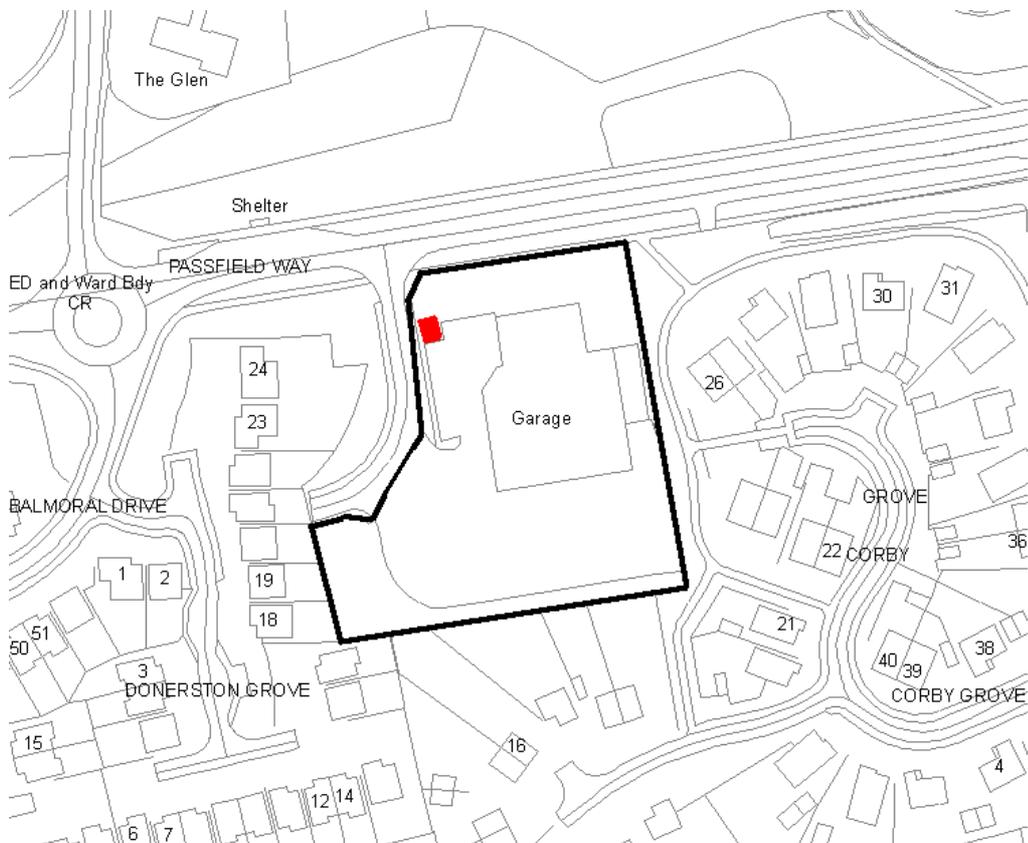
The proposal is considered to be in accordance with policies 1, 67 and HA03 of the District of Easington Local Plan.

**Decision time** 9 weeks – target not achieved due to need to report to Panel.

## PLAN/2008/0016

**Peterlee (Passfield) - DISPLAY RAMP at EVANS HALSHAW, PASSFIELD WAY, PETERLEE for MISS G DYBALL, PENDRAGON PLC**

## Location Plan



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## The Application Site

The site is a long-established commercial garage and car sales premises located in a prominent position fronting onto Passfield Way and bordered on the other three sides by areas of housing.

## The Proposed Development

The proposal is to remove an area of shrubbery on the western side of the premises, more or less aligning with the front of the main building on the site, in order to install a 5m x 2.5m x 0.6m high metal 'see-saw' ramp on which could be displayed a single vehicle.

## Site History

- 92/14: Erection of new car showroom and workshops following fire damage to original building – Approved 03/92.
- 92/293: Illuminated and non-illuminated fascia and freestanding signs – Approved 06/92.
- 99/206: Extension to car parking – Refused 09/99.
- 00/31: Extension to car parking (resubmission) – Approved 05/00.
- 02/487: Extension to car parking area – Refused 09/02.
- 04/211: Lighting columns (retrospective) – Refused 09/04.
- 05/165: Additional external lighting columns – Approved 04/05.
- 05/538: Illuminated signs – Approved 10/05.
- 05/539: External alterations – Approved 10/05.
- 05/793: CCTV system (retrospective) – Approved 12/05.
- 06/804: Illuminated sign – Approved 12/06.

## Planning Policy

*District of Easington Local Plan*

ENV35 - Environmental Design: Impact of Development  
GEN01 - General Principles of Development

## Consultations and Publicity

- Peterlee Town Council: No objections.
- Durham CC Highways: No objections.
- Neighbours: Petition of 22 signatures (from 17 households) objecting on grounds of:
- detriment to the character and appearance of the area;
  - conflict with Local Plan policies P1 and 35;
  - distraction to passing drivers which, in conjunction with loading/unloading of car transporters on main road, could lead to accidents.
  - 1 letter of objection – another large display is unnecessary, distraction to drivers, impact on pleasant surroundings of residential areas.
- Site Notice: No response

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## **Planning Considerations and Assessment**

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

- the effect on visual amenity;
- the effects on the occupiers of nearby properties;
- the submitted objections.

### **The Effect On Visual Amenity**

The application site is located in a prominent position on the south side of Passfield Way. Although it appears that the site is not large enough for the level of activity generated by the business, witnessed by the car parking overflow onto the service cul-de-sac which gives access to the premises, the front of the premises is quite tidily landscaped with a wide grassed area backed by hedging and shrubbery and this tends to screen much of the service yard, which is at a slightly lower level than Passfield Way.

However, this pleasant frontage to the premises is somewhat marred by the existence of a number of flagpoles along the edge of the service yard and two large 'totem' signs and a ground-level banner advertisement on the grassed area.

The proposed development involves the removal of some 15-20 square metres of low but dense hedging so that a raised metal ramp some 600mm in height and of 5m x 3m horizontal dimensions can be installed on the frontage adjacent to the flagpoles and signs. The ramp would be used to display a vehicle, which would sit at approximately the level of the top of the hedging and shrubbery.

In conjunction with the flagpoles and signs, it is considered that this would result in an unacceptably cluttered appearance to this corner of the premises, which would be detrimental to the visual amenity of the area and would be contrary to 'saved' policies 1 and 35 of the former District of Easington Local Plan.

### **The Effects On The Occupiers Of Nearby Properties**

Residential properties in Corby Grove and Donerston Grove adjoin the application site on the east, south and west sides. Generally, they back onto the garage premises and the nearest property is some 35 metres away from the actual location of the proposed ramp. It is, therefore, considered that the proposed development would not, in itself, have any direct impact on the residential amenities enjoyed by the occupiers of these properties.

### **The Submitted Objections**

Most of the points of objection set out earlier in this report have already been covered in the previous paragraphs but those relating to the District of Easington Local Plan and the potential for the distraction of drivers need further mention.

The Local Plan expired in September last year but some policies were 'saved' and continue to be relevant pending the preparation and adoption of the new Local Development Framework. Policy P1 is not one of the 'saved' policies but, regardless of that fact, it related to the safeguarding of areas of open space from development, so would have been irrelevant to this proposal. It may be that the reference in the petition was meant to be 'Policy 1' (rather than policy

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P1), in which case both it and policy 35 are 'saved' policies and are relevant to amenity and environmental matters. These matters have been referred to already in the foregoing text.

As a matter of standard procedure, the Highway Authority has been consulted on this application and their response is that the proposal is acceptable from a highway point of view and no objections are raised.

## **Conclusion**

Although some local objection has been received, It is considered that the proposal will not directly affect residential amenities in any way at all.

However, it is considered that the proposed display ramp would detract from the overall appearance of the application site and aggravate the cluttered appearance which is already beginning to develop at the premises.

## **Recommendation**

Refuse for the following reason:-

Having regard to the prominent location of the application premises, the loss of an established landscaping feature and the existence of a number of flagpoles and advertising signs immediately adjacent to the location of the proposed display ramp, it is considered that the development would detract from the appearance of the site's frontage, to the serious detriment of the visual amenity of the area. As a result, therefore, the proposed development would be contrary to policies 1 and 35 of the District of Easington Local Plan.

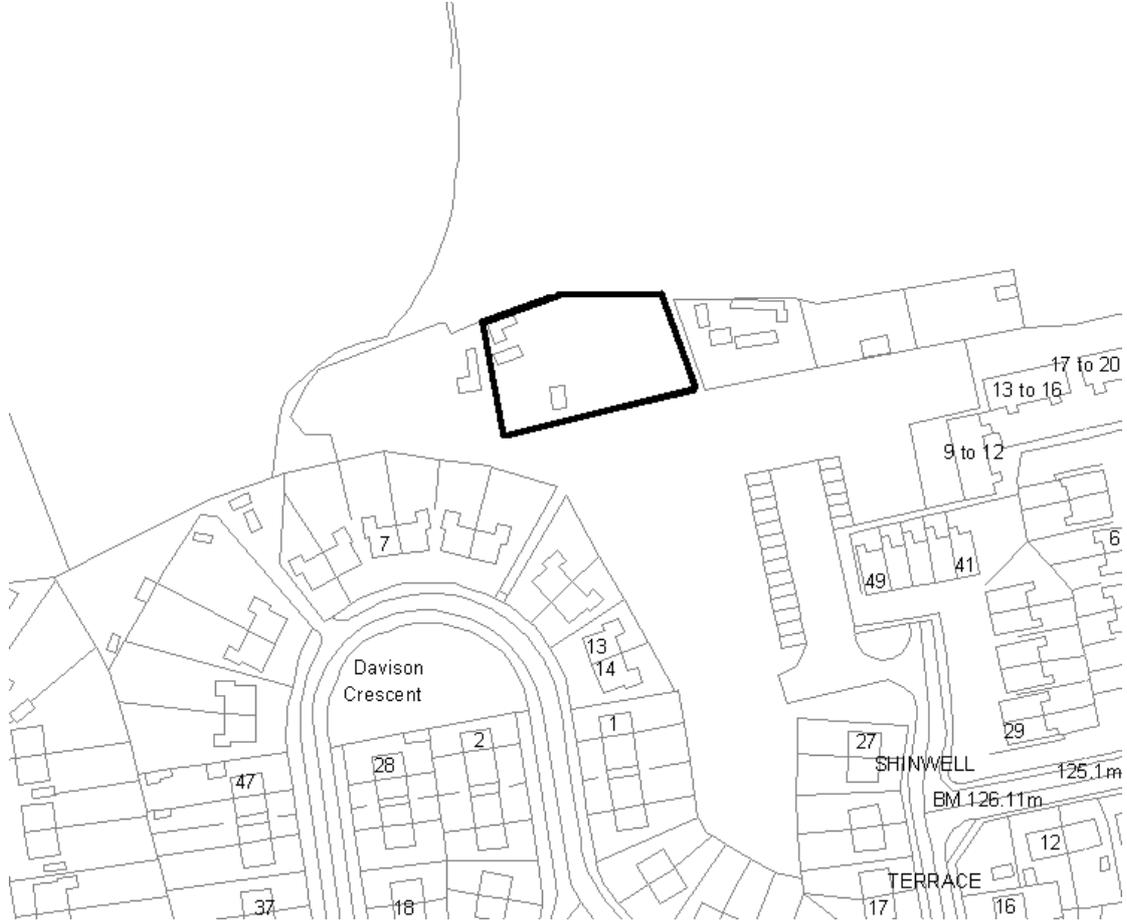
**Decision time**            6 weeks 5 days – target achieved.

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**PLAN/2008/0045**

**Murton (Murton West) - HOUSE (RESUBMISSION) at SANDHILLS, LAND REAR OF DAVISON CRESCENT, MURTON for MR J NAYLOR**

## Location Plan



## The Application Site

The site is located to the north east of Davison Crescent to the north of Murton Village. The application site has previously been used as a farm although the agricultural use has been abandoned. To the west of the application site the land is used as allotments, to the east of the application site is an area of land used as an educational centre incorporating a polytunnel, nursery, classrooms and toilets.

The application site is situated outside the settlement boundary as identified in the District of Easington Local Plan; the proposal is therefore considered to represent development in the countryside.

## The Proposed Development

Planning permission is sought for the erection of a detached one and a half storey dwelling containing 3 no. bedrooms. The dwelling is to be constructed of materials including re-constituted stone facings with an artificial slate roof and artstone detailing to heads and cills.

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In support of the application the applicant has outlined the work that has been carried out adjacent to the application site. The land to the west of the proposed house is currently used as allotments, which are used by young people from Murton. It is argued that the allotments provide benefits to the youth of Murton by: giving them the opportunity to spend time at the allotment thus reducing the opportunity to cause trouble elsewhere; teaching the youth that tomatoes grow in pots – not on supermarket shelves; providing cheap nutritious food to their families grown organically; and teaching the youth responsibility as each lot holder is responsible for their small holding. To the east of the proposed site is an area of land that has recently received planning permission for the erection of a gym, communal shed, toilet block, poly tunnel and schoolhouse, a small petting zoo already existing on the site. Although the buildings are not yet completed the aim is for the site to combat anti-social behaviour in Murton by inviting to the scheme expelled children for training, and youngsters with a history of drug and alcohol abuse. Also, handicapped children are regular visitors to the site. In recognition of the work carried out on the land adjacent to the application site, the applicants have been awarded a Pride in Easington Award.

In the supporting statement the applicant argues that the house is required to protect the current and future investment on the land. Recent anti-social problems have led to vandalism of the facilities sited adjacent to the application site. It is argued that by allowing the house to be built the applicant will be able to continue his good work on the site to the benefit of the village of Murton as a whole.

## **Site History**

PLAN/2007/0715 – House – Withdrawn 13/12/2007

The current application represents the re-submission of the previously withdrawn application. The current application includes a statement from the applicant in support of the application that was not previously included.

## **Planning Policy**

*National Planning Guidance*

PPS3 - Housing

PPS7 - Sustainable Development in Rural Areas

*District of Easington Local Plan*

ENV03 - Protection of the Countryside

ENV35 - Environmental Design: Impact of Development

GEN01 - General Principles of Development

HOU67 - Windfall housing sites

## **Consultations and Publicity**

The application has been advertised in the local press and by a site notice. Publicity periods for the site and press notices both expire after the date of the Panel meeting. Neighbouring properties have also been consulted. No letters of representation have been received so far in relation to this application.

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Durham County Council, Highways Authority, comments:

- Concerns have been raised regarding the lack of any access arrangements for the development and lack of parking provision associated with the proposed house.

Easington District Council, Policy Officer comments:

- Notwithstanding the information provided within the supporting statement, which lists several commendable benefits to the local community of Murton (not least the youth and handicapped) due to the use now made of the site of land and the various activities described, there does not appear to be satisfactory grounds to justify as essential the building of a residential dwelling in this setting.
- As the application relates to an area of land outside the established settlement limits for Murton and because no relevant justification has been given for the proposed dwelling, the proposed works are considered to be contrary to policy 3 of the District of Easington Local Plan and Planning Policy Statement No.7: Sustainable Development in Rural Areas and should be refused.

Easington District Council, Environmental Health officer, comments:

- A contaminated land risk assessment should be carried out before works commence on site.

## **Planning Considerations and Assessment**

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

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 7: Sustainable Development in Rural Areas is the national planning guidance relating to development in the countryside. PPS7 states that Local Planning authorities should strictly control new house building in the countryside, away from established settlements or from areas allocated for housing in development plans. It continues by making it clear that isolated new houses in the countryside will require special justification for planning permission to be granted. The requirement for special justification can relate to the essential need for a worker to live permanently at or near their place of work in the countryside, or to the exceptional quality and innovative nature of the design of a proposed dwelling.

The applicant has submitted a statement in support of the application that attempts to justify the need for the proposed house in this location. The applicant has highlighted the works that have been carried out adjacent to the application site to the benefit of the local community as a whole, it is argued that the proposed house is required to make the site more secure in light of recent anti-social problems. Notwithstanding the information contained within the supporting statement, which lists several commendable benefits to the local community of Murton due to the reported uses of the applicants land and activities described as taking place, there does not appear adequate justification for an essential permanent dwelling in this location. Site security

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would not in itself provide sufficient justification, and no other adequate reasons have been put forward to justify a permanent presence on the site.

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. As the proposal relates to a site outside the settlement limits as outlined in the Local Plan it is not considered to accord with the advice contained within Planning Policy Statement 3: Housing.

Durham County Council, Highways Authority have been consulted in relation to this application; concerns have been raised relating to the lack of information relating to access to, and parking provision within the site.

## **Conclusion**

It is considered that the proposed development is contrary to the relevant national policy guidance, and the relevant development plan policies. The application relates to a site situated outside the existing settlement boundaries. The applicant has provided no agricultural or other suitable justification to show a need for the proposed dwelling. The proposed development if allowed would result in a new build dwelling in the countryside, which could act as a precedent for future developments on comparable sites across the district. Accordingly the proposal is considered to be unacceptable.

## **Recommendation**

That delegated Authority be granted to the Head of Planning And Building Control Services to refuse the application on the following grounds, on expiration of the requisite publicity periods:

The proposal represents a new dwelling within the countryside, outside the existing settlement boundaries. In the absence of any agricultural or other appropriate justification of need, the proposal is considered to be contrary to policy 3 of the District of Easington Local Plan and advice contained within Planning Policy Statement No.7: Sustainable Development in Rural Areas.

**Decision time**                      Within 8 weeks - target achieved.

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## **E Background Papers**

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

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



**Graeme Reed**  
**Head of Planning and Building Control**