

Item no.

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

Date: **18 March 2008**

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

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

Ward: **All**

A INTRODUCTION

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

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

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

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

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

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

B SPEAKING AT THE PANEL

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

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

C RISK ASSESSMENT

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

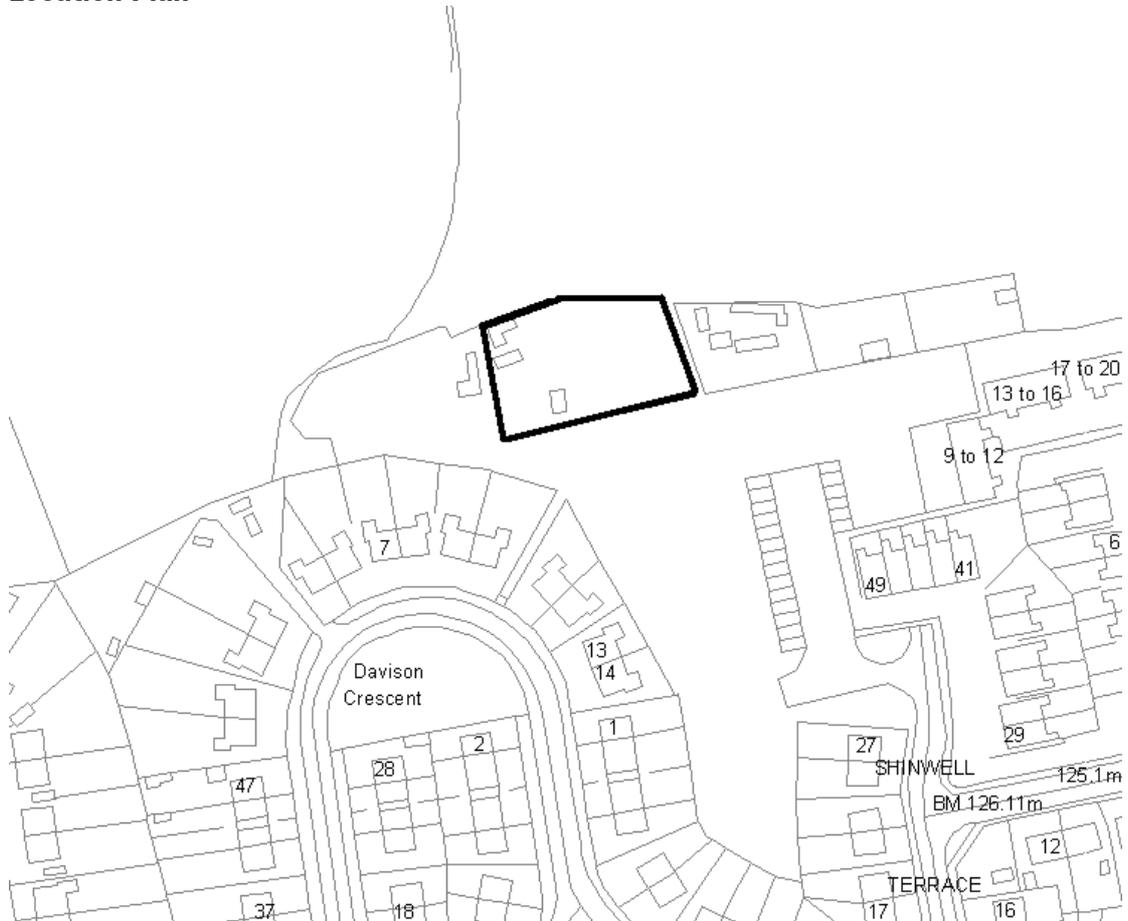
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D GENERAL APPLICATIONS

PLAN/2008/0045

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

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of materials including re-constituted stone facings with an artificial slate roof and artstone detailing to heads and cills.

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. One letter of representation has been received in relation to this application. Objections have been received on the following grounds:

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- Previous anti-social problems associated with this site have been exaggerated in order to make the current application for a residential dwelling appear more credible.
- A public footpath has been closed without the knowledge of Local Residents.
- The area of grass adjacent to the site has been damaged due to vehicles driving across it to reach the application site, this problem will be exacerbated if the proposed dwelling is allowed.

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.

Northumbrian Water, comments:

- No objections.

Murton Parish Council, comments:

- No written comments received prior to completion of the recommendation report. However, following discussions with the Clerk for the Parish Council, comments are expected prior to the Development Control and Regulatory Panel meeting and will be reported to Members.

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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 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

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across the district. Accordingly the proposal is considered to be unacceptable.

Recommendation

Refusal on the following grounds:

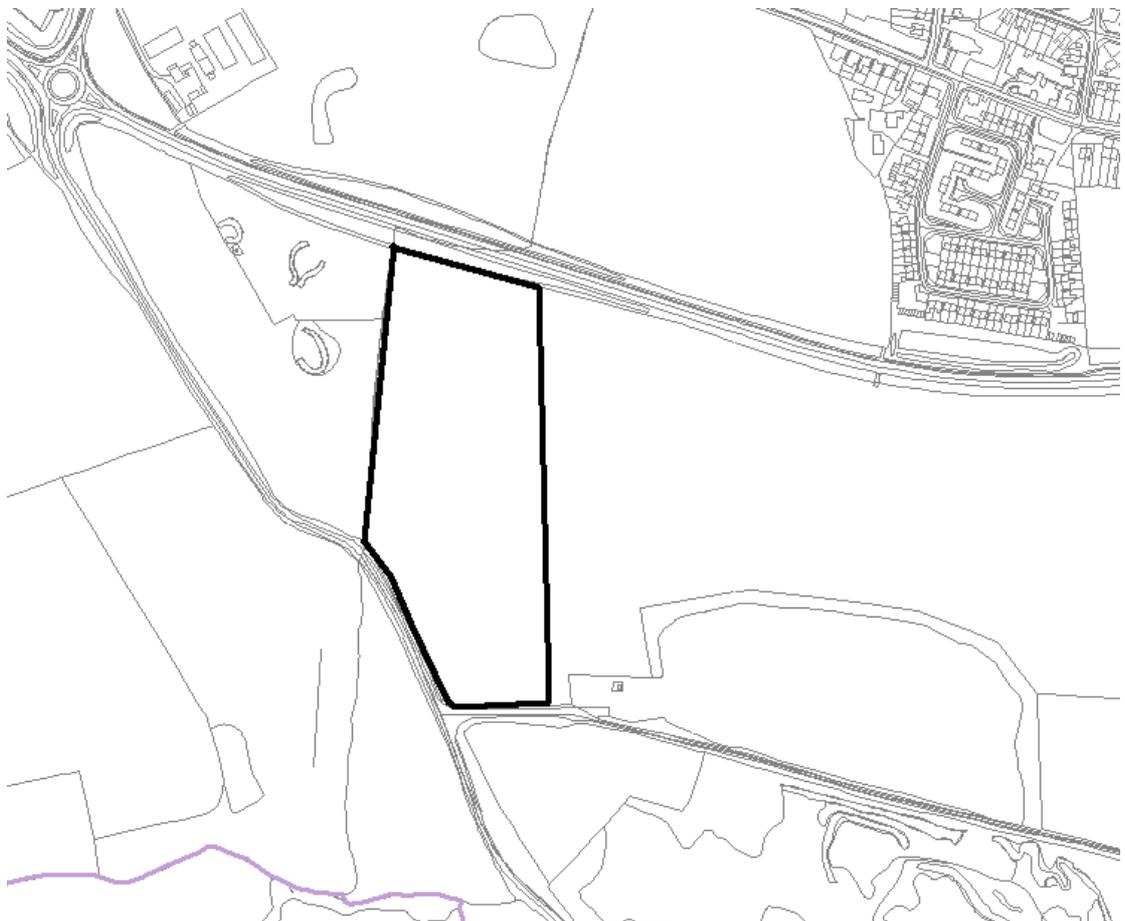
The proposal represents a new dwelling within the countryside, outside the existing settlement boundaries. In the absence of any agricultural or other appropriate justification of need, the proposal is considered to be contrary to policies 1 and 3 of the District of Easington Local Plan and advice contained within Planning Policy Statement No.7: Sustainable Development in Rural Areas.

Decision time Outside 8 weeks – target missed due to consultation requirements.

PLAN/2007/0857

Wheatley Hill (Thornley & Wheatley Hill) - CHANGE OF USE FROM NURSERY TO GARDEN CENTRE AND ERECTION OF COFFEE SHOP, FARM SHOP AND GENERAL SALES AREA at GREEN LANE NURSERIES, GREEN LANE, TRIMDON STATION for MR AND MRS TRAINER

Location Plan



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The Application Site

The application relates to Green Lane Nurseries situated on the northern side of the B1278 between Wheatley Hill to the north and Trimdon Station to the south. The site is currently used as a Plant Nursery, with various Polytunnel structures visible on the site and a residential caravan in which the applicant resides.

The Proposed Development

Planning permission is sought for the Change of Use of the land from Nursery to Garden Centre. The proposed works are to also include the erection of a new building to house a coffee shop, farm shop, and general sales area.

The applicant has submitted a supporting statement in which it is argued that the planning history of the site including applications for horticultural use have set a precedent for development and as such, this application is in line with the Council's aims for the site. Furthermore, it is stated that the proposed Garden Centre including Farm Shop and Coffee Shop together with the existing polytunnels are sympathetic to each other and to the nature of the site and in line with the agricultural nature of the site.

In the supporting statement the applicant has outlined the following key considerations in support of the application, as follows:

- Changes in season patterns mean that the applicant is unable to rely upon the Summer Season to make enough profit to last through the year. The proposed change of use would allow a greater variety of goods to be sold and allow the business to prosper and grow.
- Currently two permanent full time staff, two part-time staff and two seasonal workers are employed at the Nursery. By expanding the business it is hoped that a further two full time workers will be employed with additional part-time staff also required.
- Recent changes in Government Legislation has meant that the Nursery is no longer exempt from Business Rates, this added expense has put further pressure on the business.
- Green Lane Nurseries regularly support various charities and fund raising events, and have provided plants free of charge to local community groups including local Schools, The Carers Support team, Horden in Bloom, the Shinwell Centre and Trimdon Community Garden amongst others.
- The applicant has carried out extensive tree and shrub planting around the boundary around the application site to the benefit of the amenity of the area and local wildlife.

Site History

05/612 – 2 No. Polytunnels and Residential Caravan – Approved 09/09/2005

Planning Policy

District of Easington Local Plan

GEN01 - General Principles of Development

ENV03 - Protection of the Countryside

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SH0106 - Garden centres

Consultations and Publicity

The application has been advertised by a sit notice and in the local press. No letters of representation have been received in relation to this application.

Durham County Council, Highways Authority comments:

- The improved car parking arrangement would appear to be able to accommodate approximately 66 vehicles, at least 3 of which should be designed for use by disabled persons and be located as close to the Farm Shop/Coffee Shop entrance as practically possible.
- The fact that the existing fence adjacent to the entrance is to be re-aligned to aid visibility for vehicular traffic is to be welcomed and should be subject to a condition if planning permission were to be approved.

Easington District Council, Environmental Health Officer comments:

- No objections to the application.

East Durham Business Service comments:

- No objections to the application.

Trimdon Foundry Parish Council comments:

- The Parish Council fully supports the proposed change of use from Nursery to Garden Centre. The Parish Council is pleased to see a small business wishing to improve itself and to develop and grow, providing not only employment to the area but also attracting trade/visitors to the area.

Wheatley Hill Parish Council, comments:

- No objections.

Planning Considerations and Assessment

As the relevant site history reveals, planning permission has been granted for the erection of two polytunnels and a residential caravan approved on the site. Although the Council is aware that sales have been taking place at the application site, the Council has considered these to be small scale and ancillary to the growing tunnels. Planning permission is sought for the change of use of the site from Nursery to Garden Centre including the erection of a new building to house a coffee shop, farm shop and general sales area.

The primary policy for the determination of the application is Policy 106 of the District of Easington Local Plan. The policy states:

“The preferred location for the development of ‘garden centres’ is within or adjoining defined settlement boundaries. If it can be demonstrated that suitable sites are not available, then proposals may be located elsewhere. In all cases it must be shown that:

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- i. The site can be served by a safe and adequate access in accordance with policy 36 (design for access);*
- ii. It would have no serious adverse affect 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;*
- iii. The proposal would not, either by itself or cumulatively, undermine the vitality or viability of any existing centre or jeopardise the future of a village shop important for the economic and social well-being or the rural community.”*

The application site falls within the open countryside between Wheatley Hill and Trimdon Station, outside the established settlement boundaries of these villages, as identified on the District of Easington local Plan proposals map. As the opening paragraph of the above policy states, the preferred location of garden centre is within or adjoining the settlement boundaries. The policy may allow garden centres in locations outside the settlement boundaries if it can be demonstrated that suitable sites are not available.

The emphasis for demonstrating that suitable sites are not available is on the applicant. In the absence of any demonstration that the application site is appropriate as there are no other suitable sites within the settlement boundary, the proposal is considered contrary to the provisions of Policy 106.

Notwithstanding the above, Members may wish to consider the arguments put forward by the applicant in support of the application. However it is not considered that these are sufficient to outweigh the policy concerns identified.

Conclusion

In the absence of a demonstration proving that other suitable sites, within the settlement boundaries, are not available, the proposal is considered to be at variance with Policy 106 of the District of Easington Local Plan.

Recommendation Refuse for the following reason:

The application would result in inappropriate retail development outside the settlement boundaries identified in the District of Easington Local Plan, and the applicant has failed to demonstrate that no suitable sites are available for the proposal within the settlement boundaries. As such the proposal is considered contrary to policies 1 and 106 of the District of Easington local Plan.

Decision time Outside 8 weeks. Target not achieved due to report to Development Control and Regulatory Panel.

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PLAN/2008/0042

Shotton (Haswell and Shotton) - CHANGE OF USE FROM INDUSTRIAL USE TO CHILDREN'S AND ADOLESCENT MENTAL HEALTH SERVICE CENTRE AT 3 WINCHESTER DRIVE, SOUTH WEST INDUSTRIAL ESTATE, PETERLEE FOR TEES, ESK AND WEAR NHS TRUST

Location Plan



The Application Site

The site lies within the South West Industrial Estate in Peterlee and fronts onto the main road running through the estate.

The existing building is unoccupied at present and is modern in appearance in keeping with other similar buildings in the locality. It is a two storey portal frame building which includes office space and a warehouse area. Its internal floor area is some 600 square metres. Car parking is provided on site for some 30 vehicles.

The Proposed Development

It is proposed to change the use of the building and land from industrial use to a Mental Health Service Centre.

The applicant has described the proposed use as follows :

The Trust (client) currently provide Mental Health Services for children and adolescents within the Easington area from the William Brown Centre in central Peterlee. The current owners of the unit have aspirations however to expand their practice and our client is forced to relocate its practice. Our

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client has a request to find suitable clinical accommodation (D1) which is of sufficient size to accommodate a Mental Health Service Centre and which is situated on good public transport routes. This report will highlight why the unit in question has been selected with regards to the above criteria and why it is the only suitable location for this use in the Peterlee area. The report will therefore show that we have considered alternative premises and highlights why they are not suitable for this intended use.

It is expected that some 25 staff will be transferred from the existing centre, 10 of these will be off site visiting clients during the day.

The full report provided by the applicants, setting out their arguments as to why the proposed development should be approved is available for inspection on the planning file.

Site History

None.

Planning Policy

District of Easington Local Plan

GEN01 - General Principles of Development
Policy 53 – General Industrial Estates.

Consultations and Publicity

The application was advertised, a site notice posted and local businesses consulted. Comments have been received from three businesses raising the following issues :

- Problems of visitors/patients entering adjacent premises
- Inappropriate use on an industrial estate
- Vehicular access to the site will be shared with industrial buildings, resulting in traffic safety problems.
- Car parking provision not adequate, (*see Highway comments below*)

County Highway Authority – No objections to parking provision.

Environmental Health – No objections.

East Durham Business Service – Concern over possible incompatibility with adjacent users and lack of public transport.

Planning Policy – There were initially objections to the proposal due to a lack of background information. The comments of the Policy Officer are summarised below :

“The most relevant policy in this instance is policy 53 of the Local Plan. This designates Peterlee South West as a general industrial estates where only class B1, B2 and B8 will be allowed.

The application proposes a change of use from a part B1 and part B2 use to a D1 use. This is contrary to the policy 53 of the Local Plan which allows only

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B1, B2 and B8 uses at such sites. It is therefore considered that D1 use should be more appropriately located in the town centre.

In the submitted planning statement the applicant outlines in limited detail a sequential test, which details a search of central sites within Peterlee town centre and the reasoning as to why they are not suitable. This follows the advice laid out in PPS 6 and the need for a sequential search to be carried out.

It is considered that while the applicant has demonstrated a search for alternative premises, it is considered that a wider search would be necessary in this instance. “

Since this initial assessment further information has been provided by the applicant and the Policy Officer has commented as follows:

“The applicant for the above application has now provided additional information which addresses my previous concerns outlined in my initial response. Although there are still reservations over a non B1, B2, B8 use at the site ,it is felt that the applicant has demonstrated that a thorough search for alternative and more appropriate premises has been carried out. Importantly, this has shown that there is currently no capacity at the Community Hospital on O'Neill Drive.

If the application was to be approved, it would go without saying that this is an extreme case and we would not support any similar proposals until the results of the Employment Land Review are known.”

Planning Considerations and Assessment

It is considered that there are two main issues that need to be addressed in assessing this planning application :

- Planning policy implications and
- Impact on amenity/operations of nearby industrial estate users.

Planning Policy –

The application site lies within an existing general industrial estate and is so designated within Policy 53 of the Easington Local Plan. This policy states that only business, industrial and storage type uses should be encouraged in this location. Class D1 uses, such as the proposed development should be located in town centre locations.

The proposed development lies outside the above land use definitions and is therefore contrary to this particular Local Plan Policy.

The Planning and Compulsory Purchase Act 2004 states that the Development Plan must guide new development unless material considerations indicate otherwise. In this instance the applicants are maintaining that site location factors are an important material consideration in that they cannot find another suitable site in Peterlee town centre which would comply with planning policy.

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Planning Policy Statement 6 – Planning for Town Centres, requires that a sequential search for development sites should take place, starting with the town centre and working sequentially further away from the centre if suitable sites cannot be found.

The applicants have carried out this process and supplied evidence of consideration of other sites which have turned out to be unacceptable for their needs.

In considering the nature of the use and the site location requirements of the applicants it is considered that on balance the costs in planning terms of a breach of planning policy are outweighed by the benefits of encouraging the occupancy of a vacant industrial building albeit by a use which normally would conflict with an established planning policy.

Impact on nearby occupiers –

The incompatibility of the proposed use within an industrial estate has been raised as a reason to refuse planning permission, however the building is considered to be entirely suitable by the applicants, and the NHS for the proposed use, and operated in a proper manner the users of the facility will not directly impact upon the occupiers of adjacent industrial buildings.

Car parking provision on the site is considered to be above that normally required by the Highway Authority for such a use. A shared access with the adjacent business is not seen as a road safety issue by the Highway Authority.

Conclusion

The proposed development has been accepted as being contrary to an established land use planning policy by the applicants, however they have submitted supporting evidence which they maintain is a material planning consideration which outweighs the policy considerations above.

It is considered that the applicants have provided sufficient background information in support of their case to enable the policy considerations referred to above to be set aside in this instance with no material detrimental effect on matters of acknowledged importance.

Recommendation

Approve subject to the following conditions: Standard time limit.

Reason for Approval

The proposed development is considered to represent an acceptable minor departure from development plan policy which would not be detrimental to planning matters of acknowledged importance.

Decision time Over 8 weeks – target not achieved due to further information required from applicants.

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PLAN/2008/0052

**Monk Hesleden (Hutton Henry) - FRONT CONSERVATORY (RETROSPECTIVE)
at BYWAYS, HIGH HESLEDEN for MS S BURKE AND MRS M SCOTT**

Location Plan



The Application Site

The application relates to a two-storey semi detached property located on the north side of the main street of High Hesleden. It is one of the first properties to be seen when entering the village from the west. The site already benefits from a side extension and detached garage.

The Proposed Development

The front conservatory is already erected and has been since December 2007; therefore the applicants are seeking retrospective planning permission. They indicate that the company that erected the conservatory advised them that the necessary permission had been obtained.

The front conservatory is constructed from white UPVC with a dwarf wall measuring 0.6 metres high which uses brickwork to match what has already been used at the property. The overall height of the structure is 3.3 metres.

The conservatory projects 3.5 metres from the existing front build line of Byways and measures 5.77 metres wide. The conservatory is partially glazed to all three sides and the roof.

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Site History

5/78/513/DM – Extension to form utility room and WC approved with conditions 26/09/1978

5/84/562 – Private Garage approved with conditions 12/11/1984

Planning Policy

District of Easington Local Plan

ENV35 - Environmental Design: Impact of Development

GEN01 - General Principles of Development

HOU73 - Extensions and/or alterations to dwellinghouses

Consultations and Publicity

Parish Council:

- No comments

Neighbouring properties were consulted on 6 February 2008 – Two objection responses have been received on the grounds that:

- The development is not in keeping with the surrounding area
- Issues of overlooking and privacy arise due to the size and location of the development in relation to neighbouring properties
- This will set a precedent for the area

Planning Considerations and Assessment

The main planning considerations are the impact of the development on neighbouring properties and its effect on the character and appearance of the building and the area generally.

Impact on neighbouring properties

The Local Plan contains guidelines for assessing extensions, with size limits intended to minimise potential adverse impacts. Appendix 7 states that front extensions to dwellings should not project more than 1.5 metres from the existing building. This is intended to limit any impacts on neighbours and the street scene. As the projection of this extension is 3.5 metres from the existing front wall then the front conservatory is considered not to comply with the guidelines.

Appendix 7 also suggests limits for projections based on the distance between the extension and the adjoining neighbours window. Although this rule is to be applied in the case of rear extensions even if it was utilised for the purposes of the front extension at Byways then the development would still exceed the guidelines by some 0.35 metres.

In terms of the overall design and massing of the development it is considered that, given the projection of the conservatory and its location close to the shared boundary between Byways and Craiglea, the development is overbearing and dominant. The amenities of the adjoining property whose front

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living room is overlooked by the development are considered to be seriously affected given that this is one of the most utilised rooms in the house. As well as the visual impact, there is also a potential loss of privacy as the side windows of the conservatory are clear glazed and close to the main living room window of the adjoining property.

Effect on the building and the area generally

To accord with Local Plan policies the front extension would also need to be sympathetic in scale and character to the building and the area generally. Apart from the matching brickwork, however, the scale and design are not considered to be in character with the house frontage. In addition it is felt that due to the scale of the development, it does not sit harmoniously within the street scene. The development not only impacts upon the property immediately adjacent, but is visible from several vantage points within the village especially as it is located to the front of the property and that it overlooks onto the main road which runs through the village. With this in mind it is considered that the extension unduly harms both the visual and residential amenity of the area. The extension is set well back from the front boundary, but is still a dominant feature because of its size, design and materials.

Each application does have to be considered on its own merits and sometimes allowances can be made if the individual circumstances allow it. There are some front conservatories within the village of High Hesleden that do project further than the 1.5 metres suggested within the guidelines however they relate to detached premises and do not extend along the whole frontage of the property. Therefore the resulting impact of those developments on neighbouring properties and the street scene in general is considerably lessened.

Conclusion

To conclude, it is considered the extension results in an oppressive and overbearing impact upon the amenities of the neighbouring property both internally within the living accommodation and externally within the garden curtilage given the close proximity of the common shared boundary to such an extent that warrants refusal of this application.

Furthermore, it is considered that the approval of this development would set a precedent for the consideration of further applications of a similar nature to which the Local Planning Authority would also look to object to but would ultimately find particularly difficult to resist.

It is acknowledged that the conservatory may not have been built deliberately in contravention of planning controls. Nevertheless, it should be assessed and determined in the context of the usual criteria and planning considerations.

Accordingly it is considered that the proposed development would have an adverse and detrimental impact upon the amenities of neighbouring properties, the street scene and wider setting. To conclude the development does not accord with the guidelines or policies of the District of Easington Local Plan and should not be supported.

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Recommendation

1. Refusal for the following reason:

The development, by virtue of its size, design and location, results in an excessive form of development which is detrimental to the character and appearance of the house frontage and the area and adversely affects the residential amenities enjoyed by the occupants of the neighbouring property in terms of visual intrusion, overbearing impact, overshadowing and loss of privacy, contrary to Policies 1, 35, and 73 of the District of Easington Local Plan.

2. That appropriate enforcement action be authorised in the event that planning permission is refused and the applicants do not voluntarily remove the conservatory.

Decision time 7 weeks – target achieved.

PLAN/2008/0078

Seaham (Seaham Harbour) - SUBSTITUTION OF HOUSE TYPES at LAND AT FOUNDRY ROAD, SEAHAM for KENMORE MODUS (SEAHAM) LTD

Location Plan



The Application Site

The application relates to an area of land sited on the southern side of Foundry Road in Seaham. Foundry Road bounds the site to the north beyond which lies the new shopping centre known as Byron Place. To the west and

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south lies traditional terraced housing stock. Ropery Walk bounds the site to the southeast and contains a primary school.

The Proposed Development

Planning permission is sought for substitution of house types on a previously approved planning application (see site history). The applicant wishes to make some amendments to the previously approved site to improve the layout and marketability of the site.

The proposed amendments have the effect of reducing the number of dwellings from 54 to 53, and include the substitution of originally approved terraced properties with semi-detached units and the replacement of two semi-detached dwellings with detached properties. The new house types are to be the same as those already approved elsewhere on the site.

Site History

05/244 – Residential Development comprising 54 no. houses – Approved 16.11.2005

Planning Policy

Government Planning Guidance

PPS3 - Housing

District of Easington Local Plan

GEN01 - General Principles of Development

ENV35 - Environmental Design: Impact of Development

HOU66 - Provision of outdoor play space in new housing development

Consultations and Publicity

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

Easington District Council, Regeneration and Partnerships Officer, comments:

- No objections.

Northumbrian Water, comments:

- No objections.

Town Council, no comments.

Planning Considerations and Assessment

The proposed substitution of House Types is considered to accord with the relevant development plan policies and should be supported.

The proposed changes to the original scheme will have little or no effects on occupants of neighbouring properties over or above any effects accepted

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under the original grant of planning permission. The revised layout accords with guidance set out in Appendix 6 of the District of Easington local Plan (Further planning guidance: Design and Layout of Residential Development). It is proposed that the conditions attached to the original grant of planning permission relating to this site be attached to the current application. The Local Planning Authority will retain control over materials to be used, means of enclosure and landscaping.

It is considered that the development as amended will result in the redevelopment of a currently cleared and vacant site with a range of different housing types that will be to the benefit of the town of Seaham as a whole.

Conclusion

Planning permission is sought for the substitution of house types on an approved scheme. The proposed changes are considered acceptable and as such, subject to the suggested conditions, should be approved.

Recommendation

Conditional Approval (Conditions relating to materials, means of enclosure, contaminated land, noise survey and noise mitigation measures, landscaping).

Reason for Approval

The proposal is considered to be in accordance with policies 1, 35 and 66 of the District of Easington Local Plan.

Decision time Within 13 weeks. Target Achieved.

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