

Item no.

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

Date: **17 March 2009**

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

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

Ward: **All**

A INTRODUCTION

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

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

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

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

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

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

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

B SPEAKING AT THE PANEL

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

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

C RISK ASSESSMENT

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

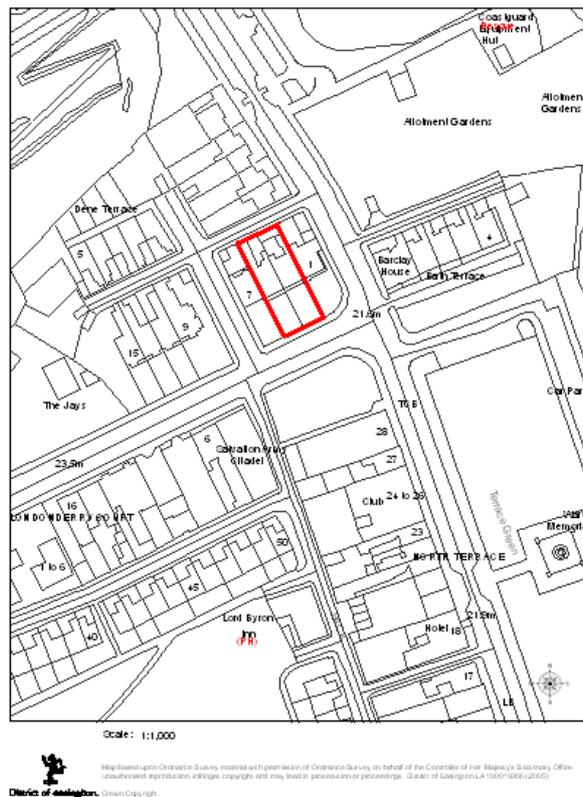
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D OTHER APPLICATIONS

PL/5/2009/0009

Seaham (Seaham Harbour) - TWO STOREY REAR EXTENSION TO PROVIDE DISABLED ACCOMMODATION WITH SECURED CAR PARKING at 3 - 5 TEMPEST ROAD, SEAHAM for MR B GILES

Location Plan



The Application Site

The application site lies within the settlement boundary of Seaham, close to the seafront. It is within the Seaham Conservation area and is situated between two residential properties in a traditional terrace of three storey properties. The site lies outside of the town centre as designated in the Local Plan.

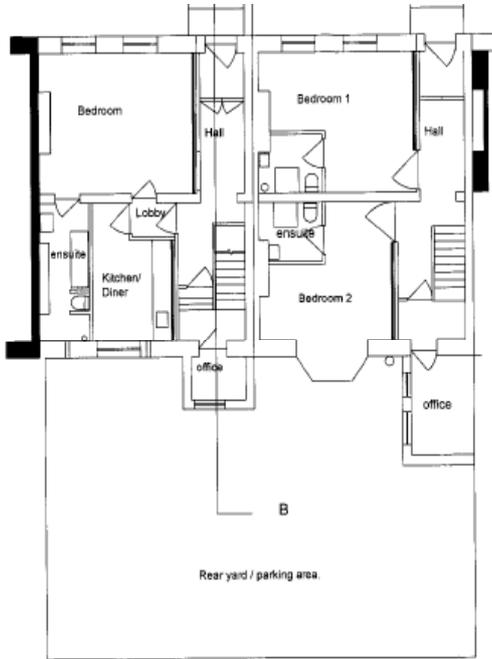
The Proposed Development

The application site, known as North Pier Lodge Hotel currently has nine rooms with en-suites, three of which also have self contained kitchens. A bistro is also provided on the lower ground floor. Six off street car parking spaces are provided in the yard area to the rear.

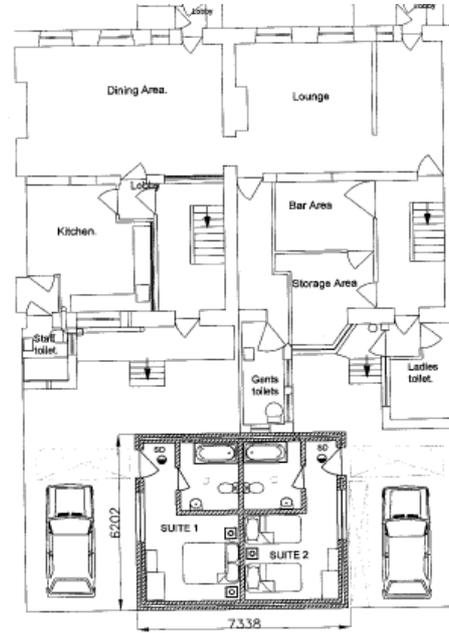
This application proposes a two storey rear extension to provide four additional rooms, the ground floor rooms would provide disabled facilities and the first floor rooms would be linked to the existing hotel. The extension would be rendered and

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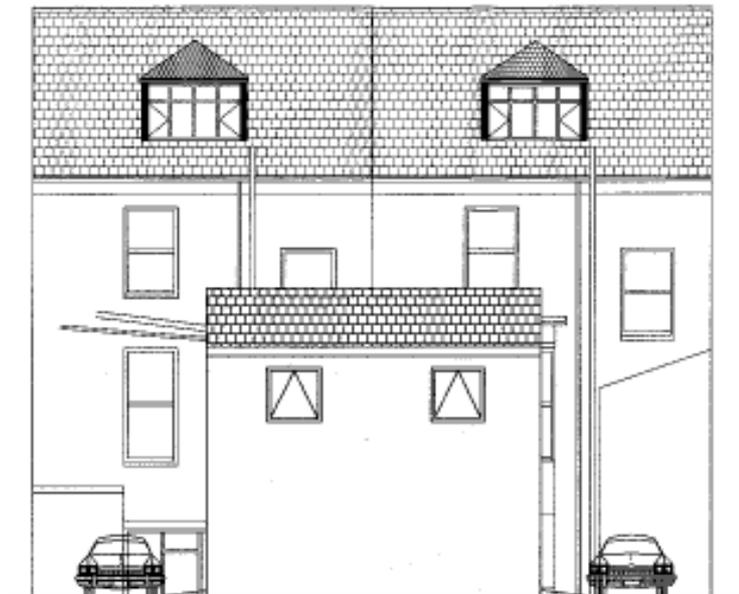
painted to match the existing rear elevation of the building and would be 6.78 metres in height, 6.2 metres deep and 7.33 metres wide. It would be located in an area currently used for off-street car parking and as such, four of the six parking spaces would be lost. Below are the existing and proposed floor plans and the proposed rear elevation.



EXISTING GROUND FLOOR PLAN



PROPOSED GROUND FLOOR PLAN



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Site History

PLAN/2006/0225 – Conversion to 4 apartments (refused)
PLAN/2006/0425 – Conversion to 3 apartments (refused but appeal upheld and permission granted)
PLAN/2007/0389 – Change of use from residential to hotel (approved)
PLAN/2008/0170 – Free standing sign (approved)

Planning Policy

District of Easington Local Plan

ENV22 - Preservation and Enhancement of Conservation Areas
ENV35 - Environmental Design: Impact of Development
ENV36 - Design for Access and the Means of Travel
ENV37 - Design for Parking
GEN01 - General Principles of Development

Consultations and Publicity

A site notice has been erected and residents consulted. Two letters of objection have been submitted and are summarised as follows:

- The proposed extension would lead to loss of daylight, privacy and visual intrusion
- The proposal would spoil the residential character of the terrace
- The proposed extension would be overbearing and dominating
- It would have a harmful impact on the conservation area
- The proposal would lead to further parking problems in the vicinity

Town Council – no response

DCC Highways – objection. Provision of disabled facilities is welcomed but should not be at the expense of creating potential parking problems for residents. Previous planning applications have been approved on the basis that off-street parking would be provided. This application would result in a thirteen bedroom hotel and off-street car parking would be reduced from six spaces to two. This would be an unacceptable level of car parking provision and would disregard previous planning inspectors and local planning authority decisions.

DCC Highways – Parking previously agreed would be lost to the development. Car parking at the front of the property would be unacceptable and would harm the residential character of the conservation area.

Planning Considerations and Assessment

The main planning issues to consider in relation to this application are

- Impact of use on local residents and locality in general
- Effect on the character and appearance of the Conservation Area
- Vehicular access/parking in relation to the use.

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Impact on residents

It is proposed to create a thirteen bedroomed hotel within two 3/4 storey terraced houses located within the Seaham Conservation Area. Planning permission exists for a nine bedroomed hotel at the properties.

The use of the buildings as a hotel will clearly involve guests and staff arriving and leaving on a regular basis at a variety of times of the day. The building directly adjoins numbers 1 and 7 Tempest Road. Bearing in mind the nature of the commercial use, it is considered that there will inevitably be an increased level of noise and disturbance imposed on nearby residents, in particular to those remaining in 1 and 7 Tempest Road. However, bearing in mind that the proposed two storey rear extension is set back from the boundaries of adjoining properties by approximately 3.8 metres, it is not considered that the proposal would lead to an increase in activity which would lead to significant loss of amenity.

Character of Conservation Area

The proposed two storey rear extension would be approximately half the height of the existing building and would be set back from both boundaries. It would be rendered to match the host building and as such, it is not considered that it would detract from the character or appearance of the Conservation Area. The Durham County Council Conservation Officer has no concerns regarding the scale and design of the building but objects to the loss of car parking as it would lead to on-street parking which would harm the residential appearance of the Conservation Area.

Access/parking

The proposal would result in an additional four bedrooms making the total number of rooms thirteen, and would result in the removal of four off-street car parking spaces leaving only two. It is considered that this level of off-street parking is unacceptable in this busy junction location and would result in cars being parked around the hotel and on the main road. This would lead to parking problems for residents and would harm the residential appearance of this part of the Conservation Area. The applicant has noted that there are car parks nearby, however, it cannot be guaranteed that spaces will be available solely for this hotel.

Conclusion

The increased commercial use of the property, on the scale proposed, would have some impact on the adjacent properties in terms of increased activity. On balance, this is not considered a reason sufficient to warrant refusal of planning permission. In addition the development could assist regeneration initiatives by providing additional visitor accommodation.

However, the loss of off-street parking facilities is considered unacceptable in this location near a busy junction. Previous applications and upheld appeals were all approved on the basis of the existing off-street parking. This off-street parking would be lost to the development resulting in parking problems for residents and harm to the Conservation Area.

Recommendation

Refusal.

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Reason for refusal

The proposal would result in an under-provision of off-street car parking for hotel staff and patrons. This would lead to loss of amenity to surrounding residents and would have an adverse visual impact on the Conservation Area contrary to saved policies 1, 22, 35, 36 and 37 of the District of Easington Local Plan.

Decision time 9 weeks – expired due to panel deadline

PL/5/2009/0026

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



The Application Site

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

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The Proposed Development

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

The application consists of the following:

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

The application is retrospective apart from the office container.

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

The image below shows the structure that has been approved (hatched) and those for which the applicant seeks retrospective planning permission.



Site History

04/0379 – Change of use to Paintball operation and associated works – Withdrawn
05/0665 – As above – Approved
PLAN/2008/0240 – Steel storage containers and lean to structures - Withdrawn

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Planning Policy

District of Easington Local Plan

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

Planning Policy Statements

PPS7 – Sustainable development in rural areas

Consultations and Publicity

A site notice has been posted and local residents have been consulted. One objection has been received from a resident adjacent to the application site. A summary of the objection is as follows:

- Concerns that the paintball site and activity which started as bales of straw and maize fencing has now grown too large – the objector states that this particular application represents a 500% increase in structures on what has previously been approved
- Concerns that applications are retrospective – the objector states that the retrospective structures forming most of this application have been there for two years
- Weekends are spoilt due to noise from the paintball site
- Concerns that the Highways Authority requested that the access needed to be upgraded when the paintball was initially approved – almost six years later this has not been done

Parish Council – No comments received.

Environmental Health – No objections.

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

Planning Considerations and Assessment

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

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

Site inspection reveals that the structures are mostly screened from view from the entrance area to the site by the extensive landscaped mound that has been created to the front of the site. The mound also helps to screen the majority of the development from view from the adjacent public highway and from the two residential properties to the north of the site. The images below show the structures from the objectors property opposite and from the main road.

View from objectors property

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View from main road



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

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The development the subject of this application lies in the countryside, and therefore needs to be assessed against Local Plan policies that seek to protect the countryside from inappropriate development. Policy 3 of the Local Plan states that “Development outside the 'settlement limits' will be regarded as development within the countryside. Other than specifically allowed for by other policies, development in the countryside will not be approved.” Planning policy statement 7 – Sustainable development in rural areas supports tourism and leisure facilities where they are located close to service centres or villages and do not detract from the surrounding countryside.

This development is located close to Seaton Village and is associated with an established leisure use located adjacent to, and forming part of an approved grouping of buildings.

On this basis, the development is considered to accord with Local Plan policies.

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

Conclusion

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

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

Recommendation

Approval subject to the following conditions:
Upgrading of access.

Reason for Approval

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

Decision time 8 weeks – Target achieved.

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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
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