

RECOMMENDED FOR APPROVAL

07/0250	19.03.07
02 (UK) Ltd	Land 180m south east of Conifer House, Low Friarside Burnopfield
Determination as to whether prior approval is required for the siting and appearance of a 12 metre high Cypress Tree Monopole, equipment cabinets and ancillary development	Burnopfield Ward

The Application

1. This application seeks a determination from the Local Planning Authority as to whether the prior approval of the authority will be required for the siting and the appearance of a 12m high telecommunications column, disguised as a Cypress tree, with equipment cabinets and ancillary development at land 180m south east of Conifer House, Burnopfield.
2. The Council has 56 days from the date that the application is received to either grant or refuse prior approval. If a decision is not made within the 56 day period the proposed telecommunications development is automatically granted approval.

History

3. A determination as to whether prior approval was required for the siting and appearance of a 15 metre high telecommunications column, equipment and ancillary development (reference 1/2006/0315/DM) was submitted last year. Prior Approval of the Local Planning Authority was refused contrary to Officer recommendation on 02/06/06 for the following reason-

'In the opinion of the Local Planning Authority the positioning of the mast as proposed would have a detrimental impact upon the visual amenity and character of the locality as a designated area of High Landscape Value, and it is not considered that sufficient attempt has been made to assess the possibility of site sharing. The proposal is considered therefore to be contrary to Policies CF10 and EN6 of the Derwentside District Local Plan.'

An appeal was submitted by O2 to the Planning Inspectorate and the appeal was dismissed, 27th November 2006. The Inspector was not convinced that the small selection of sites indicated in the appellants evidence

demonstrated that a comprehensive search had been undertaken in such a locally sensitive area. The Inspector therefore concluded that the proposal would have a harmful effect on the character and appearance of the area and as such the appeal was dismissed.

Policy

4. The following policies of the adopted Local Plan are relevant in determining this application

General Development Principles (GDP1)
Development of Telecommunication Equipment (CF10)
Development within areas of High Landscape Value (EN6)

Consultations

5. Gateshead MBC as adjoining Local Authority- views awaited.
6. Neighbours have been consulted and two site notices posted (one at the site, and one opposite properties at High Friarside, adjacent to beginning of access lane down to site).

At the time of writing, nine letters of objection had been received, including one letter from Burnopfield Community Partnership. Concerns in summary are-

- Health concerns, particularly for local children
- Previous application overwhelmingly turned down
- Harmful to the character and appearance of the area
- Current application has not addressed alternative sites in a meaningful way, and this was a concern of the Planning Inspector previously. Only one of the alternative sites is different from those previously looked at.
- Site is within Area of High Landscape Value
- Mast covered in plastic disguise would not be natural to the landscape, would be visible from a number of accessible viewpoints and would not blend in with the surrounding landscape
- The mast would provide coverage largely for Rowlands Gill area(Gateshead Council), yet the site as proposed is in Derwentside
- This is a beautiful area that has gradually been freed from its industrial remains, to further develop would be a backwards step
- Would set a precedent in the valley
- Spoil the enjoyment of walkers

Officer Assessment

7. This application for prior approval for a 12m high telecommunication mast disguised as a tree, needs to be considered principally upon matters relating to its siting and design. It should be recognised that it is the Governments firm view that the planning system is not the place to determine health safeguards providing that the operator certifies that the proposed telecommunications apparatus meets the ICNIRP guidelines. The application

has been supported by an ICNIRP certificate, which meets the guidelines set. As such it is considered that health considerations should not be considered any further.

8. In considering the design of the proposed 12m high installation, it is considered that given that the height of the proposed monopole has been lowered from the previous proposal (15m), and also given that the design of the mast disguised as an artificial tree, the appearance of the installation would be significantly less obtrusive within the locality than previously. The monopole would be positioned approximately 15 metres north east of the previously proposed siting, between two large trees in an attempt to further soften its appearance. The installation would be situated in an area of valley where some existing development exists. For example a field shelter and storage container are already located close to the site. In the field to the immediate south exists overhead telecommunications lines, and clearly these have posts of a similar height to the mast proposed to support the line. Within 50 metres of the site exists a lattice telecommunications column, of 15 metres in height. This therefore is a pocket of the Derwent Valley, albeit designated as an Area of High Landscape Value within the Local Plan, which does have development within it. It is not considered that the addition of the mast would therefore significantly detract from the value of the existing landscape, to a level that would warrant refusal of the application.
9. The nearest residential property would be Conifer House, situated approximately 180 metres to the north of the site. High Friarside Farmhouse is approximately 480 metres to the north, and properties at High Friarside, on the main through road at Burnopfield would be approximately 500 metres away. Given these significant distances, and as there is no automatic right to a view in the planning sense, it is not considered that there could be any significant potential for impact upon the general amenity of neighbours.
10. It is expected under Policy CF10 of the Local Plan and the Governments planning policy in PPG8 that every opportunity should be taken for mast sharing between operators or the use of existing buildings for the siting of the apparatus in order to keep the number of masts to a minimum. If the evidence regarding mast sharing opportunities is unsatisfactory then this could justify the refusal of prior approval, however full consideration needs to be given to the availability of other sites and whether other sites would achieve the required network coverage for the operator.
11. The details submitted to support these proposals show that seven other sites within the general locality have been considered but due to technical constraints and the lack of co-operation from landowners these sites have had to be discounted. The sites looked at were the same as with the previous approval, with the addition of one further site at Low Friarside (although precise details of that site have not been provided). The alternatives included developing the existing Vodafone mast at Low Friarside, however the site provider would not support the proposal and this would have in any instance required a much larger and higher installation to avoid interference with Vodafone and to provide the correct coverage. The

operator claims that redevelopment of two existing sites at Rowlands Gill were not preferred by Gateshead Council in pre-application discussion and also one of the providers of one of these sites (an Orange mast at Whinfield) rejected the proposal. One site at Sherburn Tower Farm (within Gateshead District) was rejected because of technical difficulties, and the consultants report agrees that this site is unlikely to work.

12. The consultant advised with regard to the previous proposal that the Council check with site providers of the sites other than the Sherburn Tower Farm site to consider whether they would be preferable in environmental terms. However of the remaining sites, two are within Gateshead District (and the Council can only consider proposals within our own boundaries), one would mean significantly increasing the height of the existing mast at Low Friarside as indicated earlier, one would be adjacent to the existing Vodafone mast which is likely to cause interference, and one would be nearer to residential properties at High Friarside. It is considered therefore that on balance the operator has made an attempt to find alternative sites, and has given a fair justification for the siting of the mast in the locality proposed and as such it is considered that the evidence provided sufficiently explores whether there are any other opportunities for mast sharing or indeed any other locations for the telecommunications equipment. From the coverage plots provided it is also clear that the operator has a lack of coverage in this locality to serve both the Burnopfield and Rowlands Gill areas, and that the location of a new mast in this location would be the most appropriate site to meet their operational requirements. The consultants report agreed that there are deficiencies in coverage, particularly in Rowlands Gill and along the A694.
13. Whilst the decision of the Planning Inspector to dismiss the appeal on the previous application is noted, your Officers remain of the opinion that, on balance, the siting of a monopole in this locality is acceptable, particularly given the reduction in height and also given that the design as a Cypress Tree would mitigate against potential for significant impact upon the character of the landscape. On balance, it is considered that these proposals accord with Policies GDP1, CF10 and EN6 of the Local Plan.

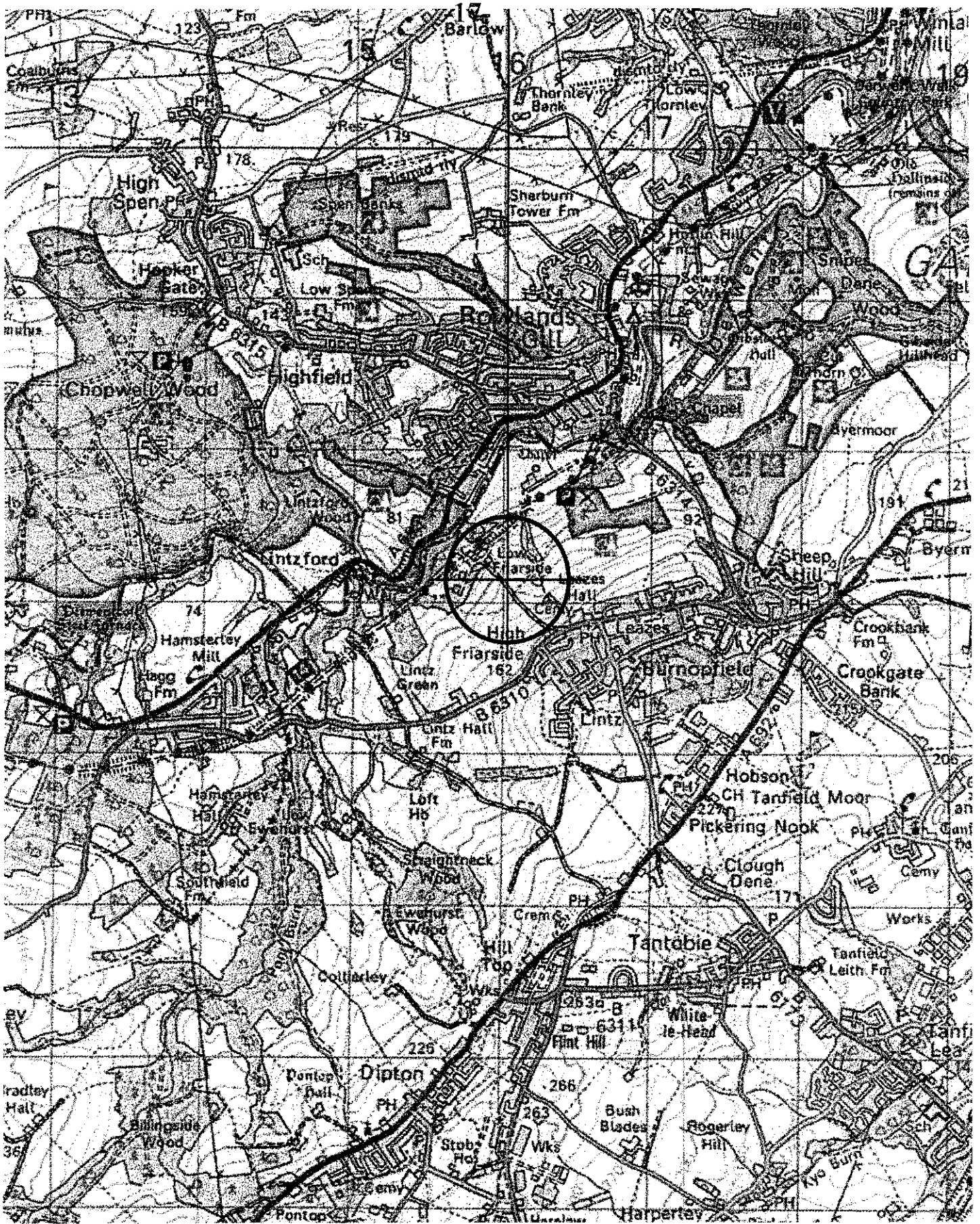
Recommendation

14. Prior approval be granted.

Reason for Approval

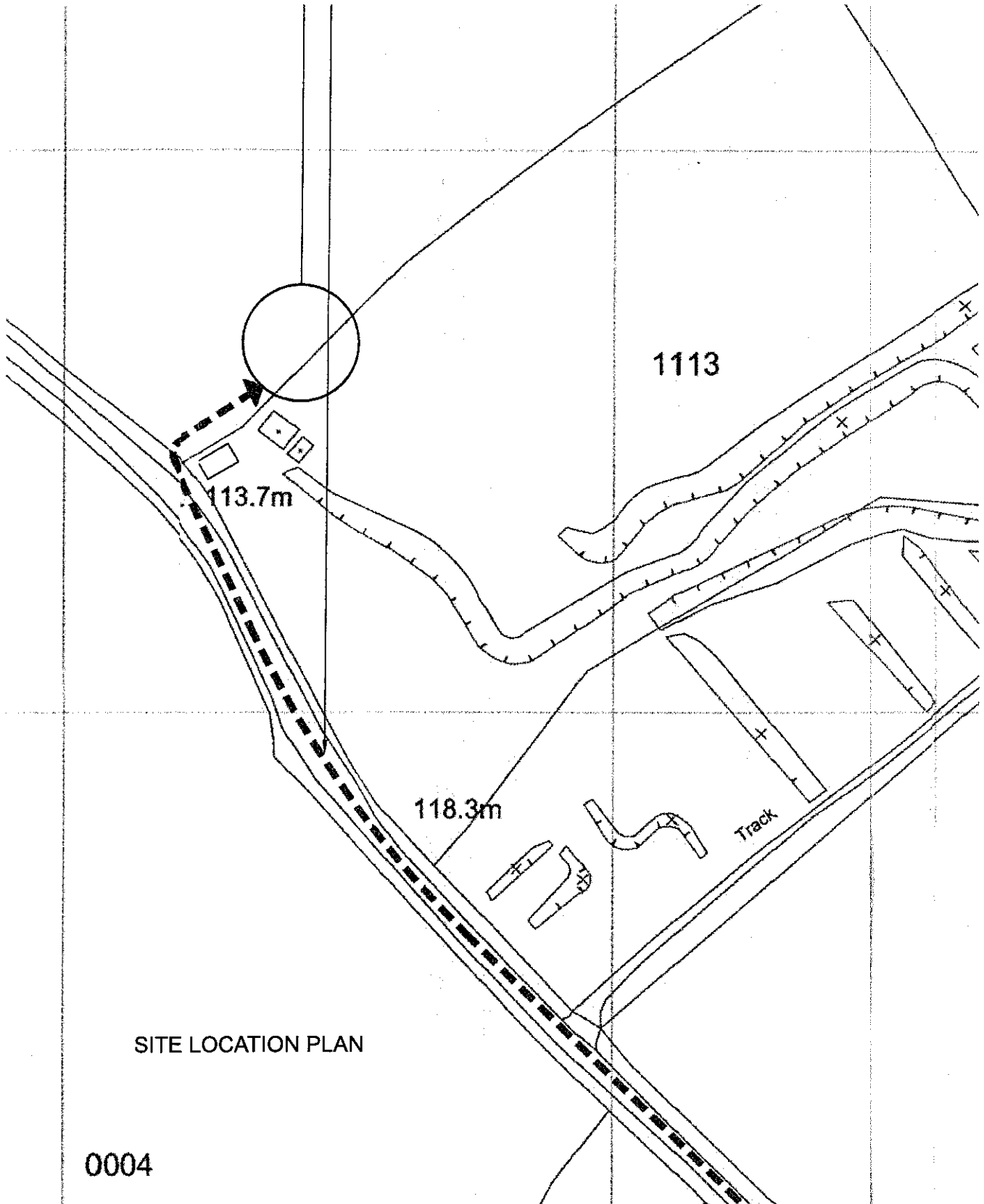
15. The decision to grant prior approval has been taken having regard to policies GDP1, CF10 and EN6 of the Derwentside District Plan, along with all other material considerations, as detailed in the report to the Development Control Committee. There are no other material considerations which outweigh the decision to approve the application.

Report prepared by Shaun Wells, Senior Area Planning Officer



Proposed Determination as to whether prior approval is required for the siting and appearance of a 12 metre high Cypress Tree Monopole, equipment cabinets and ancillary development
Land 180m south east of Conifer House
Low Friarside, Burnopfield

07/250

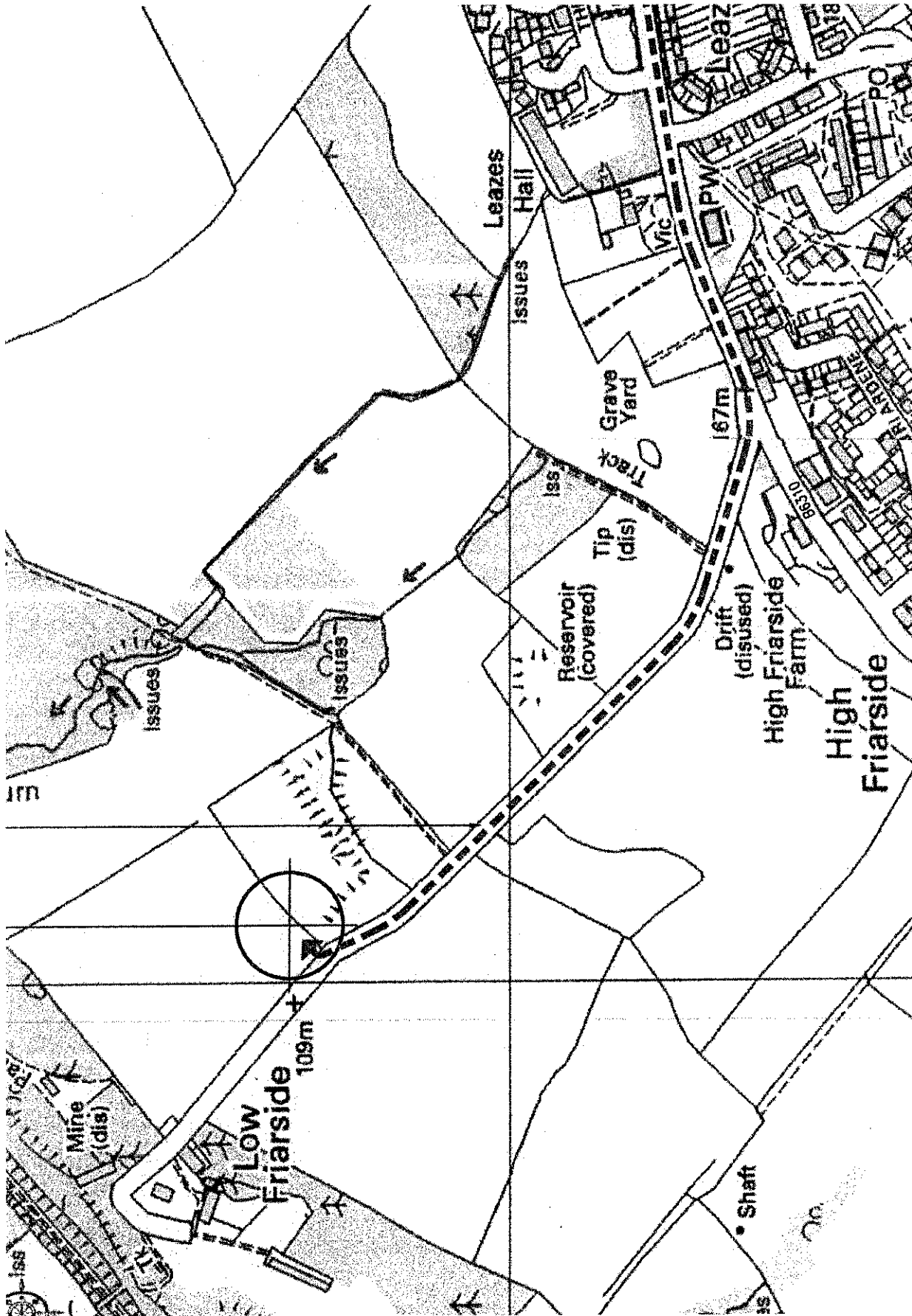


SITE LOCATION PLAN

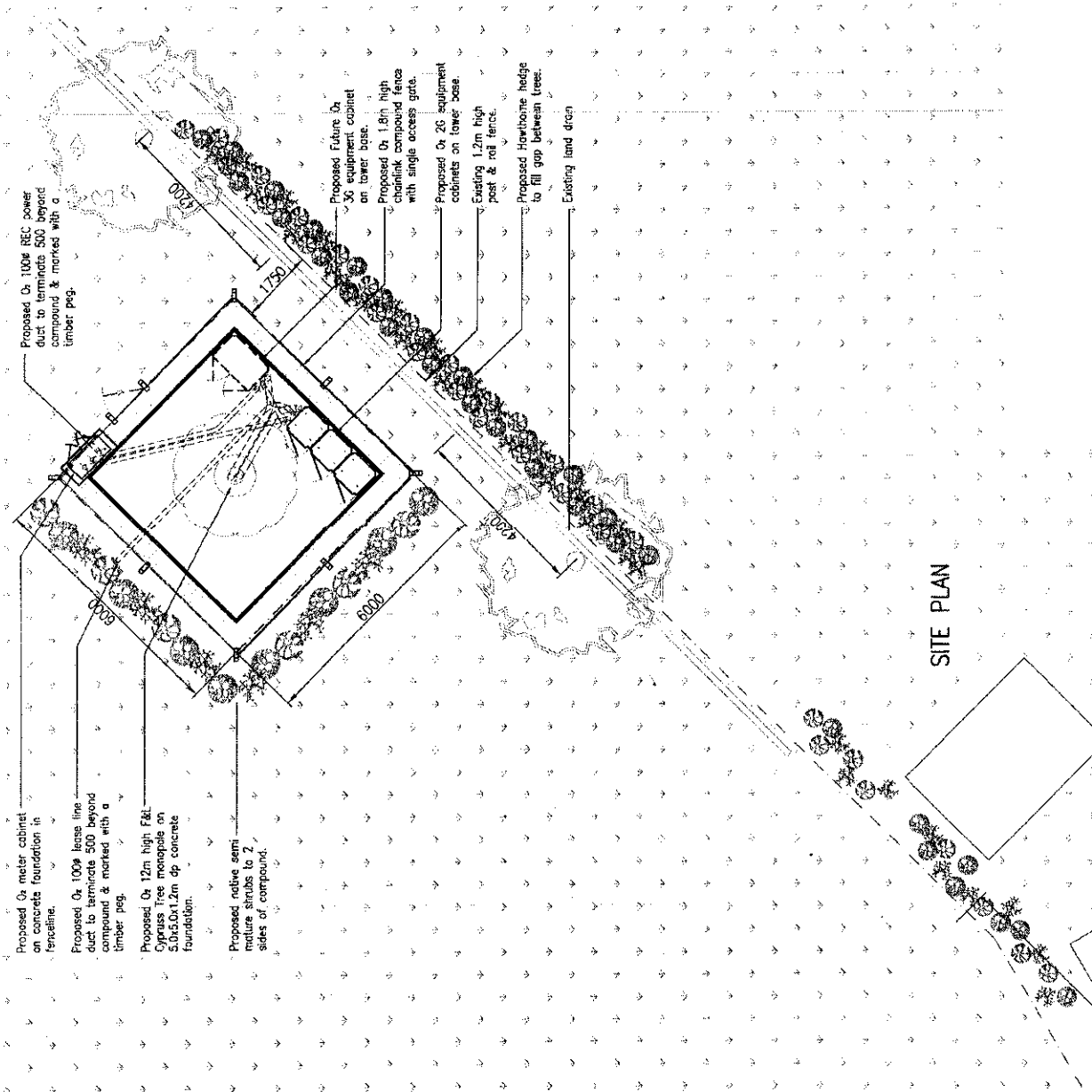
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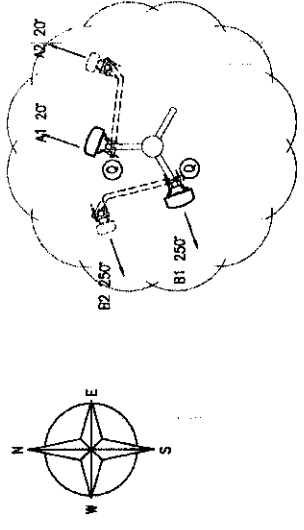
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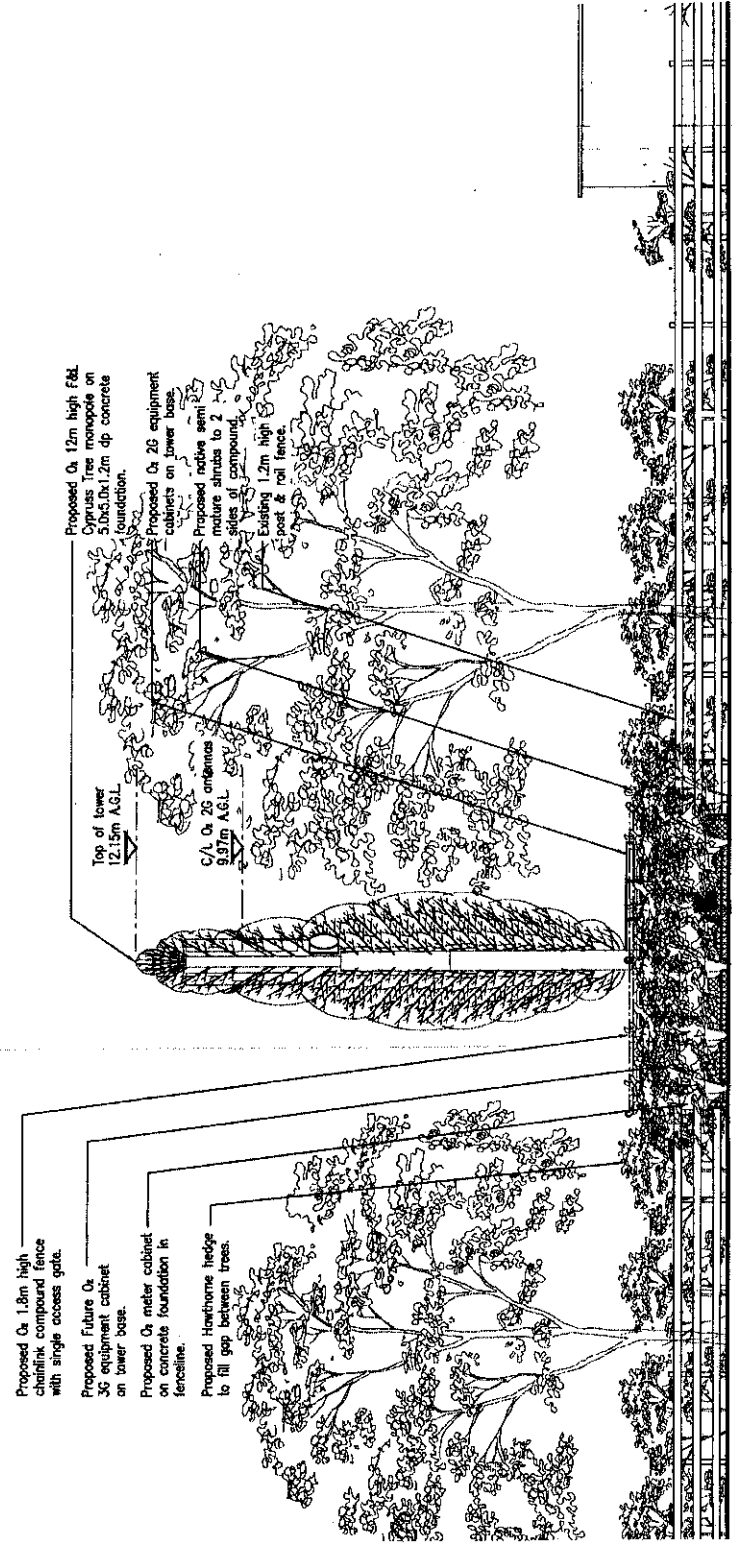
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PLAN ON O2 ANTENNAS

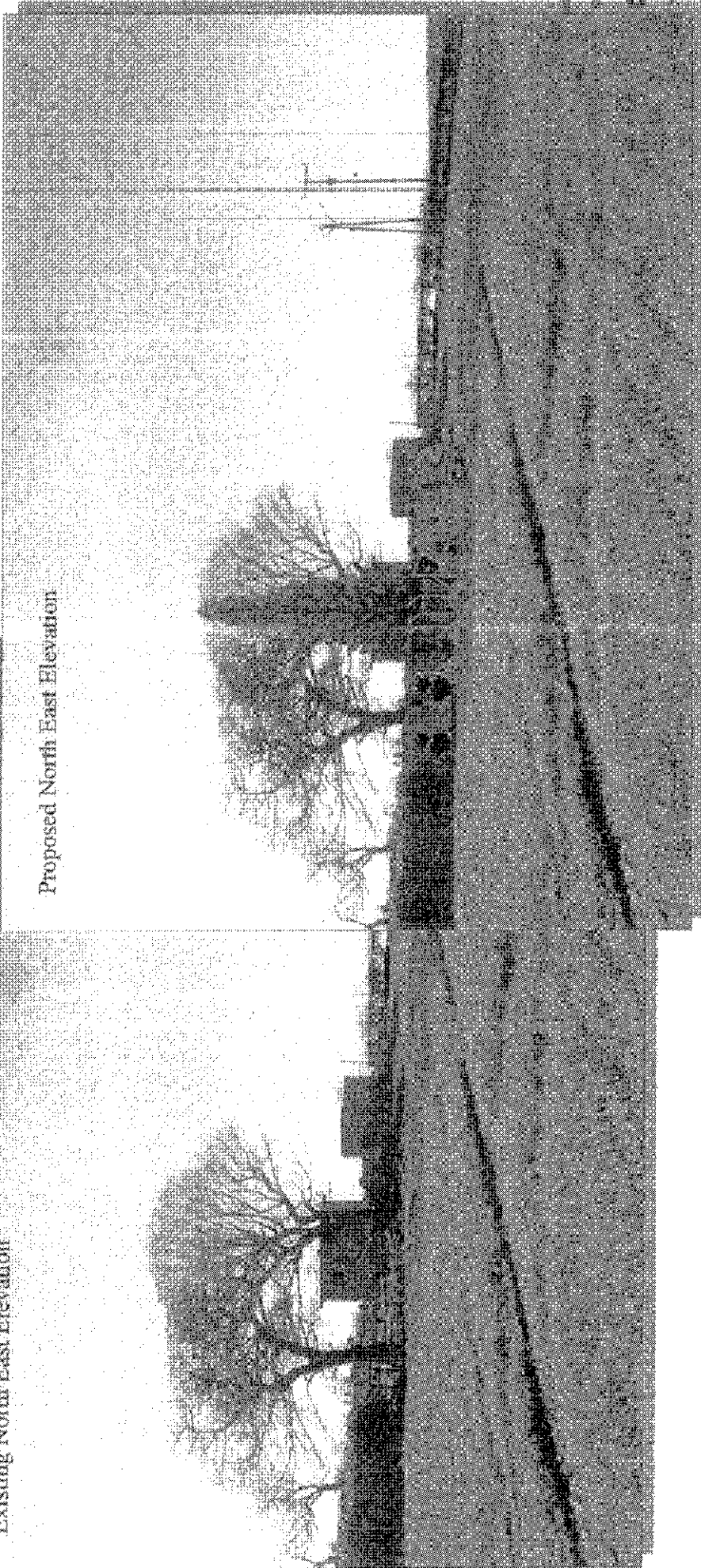


NORTH WEST ELEVATION

Proposed Determination as to whether prior approval is required for the siting and appearance of a 12 metre high Cypress Tree Monopole, equipment cabinets and ancillary development Land 180m south east of Conifer House Low Friarside, Burnopfield 07/250

Existing North East Elevation

Proposed North East Elevation



Proposed Determination as to whether prior approval is required for the siting and appearance of a 12 metre high Cypress Tree Monopole, equipment cabinets and ancillary development
Land 180m south east of Conifer House
Low Friarside, Burnopfield
07/250

RECOMMENDATION FOR APPROVAL

05/0981	04.11.05
Philadelphia Estates	Land to West of Esh Winning Industrial Estate, Esh Winning
Reserved matters application for extension of industrial estate	Esh Ward

The Application

1. This application seeks approval of reserved matters for an extension to Esh Winning Industrial Estate, which was granted outline planning approval by the Development Control Committee in April 2000 (reference 1/1997/0933/DM). The time limit for agreement of reserved matters was extended by the Development Control Committee through the approval of an application (1/2004/0768/DM) in March 2005 to amend a condition on the outline permission which effectively allowed the applicants an extended period up until November 2005 to submit a reserved matters application with the Local Planning Authority. That reserved matters application is the subject of this report.
2. This application seeks to agree details of means of access and landscaping only. The siting, design and external appearance of industrial units would have to be agreed through a further full planning application. Whilst the applicant has submitted an additional plan indicating outline details for a garden centre on the site, this was indicative only and such a use would not be acceptable on the site (this element should effectively be removed by condition).
3. This application should be considered in conjunction with associated application (reference 1/2006/1031/DM) for a new access road into the site.

History

4. In 2000 Planning permission was granted in outline for an extension of the Esh Winning Industrial Estate, with details of the means of access included within the application. The application was granted outline planning permission for a 4.44 hectare expansion of the industrial estate, however development was curtailed by way of the legal agreement which allowed only the development of phase 1, which equated to a 1.5 hectare part of the site, until such time as a new means of access to phases 2 and 3 had been agreed and implemented. The legal agreement also allowed some of the land levelling and landscaping works on phases 2 and 3 approved as part of the outline application to be undertaken prior to other development or

commencement of the industrial use of these phases (reference 1/1997/0933/DMOP).

In March 2005 the Development Control Committee approved an application to amend condition 2 of planning permission reference 1/1997/0933/DM for the approval of reserved matters to be extended to five years from the date of the date of the grant of the outline permission.

Policy

5. The following policies of the adopted Local Plan are relevant in determining this application

General Development Principles (GDP1)
Location of New Industrial Development(IN1)
Protecting the Countryside (EN1)
Preventing Urban Sprawl (EN2)
Development in the Countryside (IN7)
Development and Highway Safety (TR2)

Consultations

6. County Highways Development Control Officer- At the outline stage this application was recommended for refusal by the Highways Authority but was subsequently approved by the Local Planning Authority. Similarly, the 2004 application (reference 1/2004/0768/DM) to amend condition no.2 was opposed.

The essence of the earlier recommendation for refusal is unchanged in that the existing public highway, giving access to the proposed extension roads, is of inadequate width and construction to serve an extension to this industrial estate, and I therefore recommend that this application be refused.

7. County Landscape Officer- The sloping topography of the site will serve to expose future development as viewed from Newhouse Road and houses to the south in Fair View and Hill View Roads. Consequently, any structure planting should be generous in width. The proposed 5m suggests nothing more in maturity than a fat hedge.

The default minimum dimension for structure planting on relatively flat DCC industrial development sites is 15m. This allows for the establishment of a hedge, four rows of woodland species 'main mix' trees and one row of woodland 'edge mix' native trees and shrubs.

I imagine that the site will need to be terraced to facilitate the construction of individual industrial units. I propose that any resultant embankments be similarly planted to visually break up the massing of large buildings, and see no reason why these elements should wait for individual applications to develop.

8. County Archaeologist- The archaeological works conducted by the applicant to evaluate the proposed development site was conducted according to a specification issued by ourselves. As the report indicates, no significant remains worthy of preservation in situ or further mitigation were recorded. We therefore have no objections to this development.
9. Northumbrian Water- There is an existing public sewer within the application site. This development may affect the sewer. The sewer must be located prior to work starting on site. New buildings, structures, tree planting and alteration of the land will not be permitted within at least 3m of the sewer. NW will object to the erection of buildings or structures over manholes. Connections to and work involving the sewer must be carried out by NW.
10. Esh Parish Council- No objections to the proposal.
11. Neighbours have been consulted and a site notice posted. Two letters of objection have been received from neighbouring users in the existing industrial estate, Burnell Fencing and Mr C.Dent. Concerns in summary are:-
 - Road not wide enough.
 - Disruption to existing businesses.
 - Road surface inadequate.
 - Would be a new estate, to which services could not be connected.
 - Unwillingness of owners of dirt track lane leading up to the proposed northerly access agreeing to change to highway.
 - Disregard of applicant to others.
 - During 2004 levels on the site were changed, natural watershed affected leading to flooding.
 - Lane is incapable of carrying any more traffic.
 - Would like to see councillors carry out a site visit.

Officer Assessment

12. Planning permission is sought for the agreement of the reserved matters of landscaping and access only for the extension of Esh Winning Industrial Estate. The principle of the development is established through the granting of outline planning consent by the Development Control Committee, in 2000.
13. The siting, design and external appearance of industrial units would have to be agreed through a further full planning application, given that the applicant has no eventual end user for the site at present. The garden centre as shown on the submitted plan is indicative only, and as your officers would not support such a use on this site, it is recommended that a condition be attached should this application be approved which states that the consent in no way allows the development of a garden centre on the site.

14. The Highways Development Control Officer objects to the proposal as he did at the outline application stage. The existing industrial estate access road is adopted, however the Highways Authority are of the opinion that it is not of a width or construction required to serve an extension to the industrial estate. However the principle of the development was agreed by the Development Control Committee at the outline stage, with the understanding that the access would be taken off the road into the existing industrial estate.
15. The Landscape Architect has required a much wider landscaping strip of 15m around the site, rather than as shown in the initial plan as submitted (approx 5m width). He also recommends agreement of details of a mix of planting around the periphery. It is considered that that detail can be agreed via condition, and that a landscape buffer of 10 metres seems a reasonable requirement.
16. Subject to this condition the landscaping would be adequate to screen the site. The details of the road layout/access would appear acceptable given that the principle of taking access from the existing industrial estate road was established by the Development Control Committee at the outline stage. The application is therefore on balance considered to be acceptable.

Recommendation

17. Conditional Permission
 - Upon implementation of this approval the outline Planning Permission granted on 3rd April 2000 is spent and no other reserved matters submissions i.e. the siting, design and external appearance, shall be submitted under this planning permission.
 - Reason- The applicant agreed that by submitting this application in his letter dated 8th November 2005 that these details would form a separate application.
 - This permission gives express consent to reserved matters details relating to the extension of the Esh Winning Industrial estate only, and in no way grants planning permission for a garden centre shown indicatively in road detail plan ESHIND02 received 12 December 2006.
 - Reason: In order to define the consent.
 - Prior to submission of any full application for buildings upon the site, a revised layout plan detailing a 10 metre wide tree and planting landscaped strip around the site, including details of mix, type and species shall be submitted to the Local Planning Authority. The landscaping as agreed shall be implemented prior to the occupation of any subsequent building on the site.
 - Reason: In the interests of the visual amenity and character of the locality.
 - No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works which shall include measures for the attenuation of surface water run-off, (as recommended by the JBA Consulting Flood Risk Assessment dated 13th December 2004) have been submitted to and approved in writing by the

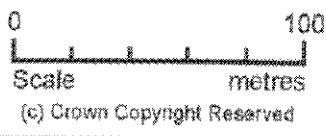
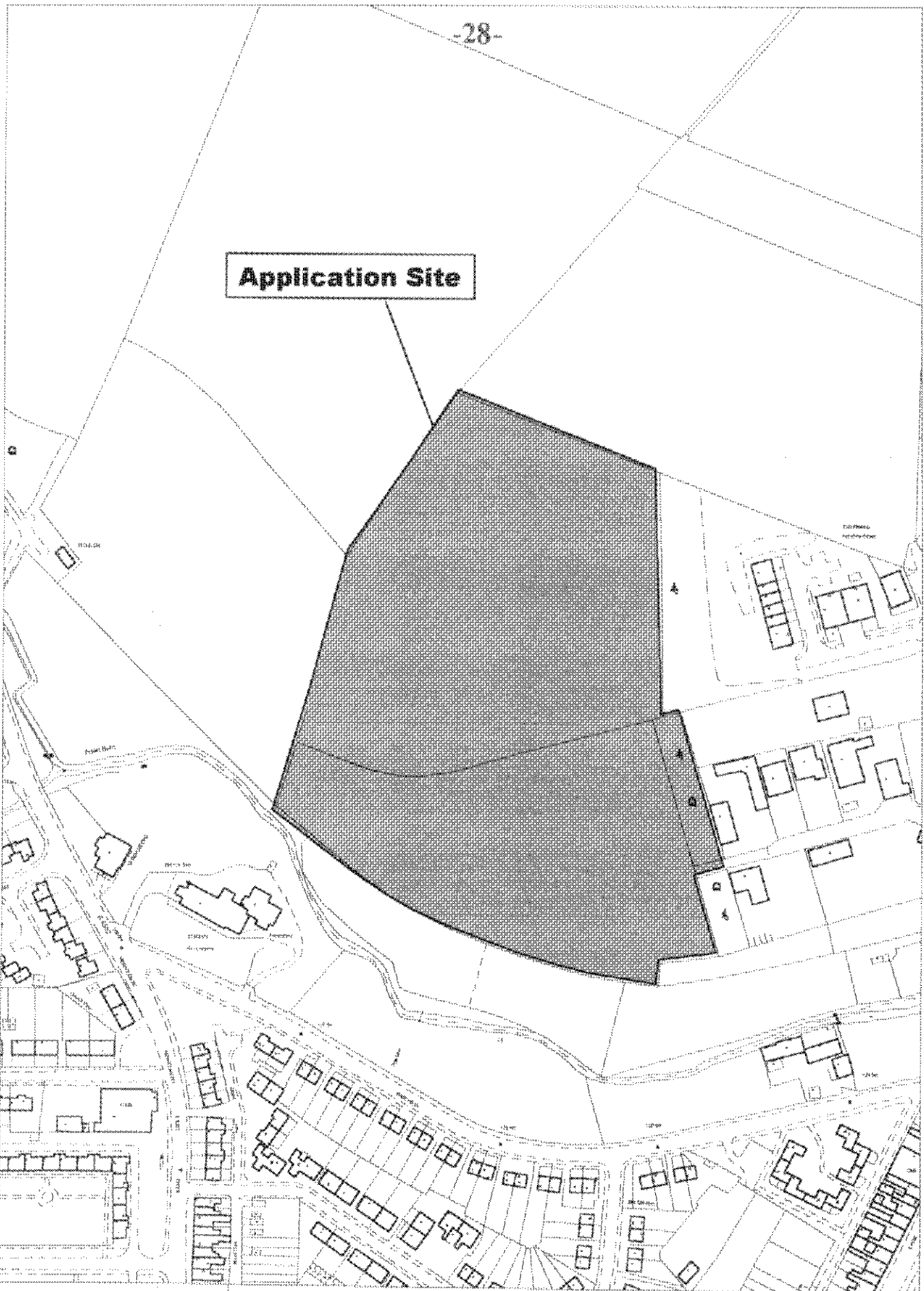
Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed.

- Reason: In the interest of satisfactory drainage in accordance with policy GDP1 of the Local Plan).
- The development hereby approved shall be undertaken in full accordance with the obligations of the agreement entered into under section 106 of the Town and Country Planning Act 1990 dated 23rd March 2000.
- In the interest of securing improved access arrangements to the development in accordance with Policy TR2 of the Local Plan)

Reason for Approval

18. The decision to grant planning permission has been taken having regard to policies GDP1, EN1, EN2, IN1, IN7 and TR2 of the Derwentside District Plan, and material considerations, as detailed in the report to the Development Control Committee. In the view of the Local Planning Authority no other material considerations outweigh the decision to grant permission.

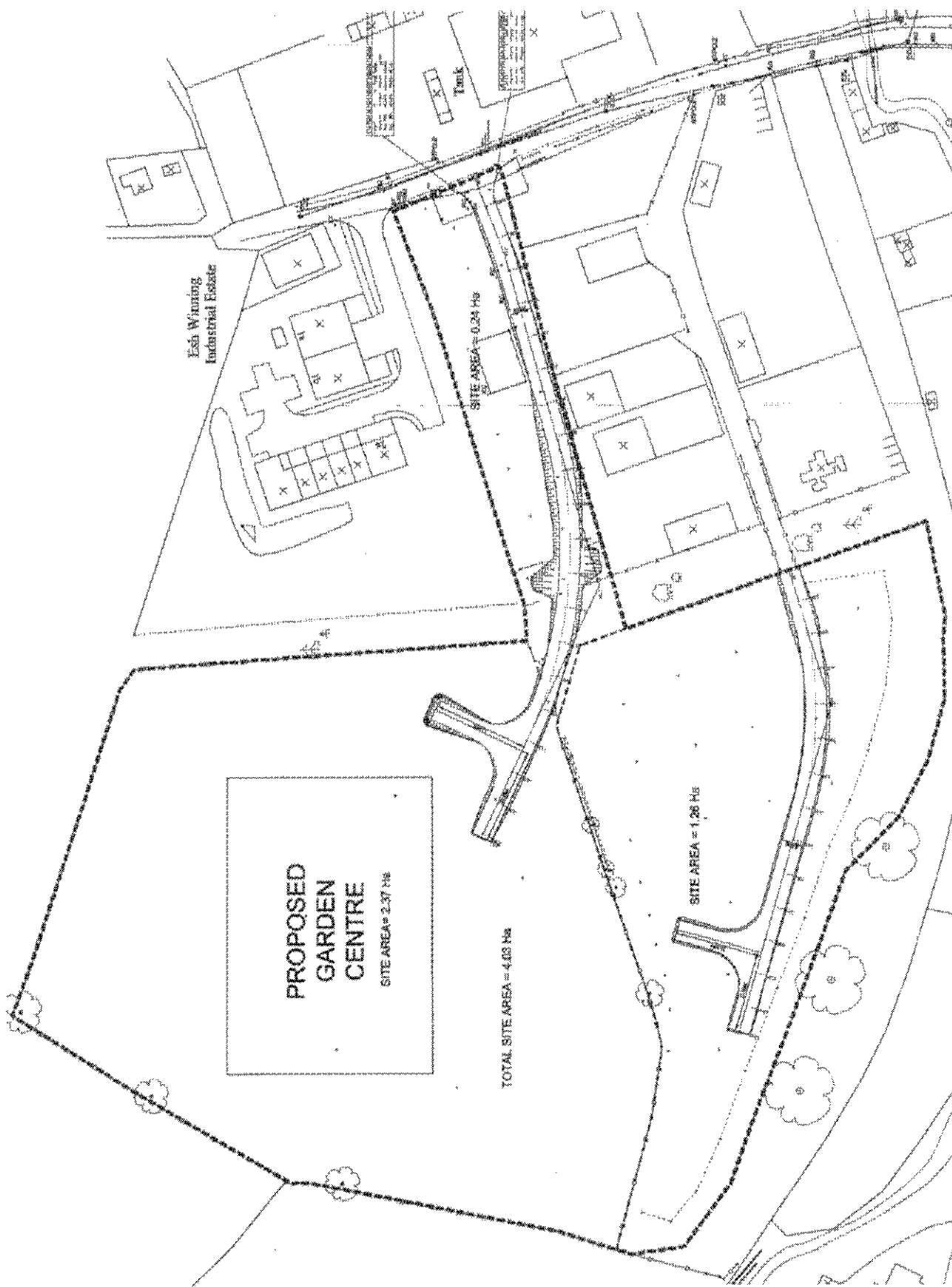
Application Site



Reserved matters application for extension to industrial unit
Land to west of Esh Winning Industrial Estate
Esh Winning

05/981





Reserved Matters application for extension to industrial unit
Land to West of Esh Winning Industrial Estate
Esh Winning
05/981

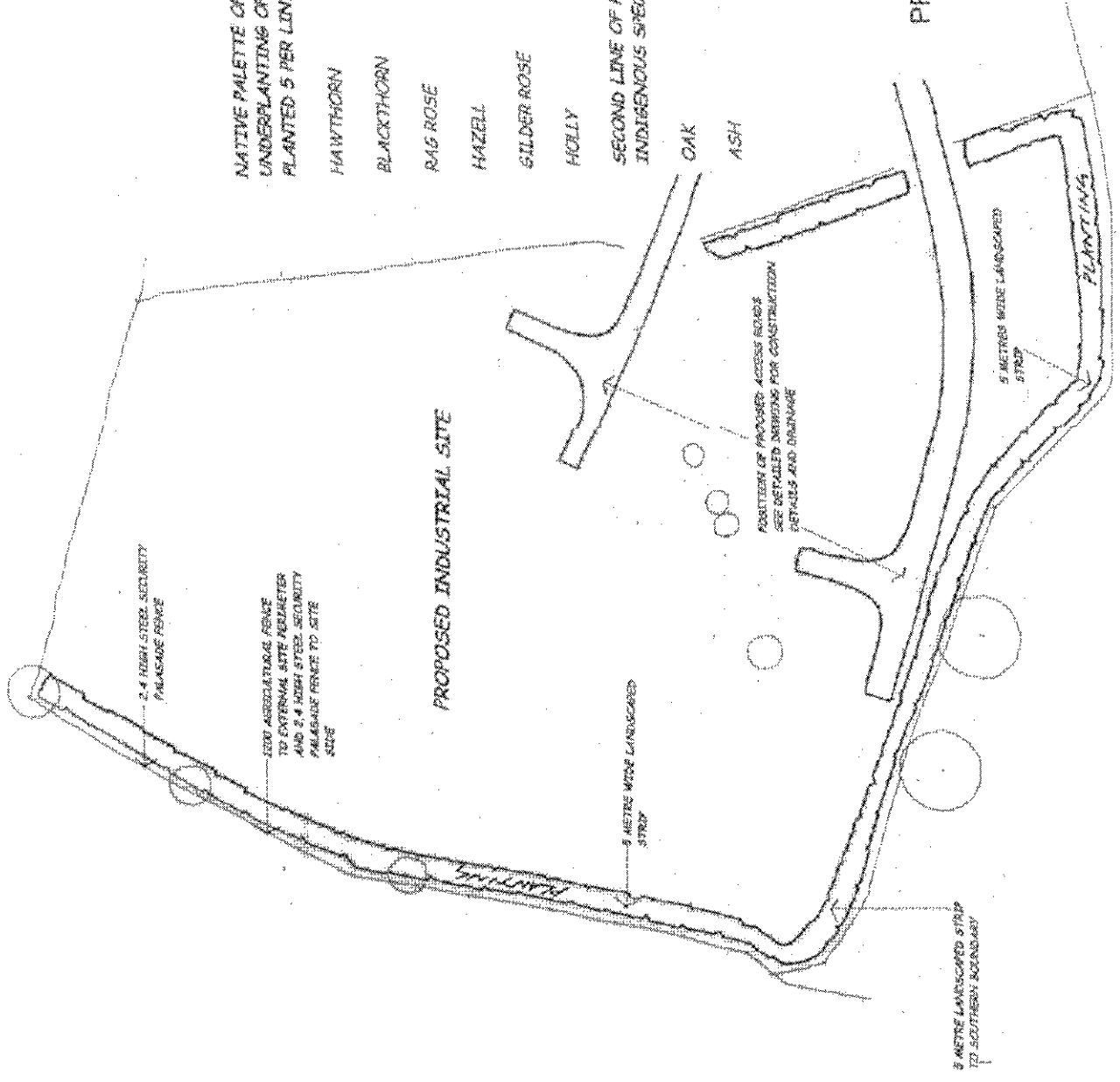
NATIVE PALETTE OF HARDY SPECIES COMPRISING UNDERPLANTING OF THE FOLLOWING SPECIES PLANTED 5 PER LIN. METRE WITH 1 * 1 TRANSPANTS

- HAWTHORN
- BLACKTHORN
- RAG ROSE
- HAZEL
- GILDER ROSE
- HOLLY

SECOND LINE OF PLANTING AT 1 / 1.5 CENTRES USING INDIGENOUS SPECIES OF

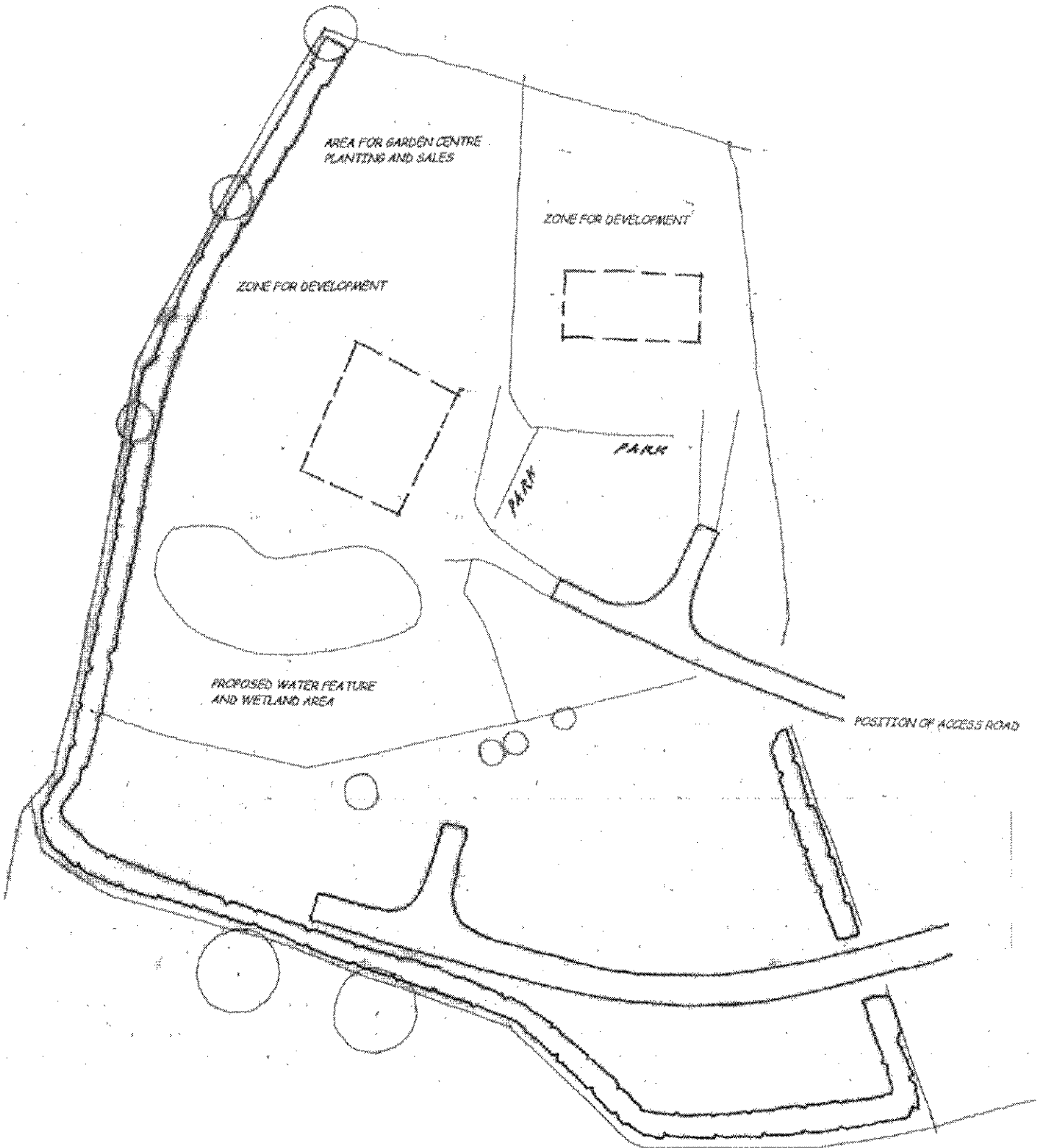
- OAK
- ASH

PROPOSED SITE LANDSCAPING



Reserved Matters application for extension to industrial unit
 Land to West of Esh Winning Industrial Estate
 Esh Winning

05/981



PROPOSED SITE LAYOUT

Reserved Matters application for extension to industrial unit
Land to West of Esh Winning Industrial Estate
Esh Winning 05/981

RECOMMENDATION FOR APPROVAL

06/1031	04.11.05
Mr I Shrigley	Esh Winning Building Supplies, Esh Winning
Creation of access road	Esh Ward

The Application

1. This application seeks approval for a new road to access land adjacent to Esh Winning Industrial Estate, which was granted outline planning approval by the Development Control Committee in April 2000 for an extension of the industrial estate (reference 1/1997/0933/DM).
2. This application should be considered in conjunction with associated application (reference 1/2005/0981/DM) which is to agree reserved matters of landscaping and internal road layout to the site. This application proposes a section of access road largely external to the site, which was not included in the initial outline approval. The site would have two internal roads, north and south leading from the existing road within the industrial estate. This application relates to the northern proposed access, which largely fell outside of the red edge of the initial outline application.

History

3. In 2000 Planning permission was granted in outline for an extension of the Esh Winning Industrial Estate, with details of the means of access included within the application. The application was granted outline planning permission for a 4.44 hectare expansion of the industrial estate, however development was curtailed by way of the legal agreement which allowed only the development of phase 1, which equated to a 1.5 hectare part of the site, until such time as a new means of access to phases 2 and 3 had been agreed and implemented. The legal agreement also allowed some of the land levelling and landscaping works on phases 2 and 3 approved as part of the outline application to be undertaken prior to other development or commencement of the industrial use of these phases, (reference 1/1997/0933/DMOP).

In March 2005 the Development Control Committee approved an application to amend condition 2 of planning permission 1/1997/0933/DM for the approval of reserved matters to be extended to five years from the date of the date of the grant of the outline permission.

Policy

4. The following policies of the adopted Local Plan are relevant in determining this application

General Development Principles (GDP1)
Protecting the Countryside (EN1)
Preventing Urban Sprawl (EN2)
Development and Highway Safety (TR2)

Consultations

5. County Highways Development Control Officer- At the outline stage this application was recommended for refusal by the Highways Authority but was subsequently approved by the Local Planning Authority. Similarly, the 1/2004/0768/DM application to amend condition no.2 was opposed.

The essence of the earlier recommendation for refusal is unchanged in that the existing public highway, giving access to the proposed extension roads, is of inadequate width and construction to serve an extension to this industrial estate, and I therefore recommend that this application be refused.

The existing site access into this land from the adopted road already suffers from wholly substandard sight visibility. The sight visibility splay shown on drawing ESHIND02 crosses private land to the south and existing tall steel railings at the eastern side boundary. I therefore am at a loss as to how this visibility splay can be assured in practice. I have no confidence that the proposal will do anything other than generate additional traffic and pedestrian movements at an inadequate road junction, to the detriment of highway safety.

6. Esh Parish Council- No objections to the proposal.
7. Neighbours have been consulted and a site notice posted. No objections have been received with regard to the proposal.

Officer Assessment

8. Planning permission is sought for a new road to access land adjacent to Esh Winning Industrial Estate. The road would allow access to the northern part of the site which was granted outline planning consent by the Development Control Committee, in 2000. The road would be directed through an area currently used by Esh Winning Building Supplies, and several concrete storage bays and containers on the site would have to be removed to allow for the development.
9. Whilst the Highways Development Control Officer objects to the proposal, the principle of the associated development of the industrial estate extension was agreed by the Development Control Committee at the outline stage, in the knowledge that that some form of access would be taken off the existing

road of the industrial estate.

10. The details for this part of road, coincide with that under consideration for the road layout within the estate. Members should be aware of this in making their determination on both applications.
11. Whilst the concerns of the Highways Development Control Officer are noted, details of the road layout outside of the site subject of the outline approval would appear acceptable given that the principle of taking access from the existing industrial estate road was established by the Development Control Committee at the outline stage. There is little in practical terms that the applicant could do to create a more acceptable access, without acquiring adjoining land. The application is therefore recommended for approval, since to do otherwise would negate the outline planning permission granted in 2000.

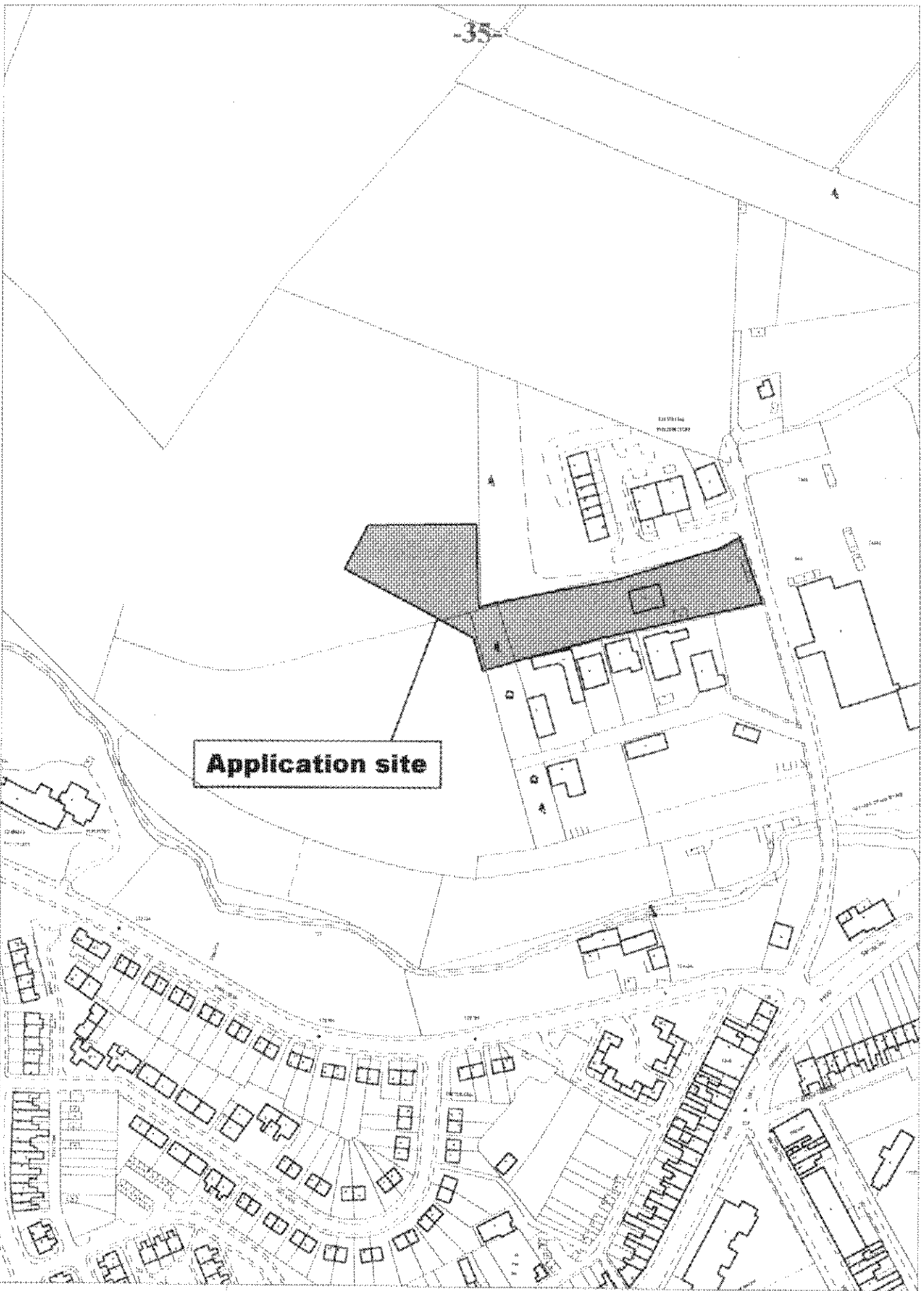
Recommendation

12. Conditional Permission
 - Time Limit (ST)
 - Approved Plans (ST01)
 - This permission gives express consent for the access road only, and in no way grants planning permission for a garden centre shown indicatively in plans submitted with the application.
 - Reason: In order to define the consent.

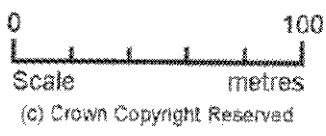
Reason for Approval

13. The decision to grant planning permission has been taken having regard to policies GDP1, EN1, EN2, and TR2 of the Derwentside District Plan, and material considerations, as detailed in the report to the Development Control Committee. In the view of the Local Planning Authority no other material considerations outweigh the decision to grant permission.

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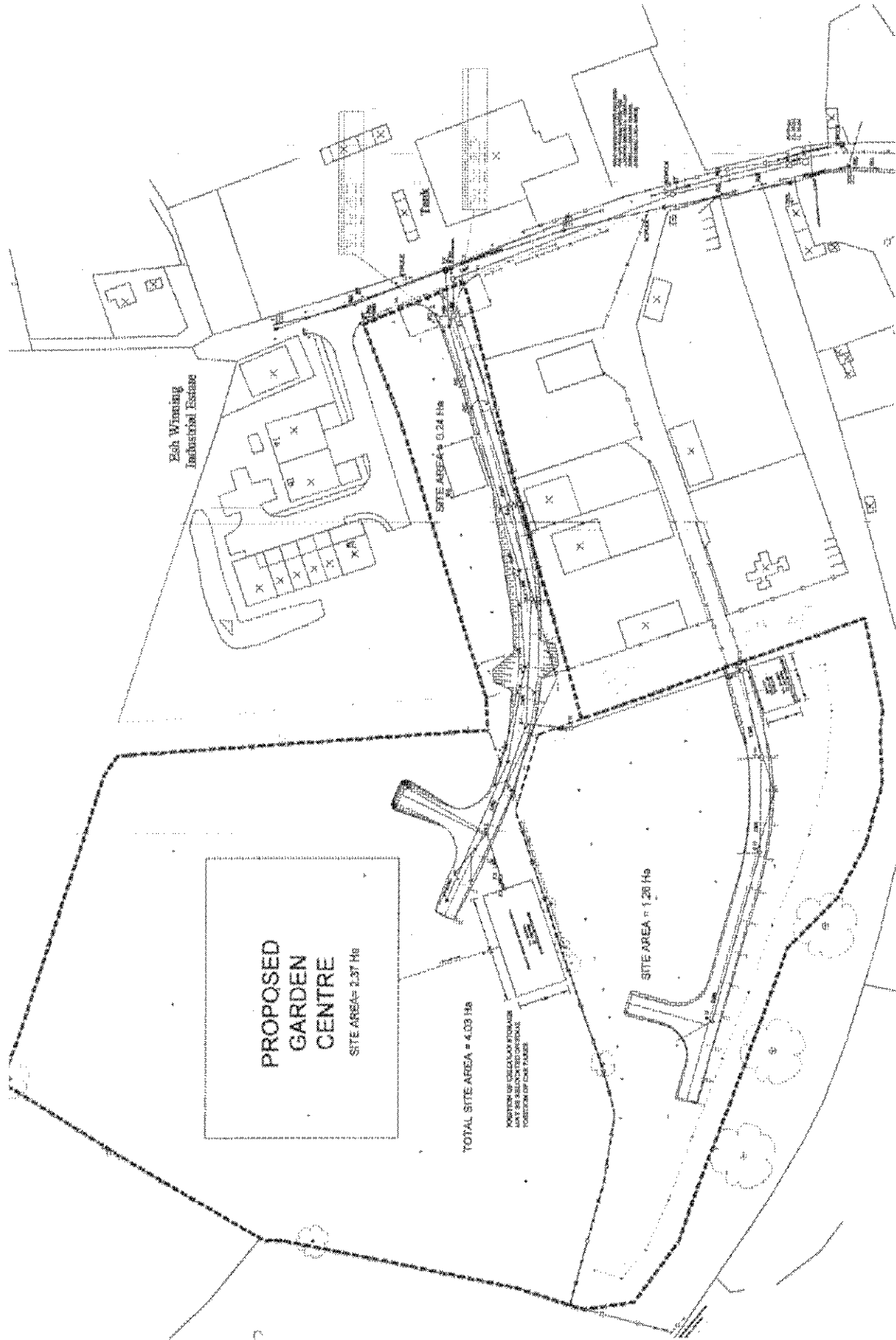
Application site



Creation of access road
Esh Winning Building Supplies
Esh Winning Industrial Estate
Esh Winning

06/1031





Creation of Access Road
Esh Winnig Building Supplies
Esh Winnig Industrial Estate 07/1031