

Item no.

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

Date: **26 July 2005**

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. All relevant policies have been taken into account in making recommendations in this report. A view as to whether the proposals generally accord with policies 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 2000. 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.

Item no.

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.

Item no.

D GENERAL APPLICATIONS

05/51 WINGATE – Proposed house, stable block and Hay barn at land adjacent to Ferndale, Rodridge Lane, Station Town, for Ms S L Blakey. Report for information.

Comment

Members may recall this application being deferred at the Development Control and Regulatory Panel of the 14 June 2005, following the request of the agent, acting for the applicant.

This application has since been withdrawn.

05/279 EASINGTON VILLAGE AND SOUTH HETTON – Alterations and change of use of barns to dwelling, Mr M Pattison, Murton Moor West Farm South Hetton.

Planning History

None relevant to this site.

Consultation Responses.

Local residents were consulted and at the time of drafting no responses have been received.

The Parish Council have not commented on the application.

The Environment Agency have no objection to the application.

The Highway Authority have no objections to the application.

The Environmental Health Officer has no objections to the application.

Northumbrian Water have no objections to the application.

The Council's Structural Engineer has made comments – see below.

Development Plan Policies

District of Easington Local Plan

- 1 General principles of development
- 35 Design and layout of development
- 68 Housing in the countryside.
- 69 Agricultural dwellings.
- 70 Re-use of rural buildings.

Comments

This application relates to the conversion and alteration of a series of agricultural outbuildings to a single dwelling. The buildings are attached to the main farmhouse.

Item no.

The existing two storey granary is stone and brick built and includes two metal sheet lean to buildings. An adjoining single storey building is brick built.

The proposals include the removal of the granary roof and the extension of its footprint to provide residential accommodation. The single storey building is to be converted to an indoor swimming pool.

The structural integrity of the buildings has been called into question and the applicants have supplied a structural survey of the buildings. In addition the Council's Structural Surveyor has inspected the site and his comments on the single storey building are as follows :

I have noted the contents of documents supporting the application, being a structural report by engineers Forbes King, with letters and drawings by Eric Tweddle Associates; I have also inspected the site. Considering the limited information currently available, I offer the following comments upon the structural aspects of the submitted proposals: -

Referring to the single-storey workshop, attached to the south elevation of the barn and granary.

Walls

The decay and distortion exhibited by the [whole thickness of] the south elevation implies that considerable repair and augmentation work will be necessary if this wall, and the west gable, are to be retained.

Notwithstanding the practicalities of exercising this work and the associated safety procedures, consideration should be given to the rigours and vibration that the frail nature of the walls will be exposed to during building operations. Consequently, and to ensure successful retention, I would expect that the structural repair, stabilising, and general consolidation work of the walls will be substantially complete before commencing any excavations in their vicinity for the pool and foundation underpinning.

Roof

Despite 'in-situ' repair, I do not envisage that the existing members will have the structural capacity to accommodate the increased loads and additional forces imposed by the proposals. However, [repaired] retention may be possible by affecting their part-redundancy when introducing additional supportive systems.

In considering the structural survey reports and the proposals for the buildings as shown on the plans the following rebuilding work will be required :

- The roof of the two storey granary will be removed and a new wider roof built upon the extended walls.
- The roof of the single storey building will need to be replaced.
- The outward leaning wall on the south elevation will need rebuilding.
- The eastern gable wall will need rebuilding. The upper part of the west gable will need extensive remedial work.

Policy 70 of the Local Plan specifically deals with the reuse of rural buildings in the countryside. The accompanying descriptive text includes the following :

Item no.

The structural condition of the building must be basically sound and the proposal must not require the removal of the bulk of the external fabric of the building such as the roof structure, complete walls etc. for any conversion to residential use to be considered. The developer may be expected to provide an expert structural survey to demonstrate that the building is structurally sound and capable of adequate and appropriate conversion to the proposed use. If extensive rebuilding works are required, the proposal will be considered as a new dwelling in the countryside under the definition of housing development (see paragraph 5.9) and would be determined in terms of Policy 68.

Bearing in mind the extensive rebuilding works proposed and necessary to effect the conversion it is considered that the proposed development is tantamount to a new dwelling and is therefore contrary to Policy 70 of the local plan. Furthermore as there is no agricultural justification for the new dwelling the proposal is considered to be contrary to Policy 69 of the Local Plan.

Recommend refusal for the following reasons :

1. The proposed development entails the substantial rebuilding of parts of the existing building to such an extent that it conflicts with Local Plan policies that relate to the conversion of rural buildings in open countryside locations. Policy 70 of the District of Easington Local Plan supports the conversion of sound buildings in the countryside providing extensive rebuilding works are not required. It is considered that the proposals conflict with this policy and are tantamount to building a new dwelling in open countryside and as such fall to be considered under Policies 68 and 69 of the Local Plan.
2. In the absence of any agricultural or forestry justification the proposed development is considered to be contrary to these policies and detrimental to the rural character of the locality by virtue of the creation of a substantially rebuilt structure in this visually sensitive location.

Decision time 8 weeks – target achieved.

05/415

HASWELL AND SHOTTON – Proposed Annexe to existing dwelling at Hospital Farm, Haswell for Mrs N. Mills

Planning History

None

Consultations

The application has been advertised by site notices with the consultation period expiring on 11 July 2005.

No representations have been received.

Easington District Council, Environmental Health: No comments

Easington District Council, Landscaping Unit, salient comments summarised as:

Item no.

- The applicant should provide details of materials (in particular colour) together with details of the extent of the application site and how any enclosures shall relate to the horse riding area.

Durham County Council, Highway Authority: Salient comments summarised as:

- The junction sight visibility splay to the south is extremely poor. The visibility splay should be better given the derestricted speed limit.
- The applicant should create an increased visibility splay to the south and this could involve the relocation of approximately 80 metres of road side hedgerow.
- The sight visibility splay improvements should be made conditional on any permission that may be granted.

Durham County Council, Planning Policy Unit, Salient comments summarised as:

- The application site does not lie within any settlement boundary.
- Policy 4 of the Structure plan seeks to safeguard the countryside by accommodating new development within the existing physical framework of towns and villages.
- Policy 14 sets out the special justification required for new houses in the countryside.
- The annexe represents a new dwelling in the open countryside with no apparent agricultural employment justification, and as such conflicts with structure plan 4 and 14.

Development Plan Policies

County Durham Structure Plan

=

- 4 The Countryside
- 9 Strategic Locations for New Houses
- 14 Housing in the Countryside

District of Easington Local Plan

- 1 General principles of development
- 35 Impact of development
- 67 Windfall Housing
- 69 Rural Workers Dwellings
- 73 Extensions and/or alterations to dwellinghouses.

The proposal is considered to conflict with the above policies.

Comment

The proposal is for a two storey annexe, incorporating the first floor within attic space. The annexe will be linked to the existing dwelling.

The annexe will contain a garage, lounge, dining, kitchen and down stairs shower on the ground floor and two bedrooms and a bathroom on the first floor. The link to the existing dwelling will be by access through a utility room.

Item no.

The scale, size and contents of the annexe effectively represents a new dwelling. The annexe could be easily detached from the existing dwelling by blocking up the doorway that links the annexe to the existing dwelling. The annexe is also served by two external doors (separate from the door that links to the existing dwelling), one from the hallway of the annexe and to a lobby off the kitchen.

The annexe is completely contained and there would be no reason for occupiers of the annexe to rely on the facilities provided by the existing dwelling. The annexe is therefore considered to represent a new dwelling in the open countryside by virtue of its self contained nature, size and amenities offered. This view is supported by Durham County Council's Planning Policy Unit.

The application site falls outside the settlement boundary of Haswell and Haswell Plough in open countryside. As such the proposal is considered to be contrary to Policy 67 (Windfall Housing) of the Local Plan that requires new housing to be within the settlement boundary. Dwelling can sometime be allowed in the open countryside only where a special justification has been made, for example in order to support an agricultural activity. No such special justification has been presented with the application. The proposal is therefore considered contrary to both Policy 69 (Rural Workers Dwellings) of the District of Easington Local Plan and Policy 14 (Houses in the countryside) of the Durham County Structure Plan.

Furthermore as this application has been submitted as an extension to the existing dwelling, Policy 73 sets criteria against which extensions to dwellings are determined. Criterion ii of Policy 73 states that planning permission will be approved provided that the proposal is in keeping with scale and character of the building itself and the area generally in terms of site coverage, height, roof style, detailed design and materials.

The annexe is considered to be a substantial extension to the existing dwelling and is certainly not subservient as many extension to dwellings are, for example extensions like conservatories, or bedrooms built onto the side of a house. The proposal is therefore, by virtue of its size, scale and appearance, considered to be out of scale with the existing dwelling on the site. Effectively the annex has the appearance of being a second house linked to the existing house by a narrow off shoot.

In summary the proposed annex is considered to potentially represent a new dwelling in the countryside by virtue of its size, scale and self containments. As an extension to the existing dwelling house, the proposal is considered to be out of scale to the existing dwelling.

Recommend refusal for the following reasons:

1. The scale, size and contents of the annexe essentially represent a new dwelling in the open countryside situated outside the settlement boundaries as identified on the proposals map of the District of Easington Local Plan. Without any special justification of need, the proposal is considered contrary to the provisions of Policy 69 (Rural Workers dwellings) of the said Local Plan and Policy 14 (new Houses in the open countryside) of the County Durham Structure Plan.

Item no.

2. The annexe as an extension to the existing dwelling is considered out of scale and overlarge. The proposal is considered contrary to the provisions of Policy 73 of the District of Easington Local Plan.

Decision Time More than 8 weeks – target missed due to Committee cycles.

05/419

BLACKHALLS – Proposed indoor riding school (outline) at Crimdon Pony World, Crimdon for Mr R Ayre

Planning History

1984 – Planning permission granted for the continued residential occupation of a caravan for a temporary period of three years in order to enable the enterprise.

1987 – Outline Planning permission refused for a permanent dwelling. Whilst the Council accepted there was a functional need for someone to be living on the site, the Council considered that the financial viability of the business had not been demonstrated.

1987 – The above application was appealed and the Inspector allowed the appeal

1990 – Reserved matter application for the 1987 outline permission granted.

2004 - Bungalow & Detached Garage, granted 14/10/2004

Consultations

The application has been advertised by site notices and the neighbouring property have been notified.

No representations have been received from local residents.

Sports England: Do not wish to raise an objection to the proposal.

Easington District Council, Environmental Health have no objections.

Easington District Council, Landscaping Unit, comments:

- No objections. In the event that the built structure defining the northern boundary of the application site be demolished, the applicant should provide details of the proposed means of enclosure.

Durham County Council Highway Authority have no objections.

East Durham Business Service, comments:

- No objections. The application will provide enhanced facilities to ensure the viability and development of business.

County Durham Development Company: No comments to make.

Durham County Council, Planning Policy comments:

Item no.

- An additional building at an existing riding school in Crimdon park would accord in principle with Structure Plan Policy 52 by increasing the range and choice of tourist and recreational facilities.
- The development would need to be appropriate in scale and character for its setting and should not adversely affect amenity and the character of the countryside (Policies 1 and 4), particularly given its close proximity to an area of High Landscape Value.
- The District Council will need to satisfy itself that the proposal meets Structure Plan policies 43 and 44a which require pedestrian, cycle and public transport accessibility measures are incorporate as an integral part of the design and payout and that car parking provision limited to ensure safe and efficient operation to encourage other forms of transport.

Development Plan Policies

County Durham Structure Plan

=

- 1 General principles for development
- 4 The Countryside
- 43 New development Proposals
- 44A New Development Proposals
- 52 Encouraging Tourism and Recreation in County Durham

District of Easington Local Plan

- 1 General principles of development
- 7 Protection of areas of landscape value.
- 35 Impact of Development
- 84 Coastal and Countryside Recreation
- 85 Crimdon
- 86 Countryside Recreation

The proposal is not considered to conflict with the above policies.

Comment

This application has been submitted in outline with siting being the only matter being dealt with at this stage. All other matters are reserved. The proposal is for an indoor riding arena and will be sited to the south of the existing stables. The arena will measure 40 by 22 metres (measurements taken from the submitted plans).

Ponyworld is an established riding school and trekking centre in Crimdon. The establishment contributes to the range of recreation and tourist related facilities that are on offer in Crimdon which is currently being subject to a regeneration project with several environmental improvements aimed at tourists and visitors.

Currently Ponyworld has an outdoor riding arena and the proposal is to incorporate an indoor arena.

It is considered that the principle of an indoor arena is acceptable in that it will increase the range of tourist and recreation facilities on offer in the District. As the arena will be under cover, it will also increase the opportunity for tourists, visitors and local people to partake in riding

Item no.

activities, as they will be sheltered from the elements. The principle of the arena is therefore considered to be in accordance with Local Plan Policies 85 and 86 which allow recreation facilities provided that they do not have an undue impact upon amenity.

The nearest residential dwelling is located to the north west of Ponyworld and this dwelling is divided from the proposed arena by the existing stables. It is considered that the indoor arena will actually reduce any possible disturbance, as some existing outdoor activity will be contained indoors. Currently riding activities take place in an outdoor arena. The proposal is therefore not considered to have an undue impact upon the amenity of the occupiers of the adjacent dwelling.

Ponyworld occupies a hill top location and is visible from the beach and countryside to the south. It is also surrounded by an area of high landscape value. The application site is prominent and the indoor riding arena will be clearly visible in the site proposed.

Although this application is in outline, dealing with just the siting, it is considered that the design and external appearance of the school will require detailed assessment in order to prevent any undue impact upon the character or visual amenity of the countryside and the area of high landscape value. The design and appearance will be subject to a reserved matters application if Members are minded to approve this outline application. However, it is considered that the applicant should be advised that a suitable, well designed structure would be expected on the site due to its prominent location.

Whilst the application site is not readily accessible by public transport, it is adjacent to the District's main cycle routes and foot paths, therefore affording the opportunity to reach the site by cycle or foot. The highways department at Durham County Council have not raised any objection to this proposal.

In summary, the proposed indoor riding arena is considered to be an acceptable development in this location and will increase and extend the opportunities for tourist and visitors to partake in recreation. The proposal will also contribute to the wider regeneration of the Crimdon area, that is one of the few areas in the District offering tourist facilities.

The design and appearance of the arena will be subject to a separate application, if Members are minded to approve this outline application, and that the applicant should be advised that a well designed building will be expected on this prominent hill top site.

Recommend Outline approval

Decision Time Less than 8 weeks - Target met.

Reason for recommendation

The proposal is considered to accord with Policies 1, 35, 85 and 86 of the District of Easington Local Plan.

Item no.

05/426

HUTTON HENRY – Conversion to 2 dwellings with family annexe accommodation (resubmission) at former Poultry Houses, Weems Farm, Monk Hesleden for Mr L. Sara

Planning History

05/167 Conversion to 2 dwellings with family annexe accommodation (resubmission) at former Poultry Houses. Withdrawn 13.04.05

Consultations

The application has been advertised by site notices with the consultation period expiring on 11 July 2005.

12 representations have been received and the salient comments have been summarised as:

- The proposal will generate extra traffic and the road is currently dangerous and not suitable for heavy traffic. The area is used by riders, walkers and cyclists etc.
- The dwellings are in the open countryside and not in the settlement boundary.
- The proposal would set a precedent.
- There is sufficient building land identified for housing within the District of Easington Local Plan.
- The dwellings will extend into the countryside, not be related to local facilities and impact upon the environment.
- Size of the development is out of scale with the local area.
- Policy 67 of the Local Plan requires dwellings to be in the settlement boundaries.
- The plan states 2 dwellings with 3 annex (each with 3 bedrooms, bathroom and garage etc) suggest the true number of dwellings to be 5.
- The road often floods and the development will add to the flood situation.
- The proposed development lies between High Hesleden and Monk Hesleden and will weaken the distinction between the two.
- The existing buildings are not suitable for conversion into dwellings.
- The proposal is unnecessary as there are houses for sale in the village.

Easington District Council, Structural Engineers, salient comments summarised as:

- The lower masonry built sections of the barns appear to be generally sound, although repair and adjustment will be required.
- The timber framed upper floors and roofs of the building display serious distortion, displacement and partial collapse.
- The ad hoc and frail structural form of the wall sections and roof connections suffer extensive racking damage with perhaps catastrophic collapse only being averted by the bulk of the poultry nests arrays that remain within.
- The sections of upper wall panels will require considerable reinstatement, rebuilding and augmentation before they could satisfactorily perform as a weathering envelope to habitable accommodation.

Item no.

- The buildings are not structurally sound or capable of conversion without substantial rebuilding of the upper walls and roofs.
- The owners should be reminded of their responsibility to the public with respect to the open access of the site and the buildings, and in particular to the instability of the buildings and the amount of asbestos related materials about the site.

Members should note, for information only and not forming part of the application, the dangerous condition of the barns has not been considered a hazard to the passing public using the public highway as the barns are situated some distance away.

Easington District Council, Environmental Health: The applicants should carry out a contaminated land assessment.

Easington District Council, Landscaping Unit, salient comments summarised as:

- The applicant should provide details of the proposed landscaping together with a survey of the existing trees, hedgerows and the extent of the mounding.
- The landscape proposal should indicate proposed tree and hedge planting and include specification relating to ground preparation, planting method, species, density, numbers of plants and plant arrangement and maintenance.

Durham County Council, Highway Authority: The proposal is acceptable from a highways perspective.

Development Plan Policies

District of Easington Local Plan

1 General principles of development
35 Impact of development
69 Rural Workers Dwellings
70 Re-use and adaptations of buildings within the countryside for residential use.

The proposal is considered to conflict with the above policies.

Comment

The proposal is for the conversion of two, from an existing set of six poultry houses to dwellings. One barn conversion will be linked to one family annexe and the other barn conversion will be linked to two family annexes. These annexes will be created by the conversion of about half of one of the adjacent poultry houses. Effectively a total of three and half poultry houses will be retained (two full poultry houses and three halves) and a total of two and half will be demolished (two full ones and one halves).

This application also incorporates, in part, retrospective works that have been carried out to form an access into the field north of the Poultry Houses.

Item no.

The Poultry Houses fall outside the settlement boundary in open countryside. as identified in the District of Easington Local Plan proposals map

This application is slightly unorthodox in that it relates to the conversion of modern agricultural buildings. Barn conversions are more often associated with the conversion of traditional buildings. The primary policy for the assessment of this application is Policy 70 (Re-use and adaptation of buildings within the countryside for residential use). This policy does not exclude the conversion of modern buildings in the countryside to residential use. There are examples within the District where this has occurred.

The actual design proposed for the conversion is considered to be imaginative. The application has been amended to reduce the amount of glazing originally proposed in the withdrawn application (05/167) and where possible, existing openings have been retained and utilised. Essentially the design of the proposed conversion would preserve the overall character of the poultry houses, in so far as they would still resemble the design, footprint and style of the former poultry houses.

However, notwithstanding the above, as can be seen from the representations received there are problems with the structural condition of the barns.

Policy 70. This policy states:

"The re-use and adaptation of sound buildings in the countryside into residential dwellings will be approved provided the proposal complies with all the following conditions:

- It does not have a serious adverse affect upon the amenity, character or appearance of the area, where appropriate.
- It does not damage or substantially alter the character of the building.
- Where necessary to protect the environment, permitted development rights may be withdrawn by means of a planning condition."

The policy is supported by text that states, inter alia: "The structural condition of the building must be basically sound and the proposal must not require the removal of the bulk of the external fabric of the building such as the roof structure, complete walls etc for any conversion to residential use to be considered...if extensive rebuilding works are required the proposal will be considered as a new dwelling in the countryside under the definition of housing development."

As can be seen from the Council Structural Engineers comments (above), the barns are in a serious structural state and close to catastrophic collapse. The Structural Engineer considers that it may be the poultry cages that are preventing the barns from collapse.

The proposed 'conversion' would require a substantial amount of rebuild. In fact most of the upper level and roof would require substantial rebuilding.

In light of the comments received from the Council's Structural Engineer, the current buildings are not considered to represent a sound buildings.

Item no.

The comments of the Council's Structural Engineer differ from the comments of the applicant's own structural report, submitted as part of the application, that concludes that from a structural point of view and with some attention to detail, the buildings could be retained and converted into a self contained domestic property. However the applicant's own structural report does contain a disclaimer that states that the report is not to be considered as a full structural survey.

It may be that the Council's own structural engineer undertook a more detailed and fuller investigation to discover the structural defects relating to the existing buildings.

The proposal is therefore considered to represent new dwellings in the open countryside rather than a barn conversion, due to the amount of new build that will be required as a result of the poor structural condition of the Poultry Houses. As the proposal would represent new residential development within the open countryside Policy 69 (Rural workers dwellings) requires a special agricultural or forestry justification to allow new dwellings. The application does not contain any justification.

In summary the proposed conversion is considered to adopt an imaginative approach to converting a modern looking building, however due to the poor structural condition of the poultry houses and the amount of new build that would be required in order to implement the conversion, the proposal is considered to actually represent new dwellings in the open countryside.

Recommend refusal for the following reason:

The existing poultry houses, by virtue of their poor structural condition and potential to collapse, do not represent sound buildings. The proposed conversions would involve a substantial amount of new build therefore representing new dwellings in the open countryside. The proposal is considered to be contrary to Policy 70 of the District of Easington Local Plan. The substantial amount of rebuilding represents new dwellings within the open countryside and without any forestry or agricultural justification of need, the proposal is considered to be contrary to the requirement of Policy 69 of the Easington District Local Plan.

Decision Time 8 Weeks – target met.

03/460

HASWELL AND SHOTTON – Substitution of house type at Plot 19 Station Street Haswell for Miller Homes (NE) Ltd.

Planning History

01/231 – Reserved Matters approved for residential development, 85 dwellings.

03/460 – Substitution of house types and layout amendment, approved July 2003.

Consultations

A local resident who raised concerns regarding the proposal prior to this report being prepared has objected raising the following concerns :

Item no.

- The gable end window overlooks a bedroom window of house resulting in loss of privacy.
- The distance between the buildings is 12.5 metres rather than the recommended 13.5 metres.

Development Plan Policies

District of Easington Local Plan

- 1 General Principles of development
- 35 Design and layout of development

Comments

This amendment application centres around the change in house type on plot 19 of this Station Road housing estate from an “Ashbourne “ to a “Carron” house type.

Application number 03/460 related to the substitution of a number of house types on this estate but did **not** include plot 19, the subject of this report.

During consideration of the application the applicants informed this Authority that it was changing the name of two of the house types and that it was “nothing other than a name change”. In fact the new “Carron” house type included a landing window whereas the original “Ashbourne” type did not.

The revised house type was duly built and a neighbouring resident raised an objection to the landing window which was clear glazed.

The planning issues of this case relate to the potential for loss of privacy from overlooking from the landing window from the new dwelling of the properties to the rear in Cherry Drive.

The main issues are :

- The distance between the properties concerned is approximately 13 metres, close to the distance advised as being acceptable in the Local Plan for gables facing main elevations.
- The offending window is a non habitable landing window, of clear glass.

In looking at the above consideration should be given to what opinion would be formed if an application was received to erect the dwelling with the landing window already included in the plans, that is, not a retrospective application to retain the window.

Officers are of the opinion that the loss of privacy caused from a non habitable room window to a dwelling some 13 metres distant is insufficient to warrant refusal of permission to amend the house design as proposed.

Item no.

Recommend That the amended house design, which includes a gable end landing window be approved.

05/489

SEAHAM NORTH - 15 metre telecommunications mast, antennas and associated equipment at Seaham Grange Industrial Estate, Seaham for Orange Personal Communication Service Ltd

Planning History

There is no recent relevant planning history for the application site.

For the adjacent site:

03/281 - 18m Monopole Mast & Antennas at land adjacent Grange Mill Foods, Seaham Grange Industrial Estate. Granted 29/05/2003

Consultations

The application has been advertised by site notices and the neighbouring properties have been consulted by letter.

One representation has been received and comments:

- It is necessary to raise an objection based on the fact that a 15m mast is already in operation on this site and a “sharing” proposal would seem a greener option

Durham County Council, Highways Authority: No highway objection

Development Plan Policies

Durham County Structure Plan

47 Telecommunications development

Easington District Local Plan

1 Development principles

35 Design and layout of development

82 Control of large telecommunications development

The proposal is considered to be in accordance with the above policies.

Comment

This application is to see whether the prior approval of the Local Planning Authority is required for the siting and appearance of a 15 metre tall lamp post style monopole and associated equipment.

The proposed development is considered to be permitted development under Part 24, Schedule 2 of the 1995 Town and County Planning (General Permitted Development) Order 2001. Therefore the actual mast does not require planning permission. Provision is made within the General Permitted Development Order to see whether the Local planning Authority wishes to exercise control over the siting and appearance of the mast.

The Local Planning Authority have 56 days within which to determine this application. Failure to notify amounts to permitting the development.

Item no.

1. Legislative Background

Government advice in respect of telecommunications development is detailed in: Planning Policy Guidance note 8: Telecommunications.

PPG 8 states that ‘modern telecommunications are an essential and beneficial element in the life of the local community and the national economy.’ It goes on to state that the Government’s general policy on telecommunications is to facilitate the growth of new and existing systems and to ensure that people have a choice as to who provides their telecommunications service, a wider range of services from which to choose and equitable access to the latest technologies as they become available.

2. Consideration of the Proposal

Policies contained in both the County Durham Structure Plan and Easington District Local Plan comprise the Development Plan against which all planning proposals must be assessed. Policy 47 of the Durham County Structure Plan and Policy 82 of the Easington District Local Plan reflect Government Planning guidance as detailed above.

There is an existing 15 metre tall monopole mast directly adjacent to the application site. Policy 82 of the District of Easington Local Plan encourages mast sharing. This is reflected in government guidance. Planning Policy Guidance 8 (Telecommunications) states:

“19. In order to limit visual intrusion, the Government attaches considerable importance to keeping the numbers of radio and telecommunications masts, and of the sites for such installations, to the minimum consistent with the efficient operation of the network.

20. The sharing of masts and sites is strongly encouraged where that represents the optimum environmental solution in a particular case. Authorities will need to consider the cumulative impact upon the environment of additional antennas sharing a mast or masts sharing a site.

The Mobile Operators Association (MOA) was established in January 2003 to represent the five UK mobile phone network operators on radio frequency health and planning issues.

Launched in 2001, the aim of the Ten Commitments is to ensure transparency in building mobile phone networks, to provide more information to the public and local planners and to boost the community's role in the siting of radio base stations.

One of the ten commitments is on site sharing and it states: “Under Government guidance, operators are encouraged to explore the possibility of using an existing mast or structure before seeking to put up a new one. If they cannot do so, they must demonstrate the reason why to the Local Planning Authority.”

There is an existing 18 metre mast within sight of the application site, situated at the other side of an industrial unit. The applicants have stated that the mast would require considerable redevelopment in order

Item no.

to place the additional antenna array and associated equipment to meet the telecommunications operator's requirements.

Whilst the Council encourages mast sharing wherever possible, and the public representation received suggests sharing, paragraph 22 of PPG8 states that telecommunications development should only be rejected if there was a serious effect on amenity.

The site is situated within the Seaham Grange industrial estate where many of the industrial units are of an utilitarian appearance. The site is positioned away from residential amenity and is not within the open countryside. It considered that industrial estates are the preferred location for utilitarian equipment as there will be minimum impact upon residential amenity.

The appearance of the proposed mast has been designed to minimise the visual appearance as much as possible by using a structure that resembles a lamp post. Therefore the proposed mast would be slim and the post of the mast would resemble the column of a lamppost. As the proposal is not for a lattice tower and is for a slender pole, the proposal is considered acceptable.

In summary the proposal is not considered to have an undue impact upon the amenity to warrant controlling the siting and appearance of the mast.

It is therefore recommended that the Council does not wish to control the siting or design of the proposal for the reasons outlined above.

3. Radio Emissions and Health

The National Radiological Protection Board have considered that there is no proof to support any argument put forward stating that mobile phone equipment sites are considered a health hazard. The Independent Expert Group on Mobile Phones published their report (sometimes referred to as the 'Stewart Report') in May 2000. The Report points out that 'the balance of evidence does not suggest mobile phone technologies put the health of the general population of the UK at risk'.

Central Government has stated that further research is to be undertaken with regard to health issues and mobile phone technology. This planning report has been compiled with regard to current legislation and advice. Leaflets have recently been published by the government and the Department of Health which addresses many health concerns regarding mobile phone usage and mobile phone base station.

The revised version of Planning Policy Guidance Note 8: Telecommunications states that health considerations can, 'in principle be material considerations in determining applications for planning permission and prior approval' and that, 'whether such matters are material in a particular case is ultimately a matter for the courts'. However, it is clearly stated within this guidance that it is 'the Government's view that if a proposed base station meets the ICNIRP (International Commission on Non-Ionising Radiation Protection) guidelines for public health then it should not be necessary for a local planning authority in processing an application for planning permission or prior approval to consider further the health aspects and concerns about them. Information submitted by the agent indicates that the proposed

Item no.

mast would operate within these guidelines.

4. Other Considerations

The principal planning considerations with regards to the proposed development are namely the design and appearance of the proposals and their likely impact on the character and appearance of the area.

5. Concluding Statements

Although mast sharing would be the preferred option, the application as submitted, is to see whether the Council wishes to control the siting and design of a mast that is permitted development. Therefore the actual mast itself does not require planning permission. As the proposal is within an industrial estate and away from residential properties and is not located within the open countryside, it is recommended that the Council does not control the siting and appearance of the mast.

Recommend: That prior approval is not required.

Decision time: Less than 8 weeks – target met

Reason for recommendation

The design of the mast and the positioning within the industrial estate is not considered to have undue impact upon amenity to warrant controlling the siting and appearance of the mast.

E Background Papers

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

Durham County Structure Plan
Adopted Easington District Local Plan
Deposit Draft Version Easington District Local Plan
Inspector's Report on Public Inquiry
Planning Policy Guidance Notes
DETR Circulars
Individual application forms, certificates, plans and consultation responses
Previous Appeal Decisions



Graeme Reed
Head of Planning and Building Control