

Item no.

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

Date: **11 October 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 District of Easington Local Plan was adopted in 2001 and is therefore a material consideration in the determination of planning applications. Policies of the adopted Local Plan are listed in the relevant section of each report. 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 and the First Protocol. Where specific issues of compliance with this legislation have been raised these are dealt with within each report.

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B MEMBERS OF THE PUBLIC SPEAKING AT THE PANEL

The District Council is one of the few Councils in the country that 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. Members of the Panel will then finally debate and determine the application with the assistance of officers if required.

C RISK ASSESSMENT

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

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D GENERAL APPLICATIONS

04/1126 HASWELL AND SHOTTON – Proposed Erection of Two Wind Turbines at Edder Acres Farm, Shotton for A7 Energy

Planning History

None on this site.

Consultations

Peterlee Town Council - no observations

Wheatley Hill Parish Council - concerns at proximity of turbines to residential properties.

Durham City Council - no objections.

Durham County Council – Planning Policy - reiteration of policies; detailed landscape advice to follow; proposal needs to take account of other proposals; need to accord with policies 67C/67D and that any necessary protection is attached as conditions; environmental impacts/designs of transmission cable routes also need detailed assessment.

Durham County Council Highways - need condition survey of track off B1280 prior to use by construction vehicles; make good potholes; vehicles need to keep off adjacent access; passing places/signage; need to make good damage.

District of Easington Landscape Unit - move northerly turbine by 30m away from woodland; no monitoring proposals in Environmental Report about bird/bat deaths.

District of Easington Environmental Health - no objections.

Northumbrian Water - no objections.

Environment Agency - no comments.

Highways Agency - no objections in principle; refer to local Highways Authority.

English Nature - no objection provided boundary query relating to Edder Acres SNCI is pre-development, survey needed to ensure no significant change in ecological interest and biodiversity value of site; measures to be taken during construction to prevent badgers (and other mammals) becoming trapped or injured in open excavations;

Durham Wildlife Trust - survey of Giant crested newts needed; if any effect on water courses, also need water vole survey and mitigations measures; detailed assessment of impact on bats should be made.

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Health and Safety Executive - no comments.

Civil Aviation Authority - need to undertake consultation with Teesside Airport (ODPM Circular 1/2003), and Peterlee Parachute Centre; might be need to install aviations obstruction lighting if approved; need to chart structures over 300 ft high.

Durham Tees Valley Airport: objection – could affect Air Traffic Services and/or degrade signals from primary radar; if solution is provided that safety will not be compromised or degraded, will reconsider;

As a result of publicity for the proposals, including Press and Site Notices and individual letters, a number of representations have been received. Peterlee Parachute Centre are concerned that siting is within 1.5 miles radius dropping zone of parachute landing area which will at least restrict activities and is likely to result in closure of Shotton Airfield.

In addition, a number of residents in the vicinity have submitted comments. Six letters have been received, summarised as follows:-

- objection on grounds of visual amenity, effect on bird life, noise, television interference, effect on geology/watercourses and, so, local ecology; safety; no economic advantages.
- just bought house from Durham CC; dirty tricks in suppressing information, swamping of Shotton with industry, should not be next to Castle Eden Dene.
- effect on outlook from house, no evidence as to noise effects, visual or shadow flicker.
- objection on grounds of road safety on A19.
- lack of information in application.
- area is becoming target of “wind farm people”.

East Durham Business Service has raised substantial concerns, which are dealt with in the ‘Comment’ Section.

Development Plan Policies

Durham County Structure Plan

- 1 General Principles
- 80 Energy Generation

District of Easington Local Plan

- 1 General Principles of Development
- 2 Renewable Energy
- 3 Protection of the Countryside
- 7 Protection of Areas of High Landscape Value
- 15 Protection of Sites of Special Scientific Interest, National Nature Reserves and Ancient Woodlands
- 16 Protection of Sites of Nature Conservation Importance and Local Nature Reserves

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17	Identification and Protection of Wildlife Corridors
18	Species and Habitat Protection
35	Amenity
90	Protection and Provision of Outdoor Sports Facilities

The proposal is considered to conflict with some of the above policies.

Comment

The proposal is for the erection of 2 wind turbines and associated metering building, which has the appearance and scale (6 metres x 5 metres) of a domestic garage, on land to the south of Edder Acres Farm.

The site is located south of Shotton Colliery and the Peterlee Industrial Estates, west of the A19 and north of Wingate.

Each wind turbine would have an overall height to blade tip of up to 111.2 metres, with each blade measuring up to 41.2 metres and a maximum wind turbine hub height of 70 metres. The finish of the turbines would be semi-matt and a pale grey colour. Because of their location and height (similar to those recently developed just south of the District near Hartlepool) the turbines would be visible from a wide area.

The supporting information for the application states that using modern wind turbines provides “a substantial increase in the amount of wind-generated electricity per wind turbine so that fewer wind turbines are required to meet the Government’s renewable energy targets”. The turbines would be of a modern quiet design, incorporating tapering tubular towers and three blades. The turbines would be connected underground to the local grid network operated by the appropriate Distribution Network Operator.

Once erected the turbines would operate automatically, requiring visits to the site by maintenance staff in light commercial vehicles (vans/land rovers) approximately two-four days per month. This would include longer visits for servicing every six months. The proposed access to the site would be from the existing roadway running east off the B1280 immediately to the north of Thornley Station Industrial Estate.

The turbines have an operational life span of approximately 20 years and the application details outline a programme for the restoration of the site following the cessation of operation of the turbines. Decommissioning of the turbines and restoration of the site would take approximately two months. However, should planning permission for the proposal be forthcoming, in line with the supporting text of Policy 17 of the Easington District Local Plan, it would be appropriate to impose a planning condition which requires that the site is restored to its present condition once the facility has ceased producing energy for six months.

The construction of new on-site tracks would be required to provide access to the wind turbines in addition to the construction of a temporary working area and compound which will be required during the construction of the development. All temporary working area, accesses etc. will be reinstated following completion of construction.

The main issues in assessing a proposal of this nature are whether the development complies with national and local planning policy and its impact on the site and the surrounding area.

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Policies contained within both the Structure Plan and Easington District Local Plan reflect Government planning guidance as contained in Planning Policy Statement 22 – Renewable Energy (PPS 22) and promote the generation of energy from renewable resources.

In relation to the siting of wind turbine development, PPS22 recognises that turbines can have extensive visual and landscape effects. Photo montages have been provided which indicate the visual impact of the proposed wind turbines upon the site and surrounding area. Although the turbines will inevitably be visible from many locations simply because of their size, it is considered that they will not have any significant adverse impact on the landscape generally.

The area of land taken by the proposed project is small and it is anticipated that the existing adjacent agricultural land use would continue. The site is located within a Wildlife Corridor as designated by the Easington District Local Plan 2001. Such areas form localised corridors which link the urban areas of the District with open countryside and the coast, allowing wildlife to move between urban and rural areas and colonisation of new areas. No objections have been received from Durham Wildlife Trust or English Nature in this respect, though, if permission is granted, there will be a need to carry out pre-construction survey work in relation to giant crested newts, bats and water voles and to take measures during construction to prevent badgers (and other mammals) becoming trapped or injured in open excavations. The scale of the proposed site in relation to the overall Wildlife Corridor is very limited and overall it is considered that the proposal will not have an adverse impact on the Wildlife Corridor and, thus, that it complies with Local Plan policy.

Few dwellings are located within the general vicinity of the proposed wind turbines. PPS22 notes that, compared to other everyday activities, wind turbines are generally quiet in operation. Technical information submitted in support of the application confirms that operational noise limits for the turbines have been determined in accordance with the recommended guidance set out in PPS22 (the DTI publication ETSU-R-97 'The Assessment and Rating of Noise from Wind Farms'). Application of these limits results in compliance at 'Green Bank', 'Green Hills' and 'Castle Dene Holiday Park' for all wind speeds; and compliance can be achieved at Edder Acres Farm if the permissible margin above background is increased by 2dB(A).

With regard to the movement of the blades and considerations relating to safety and electro-magnetic interference, technical information has been submitted to support the proposal which addresses these points.

Although there are no statutory guidelines which recommend minimum separation distances from public footpaths, bridleways or roads, the turbines are designed to ensure that they cease to operate should faults arise. Landowners are able to allow stock to graze right up to the turbine bases. Accordingly, it is considered that the proposed turbines do not present a health and safety hazard. Indeed, the minimum desirable distance between wind turbines and occupied buildings calculated on the basis of expected noise levels and visual impact will always be expected to be greater than that necessary to meet safety requirements.

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In respect of electromagnetic interference, surveys submitted confirm that the principal TV transmitters servicing properties near the site are Pontop Pike and Bilsdale. The BBC have stated that the development should not have a detrimental effect on National or local BBC radio reception but that some scattered properties to the south-east and north-west are at risk of interference. The applicants have confirmed in the supporting documents that they are 'prepared to remedy any interference which would result by redirecting viewers' aerials to the other transmitter serving the area or updating the receiving aerials.

Although the development may result in limited interference with TV reception, it is considered that this issue is not of sufficient weight to justify refusal of the proposal on this basis alone.

The submitted information also addresses the issue of 'shadow flicker', which is the effect created when the rotating turbines are located between the sun and residential or other properties. The applicants conclude that this should not be a significant problem, but mitigation could be provided by screening, or stopping the turbines at specific times.

The proposal to erect two wind turbines in this location, is, therefore, generally in accordance with national regional and local planning policies and has very limited direct environmental effects on local residents and/or businesses. However, the height of the turbines at 111.2 metres impinges significantly upon the 1.5 miles radius dropping zone of the Peterlee Parachute Club based at Shotton Airfield. Measurements suggest that the turbines would be located at 1.18 and 1.25 miles respectively from the centre of the parachute dropping zone. Advice from Government Office for the North East to the British Parachute Association confirms that the area around licensed aerodromes within which wind farms would not be considered extends to a circle measuring 2700 metres (1.5 miles). They further advise that wind turbines are undesirable for parachuting within 5000 metres. On this basis, if the turbines are constructed it is probable that the airfield will have no alternative but to cease operating both as a parachute club and as a private airfield.

At present, the airfield provides a sky diving centre which has a very wide catchment area for parachutists (nearest competitors being Scotland to the north, Bridlington to the south and Grange over Sands to the west) who, when visiting this area have spin off effects to the local economy in terms of accommodation, tourism etc. Currently the airfield hosts some 6,000 parachute jumps per year. In addition, the airfield is used by local businesses to, for instance, fly in supplies, executives, businessmen, visitors etc. It is also used as a standby location for police helicopters in between call-out flights.

The East Durham Business Service has commented that having an operational airfield in the district provides a benefit to the local economy which goes beyond the specific contribution of the current level of the operation. The airfield is a valued component of a diversified economy. East Durham has, in the past, been over-dependent on particular sectors (energy and clothing in recent years) and it is considered important to keep as diversified an economy as possible. The airfield contributes to this in its own right and also as a resource to other businesses. While, in terms of general aviation, the airfield does not compete with Newcastle and Teesside, small, privately owned airplanes are being

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squeezed out of Newcastle Airport providing demand for hangarage elsewhere. There are proposals to expand the business at Shotton which would involve the construction of 10 hangars for private planes and preliminary work to provide a hard taxi-way has taken place in anticipation of the main development work. It is expected that this expansion will generate an additional 5 jobs to add to the existing 2 and, of course, this would not take place if income for the core business of parachuting either ceases or is seen to be at risk. There is also the real possibility of the airfield becoming a licensed airport.

If the turbines are approved and constructed, the Business Service considers it is almost certain that the parachuting activities at Shotton Airfield will be forced to cease. That being the present core activity, the airfield would almost certainly close, thereby losing not only its present contribution to the local economy but also what could be a quite considerable additional contribution in the near future.

Although there will generally be limited direct environmental effects on existing residents, there is one property, Greenbank, located to the east of the site, which would be within some 320 metres (boundary)/380 metres (house) of the more southerly of the two proposed turbines. This is considered to be too close and the applicants have confirmed that there is no scope for the relocation of this turbine to increase that distance.

In addition, the more northerly of the two turbines is proposed to be located at some 30 metres from an area of Ancient Semi-Natural Woodland, which distance should be increased to at least 60 metres in order to lessen the potential impact on bats and birds using the woodland edges. The applicants have confirmed that they would be prepared to move this turbine's location to overcome this problem, but the proposals remain to be considered on the basis of the submitted scheme.

On balance it is considered that, while in policy terms the application involves an acceptable proposal, the likely effects on the operation of Shotton Airfield, the amenities of the occupiers of 'Greenbank' and the impact on ancient woodland are felt to be unacceptable.

Recommend Refusal for the following reasons:

1. The proposals, by reason of their scale and location in relation to Shotton Airfield, are likely to adversely affect the current operations and future expansion prospects of the airfield, thereby jeopardising the continued operation of the airfield as an important local resource and in turn having a detrimental effect on the local economy, contrary to Policies 1 and 35 of the District of Easington Local Plan.
2. The proposed turbines, by reason of their scale, design and location, would be visually intrusive and have an overbearing impact on the occupiers of the nearby residential property, Greenbank, contrary to Policies 1 and 35 of the District of Easington Local Plan.
3. The most northerly of the two proposed turbines, by reason of its scale and location, is likely to have an adverse impact on wildlife populating the nearby ancient woodland, contrary to Policies 1, 15 and 18 of the District of Easington Local Plan.

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Decision Time: 10 months (delayed due to need to obtain all possible background information).

05/325

WINGATE (HUTTON HENRY) – Proposed 7 Terraced Houses at Bridge Terrace Station Town for Mr K Bailey.

Planning History

96/129 – Outline permission for 2 houses granted May 1996.

Consultation Responses.

A site notice was posted and local residents consulted – responses have been received from ten separate residents and a petition opposing the development received signed by 40 local residents.

The issues raised include :

- New houses will not match the existing.
- Loss of green space which should be used for a play area.
- Loss of parking area.
- Rear access road not wide enough to take extra or passing vehicles
- Pedestrian and Emergency vehicle access will be restricted by additional cars parked on rear road.

Highway Authority – Confirm they have no objections to the revised plans which show a reduced number of dwellings, (8 down to 7) and increased car parking provision/space widths to take into account the restricted width of the rear access road.

The Parish Council have raised the following issues :

- Concern about access and parking provision and emergency vehicle access.
- Pedestrian access appears to be restricted.

The Environment Agency – No objections but has contacted the applicant about possible contaminated land issues.

Landscaping Officer – Requests landscaping details should be submitted.

Northumbrian Water – No objections.

Development Plan Policies

District of Easington Local Plan

1 General Principles of development
35 Design and layout of development
36 Access
Wingate - Wi 9ii, allocated site.

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

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Comments

The site comprises a grassed area of land within a residential area, surrounded by terraced housing.

The principle of developing this site residentially is established in that it is allocated for housing in the Local Plan and has received permission for such in 1996.

The main issues that arise from the current application are :

- The density of development, and
- The effect it will have on local residents in terms of road congestion and similar issues.

The original submission was for 8 dwellings which was considered by Officers to be over intensive, being likely to cause traffic congestion in and around the development due to lack of circulation space. The omission of a plot has released space for enhanced car parking and circulation space to the satisfaction of the Highway Authority, therefore there are no highway objections to the revised proposals.

The design of the dwellings is considered acceptable in the context of the surrounding development, consisting of regular terraces of similar scale and overall appearance to those already in the locality. There are no problems of overlooking or loss of privacy to adjacent dwellings in view of the separation of the site from adjacent land; indeed the site gives the impression that it was in the past residentially developed.

Referring to the specific issues raised by local residents :

- The design of the new dwellings is considered to reflect the terraced design of those in the locality.
- The site is allocated for residential development in the Local Plan.
- The Highway Authority is now happy with the revised scheme.

At the time of preparing this report the final revised plans showing the enhanced parking/car circulation arrangements have not been received by Officers. However it is expected that they will be available in time for the Panel Meeting at which time further information will be available for the consideration of Members.

Recommend Conditional approval subject to the receipt of satisfactory revised plans, with appropriate conditions attached relating to materials; landscaping and contaminated land.

Decision time 24 weeks (target not achieved due to changes to proposals required by Highway and Local Planning Authority).

Reason for Recommendation

The proposal complies with the relevant policies within the District of Easington Local Plan in particular Policies 1, 35, 36 & W19.

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AD/05/538
05/539

PETERLEE – Proposed Illuminated Signs and External Alterations and at Reg Vardy, Passfield Way, Peterlee

Planning History

99/206:	Extension to Car Parking:	Refused 09/09/1999
00/031:	Extension to Car Parking: (Resubmission)	Approved 18/05/2000
02/487:	Extension to Car Parking: (Resubmission)	Refused 26/09/2002
04/211:	Lighting Columns: (Retrospective)	Refused 02/09/2004
05/165:	Additional External Lighting Columns	Approved 28/04/2005

Consultations

Parish Council: Not yet received (consulted 12/07/05)

DCC Highways: No objection

EDC Environmental Health: Applicant/Agent should confirm in writing that glare from signs or the position or angle of the signs will not affect any adjacent residential settings

Other: 2no objection letters. The objections raised within the letters may be summarised as follows:

- a. any further illumination of the premises
- b. changing and/or moving the front building line
- c. creates a traffic hazard by the loading/unloading of cars
- d. relocation of the premises

Development Plan Policies

District of Easington Local Plan

- 1 General Principles of Development
- 35 Design and Layout of Development

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Comment

The Site

The application site relates to a motor vehicle dealership situated towards the southwest edge of the settlement of Peterlee.

The dealership lies directly to the south of Passfield Way between Passfield Way/Durham Way roundabout to the east of the application site and Passfield Way/Old Shotton roundabout to the west of the application site.

The site to which the application relates is bounded on three sides by the residential properties of both Corby Grove to east and south of the application site and Donnerston Grove to the west of the application site.

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The Proposal

Full Planning Permission and Advertisement Consent are sought for the erection of illuminated signage and external alterations in line with the corporate imagery of the dealership.

The signage will comprise of fascia signage, 'brand line' and welcome signage together with totem and directional signage.

The external alterations will comprise of an upgrade of the external appearance with aluminium cladding and decorative 'brand line'.

Additional works will involve the removal and replacement of the existing signage.

Detailed Planning Consideration

Members will note this application is brought to Panel following 2no letters of objection from adjacent local residents.

The objections are centred upon the introduction of illuminated signage only (AD/05/538) and do not relate to the external alterations (05/539). The other objections raised within the letters are not relevant to these proposals.

However, Members will be aware the application site is a well-established car dealership that has existed in its present location for a number of years.

It is considered both fair and reasonable to expect a dealership of this nature to be complemented with signage to promote its operations.

It is considered the proposed development will not have a detrimental impact upon the amenities of the surrounding area or the wider setting that would justify refusal of this application given the signage will be a replacement of existing signage.

As a result, it is considered the proposed development is in keeping with the appearance, character, design and scale of the existing building and will not have a detrimental impact upon the amenities of the surrounding area or the wider setting. It is therefore considered the proposed development is an acceptable form of development and accords with Adopted Local Plan Policy 1, 35.

Recommend

1. Conditional Approval of the external alterations (materials).
2. Advertisement consent for the illuminated signs.

Decision Time: 8 weeks (target not achieved – due to Panel cycles)

Reason for Recommendation:

The proposal is considered to be in accordance with Adopted Local Plan Policies 1 and 35 of the District of Easington Adopted Local Plan

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05/616

HORDEN SOUTH – Proposed Residential Development (Outline) at Cotsford Grange Farm, Horden for Mr and Mrs Kieken

Relevant Planning History

5/91/681 – Use of land for storage of caravans – Approved 16/12/91.

Consultations

Parish Council - No response.

Durham County Council Highways – location of new access in accordance with advice; should be footway crossing arrangement to serve private shared drive; visibility splays should be kept clear of anything above 600mm high.

Durham County Council Conservation Officer – No objections to principle of new dwellings adjacent to listed farmhouse and buildings; details of siting, design and size of buildings and landscaping should be reserved for later approval.

Northumbrian Water – Detailed water supply and drainage advice.

District of Easington Landscape Unit – No comments.

District of Easington Environmental Health Unit – New residents could be affected by adjacent coal merchant business; contaminated land risk assessment needed.

The application has been advertised in the local press and on the site as affecting the setting of listed buildings. Neighbours immediately adjacent to the site have also been notified individually. This publicity has resulted in the receipt of ten identical letters of objection from local residents which raise the following points:-

- i) the location of the new vehicle access on a bend on a very busy main road, close to other junctions and a primary school, will severely compromise highway safety;
- ii) there already exists a “problematic parking situation at certain times of the day” which the proposal has the “potential to exacerbate”;
- iii) large rear fences or walls around the proposed gardens would be “out of keeping with the character of the area and therefore detrimental to the street scene in general”;
- iv) the application site is a greenfield site which has not been identified as a potential site for housing development in the Council’s Urban Capacity Study;

Development Plan Considerations

Durham County Structure Plan

- 1 General Principles

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District of Easington Local Plan

- 1 General principles of development
- 24 Protection of listed buildings
- 35 Design and layout of development
- 36 Design for access and means of travel
- 37 Design for parking
- 67 Windfall housing sites

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

Comment

The application site comprises an area of some 0.195 hectare, being the former farmyard of Cotsford Grange Farm, lying to the north and west of the grade II listed farm buildings, east of Yohden Primary School and on the south side of Cotsford Lane. The application is in outline and shows a layout of four houses for indicative purposes only.

The definition of “previously-developed land” set out in Annex C of PPG 3 (Housing) excludes land and buildings which are “currently in use for agricultural or forestry purposes” but includes the curtilage of land that “is or was occupied by a permanent structure”. Since this application site is within the curtilage of former agricultural buildings which are now unused, having previously been in use as storage facilities in connection with the operation of a coal business, it falls to be considered as previously developed land, i.e. a brownfield site. The principle of housing development could therefore be seen to be acceptable in policy terms. Indeed, it is considered that a sensitively designed scheme which respects the setting of the adjacent listed buildings could help to secure their future use. The site is quite prominently located alongside Cotsford Lane and a high quality small housing scheme presenting a good frontage to Cotsford Lane could enhance the appearance of the area.

Details of the form and point of access to the site have been the subject of discussions with the Highways Authority prior to the submission of the application and are submitted as part of the proposal. Details of the siting, size and design of the buildings and the landscaping of the site, however, do not form part of the application and, if permission is granted, would be matters reserved for subsequent approval. This is in accordance with advice received from the County Council’s Conservation Officer.

The proposal is, therefore, considered to be in accordance with the Development Plan and related policies.

The specific points raised in the objection letters have been fully considered and are covered in the comments in the preceding paragraphs.

Recommend Conditional Outline Approval (Conditions relating to reserved matters, protection of visibility splay, contaminated land risk assessment)

Decision Time 11 weeks (delayed due to decision to place before panel)

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Reason for Recommendation

The proposal is considered to be in accordance with the Statutory Development Plan and related policies, in particular the District of Easington Local Plan Policies 1, 35 and 67, and there are no other material considerations which outweigh the support for the proposal.

05/651

HASWELL AND SHOTTON – Proposed Poultry, Storage and Stable building at North Pesspool Farm Haswell for Mrs Williamson

Planning History

Application 04/120 – Stables and access road (east part of site) – refused March 2004 on visual impact and road safety grounds.

Consultations

A site notice was posted and local residents consulted – no responses have been received.

Highway Authority – Confirm they have no objections

The Environmental Health Officer has no objections provided the poultry areas remain as shown on the plans, that is non commercial and small scale.

The Parish Council have raised the following issues :

- Use of the building for keeping poultry and other animals will result in smells and odours to nearby residential properties.
- Building not suitable in this location.

Development Plan Policies

District of Easington Local Plan

- 1 General Principles of development
- 35 Design and layout of development
- 41 Non agricultural buildings

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

Comments

The site is located at the eastern end of Haswell, on the north side of Pesspool Lane.

The proposed development has been amended from the previous application in terms of its siting and access and is now located closer to established buildings to the west. It is proposed to be constructed of timber and mineral felt roof, measuring 8.6 x 8.6 metres in area and 3.5 metres to the ridge.

It is now considered acceptable in design and siting terms, however it is proposed to keep poultry as well as horses ducks and rabbits within the

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building, a use which can give rise to odours and nuisance to local residents.

The environmental health officer is happy with the small scale of the proposal providing it is not operated on a commercial basis; this can be controlled by a planning condition. It is therefore considered that the small scale and nature will not give rise to unacceptable nuisance to local residents.

Recommend Conditional approval (conditions relating to materials and landscaping together with a specific condition restricting the use to non commercial only).

Decision time 9 weeks – target not achieved due to Parish Council objection necessitating consideration by Panel.

Reason for recommendation

The proposal complies with the relevant policies within the District of Easington Local Plan, in particular Policies 1, 35 and 41.

05/668

PETERLEE (PASSFIELD) – Proposed Front, Rear and Side Extensions and Addition of First Floor to Bungalow at 1 Marwood Grove, Peterlee for M.Hughes and K.Benson

Planning History

None on this plot
(Original estate constructed prior to 1988 under approval of Peterlee Development Corporation).

Consultations

Town Council - No objections.

Neighbours – A petition signed by occupiers of fourteen nearby dwellings and six individual letters, all objecting to the proposal, have been received. The points of objection cover the following matters:-

- i) the effect of the height of the first floor extension on adjacent properties in terms of overshadowing, overlooking and its physically overbearing nature;
- ii) large families should not buy small properties and then alter everything, disregarding existing residents;
- iii) the effect of the extensions on other people's privacy and quality of life;
- iv) the original plans for a garage extension and loft conversion have "escalated into the demolition of the whole bungalow and a 4-bedroomed house being built in it's (sic) place;"
- v) the applicant is a well-known property developer in the area, who has made previous attempts to "redevelop" other sites in this area.
- vi) previous re-development in the area (23 Marwood Grove) caused considerable disturbance;
- vii) disturbance to local residents, damage to roads and verges, mud, dust, additional parked vehicles, difficulty of access for emergency vehicles;
- viii) unnecessarily created waste could be hazardous to residents and will have to be taken to landfill sites despite Council urging recycling measures;

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- ix) no public notices on lamp posts or in newspapers;
- x) the balanced relationship presently created by bungalows either side of the roadway would be destroyed;
- xi) the property would be an unusual shape when viewed from the south side;
- xii) nearby resident works night-shift and must not be disturbed by construction work;
- xiii) there is an inadequate road structure and insufficient parking facilities to accommodate “cranes, dumper trucks, delivery wagons etc. for such an extensive period of time” and neighbouring driveways will be blocked causing frequent disruption.
- xiv) alternative accommodation was available nearby which was more suitable for the occupiers’ needs.

Planning Policies

District of Easington Local Plan

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

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

Comment

This application has raised a considerable amount of disquiet among residents in the area around 1 Marwood Grove. Before discussing the merits or otherwise of the application it should be understood that one of the applicants is an employee of the Council and that that fact was made clear on the application form.

The site is located on an estate within the Oakerside area of Peterlee.

The proposal relates to a modestly sized two bed-roomed bungalow and involves ground floor extensions to provide an additional garage and a utility room, an enclosed entrance/cloakroom in place of the open porch-way and an enlarged conservatory/sunroom. No objections have been raised to this aspect of the proposals.

However, the application also proposes the removal of the existing shallow-pitched roof on the bungalow which has a ridge height of 4.15 metres and its replacement by a much steeper pitch rising to a ridge height of 7.3 metres in order to accommodate four bedrooms and two bathrooms at first floor level. It is this aspect of the proposal which has occasioned the volume of objection from local residents, not all of which is relevant to the planning considerations of this proposal.

The existing building is well screened from view by mature vegetation from the west and south sides, to the extent that it is virtually invisible from ground level. The proposed increase in height would increase its visibility from these two sides. However, traditional spacing standards for two storey dwellings are exceeded by a considerable amount on this estate and this proposal would do nothing to compromise them.

The estate is generally comprised of bungalows, though there are several exceptions which do not either look particularly out of place or cause any undue effects on the amenities of adjacent occupiers. Indeed, nos. 1-8 Marwood Grove are arranged around a central green island and, while

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most of them are bungalows, no. 4 has a very similarly arranged steep roof with dormers as is proposed in this application and no. 5 is a two storey house. The sloping ground, however, results in all the ridge levels of nos. 1-5 being more or less the same.

Despite the unusual amount of local objection to a proposal of this nature, the consideration of this application can be summarised in three questions:-

1. Is there likely to be any undue direct effect on the immediately adjacent neighbours' amenities as a result of this proposal?
2. Would the existence of a two storey dwelling on this plot be unacceptable in principle? and
3. Is the design of the proposal so unacceptable that the Council would be justified in refusing planning permission for this reason alone?

As far as question 1 is concerned, only the occupiers of numbers 2,8,27 and 28 are actually adjacent to the site. Of these, there will be no unreasonable effect on no. 8, which is some 25.5 metres away from the gable of no. 1; no. 27 whose gable end faces no. 1 at a distance of some 38 metres; or no. 28 which is some 28 metres away and at a higher level and whose front elevation is offset and effectively facing the gap between nos. 1 and 2. The width of this gap would be reduced by some three metres if the additional garage and first floor above is added to the applicants' property but not to an extent which would unduly affect no. 28's outlook.

In essence, the only direct effect would be on no. 2 Marwood Grove and, despite the fears expressed in their objection, that is not considered to be serious or unacceptable. There would remain a minimum spacing of some 6 metres between the two properties, which is considered reasonable and the effects of the height of the proposed extension would be very limited.

Question 2 is simply answered by the fact that there are already several properties in the immediate vicinity of this site which are not bungalows and which do not look out of place.

In terms of question 3, the Council has limited control over detailed design matters as a result of Government policy and guidance. In this particular case, a very similar building exists opposite the application site at no. 4 Marwood Grove. The only real difference between the two is that no. 4 is at the bottom of the slope and no. 1 at the top. Given that there are no other reasons to justify refusal of the proposal, it is not considered that this difference is sufficient to merit refusing this application.

These comments cover the points of objection i), iii), iv), x) and xi) itemised earlier in this report. Points ii), v),vi),xii) and xiv) do not relate to relevant planning matters; there is no formal requirement for notices to be posted on lampposts or in newspapers (point ix), the normal direct neighbour notifications having served their purpose; and there is no reason to believe that the matters mentioned in points vii),viii) and xiii) would be any worse than with any other residential property extension works.

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It is considered, therefore, that, despite the amount of public objection, this proposal is acceptable in planning terms and that permission should be granted.

Recommend Conditional Approval (external materials to be agreed)

Decision Time 7 weeks (target achieved)

Reason for Recommendation

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

05/672

WINGATE – Proposed Bungalow at Rear of Gatenby House North Road East, Wingate for J Hockerday.

Planning History

Application 00/478 – Double garage approved October 2000.

Consultation Responses.

Highway Authority – Confirm they have no objection to an additional access being gained off the private drive.

Durham County Council’s Design and Conservation Officer – The site lies adjacent the churchyard to the Grade II Listed Building, Holy Trinity Church. A small area of land adjacent the churchyard is included within the application site. The main issue is the visual impact of the building and the boundary treatment on the setting of the church. Providing a suitable natural screen is provided on this boundary then permission could be granted.

Comments have been received from two local residents raising the following issues :

- Site is too close to the graveyard, spoiling its character, peace and tranquillity.
- Access to the site is via a private lane over which the applicant has no right of way.
- Increased use of the lane will cause it to be damaged.
- There is a better development site to the north.

Development Plan Policies

Durham County Structure Plan

- 1 General Principles of development
- 9 Brownfield land

District of Easington Local Plan

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

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

Comments

Before looking at the planning merits of the scheme, the issue of the private access to the site requires clarification.

There is a dispute over who owns the access, which is shared by three different residents nearby at present. A neighbour claims he owns the access and will not allow the applicant to use it. However the applicant's solicitors have written confirming that he has a right of access.

From the information received officers are content that access to the application site is possible, however this is really a legal matter which does not form part of the deliberations of this application.

Further to the above another application has been submitted to develop a site to the north with a single dwelling also served off the private drive. If both applications are approved there will be a total of five dwellings served off the access, normally contrary to Highways guidelines of a maximum of four off such a drive. In this instance however the Highways Authority have waived that requirement, (see report elsewhere in this Agenda, reference 05/694).

The site area is approximately 0.2 hectares forming land previously used for domestic dog kennels and a now demolished church hall. It lies to the rear of existing road frontage dwellings and is accessed via a private drive.

Regarding the proposed bungalow, its location and design are considered acceptable, being within the village boundary on previously developed domestic land and of limited scale so as to have no detrimental impact on the amenities of neighbours or the character of the locality.

An issue raised by an objector related to the impact of the development on adjacent land. Providing appropriate natural screening is provided on the southern boundary of the site so as to maintain the character and setting of the adjacent church and graveyard, it is considered that development will be acceptable in planning terms.

Recommend Conditional Approval (conditions relating to materials and landscaping)

Decision time 7 weeks – target achieved.

Reason for recommendation

It is considered that the application complies with the appropriate Policies within the Local Plan, in particular Policies 1, 35 & 67.

05/694

WINGATE – Proposed Bungalow (Outline) at Land Rear of Averley, North Road East, Wingate for Mr J Wade

Recent Planning History

None

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A planning application for a bungalow at land adjacent to this application site to the rear of Gatenby House, North Road East, has been submitted and has been presented elsewhere on this agenda, under reference 05/672.

Consultations

The application has been advertised by site notices and the neighbouring properties have been consulted by letters. The consultation period is due to expire on 12 October 2005. At the time of preparing this report, one representation has been received. Any subsequent representations received shall be presented to Members at the Panel.

The representation, received to date, salient comments summarised as:

- No objection to the principle of development.
- Having regard to the size and form of the development and with regard to the Authority's design standards, it is questionable as to whether the site is physically capable of accommodating even a modest bungalow.
- The applicant should be requested to provide additional information, in respect of the size and location of the proposed dwelling, to allow a true assessment of the proposal.
- Without the additional information, the proposal should be resisted as an unacceptable form of over development of the site and out of keeping with the area.

Durham County Council, Highways Authority, comments summarised as:

- In consideration of this planning application I am conscious of the adjacent planning application for a bungalow on the former church hall site (05/672), submitted recently. Application 05/672 would bring the number of dwellings served by a private access track to four, which is the usual maximum permitted in such circumstances. It is noted that only Gatenby House relies on the private access track for both pedestrian and vehicular rights.
- The site relating to this application (05/694) appears to be the last site on which a dwelling could be built and served by a private access track and in such circumstances the four maximum restriction would be waived and a fifth dwelling permitted on highway grounds. The fact that Gatenby House and this site will be the only properties that will rely on the private access track for both vehicular and pedestrian right of access is also of benefit in this situation.

Easington District Council, Environmental Health Unit, comments:

- A contaminated land risk assessment should be carried out.

Development Plan Policies

District of Easington Local Plan

1 General principles of development

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- 35 Impact of Development
- 67 Windfall Housing

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

Comment

The application has been submitted in outline with means of access being a matter that is being dealt with at this stage. The assessment of this application falls into three principal areas:

1. The principle of residential development.
2. The amenity impact of the development.
3. The highway issues.

These will be taken in turn:

The principle of residential development

Policy 67 (windfall housing) of the District of Easington Local Plan permits housing on land that is within the settlement boundary and on previously developed land.

The application site is within the settlement boundary and on previously developed land and therefore the general principle of residential development is considered acceptable against Policy 67.

The amenity impact of the dwellings

A representation has been received that suggests that the Council should request the applicant to provide further details before the determination of this application. The Council does have the authority to request additional reserved matters if they are of the opinion that in the circumstances of the case, the application ought not to be considered separately from all or any of the reserved matters.

Whilst it is acknowledged that the application site is small, it is considered that the site can lend itself to some form of acceptable development and therefore is not necessary to request additional information at this stage. The Planning Policy Guidance 3 (Housing) companion guide 'Better Places to live by design' gives advice on using good design for residential development and how the use of good design can overcome issues such as privacy.

It is therefore considered that this application can be dealt with as an outline application dealing with means of access only.

The area is immediately surrounded by residential development and the neighbouring planning application (05/672), if approved and constructed, will introduce a further residential element in the area.

By using an appropriate design as advocated in the PPG3 companion guide, a dwelling is considered acceptable on this site.

The Highway Issues

The Highway Authority are prepared to waive the normal restriction of more than four houses being served by a private access as only Gatenby

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House replies on the private access track for both pedestrian and vehicular rights. It is therefore considered that the access is acceptable as the Highway Authority have not raised an objection to this application.

Recommend That the Council be minded to approve this application (conditions relating to submission of reserved matters, contaminated land investigation) and delegate the decision to the Head of Planning and Building Control to issue the decision on the expiration of the consultation period.

Decision Time Less than 8 weeks – target met.

Reason for recommendation

The proposal is considered to be in accordance with local plan policies, particularly policies 1, 35 and 67 of the District of Easington Local Plan.

05/696

PETERLEE (DENEHOUSE) – Proposed Sectional building to contain home shopping storage at ASDA, Surtees Road, Peterlee for ASDA Stores Ltd.

Relevant Planning History

98/706 - ASDA retail store. Approved 17/06/1999.
01/735 - External Racking. Approved 23/05/2002.
AD/01/440 - Illuminated Signs. Approved 17/08/2001.

Consultations

The application has been advertised by site notices and the neighbouring properties have been notified by letters.
No representations have been received.

Easington District Council, Environmental Health Unit, salient comments summarised as:

- The proposal should not cause any restrictions in the yard whereby vehicles are forced to reverse into the yard as opposed to having a safe turning circle.
- Reverse alarms can cause noise nuisance to surrounding residents.

Peterlee Town Council: No objections

Durham County Council, Highways Authority, salient comments summarised as:

- The proposed storage building would be constructed within the existing service yard to the site. There would not appear to be any detrimental effect as a result of the reduced circulation space available for articulated delivery vehicles to access the site. The applicant will presumably have already looked into this issue in some detail to ensure that the structure would not adversely affect the turning manoeuvres of the delivery vehicles.
- No highway objection.

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Development Plan Policies

County Durham Structure Plan

48 & 48A Maintaining and enhancing the centre of the county's main town.

49 The location of new shopping development.

Development Plan Policies

- 1 General principles of development.
- 35 Impact of Development.
- 36 Access and means of travel.
- 38 Designing out crime.
- 101 Protection and promotion of town centres.
- 104 Out of centre retail development.

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

Comment

The proposal is for a sectional building that will measure 12.2 by 7.2 metres and will be single storey in height with a flat roof. The building will be used for ASDA's home shopping. This is where Internet shopping orders are packaged up for each customer and put into the delivery van for distribution to people's homes.

The building will be located in the service area to the rear of the existing ASDA supermarket.

The general principle of the development is considered acceptable. It is a retail related use; the orders are received by computer over the internet and ASDA staff select the orders from the stock in the store. The general thrust of government town centre planning advice and the Council's own retail policies is to locate retail development within town centres.

The building is utilitarian in appearance. The building is, however, not considered to detract from the immediate appearance of the area. This is due to the relatively modest size of the building in comparison to the overall size of the supermarket and associated car park. The proposed building is considered to be absorbed against the larger and taller backdrop of the supermarket building. In addition the service area is at a lower level when viewed from Surtees Road and this will help reduce its visual impact further.

The nearest residential properties are situated at the other side of Surtees Road and the proposal is not considered to have an undue impact upon the residents living in these properties due to the separation created by Surtees Road.

From the representations referred to above, comments have been received from both the Council's Environmental Health Officers and the Highways Department relating to manoeuvring of delivery vehicles.

Following further discussions, the Highways Authority consider that there is sufficient room for service vehicles to manoeuvre in order that they can

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enter and leave the site using a forward gear. This will then avoid the potential highway dangers created by lorries reversing down the service road and also the potential disturbance created by the reverse audible warning to residents of adjacent dwellings, particularly at unsociable hours. The use of a condition can be attached to ensure that vehicles enter and leave the site using a forward gear.

In conclusion the proposal is not considered to have an adverse impact upon the amenity of the area and any impact will be reduced by the modest size of the building in comparison to the larger size of the supermarket building. The use of the suggested condition will remove any potential highway safety and reverse alarm noise nuisance that could potentially be caused.

Recommend Conditional Approval (conditions relating to landscaping, materials, use of forward gear for vehicles entering and leaving the site)

Decision Time Less than 8 weeks (target achieved).

Reason for recommendation

The proposal is considered to be in accordance with local plan policies, particularly policies 1,35 and 101 of the District of Easington Local Plan.

E BACKGROUND PAPERS

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

Durham County Structure Plan
Easington District Local Plan
Planning Policy Guidance Notes
DETR Circulars
Individual application forms, certificates, plans and consultation responses
Appeal decisions



Graeme Reed
Head of Planning and Building Control