

Item no.

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

Date: **2 September 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 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

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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.

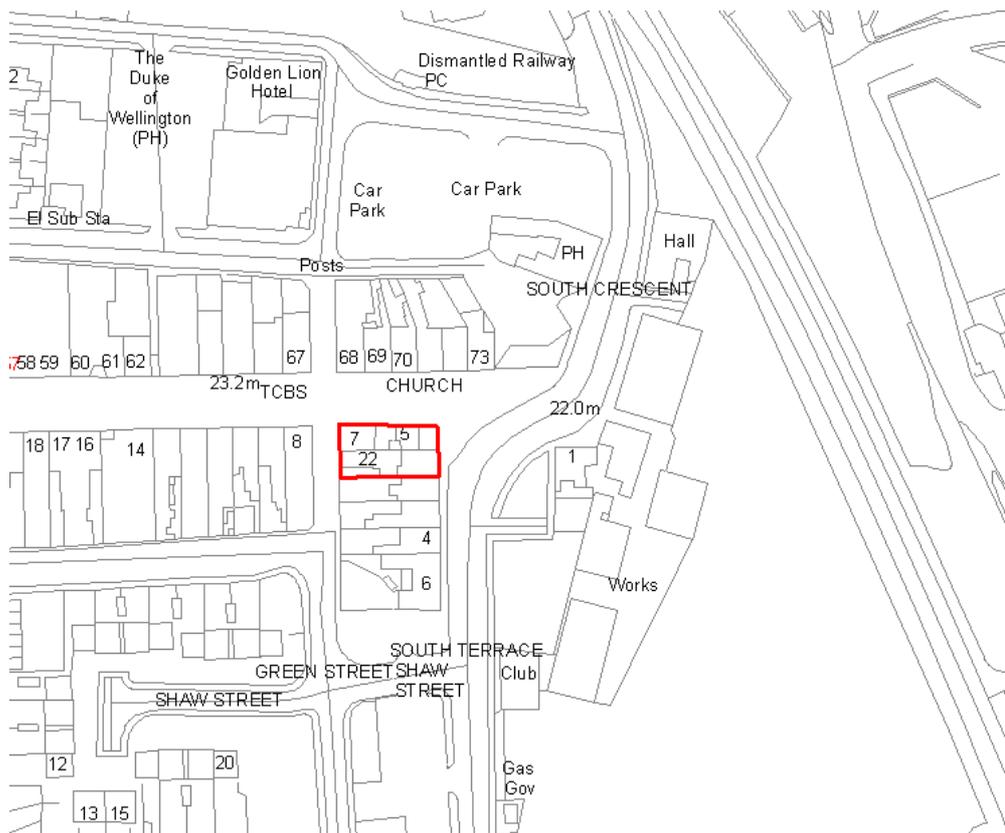
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D OTHER APPLICATIONS

PLAN/2008/0005

Seaham (Seaham Harbour) - RETAIL UNITS AND APARTMENTS at 1 SOUTH TCE, 4-7 CHURCH STREET, 20/22 GREEN STREET, SEAHAM for MR G BHONDI

Location Plan



The Application Site

The planning application relates to a group of buildings on the corner of Church Street, South Terrace, and Green Street in Seaham town centre. The application site is situated at the eastern end of Church Street adjacent to the new Byron Place Shopping Centre.

The existing property consists of mixed use residential and retail units. Located on the ground floor are several smaller retail units, such as a Hairdressing Salon and a Take Away Unit. Above the existing retail units is residential accommodation accessed from the rear.

The application site is situated within the Seaham Conservation Area.

The Proposed Development

The plans originally submitted with this application have been amended during the application process.

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Planning permission is sought for the demolition of the existing building and the erection of a three-storey block that will include retail on the ground floors and residential on the first and second floors, a single residential unit will also be provided in the roof. The proposed building is to incorporate a hipped roof and will be finished in materials in keeping with the current street scene.

The ground floor is to include the erection three mid-sized retail units. The retail units are to include traditional shop fronts in keeping with the existing street scene. In total 12 one-bedroomed apartments are to be provided on the first and second floors with 1 three-bedroomed apartment in the roof of the building. Additionally a bin store is to be provided at the rear of the ground floor to be accessed from Green Street.

The proposed development does not include any parking provision. Vehicle access for the proposed retail units will be provided from South Terrace and Green Street in line with the servicing arrangements for the existing retail units on the site. No allocated parking is to be provided for the proposed residential units.

Site History

None relevant.

Planning Policy

National Planning Guidance

PPS1: Delivering Sustainable Development

PPS3: Housing

PPS6: Town Centres

District of Easington Local Plan

GEN01 - General Principles of Development

ENV22 - Preservation and Enhancement of Conservation Areas

ENV35 - Environmental Design: Impact of Development

HOU66 - Provision of outdoor play space in new housing development

SHO101 - Protection and promotion of town centres

Consultations and Publicity

The application has been advertised in the local press and by a site notice. Neighbouring properties have also been consulted. Three letters of representation have been received in relation to this application. Support has been offered to the application on the following grounds:

- Regeneration benefits for Seaham
- Providing much needed accommodation in the centre of Seaham.

Easington District Council, Environmental Health Officer, comments:

- To minimise the impact of the development during construction. hours of construction should be limited to Mon-Fri: 08:00-18:00, Sat: 08:00-13:00 hrs.

Easington District Council, Regeneration officer, comments:

- The Regeneration and Partnerships Unit are in support of the proposal in principle. However, concerns remain regarding the scale and density of the proposed development.
- With particular regard to the density issue in relation to accommodating residential needs in the town centre, this particular development seems distinctly compacted. The sheer volume of apartments has not considered accessibility

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and parking issues. Parking remains a significant restraint on the town centre and this development will do little to remediate this problem.

Durham County Council, Conservation Officer, comments:

- Discussions have taken place with the developer to amend the detail of this application so that the proposal would fit the context of this part of the conservation area in a more satisfactory way. Subject to conditions relating to materials to be used, window types to be used, and the design of shop fronts being attached to any grant of planning permission, I am in support of the proposal.

Durham County Council, Highways Authority, comments:

- In principle the proposal is acceptable from a Highways perspective.
- The applicant has not clarified the proposed delivery, loading and servicing arrangements for the proposed retail units. Vehicular access is restricted around the application site. Church Street is pedestrianised, bollards restrict Green Street, and South Terrace is used for Bus access. Further clarification is sought. Due to the town centre location there is no requirement for parking provision in relation to the retail units.
- No parking is to be provided for the proposed residential units. However, as residential units already exist on the site at present and whilst the resultant number more than doubles the residential amount this would be deemed acceptable. The lack of parking provision is not considered to be an issue due to the restrictions on the movements of motor vehicles on all sides of the application site.

Northumbrian Water, comments:

- No objections.

Durham Bat Group, comments:

- No objections.

Planning Considerations and Assessment

The main issues to assess in determining this application are:

- Relevant Development Plan Policies
- Design and Scale
- Access and Parking
- Play Space Provision

Relevant Development Plan Policies

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

Planning Policy Statement 3: Housing contains the national Planning Guidance relating to Housing Developments. The main aim of national guidance is to increase density of development and mixture of housing type. The proposed development is considered to accord with the general principles of PPS3, the proposal will result in a more efficient use of the site and provide a greater variety of residential accommodation in the town centre.

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Planning Policy Statement 6: Planning for Town Centres (2005) provides the current national planning guidance in respect of proposals for town centres and new retail development. PPS6 seeks to ensure that consumer choice is enhanced and that a wide range of services is provided, in a good environment that is accessible to all. The Government's key objective is to promote the vitality and viability of town centres and through this support efficient, competitive and innovative retail, leisure, tourism and other sectors, with improving productivity. The current proposal is consistent with the guidance set out in PPS6. The proposals will make more efficient use of the application site and increase the density of development within an existing town centre.

With regard to the District of Easington Local Plan the relevant policies to consider are 22, 35, 66 and 101. Policy 22 deals with development within conservation areas. As the application site is within Seaham Conservation Area the design of the development and its relationship with the street scene are important considerations. In principle the proposed scheme is considered to accord with Policy 22, further discussion in relation to this issue is found in the Design and Scale section of this report. Policy 35 deals with the general impact of development; in principle the proposed development is considered to be acceptable in this regard, the proposal will have no detrimental effects on adjacent occupants and is acceptable in relation to its impact on the street scene. Policy 66 deals with play space provision in relation to residential schemes; this issue is discussed further in the play space provision section of this report. Policy 101 deals with the promotion and protection of Seaham and Peterlee town centres. The application site is situated within Seaham town centre, and as such this proposal, that will provide retail at ground floor and residential above, is considered acceptable. The introduction of residential uses in the town centre will enhance the vitality and viability of Seaham town centre and as such the proposal is considered to accord with policy 101 of the Local Plan.

Design and Scale

The application site is situated within Seaham Conservation Area; as such the design and scale of the proposed scheme are key considerations in assessing the application. The relevant development plan policies state that development should not be allowed in a conservation area unless the proposed works will protect or enhance the character of the area.

During the application process various amendments have been made to the submitted scheme following discussions with Durham County Council's Conservation Officer. The original proposal included an additional floor, and was considered to be too dominant and out of keeping with the existing street scene in terms of scale and design. As such, an amended plan was submitted with a floor removed, and changes were made to the design of the building. The amended plan is considered to be acceptable; it is considered to be in keeping with the street scene and is acceptable in terms of design. The Conservation Officer has recommended approval of the scheme subject to materials, window detailing, and shop front design being agreed prior to works commencing on site.

Subject to the suggested conditions the proposed development will deliver a good quality scheme in an important town centre location. The development will set a precedent for future redevelopment schemes in Church Street in terms of design and scale. The use of high quality materials will ensure a high quality finish for the development.

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Access and Parking

The application site is situated in Seaham town centre fronting onto the main pedestrianised shopping street. Vehicular access to the site is restricted on all sides, as such no parking is provided as part of the proposed works. Normally this would be an issue that would lead to a refusal of planning permission, however in this instance due to the town centre location of the proposed development the lack of parking provision is not necessarily a sufficient reason for refusal. The proposal relates to a town centre site situated close to existing town centre public car parks, and public transport routes.

At present a total of 12 individual units exist on the site (5 residential and 7 retail), as part of the application demolition of the existing units will take place and new build will be erected which will provide 16 individual units (13 residential and 3 retail). The proposed development will result in 4 more individual units than the number currently found on the site. Although the applicant has not provided information relating to access and deliveries for the retail units it is not considered that the proposal will have any effects over or above those currently attributed to the existing retail units on the site. The parking requirement for an additional 4 units can be accommodated within existing town centre parking provision. Due to the existing restrictions with regard to vehicular traffic accessing the site it is not considered that the proposed development will lead to any on-street parking problems.

Play Space Provision

The proposed development involves the erection of more than ten residential units, so policy 66 of the Local Plan requires that the appropriate provision should be made for children's play space. While there is no provision for such open space within the development, the applicants have stated that they are willing to enter into a S.106 Legal Agreement in respect of their making a financial contribution to the provision of new or the enhancement of existing play space outside the application site. Although the relevant policy does request on-site provision, it has been common practice for the Council to agree a financial contribution in lieu of open space provision by way of a Legal Agreement when no play space is proposed. As such the current proposal is considered to accord with the relevant development plan policy, and is consistent with recent decisions on comparable sites within the district.

Conclusion

The proposed works will result in the redevelopment of a prominent site in Seaham town centre to the benefit of the character of the area. The proposed development will enhance the vitality and viability of Seaham town centre by providing improved retail units on the ground floor and new residential units above. The scale and design of the proposed development is considered to accord with the existing street scene and the areas designation as a conservation area. The proposed development will enhance the existing street scene and subject to the suggested conditions will set a standard for the future development of Church Street.

Recommendation

That Members be minded to approve the application subject to the completion of a Section 106 Agreement relating to off site open space provision, and subject to the following conditions: Timing of Development; Materials to be used; Window Design including dormer windows and rooflights; Shop Front Design; and that delegated authority be given to the Head of Planning and Building Control Services to issue the decision on satisfactory completion of the Section 106 Agreement.

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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

GEN01 - General Principles of Development

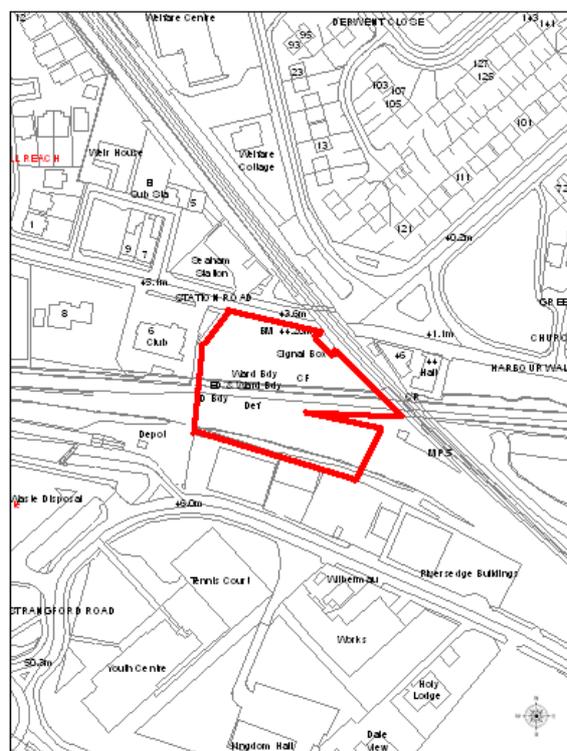
SHO101 - Protection and promotion of town centres

Decision time Outside 13 weeks. Target not achieved due to amended plans being requested.

PLAN/2008/0336

SEAHAM (SEAHAM HARDBOUR) - SITING, DESIGN, EXTERNAL APPEARANCE, MEANS OF ACCESS AND LANDSCAPING ASSOCIATED WITH RESIDENTIAL DEVELOPMENT COMPRISING 36 FLATS (RESERVED MATTERS) at LAND AT STATION ROAD, SEAHAM for ESH DEVELOPMENTS LTD

Location Plan



Map based upon Ordnance Survey material as its reproduction of Ordnance Survey material of the Council of the United Kingdom. Unauthorised reproduction of this map is prohibited. District of Easington LA 15001940 (2005)



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The Application Site

The application site is located towards the eastern end of Station Road immediately adjacent to the south of Seaham Railway Station and within the settlement boundary of Seaham.

Station Road is a cul-de-sac terminating towards the railway line. At present, there is a pedestrian link crossing the railway line.

The site to which the application relates is an irregular shaped area of land measuring approximately 0.325ha and is accessed from Station Road. The land is split into two distinct areas; a swathe of grass complemented with trees towards the north; and a former railway line towards the south.

The north facing boundary fronts onto Station Road. The existing car park and platforms of Seaham Railway Station lie immediately beyond Station Road.

The east facing boundary is bounded by Durham Coast Railway line, its existing signal box plus an area of dense woodland beyond the railway line.

The south facing boundary is bounded by existing industrial buildings fronting Strangford Road.

A public cycleway and footpath linking Strangford Road and Station Road lies to the west. The footpath runs in a north/south direction. An existing Working Mens Club (Island Social Club) and number of modern residential properties lie beyond the footpath.

The application site has been subject of previous planning applications as identified below within the Site History.

The Proposed Development

This application relates to the reserved matters of a previously approved application (05/272: Residential Development (Outline): Approved 26/05/2005). Other than the principle of the development (accompanied with some indicative schemes), no details were submitted within the previous outline application.

Accordingly, following extensive pre-application advice and discussions between the developer and the Local Planning Authority, siting, design and external appearance, means of access and landscaping were reserved for subsequent approval and are to be dealt with under the current planning application.

The proposed development will consist of the erection of thirty-six apartments with associated parking complemented with private amenity space and public open space. Access to the site will be achieved from Station Road.

The two bedroom apartments will be provided in two wide fronted three and a half-storey buildings of varying footprint. The larger 'Block A' will accommodate twenty-four apartments and will be sited towards the southwest boundary of the application site. The smaller 'Block B' will accommodate twelve apartments and will be sited towards the southeast boundary of the application site.

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The overall height of the apartment blocks will be approximately 12.89m. The blocks will be faced in a combination of facing brickwork, render, smooth masonry blocks plus timber and UPVC cladding. The roof will be covered in a combination of sheet materials complemented with lead detailing, white painted metal framework and louvres. The doors and windows will be of white UPVC complemented with gunmetal grey frames and stainless steel guardrails.

Site History

03/597: Residential Development (Outline): Refused 04/09/2003

04/62: Residential Development (Outline): Refused 18/03/2004

05/272: Residential Development (Outline): Approved 26/05/2005

Planning Policy

District of Easington Local Plan

- 01 - General Principles of Development
- 35 - Design and Layout of Development
- 36 - Design for Access and Means of Travel
- 37 - Design for Parking
- 45 - Development on or near Colliery Sites
- 66 - Provision of outdoor play space
- 67 - Windfall housing sites
- 91 - Protection of children's play space
- 92 - Protection of amenity open space
- S9 - Seaham colliery site
- S16 - Seaham Railway Station

Planning Policy Statements

PPS1 - Delivering Sustainable Development

PPS3 - Housing

PPS23 - Planning and Pollution Control

Consultations and Publicity

A site notice has advertised the planning application and neighbouring properties have been consulted together with the statutory consultees. Their responses may be summarised as follows:

Seaham Town Council

- Not yet received

DCC Highways

- Amended Alternative Sketch is considered acceptable and achieves adequate car parking provision for the 36no flats on their own, with a clear 8no separate car parking spaces linked to Seaham Railway Station. This alternative removes the shared 7no Railway Station/Visitor car parking spaces which in theory could not be guaranteed to offer any definite Visitor car parking spaces for the flats

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Northumbrian Water

- There are a number of existing public sewers within the application site. The Agent acting on behalf of the Applicant should contact Northumbrian Water Limited. These sewers could be diverted or accommodated in the application site

Environment Agency

- No objection subject to condition(s) relating to contamination. Network Rail
- No objection in principle subject to a number of issues to be considered by the Agent acting on behalf of the Applicant including drainage, on-site operations, security and operations, boundary fencing, landscaping and lighting and the like

EDC Regeneration

- Not yet received

EDC Environmental Health

- Not yet received

EDC Local Plans

- Not yet received

Neighbours

- One letter of representation has been received from a local resident who believes the development is too high and should be limited to two-storey

Planning Considerations and Assessment

Members will be aware the principle of development has been previously approved under the outline permission. This current proposal deals with the siting, design and external appearance, means of access and landscaping, and these are considered to be the main planning issues together with affordable housing and provision of outdoor play space.

Siting, Design and External Appearance

It is considered the design and layout of both apartment blocks is of a good standard. It would be appropriate to attach a condition to any approval issued by the Local Planning Authority to ensure the appropriate colour and quality of materials are used in the development.

Both blocks have been designed and orientated to incorporate non-habitable rooms such as bathrooms, en-suites and stairwells facing both the social club and industrial buildings. As such, it is considered both blocks would not have an overbearing impact upon the industrial buildings fronting Strangford Road or be unduly prominent from Station Road. Indeed, all distancing standards from the Adopted Local Plan have been satisfied to ensure there is no conflict between the apartment blocks and there are no significant impacts upon surrounding buildings and residents in terms of loss of light, loss of privacy or overshadowing.

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Means of Access

The Agent acting on behalf of the Applicant has submitted amended plans/sketches in accordance with the standards set by Durham County Council Highways in terms of parking provision and access. This incorporates eight separate car parking spaces allocated to the front of the site for use by commuters of Seaham Railway Station.

Means of Enclosure and Landscaping

The site will be enclosed by a combination of brick walling, decorative steel railings and timber fencing complemented with a mix of hard and soft landscaping. However, it is not clear what type of treatment is proposed on each of the site boundaries and road frontages. To ensure a high quality scheme is achieved it is considered fair and reasonable to attach a condition to any approval issued by the Local Planning Authority to control such details.

Affordable Housing

There would normally be a requirement for an element of affordable housing in connection with a scheme of this nature. However, the grant of outline planning permission on this site pre-dates that Policy, such that the Council is unable to require provision of affordable housing as part of a reserved matters submission.

Provision of Outdoor Play Space

Members will be aware, Policy 66 of the Adopted Local Plan requires developers to provide outdoor play space in new housing development. Where this cannot be achieved, the developer is required to provide these facilities offsite.

In this case, the Applicant has agreed to enter into a Section 106 Agreement to secure offsite facilities and the development is therefore in accordance with Policy 66 of the Adopted Local Plan.

The previous outline application was approved subject to various conditions. In the interests of consistency, conditions relating to land contamination, noise attenuation and parking provision will be attached to the current application decision notice.

Conclusion

The principle of development has been previously approved under the outline permission.

It is considered the design and layout of the proposed development is acceptable and would not have any adverse impacts upon surrounding buildings, their residents or the street scene. Overall, it is considered the proposal is an acceptable form of development and accords with the intentions and policies of both national guidance and the Adopted Local Plan and will contribute towards the ongoing regeneration of Seaham and the wider setting of the District as a whole.

Recommendation

Approval subject to the completion of a Section 106 Agreement relating to off-site open space provision, and subject to the following conditions:

Materials, means of enclosure, landscaping (including timing), tree protection works, hours of operation and construction, wheel washing, contaminated land risk assessment, environment agency requirements, noise attenuation, revised access and parking layout;

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and that delegated authority be given to the Head of Planning and Building Control Services to issue the decision on satisfactory completion of the Section 106 Agreement

Reason for Approval

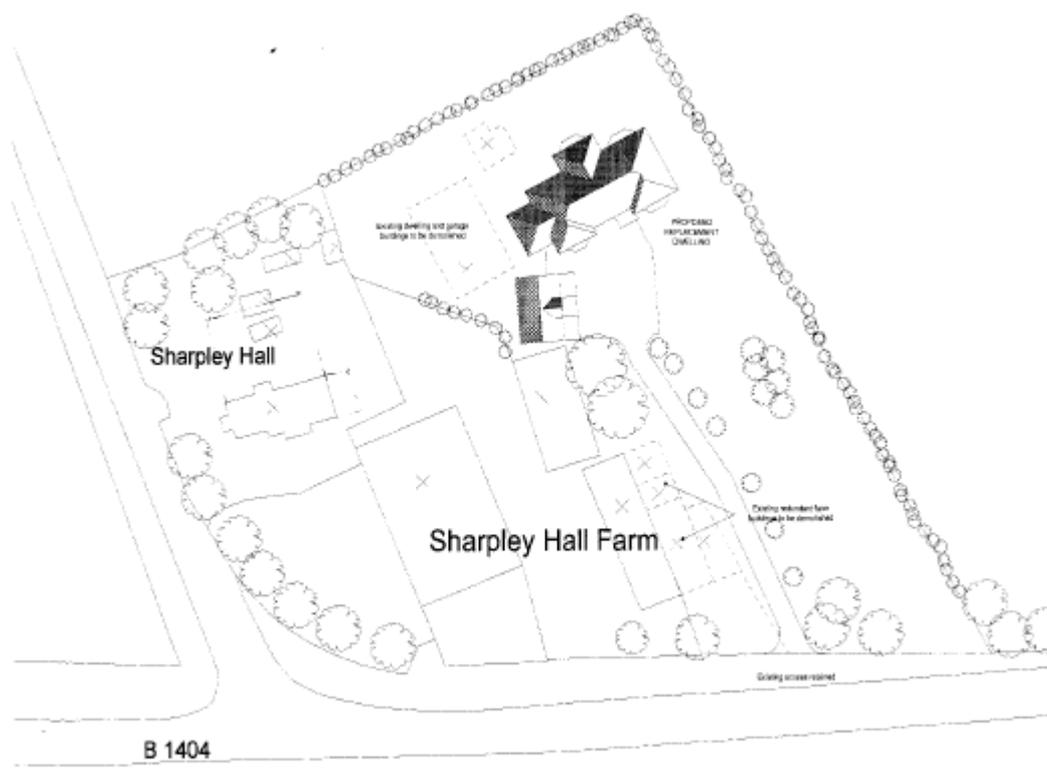
The proposal is considered to be in accordance with the outline planning permission granted previously together with the Statutory Development Plan, in particular Local Plan Policies 1, 35, 36, 37, 45, 66, 67, 91 and 92

Decision Time 15 weeks 1 day – target not achieved due to negotiations to secure improvements and also panel cycle (summer recess)

PLAN/2008/0418

Seaton with Slingley (Seaham North) - REPLACEMENT DWELLING at SHARPLEY HALL, SEATON for MR M MORTIMER

Location Plan



The Application Site

The application site is located in the North Durham Green Belt, on the north side of Seaton Lane, the B1404 Seaton–Houghton-le-Spring road, some 3/4 mile west of Seaton. It lies adjacent to Sharpley Hall Farm and close to the administrative boundary between Easington and Sunderland and extends to some 0.38 hectare.

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The land is approximately rectangular and slopes gently upwards away from the road and a small bungalow exists in the north-west corner of the site.

The Proposed Development

The application proposes the replacement of the existing bungalow by a two-storey, five-bedroomed dwellinghouse built close to the northern boundary of the site and positioned more centrally across the site, with a separate adjacent two-storey building comprising a double garage and workshop with a playroom/hobbies room above.

Site History

89/183	Kitchen and bathroom extension to bungalow and detached garage - Approved 05/89.
89/480	New access - Approved 09/89.
95/523	Conservatory - Approved 10/95.
07/600	Boundary wall - Approved 09/07.

Planning Policy

District of Easington Local Plan

ENV03 - Protection of the Countryside

ENV04 - Greenbelt Extension in County Durham

ENV17 - Identification and Protection of Wildlife Corridors

ENV18 - Species and Habitat Protection

ENV35 - Environmental Design: Impact of Development

GEN01 - General Principles of Development

Consultations and Publicity

Parish Council:	No response.
DCC Highways:	No objections.
DCC Design:	Proposed building much larger than existing bungalow and in a more visible location; if principle is acceptable, design is appropriate.
Northumbrian Water:	No objections.
Durham Wildlife Trust	No response.
Society for Preservation of Rural Seaham:	No response.
EDC Landscape:	Protected species risk assessment required.
EDC Environmental Health:	Contaminated land risk assessment required.
Neighbours:	Objection from adjoining land/golf course owner: <ul style="list-style-type: none">• proposed house will overlook 17th tee, 18th green, all practice areas, driving range and clubhouse;• any development on this site should be serviced by modern sewerage system;• such a large property could cause nuisance in future. Separate objection from adjacent landowner's solicitors: <ul style="list-style-type: none">• proposed dwelling is materially larger than existing and so constitutes inappropriate development in green belt;• no special circumstances exist to justify proposal;• proposal will cause harm to openness of green belt.
Press/Site Notices:	No response.

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Planning Considerations and Assessment

The material considerations relative to this proposal are:-

- Green belt policy;
- Design;
- Effects on neighbouring properties;
- Species and habitat protection;
- Applicant's representations;
- Objections.

Green Belt Policy

National guidance relating to the control of development in areas of green belt is set out in Planning Policy Guidance 2 "Green Belts" (PPG2) and Planning Policy Statement 7 "Sustainable Development In Rural Areas" (PPS7). 'Saved' District Of Easington Local Plan policies 3 and 4 echo this guidance by confirming that the construction of new buildings in areas of green belt is considered to be generally inappropriate and, therefore, unacceptable.

Exceptions to this prohibitive policy are specified as being cases where buildings are required for agricultural or forestry purposes, for essential facilities for outdoor sport and recreation and for other uses which preserve the openness of the green belt.

It is also accepted that the "replacement of existing dwellings need not be inappropriate, *providing the new dwelling is not materially larger than the dwelling it replaces*".

In the case of this particular application (and based on the external dimensions of the buildings), the 'replacement dwelling', with a floorspace of some 498sq.m. (excluding the 122sq.m. of the separate garage/playroom building), is more than three times as large as the existing bungalow's floorspace of approximately 150sq.m. Indeed, the floorspace included in the garage/playroom building itself approaches the size of the existing bungalow.

As an indication of what "materially larger" means in this policy context, a recent legal case in the Court Of Appeal (March, 2008) considered this very question and it was concluded that a new building should be similar in scale to that which it was to replace. It was particularly determined that it could not be reasonably concluded that a building more than twice as large as the original was not materially larger. (This should not be taken as an implication that twice as large would be acceptable because the case was considering a specific proposal.)

Taking these policy matters into account and in the light of this Court Of Appeal decision, it is considered that this proposal constitutes inappropriate development in the green belt and, therefore, that it is contrary to national guidance and the Council's own 'saved' local plan policies.

Design

The proposed house takes the form of an essentially rectangular, modern two-storey building, with traditional features such as bay windows, chimney stacks, an entrance portico and 'juliet' balconies. The external materials proposed are a light-coloured rendered finish for the walls with cast-stone door and window heads and sills, with white upvc window frames and timber doors and with a slate tile roof. The ground floor

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accommodation comprises lounge, dining room, large entrance hall, family room, kitchen, study, utility room, cloakroom and toilet. The first floor contains five bedrooms, each with its own dressing room and en-suite bathroom.

The external design of the proposed building as a large traditional dwelling has evolved following a number of meetings with the applicant and his advisors and, as a design, it is not considered to be unacceptable.

However, the standard of the design should not be taken to in any way reduce the basic policy objections to the construction of a dwelling of the proposed size as a 'replacement' for the existing modest bungalow on the site. This particular point has been consistently made to the applicant during the pre-application discussions..

Effects On Neighbouring Properties

There are no other residential properties in the vicinity except the applicant's existing house to the west of the application site and it is not considered that any undesirable or unacceptable effects would result to the amenities enjoyed by the occupiers of that property due to its location in relation to the proposal.

Other developments which are appropriate to the green belt location have been granted planning permission on adjacent or nearby land, both by this Council and by Sunderland City Council. These include a golf course with ancillary clubhouse and hotel accommodation, but it is not considered that this current proposal would unduly prejudice either their implementation or their functions once established.

Species And Habitat Protection

As the proposal involves the demolition of an existing building, it is necessary for information to be submitted on the possible risk to protected species and their habitat, particularly bats in this case. That information has been requested but, at the time of preparation of this report, none has been received, although the applicant has confirmed that an appropriate document will be provided before the Panel meets to consider the proposal.

At this stage, however, the lack of such information would in itself be a valid reason for refusing to grant planning permission. A verbal updating of the situation in this respect will be given at the Panel meeting.

Applicant's Representations

The applicant has submitted a statement of reasons why he feels that his proposal should be permitted despite the overwhelming and conclusive green belt policy objections. These reasons may be summarised as follows:-

- he is a local businessman who wants to remain in the area;
- the new house would not be out of proportion with the size of the site and would "enhance the area";
- other activities and proposed developments in the vicinity include an hotel, a golf clubhouse and driving range and a paint ball operation;
- his existing dwelling, Sharpley Hall, already has planning permission for a large extension; and
- in the context of these other developments, the proposed new house would not "change the area at all".

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Unfortunately for the applicant, green belt policy views outdoor recreational activities differently to residential development, especially residential development which has no functional justification, and it considered, therefore, that none of the stated reasons can be taken to outweigh the objections of principle to the proposal.

Objections

Most of the points of objection raised by the adjoining landowner and his advisors relate to basic green belt policy as set out in the national guidance explained earlier in this report. Those points which are not based on policy guidance are not considered to be of such significance as to have a bearing on the outcome of this application.

Conclusion

Central government guidance states that replacement dwellings may only be permitted in areas of green belt on the basis that the replacement building is not “materially larger” than the existing one. Anything which does not respect this guidance is considered to be inappropriate development which is unacceptable and should not be permitted. This proposal involves the replacement of a 150sq.m (approx.) bungalow by a 498sq.m (approx.) two-storey dwelling and an ancillary building of 122sq.m (approx.).

This scale of difference cannot reasonably be considered to be anything other than “materially larger” and the design of the building and the applicant’s representations do not outweigh the overwhelmingly strong policy objections to the proposed development. The proposal is, therefore, considered to be contrary to national planning guidance set out in PPG2 and PPS7 and to ‘saved’ policies 1, 3, 4 and 5 of the former District Of Easington Local Plan. In such circumstances, the only possible recommendation has to be that the application should be refused.

Recommendation

REFUSE for the following reasons:-

1. Having regard to the size of the proposed “replacement dwelling” in relation to the existing dwelling on the site, it is considered that the proposal constitutes inappropriate development in the North Durham Green Belt, which would be contrary to national planning guidance contained in Planning Policy Guidance 2 ‘Green Belts’ and Planning Policy Statement 7 ‘Sustainable Development In Rural Areas’ and to ‘saved’ policies 1, 3, 4 and 5 of the former District Of Easington Local Plan.
2. The proposed development involves the demolition of an existing building in the countryside but no information has been submitted relating to the possible risks to protected species and their habitat to enable this aspect of the proposal to be fully considered, such that the absence of any harm has not been demonstrated, contrary to ‘saved’ Policy 18 of the former District of Easington Local Plan.

Decision time 10 weeks – target not achieved - delayed by summer recess

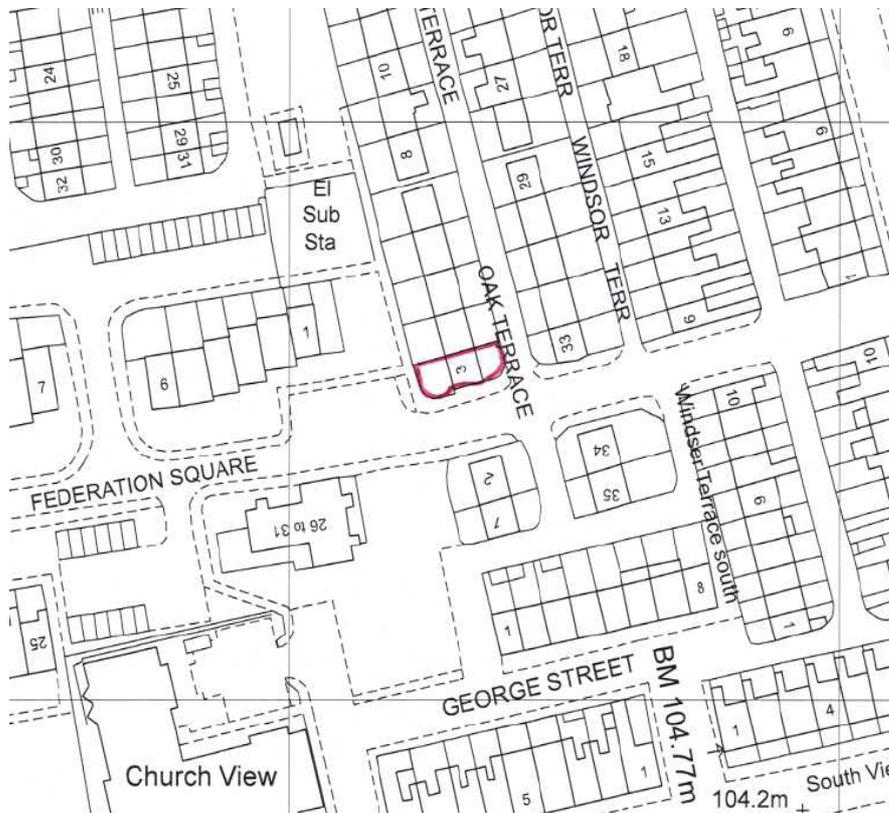
PLAN/2008/0481

Murton (Murton East) - KITCHEN AND BATHROOM EXTENSION at 3 OAK TERRACE, MURTON for MR R KELLY

The application is being reported to the Panel as it is submitted by an employee of the Council.

Item no.

Location Plan



The Application Site

The application relates to an end of terrace bungalow. The existing property is constructed with brown facing brickwork and a tiled pitched roof. There are a number of large extensions within the street already.

The Proposed Development

Full Planning permission is sought for the erection of a rear kitchen and bathroom extension.

The application site already benefits from a rear extension however if permission is granted this will be replaced. The extension will utilise almost all of the rear yard space apart from a small 0.7 by 2.1 metre area to the north east of the site. At its furthest projection the extension will project 4.75 metres and will be a maximum of 8 metres wide. The extension will measure 3.25 metres in height.

It is proposed the extension will be constructed of materials so that it matches the original dwelling. Three new window openings will be created, one in the existing southern gable and two new windows in the newly extended eastern elevations.

Site History

Nothing found

Item no.

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

Murton Parish Council - No response

Neighbouring properties were consulted on 30 July 2008 – No responses have been received within the requisite time period.

A further consultation was sent to the neighbouring property of 2 Oak Terrace on 21 August 2008, as this was omitted from the original consultation exercise - The period of consultation will expire after the Panel meeting on 2 September 2008.

Planning Considerations and Assessment

It is considered the proposed development will not have a detrimental impact upon the amenities of the surrounding area or the wider setting that would justify refusal of this application, given that the adjoining neighbouring property 4 Oak Terrace benefits from a large rear extension along the shared boundary and there are other similar extensions within the street.

One issue arising as a result of the development is the proposed bedroom window insertion in the existing southern elevation. To the south of the application site, separated by a highway, is 2 Oak Terrace which benefits from a similar window opening albeit on their northern elevation. It is usual practice to request that 21 metres is maintained between habitable window elevations. Although the proposal is in deficit of this standard by 7 metres, given the compact nature of the street scene which is typical of terraced rows this is not considered to be an issue in this case. As indicated above, the occupier of that property has been consulted and has an opportunity to comment.

Conclusion

It is considered the proposed development is in keeping with the appearance, character, design and scale of the existing property and will not have a detrimental impact upon the amenities of the adjacent occupiers or the wider setting. It is therefore considered the proposal is an acceptable form of development and accords with Local Plan policies.

Recommendation

That authority be delegated to the Head of Planning and Building Control Services to issue the planning permission upon the expiry of the additional consultation period, and on the basis that no new issues are raised as a result of the consultation.

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Reason for Approval

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

District of Easington Local Plan

ENV35 - Environmental Design: Impact of Development

GEN01 - General Principles of Development

HOU73 - Extensions and/or alterations to dwellinghouses

Decision time 6 weeks 1 day – target achieved

PLAN/2008/0487

Seaham (Seaham Harbour) - MULTI-USE BUILDING TO HOUSE PUBLIC LIBRARY, CAFE, OFFICE AND ANCILLARY ACCOMMODATION at ST JOHNS SQUARE, SEAHAM for MR G EDWARDS, DURHAM COUNTY COUNCIL

Location Plan



Item no.

The Application Site

St John's Square is a large civic precinct of nearly 2 hectares located behind the main shopping area of Seaham, just outside of the conservation area. The bus station was demolished in April 2008 leaving the health centre, library, new job centre, public house, disused magistrates court and pop in centre for the elderly as well as some other miscellaneous uses. The main pedestrianised area and most of the buildings were developed in the 1960s.

The current condition of this area is one of an underused and degraded public area with large areas of unlandscaped hard surfaces interrupted by a number of unused and unattractive buildings. The site suffers from a poor layout with hidden areas and a lack of natural surveillance, which encourages vandalism and anti social behaviour.

The Proposed Development

This proposal forms part of a large regeneration project for St Johns Square, which proposes to comprehensively redevelop the area and deliver a cohesive range of modern public buildings and services for the people of Seaham. It would also provide a safe and sustainable public space that is well used and respected by the general public.

This application seeks full planning permission following an outline approval for a multi use building to house:

- Seaham Town Council Chambers and Officers
- "Shared" areas for use of all user groups
- Library
- Cafe
- Durham County Council's Social and Health Care Offices
- The Mental Health Resource Centre Offices
- East Durham Homes

The building would be four storeys high, stepped at three levels and would have a 'green roof' on the second storey. The building would have a footprint of approximately 1011 square metres. Glass curtain walling, render and cladding would be the main materials used on the exterior of the building. The overall design is modern, with large sections of the building made from glass to maximise light, heat and views from the building. The café has been located on the ground floor facing the square to encourage public use and the orientation of the building has been carefully considered in order to protect views to St Johns Church from the square.

Site History

Outline planning permission was granted for the comprehensive redevelopment of the St Johns Square site in October 2007, this included the approval of the multi use building in principle.

There have been a number of planning applications since the early 1990s relating to the individual buildings within this site. In September 2005 the Master Plan for St John's Square was published. This was a draft document prepared by the County Council on behalf of this Council, Seaham Town Council and Easington PCT.

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The main purpose of the document was to provide guidance on how the site could look following redevelopment and to set out the design principles that should be followed in order to achieve that end.

The current proposals are intended to reflect the aims of the Master Plan and the details included in the outline planning application.

Planning Policy

District of Easington Local Plan

GEN01 - General Principles of Development

ENV22 - Preservation and Enhancement of Conservation Areas

ENV35 - Environmental Design: Impact of Development

ENV37 - Design for Parking

ENV38 - Designing Out Crime

REC89 - Development of new or improved leisure and community buildings

SHO101 - Protection and promotion of town centres

S32 – Main Shopping Centres

S33 – Town Centre Environmental Works

Regional Spatial Strategy

1 – North East Renaissance

2 – Sustainable Development

3 – Climate Change

6 – Locational Strategy

7 – Connectivity and Accessibility

8 – Protecting and Enhancing the Environment

9 – Tyne and Wear City Region

13 – Brownfield Mixed-Use Locations

24 – Delivering Sustainable Communities

38 – Sustainable Construction

Planning Policy Statements

PPS1 - Delivering Sustainable Development

PPS6 - Planning for Town Centres

Consultations and Publicity

A press notice was published in the Sunderland Echo on 5th August 2008

Site notices were posted on 5th August 2008

Town Council – fully supports proposal, will act as a one stop shop for a range of services as well as providing facilities for community groups and voluntary organisations.

DCC Highways – A travel plan is required along with a detailed parking scheme.

Amendments also requested (not submitted at time of report writing)

DCC Design – no objections

Northumbrian Water – no objections

Police – no objections

Seaham Environmental Association – no comments

Regeneration – no response

Landscape – no response

Environmental Health – no response

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Local Plans – in support of application
Local Councillors – no responses
Neighbours – no responses

Planning Considerations and Assessment

Following outline approval of this proposal, the main planning considerations are considered to be the design and layout, parking and access and the suitability of the building within Seaham Town Centre.

This planning application seeks detailed approval for the multi use building within the St Johns Square site, outline approval for the whole redevelopment of the site was granted in 2007. Specific relevant policies are noted earlier in this report; it is considered that the proposed development conforms to the District of Easington Local Plan, Regional Spatial Strategy and Planning Policy Statements. The building would be constructed on previously developed land, and within an existing urban area.

Design and layout

The design and layout of the proposal generally conforms with that which was approved in the outline application. In addition, the proposal is considered to be in accordance with the relevant design and layout policies. There are no adverse impacts on the street scene or surrounding occupants. Careful thought has gone into the orientation of the building taking into account views from the square and surrounding buildings. An atrium feature has been incorporated which provides a visual link from the square to St Johns Church. The modern materials and design are considered to be an appropriate contrast to the Church and appear in keeping with the new job centre building.

The design and conservation officer offered the following comments “This scheme has been developed by the County Council in close association with Easington District Council as part of the St John's Square redevelopment proposal. Architecturally its relationship is with the square and not with the conservation area and seeks to bring new life to the square by bringing a number of public uses together. It will need the other proposed buildings and uses described in the Master Plan to be built in order to be fully successful. The justification for the design is well described in the Planning Design Statement and should be referred to in support of the application. Particular successes are the glass "shard" directing internal views towards St Johns Church and the cafe opening out on to the square.”

In addition to this, and in accordance with policy 38 of the RSS, 10% of energy should be generated from decentralised and renewable energy or low carbon sources, a condition should be imposed requiring a scheme to be submitted showing how this will be achieved.

Parking and access

The Highways Authority has requested some minor amendments to the scheme, which have not been submitted at the time of writing this report. They have also stated that a car parking assessment for this proposal is difficult in view of the mixed use nature of the individual elements. However, this is a Town Centre location with good public transport links, reinforced by the creation of the adjacent bus lay-by.

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Should this application be approved, conditions should be imposed to secure appropriate locations and levels of parking provision and in addition, a travel plan should be submitted in order to demonstrate proposed measures to reduce the reliance on the use of the private motor car to access the development. Further consultation would be carried out with the Highways Authority when these details are submitted. Generally the proposal is considered to improve accessibility to employment, education, health and social facilities.

Town Centre Location

The application is considered to accord with all relevant town centre policies. St John's Square is identified by saved Local Plan Policy S33 as a site for a comprehensive enhancement scheme, implemented by the District Council and other partners. The site also falls within the town centre of Seaham, where a range of uses are encouraged in Local Plan Policy S32. Particular attention was given to RSS policy 9, which promotes the regeneration of Seaham, and PPS 6 - Planning for Town Centres, which promotes viability for town centres as an importuning precursor to the renaissance of urban areas, and encourages a wide range of services for public and personal provision with high quality designs in a bid to improve public realms as a priority to inclusiveness of an area.

Conclusion

This application has been submitted in order to progress the regeneration of St John's Square – a major central public open space which includes buildings that are in the main in a physically run down condition and contribute negatively to the overall appearance of this part of Seaham. The St John's Square Master Plan provided guidance of how the site could look following redevelopment and set out the design principles that should be followed in order to achieve that end.

This application is for one element of the regeneration of St Johns Square and carries forward the aims of the Master Plan.

It is considered that the proposals are acceptable in planning terms, conforming to relevant planning policies and guidance as well as promoting the regeneration of this part of Seaham, therefore it is recommended that planning permission is granted.

Recommendation

Approval subject to the following conditions:
materials, parking scheme, travel plan, renewable energy scheme, landscaping scheme

Reason for Approval

It is considered that the proposals conform to relevant planning policies and guidance as well as promoting the regeneration of this part of Seaham.

Decision time

11 weeks – target met

Item no.

E. BACKGROUND PAPERS

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

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



Graeme Reed
Head of Planning and Building Control