

Item no.

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

Date: **6 November 2007**

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

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

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

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

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In considering the applications and preparing the report the District of Easington has fully taken into account the duties imposed on Local Planning Authorities by the Human Rights Act 1998. In particular, regard has been given to Articles 6, 7, and 8, the First Protocol and Section 6. Where specific issues of compliance with this legislation have been raised these are dealt with within each report

B SPEAKING AT THE PANEL

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

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

C RISK ASSESSMENT

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

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D GENERAL APPLICATIONS

PLAN/2007/0401

PETERLEE (EDEN HILL) - PROPOSED DEVELOPMENT OF 90 No. NEW DWELLINGS, 10 No. REFURBISHED DWELLINGS, DEMOLITION OF 19 No. DWELLINGS WITH ASSOCIATED WORKS AND CONSTRUCTION OF GABLE END TO 10 JOHNSON CLOSE AT LAND AT FAIRBAIRN ROAD, PETERLEE FOR MR E ALDER, GLADEDALE(SUNDERLAND) LTD

The Application Site

The application relates to an area of land situated on the Edenhill Estate in Peterlee. The application covers a number of roads on the Edenhill Estate, including Crawford Avenue, Fairbairn Road, Ramsey Close, and Jarvis Road. The locality is largely residential characterised by two storey semi-detached properties.

The application site comprises former Local Authority housing, some of which has been demolished and some is still standing. At present, some of the site is vacant following clearance of the previous housing. The houses which have not been demolished are currently boarded up. In its present state the site attracts fly tipping as well as unwanted antisocial behaviour.

The Proposed Development

Planning permission is sought for a variety of works. In principle the proposal is for the erection of 90 no. dwellings and the refurbishment of 10 no. existing dwellings. To make way for the proposed development the application includes the demolition of 19 no. existing properties. As a result of the proposed demolition, an existing semi-detached property will become detached, the application therefore includes details of a new gable wall for the affected property.

The proposal includes the provision of a range of different house types, providing 2, 3 and 4 bedroom homes. The proposed new dwellings are all to be two-storey in height.

The properties to be refurbished will undergo major work to bring them up to standard, including: new kitchens, new bathrooms, new heating systems, rewiring, new doors and windows, re-roofing where necessary and landscaping works around the property.

Site History

None relevant.

Planning Policy

District of Easington Local Plan

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

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HOU66 - Provision of outdoor play space in new housing development
HOU67 - Windfall housing sites

Consultations and Publicity

The application has been advertised in the local press and by site notice. Neighbouring properties have also been consulted. Six letters of representation have been received in relation to this proposal. Three letters have been received in support of the application, on the grounds that the proposal will enhance and improve the area overcoming existing anti-social behaviour linked to the existing vacant properties. Three letters have also been received objecting to the proposal, on the grounds that it will have a detrimental effect on the existing residents, will lead to increased traffic into the site and regarding the proposed layout of the scheme and its impact on existing residential amenity.

Easington District Council, Planning Policy Officer, comments:

- In principle the residential development on this site is acceptable. However, the number of proposed units is considered unacceptable. PPS3 states that 30 dwellings per hectare should be the minimum density required on new housing developments. The number of proposed dwellings equates to 52 dwellings per hectare, which is considered excessive and of detriment to the design quality of the proposal.

Easington District Council, Tree Officer, comments:

- The proposed application appears to have considered replacement tree planting that will contribute to the development area and enhance the local amenity. There are existing trees that should be retained that will complement the proposed planting scheme.

Easington District Council, Countryside Officer, comments:

- The mitigation put forward as part of the Bat Risk Assessment submitted with the application should be a condition on any planning permission.

Durham County Council, Highways Authority, comments:

- The proposal is acceptable from a highways perspective.

Peterlee Town Council, comments:

- No observations or objections.

Planning Considerations and Assessment

The proposed development is considered to accord with the relevant national planning guidance and relevant development plan policies. The application relates to a previously developed site within the established settlement boundary. The proposed development if allowed, will provide a mix of different housing types that will be sustainable in achieving current and future occupants aspirations.

The following issues are considered relevant in assessing this application:

- Highways and Access
- Children's Play Space
- Impact on Existing Residents

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- Scale, Design and Layout of Development

Highways and Access

Durham County Council have been consulted on the proposed application, and following amendments agreed during the application process have no objections to the proposed works. It is therefore considered that the existing road infrastructure can accommodate the resultant number of dwellings on completion of the proposed residential development.

Play Provision

The proposed development involves the erection of more than nine houses, so policy 66 of the Local Plan requires that the appropriate provision should be made for children's play space. While there is no provision for such space within the development, the applicants have stated that they are willing to enter into a S.106 Legal Agreement in respect of their making a financial contribution to the provision of new or the enhancement of existing play space outside the application site. At the time of preparing this report however, the agreement has not been reached on the amount of contribution required.

Impact on Existing Residents

The proposal includes the demolition, refurbishment and erection of new dwellings on an existing estate; building works will take place adjacent to existing occupied properties and existing residents will be affected. However, given the benefits that the proposal will bring to the area as a whole, any temporary inconvenience caused to existing residents although regrettable is considered acceptable. A condition limiting hours of construction can be attached to any grant of planning permission.

Objections have been received regarding the effect the proposed development will have on adjacent occupants to the application site by way of loss of residential amenity in terms of loss of outlook and privacy. In general the proposed development is considered to be acceptable in these terms; the development has been designed in accordance with spacing and privacy guidelines set out in the District of Easington Local Plan.

Scale, Design and Layout of Development

The scale of development has also been questioned. The Council's Planning Policy Officer has argued that the number of proposed dwellings on this site will result in a development out of keeping with the character of the area to the detriment of the design quality of the proposal. In response the developer has argued that the proposal is in accordance with advice contained within PPS3: Housing and relevant guidelines relating to layout contained within the District of Easington Local Plan.

It is accepted by the Local Planning Authority, that the proposed layout could be improved by removing certain units from the scheme, however the proposal does accord with the relevant privacy and amenity space guidelines contained within the Local Plan, and therefore the concerns relating to layout are considered insufficient to warrant refusal of the application

National Planning Guidance relating to Housing Developments is contained with PPS3: Housing; the main aim of national guidance is to increase density

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of development and mixture of housing type. The national guidance calls for developments to be built with a density in excess of 30 houses per hectare; the current proposal is to be built with a density of 52 houses per hectare and therefore accords with the guidance. The proposal will also provide a variety of different house types, an approach that is also in accordance with the relevant national guidance.

Conclusion

On balance the proposal is considered to accord with the relevant guidelines relating to siting, density and mixture of housing type. The proposed development is considered to be acceptable in terms of design, and it is not considered that it would have any detrimental effects on the occupants of adjacent properties sufficient to warrant refusal of the application.

The proposed development is considered to accord with the relevant national guidance and local development plan policies. The objections received are not considered to be sufficient to outweigh the policy support for the principle of development. The proposed development will result in the development of a partly cleared Brownfield site within the established settlement boundary. The proposal will help to overcome existing problems with anti-social behaviour and void properties in the locality. It can also be considered to be to the benefit of Peterlee as a whole by providing a range of different housing types to meet the existing needs and future aspirations of residents.

Recommendation That Members be minded to approve the application subject to the completion of a Section 106 Agreement relating to off site open space provision, and subject to the following conditions: Materials, means of enclosure, landscaping, tree survey, tree protection works, hours of construction, protected species mitigation; and that delegated authority be given to the Head of Planning and Building Control Services to issue the decision on satisfactory completion of the Section 106 Agreement.

Reason for Approval

The proposed development is considered to accord with the relevant development plan policies; in particular policies 1, 35, 36, 37, 66, and 67 of the District of Easington Local Plan.

Decision time

Outside 13 Weeks, due to consultation requirements.

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PLAN/2007/0483

MONK HESLEDEN (BLACKHALLS) - PART DEMOLITION OF EXISTING 44 BED CARE HOME & THE ERECTION OF A 2 STOREY CARE HOME WITH ASSOCIATED ASSISTED LIVING FACILITY, CAR PARKING & LANDSCAPING, ADAPTATIONS OF PART RETAINED EXISTING BUILDING TO FORM 15 BED CARE UNIT WITH CENTRALISED ANCILLARY FACILITIES AT ABBEYVALE CARE HOME, LAIDLER CLOSE, BLACKHALL for MRS J HOUGHTON EXECUTIVE HEALTHCARE LTD

The Application Site

This 1 hectare site is currently occupied by a single storey 44 bed roomed care home built in the 1990s. It is located within a residential part of Blackhall and is accessed via a cul de sac, Kenber Drive. It is set within its own landscaped grounds and includes its own on site car parking facilities.

The Proposed Development

The applicants have supplied a detailed description of the proposals and the reason why they are needed and this is reproduced below :

Unfortunately due to recent changes in the national care standards and developments by other providers in the surrounding area, the home in its current or extended form is no longer viable, having a less than 50% occupancy rate.

The current building is largely unsuitable for large scale adaptations to meet the requirement for larger room sizes, the need for en-suite accommodation, wider doorways and corridors to accommodate wheelchair users and the need for more flexible common spaces to meet varying resident demands.

Many of the internal walls are load bearing and the raft foundations will not accommodate new room layouts and varying drainage outlet positions.

The proposal is therefore to demolish over 60% of the existing building to allow the erection of a new 2 storey building, broadly adhering to the current buildings footprint and that of the approved 2 storey extension. The retained single storey portion of the building currently accommodates essential core facilities, such as the boiler house, kitchen, laundry, lounge and dining room, which are all to be retained and upgraded to serve the overall development. The remaining accommodation is to be the subject of internal adaptations to provide 15 bedrooms with en-suite toilets.

As already mentioned, recent developments at Yohden Hall and other nearby homes has led to an over supply of beds in certain care categories. The new building will therefore carry a reduced number of general residential/emi beds totalling 30 (15 within the new building and 15 in the old) designed to operate as one or 2 separate units to give maximum flexibility in use.

The ground floor of the new care home units will accommodate a 12 bed young onset dementia unit to provide facilities for younger brain injury clients who cannot normally be accommodated within the normal elderly care home environment. This unit will provide larger bedrooms with en-suite wet rooms, more generous dayroom areas and a self contained kitchen/dining area to allow self preparation of meals.

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The courtyard facility enclosed between the existing and new units provides a safe secure enclosed facility for those residents who wish to sit out, walk or do gardening work without the need for staff intervention.

Site History

95/293 - Extension to home permitted on appeal.
01/316 - Renewal of above - Approved
06/402 - Second renewal of 95/293 – Approved July 2006

Planning Policy

District of Easington Local Plan

GEN01 - General Principles of Development
Policy 35 – Design and amenity.

Consultations and Publicity

The application was advertised in local newspapers, a site notice was displayed and local residents consulted.

16 local residents have commented and a petition signed by 41 local residents has been submitted raising the following issues :

- Loss of privacy from overlooking.
- Loss of natural light.
- Local bat population affected by loss of trees.
- Increased traffic on local road network, in particular service vehicles.
- Support proposals if single storey only.
- Loss of trees and shrubs around site.
- Increased road safety problems from extra traffic.
- Increased noise from extra delivery vehicles early in the morning.

County Highway Authority – Proposals are similar to others granted in the County with similar car parking provision, where there have been no reported problems relating to car parking.

Social Care Commission – No objections.

Environmental Health – Requests hours of construction restrictions.

Northumbrian Water – No objections.

Parish Council – Objects on the following grounds :

- Two storey development out of keeping with bungalows nearby.
- Traffic increase will cause increased danger to pedestrians.

Planning Considerations and Assessment

The main planning issues to be considered in assessing this application are :

- Visual impact of the new building,

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- Impact on amenities of adjacent existing residents,
- Traffic/car parking effects.

Visual Impact

It is proposed to partially demolish the existing single storey building and extend it with a one and two storey building across a large part of the site. There are a number of existing dwellings bordering the site, both single and two storey therefore it is considered that the principle of two storey development is acceptable in this instance – indeed a previous proposal for a two storey extension was approved on appeal.

Whilst the new building will be seen from a number of private viewpoints, there are only limited public viewpoints. It is considered that the design and form of the proposed building is acceptable in the context of the surrounding built environment and that the character of the locality will not be detrimentally affected.

Impact on adjacent residents

Because of the extent of the new building and its two storey nature there are a number of areas where there is a potential for overlooking and overshadowing of adjacent properties.

The applicants have been requested to amend the original plans, and revisions were made which it is now considered are acceptable, however concerns remain regarding the proximity of the extended building to the gardens of some properties on Hesleden Road (1.5 – 2 metres from the boundary) and it is hoped that further revised plans will be available in time for the meeting.

Most of the proposed building lies beyond the distance guidelines included within the Easington Local Plan and other properties nearby are not considered to be sufficiently affected by the development to warrant refusing planning permission.

Car Parking and traffic impact

The Highway Authority has compared the proposals with other similar ones in the county and has concluded that the car parking provision is acceptable given the nature of the use and number of units of accommodation proposed. It is also noted that permission exists to extend the existing care home to provide a similar amount of accommodation. There are not considered to be any overriding road safety issues arising from this proposal.

Other concerns raised by local residents relating to loss of trees and bat roosting habitat are noted but the site is not designated as being of nature conservation interest and the Council's Countryside Officer has not objected to the proposals, therefore it would be unreasonable to resist the application on these grounds.

Conclusion

It is considered that whilst the proposed development is extensive in nature and encroaches close to neighbouring residents' garden boundaries in some instances, the detrimental impacts have been mitigated by revisions to the

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scheme and in the main, separation distance guidelines within the Local Plan have been adhered to so that overall the proposed development is considered acceptable.

The impact of the development on the local road network is not considered to be such that road safety will be detrimentally affected, and numbers of vehicles generated are likely to be similar to those generated as a result of a previous planning permission to extend the care home.

Recommendation

That subject to the receipt of revised plans, the application be approved subject to the following conditions: Materials, landscaping, boundary treatment, hours of construction of the development.

Reason for Approval

The proposed development is considered to be acceptable in the context of adjacent residential properties and the area generally, and is in accordance with the Local Plan policies referred to above.

Decision time 11 weeks – Target achieved.

PLAN/2007/0562

HUTTON HENRY (WINGATE) - RESIDENTIAL DEVELOPMENT (OUTLINE) AT LAND REAR OF GREENFIELDS BUNGALOW, MILBANK CHAPEL TERRACE, STATION TOWN FOR MR P STEPHENSON

The Application Site

The application relates to Greenfield's Bungalow situated on Millbank Chapel Terrace in Station Town and the area of land to the rear. The land to the rear is currently used for the keeping of horses and parking of vehicles and caravans. Stable type buildings have been erected on the land with associated areas of hard standing. To the south the site is bounded by Newholme Estate, to the north by Ridgeway House Nursing Home and to the west by open land currently used for the grazing of horses. The site boundary is made up from a variety of different treatments including hedges, fences and walls.

The existing bungalow is situated within the settlement boundary as identified in the District of Easington Local Plan, however the majority of the land to the rear is outside the settlement boundary and therefore is considered to be in the countryside.

The Proposed Development

The proposal is for Outline Planning Permission for the erection of a residential development. Outline permission is sought for the erection of 20 no. dwellings on the site with associated access road and landscaping works. The existing Greenfield Bungalow is to be removed to make way for the proposed access road to the development.

This application deals with the layout, landscaping of and access to the proposed development. The scale of buildings and appearance of buildings are

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reserved and would be subject to a subsequent application if planning permission were to be granted.

In support of the proposed scheme the applicant has stated that the development will have a positive impact on the area creating a new tasteful and considerate development on land that is currently disused and empty. It is argued that the development will create a variety of new houses each suitable to a range of different levels to the market to the benefit of Wingate/Station Town.

Site History

04/417 – Use of hard standing for the parking of vehicles and caravans – Approved 01.07.2004

Planning Policy

District of Easington Local Plan

GEN01 - General Principles of Development
ENV03 - Protection of the Countryside
ENV35 - Environmental Design: Impact of Development
ENV36 - Design for Access and the Means of Travel
HOU66 - Provision of outdoor play space in new housing development
HOU67 - Windfall housing sites

Consultations and Publicity

The application has been advertised in the local press and by a site notice. Neighbour consultation letters have also been sent. Three letters of representation have been received in relation to this application. Concerns have been raised on the following grounds:

- The proposal includes changes to a back lane adjacent to the site. Residents are concerned that their existing access to the rear of the properties will be restricted as a result of the proposed development.
- Neighbouring residents are concerned regarding the loss of existing boundary treatments including hedges and fences, it is proposed that if the scheme is approved existing boundary treatments should be protected.

Easington District Council, Planning Policy Officer, comments:

- The proposed development of this site is contrary to policies 3, 67, 68 and 69 of the District of Easington Local Plan. It is therefore recommended that the application be refused. Since these comments were received policies 68 and 69 of the District of Easington Local Plan have expired. PPS7 relates to national guidance on sustainable development in rural areas and supersedes these policies.

Easington District Council, Environmental Health Officer, comments:

- If approved conditions should be attached requesting a contaminated land risk assessment and noise impact assessment, also it is suggested that hours of construction are limited to protect residential amenity.

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Durham County Council, Highways Authority, comments:

- Insufficient information has been submitted with the application, to allow a full comment by the Highways Authority. Concerns are raised regarding visibility at the junction between the proposed estate road and the B1280 and the internal road layout.

Planning Considerations and Assessment

The site is situated within the curtilage of the applicant's dwelling Greenfield's Bungalow, however the curtilage extends into the countryside, past the settlement limit for Station Town/Wingate. On this basis the site is considered to be located within the countryside. Past development of the site including stables and areas of hard standing was allowed as it was considered to have minimal impact on the character of the open countryside.

The site is not identified as a potential housing site in the Local Plan and is consequently a windfall site. Therefore policies 3 and 67 of the District of Easington Local Plan are relevant. National Planning Guidance contained within PPS7 Sustainable Development in Rural Areas is also deemed to be relevant.

Policy 67 of the Local Plan states that housing development will be approved on previously developed sites within settlement boundaries of established towns and villages. As outlined above the site is considered to be outside the settlement boundary. The proposal is therefore considered contrary to policy 67 of the local plan.

The Council considers that housing development should normally only be approved on sites within the towns and villages of the District. There are a number of reasons for this. Firstly, new development within the settlements can help to maintain the compact and convenient village form, which is most appropriate for the support of shops and facilities. Secondly, it can also reduce the need for people to travel to facilities. Although the application site is situated adjacent to the existing settlement, the development boundaries have been set in the Local Plan and the majority of the application site is situated in land regarded as countryside. Policy 3 severely restricts development in the countryside. Policy 3 deals with development in the countryside in general and states that it will not be approved.

It is acknowledged that new housing developments in the countryside are sometimes required to meet the housing needs of those employed principally in agricultural and forestry enterprises whose duties make it essential for them to live very close to their place of work. PPS7 states that new housing development in the countryside will only be approved if dwellings are required for occupation by persons engaged solely or mainly in agriculture, forestry or other appropriate rural enterprises who must live close to their place of employment to perform their duties. The National Guidance sets out the criteria under which planning permission will be granted and calls for a clear justification of need. No justification of need has been submitted with the application. PPS7 also allows new development in the countryside that is deemed to represent outstanding design. The proposed scheme is not considered to represent such a high standard of design to warrant approval.

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Conclusion

The application represents the development of a site situated outside the established settlement boundary for Station Town/Wingate. No justification has been given for the new housing in the countryside and as such the proposal is considered to be contrary to National advice contained within PPS7 and District of Easington Local Plan policies 3 and 67.

Recommendation Refusal for the following reason:

The application represents residential development outside the established settlement boundary for Station Town/Wingate and is therefore considered to be development in the countryside. The proposal is considered to be contrary to policies 3 and 67 of the District of Easington Local Plan.

Decision time Outside 13 weeks. Target missed due to consultation requirements.

PLAN/2007/0609

SEAHAM (SEAHAM NORTH) - HOUSE (RESUBMISSION) AT SEAHAM GRANGE FARM, STOCKTON ROAD, SEAHAM FOR MR I DAVIDSON

This application was withdrawn from a recent Panel Meeting to enable Members to have sight of further information supplied by the applicant and to enable it to be included within this report for consideration by Members.

The Application Site

The proposed site lies within an arable field some 25 metres to the south of an existing Agricultural grain drying shed. It is close to a group of buildings consisting of dwellings and outbuildings that were formerly part of Seaham Grange Farm but which have now been sold off except for one dwelling occupied by the applicant's mother.

The Proposed Development

This outline application relates to the erection of an agricultural dwelling within an open countryside location in order to act as security for the adjacent agricultural building. The building is to be occupied by the applicant to facilitate more convenient and effective monitoring of the building and general operation of the farm business. Access will be via the existing shared driveway to the other buildings nearby.

Site History

07/260 – Agricultural dwelling – Withdrawn June 2007

Planning Policy

County Durham Structure Plan

CSP05 - North Durham Green Belt

CSP06 - Development within the Green Belt

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District of Easington Local Plan

ENV03 - Protection of the Countryside
ENV04 - Greenbelt Extension in County Durham
ENV05 - Control Over Development in the Green Belt
GEN01 - General Principles of Development
ENV35 – Design and amenity

PPS 7 – Sustainable development in Rural Areas.

Consultations and Publicity

The application has been advertised in local newspapers, a site notice posted and local residents have been consulted.

Comments have been received from three local residents in respect of the following:

- Applicant should live on the site to protect buildings from criminal activity.
- The house would not be visually intrusive.
- There will be no increase in traffic.
- Grain dryer needs someone on hand 24 hours a day.

Town Council – No comments received.

Environmental Health Officer – Contaminated land survey should be undertaken.

Planning Policy Officer - Considers that the effect of the dwelling on the openness of the Green Belt is reduced due to its proximity to the existing buildings. However the dwelling is not a replacement but a new one which will have an impact on the openness of the Green Belt. Considers that information in support of the application is sufficient to warrant approval, however further information supplied raises concerns that the dwelling would be used solely as a means of managing and monitoring the existing grain/fertiliser store nearby – this justification for a new dwelling would be contrary to guidance contained within PPS 7.

Highway Authority – Concerned with additional traffic using the existing access onto the B1285 Stockton Road. Revised access proposals not submitted at the time of drafting.

Planning Considerations and Assessment

The main planning issues relating to this proposal are considered to be

- Planning Policy and
- Impact of the development on the Green Belt.

Planning Policy

The main policy document the Local Planning Authority uses when assessing the need for a new dwelling in open countryside is Planning Policy Statement 7 – Sustainable development in Rural Areas. This provides guidance for dealing with proposals for agricultural, forestry and other rural dwellings.

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Paragraph 10 of PPS7 makes clear that isolated new houses in the countryside require special justification for planning permission to be granted. One of the few circumstances in which isolated residential development may be justified is when accommodation is required to enable agricultural, forestry and certain other full-time workers to live at, or in the immediate vicinity of, their place of work. It will often be as convenient and more sustainable for such workers to live in nearby towns or villages, or suitable existing dwellings, so avoiding new and potentially intrusive development in the countryside. However, there will be some cases where the nature and demands of the work concerned make it essential for one or more people engaged in the enterprise to live at, or very close to, the site of their work. Whether this is *essential* in any particular case will depend on the needs of the enterprise concerned and not on the personal preferences or circumstances of any of the individuals involved.

New permanent dwellings should only be allowed to support existing agricultural activities on well-established agricultural units, providing:

- there is a clearly established existing functional need
- the need relates to a full-time worker, or one who is primarily employed in agriculture and does not relate to a part-time requirement
- the unit and the agricultural activity concerned have been established for at least three years, have been profitable for at least one of them, are currently financially sound and have a clear prospect of remaining so.
- the functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned
- other planning requirements e.g. in relation to access, or impact on the countryside are satisfied

A functional test is necessary to establish whether it is essential for the proper functioning of the enterprise for one or more workers to be readily available at most times. Such a requirement might arise, for example, if workers are needed to be on hand day and night :

- in case animals or agricultural processes require essential care at short notice;
- to deal quickly with emergencies that could otherwise cause serious loss of crops or products, for example, by frost damage or the failure of automatic systems.

In cases where the local planning authority is particularly concerned about possible abuse, it should investigate the history of the holding to establish the recent pattern of use of land and buildings and whether, for example, any dwellings, or buildings suitable for conversion to dwellings, have recently been sold separately from the farmland concerned. Such a sale could constitute evidence of lack of agricultural need.

The protection of livestock from theft or injury by intruders may contribute on animal welfare grounds to the need for a new agricultural dwelling, although it will not by itself be sufficient to justify one. If a functional requirement is established, it will then be necessary to consider the number of workers

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needed to meet it, for which the scale and nature of the enterprise will be relevant.

The applicant has submitted a supporting statement which included numerous examples of case law and appeal decisions together with a financial statement. Information relating to the functional need for a new dwelling was not conclusive however and further information was sought from the applicant. This report is based on that further information.

In considering the current application officers are aware that the grain dryer was erected in 2004 and that prior to that a number of farm buildings on the site were sold off for residential conversion. Of more relevance however, in particular in relation to the advice within PPS 7 above, Seaham Grange Farmhouse was renovated and sold off in 2006.

The main issue to consider in this instance is whether it is essential for someone to live permanently close to the existing building, or whether it would be merely convenient for the efficient operation of the business.

Any essential need for someone to be readily available at most times on this site will derive solely from the needs of the security and monitoring of the existing grain store. Such needs have been examined on numerous occasions by Appeal Inspectors, and whilst each proposal must be considered on its merits, in the main, Inspectors have determined that the needs of arable crop monitoring and security of farm equipment seldom on their own justify the erection of a new dwelling in open countryside contrary to established planning policies.

More sensitive crops such as Cactus or other temperature sensitive plants usually provide justification, as do livestock husbandry needs. However grain drying facilities tend to be less sensitive to machinery malfunction and security issues are normally expected to be addressed by remote cameras, alarms etc.

In addition to the above concerns Officers are aware that a certain amount of passive security is already present on site as the applicants Mother lives nearby and there are a number of existing dwellings within the old farm yard area.

There is also the issue of why the original farmhouse was renovated and sold off by the applicant only one year before applying for the current proposal, although an explanation is contained within the applicant's supporting document.

Impact on the Green Belt

Whilst it is accepted that the development is proposed to be located close to the existing grain store and other buildings, it nevertheless remains some 25 metres away and will be seen as new development located within an agricultural field, within the Green Belt for which strict residential planning policies apply.

It is considered that without a justifiable overriding essential need, a new dwelling in this location will have an unacceptable detrimental effect on the open character of the Green Belt.

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In addition to the above, the applicant has now proposed a new access to the proposed dwelling in response to the Highway Authority's objections to the existing farm track access.

The revised route runs more than 400 metres through the fields to the south of the site to emerge at Glebe Drive. It is considered that the creation of a domestic access through arable fields in an open location within the Green Belt would have a detrimental effect on its rural and open character by the creation of a large expanse of surfaced driveway.

The applicant has submitted further information in response to the previous report. The main issues included within that further submission are highlighted below and comments made thereon where necessary.

The application is for a replacement dwelling to administer the enlarged farm business, not to act purely as security for the nearby agricultural building.

This description is accepted in the report below, however officers are concerned as to whether it is essential to locate a new dwelling in this particular location.

The original farmhouse was sold by the applicant in 2003 not 2006.

The applicant states in the supplementary information that the farmhouse was sold off for rebuilding and doesn't give a precise date but goes on to say that it was "eventually sold in 2006". Whatever the date of sale, officers are concerned that the farmhouse was sold off as were other convertible outbuildings on the site **after** planning permission had been granted for the nearby agricultural building in May 2002. This action does not indicate that there would have been a need to live on site to monitor the agricultural building.

The applicant farms seven farms, much of the produce of which "goes into bio fuels production".

The eventual destination of the grain is not a material planning consideration, and whilst officers accept the applicant's business is viable, concern remains as to the functional requirement to locate a new dwelling in an open countryside green belt location given the history of building sales referred to above.

Existing dwellings located nearby are obscured from view of the shed entrance so cannot adequately monitor the building.

Officers consider that appropriate alarm systems could be installed. If it was accepted that every agricultural storage building required a dedicated dwelling to be erected next to it then there would be an unacceptable demand for new dwellings in the open countryside.

The new building will not impact on the Green Belt as it will not be seen from the B1285.

The aim of green belts is to prevent the spread of new development by keeping land permanently open. The visual prominence or other wise of the application site is an issue but is underpinned by the principle of resisting any new development within the green belt unless there are exceptional

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circumstances which dictate otherwise. Officers are of the opinion that the proposed development will erode the open nature of the Green Belt and that there are no overriding reasons to allow such development.

The alternative vehicular access will be obscured from view by hedges, fences and mounding – there will be no block paving or hard surface and no impact on the Green Belt.

Officers remain concerned that a domestic access some 400 metres in length will inevitably bring with it a visual impact that will affect the open nature of the Green Belt, however they are aware that enforcing the use of this access by occupiers of the new dwelling would not be possible.

Conclusion

This proposal relates to the erection of a new dwelling within a countryside location within the Green Belt.

Such development should only be permitted if there are overriding reasons why well established residential planning policies should be set aside. In this instance agricultural need is put forward as the reason why planning permission should be granted. However it is considered that this need is not essential to the running of the existing farm business having regard to the circumstances surrounding the application.

This opinion is reinforced by the open nature of the application site and its designation as Green Belt land within which enhanced restrictions apply to new residential development.

The further information supplied by the applicant is not considered to be of sufficient weight to alter the opinion of officers with regard to the need for a new dwelling in open Green Belt countryside.

It is considered therefore that insufficient justification has been given to enable planning permission to be granted in this instance and it is recommended that permission be refused.

Recommendation (Subject to change if revised access plans are submitted)

Refuse for the following reasons :

1. National planning guidance in the form of Planning Policy Statement 7 – Sustainable development in Rural Areas requires that new residential development in the open countryside should have a special justification to enable planning permission to be granted contrary to established residential planning policies relating to the open countryside. The reasons put forward by the applicant are of insufficient weight to warrant the overriding of existing planning policies for this area designed to preserve the character of the open countryside and in particular the open character of the Green Belt.

It is considered therefore that the proposed development will form an intrusive domestic feature which will have an unacceptably detrimental effect on the character of this rural location, which is designated as Green Belt land, contrary to policy 5 of the Durham Structure Plan, saved policies 1, 3, 4, and 35 of the District of Easington Local Plan

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and Planning Policy Statement 7 – Sustainable development in Rural Areas.

2. The proposed development is served by an unsatisfactory access onto the B1285 Stockton Road. The additional traffic created by a new dwelling will be likely to exacerbate existing road safety problems to an unacceptable degree.

Decision time 7 weeks – Target achieved.

PLAN/2007/0652

SHOTTON (HASWELL & SHOTTON) - RESIDENTIAL DEVELOPMENT (OUTLINE) AT LAND TO SIDE AND REAR OF GLENACRE, FLEMING FIELD, SHOTTON FOR MR D EGLINTON

The Application Site

The site comprises an extensive garden area to the rear of a domestic dwelling in the built up part of Shotton Colliery. The land once formed part of Ardmore Farm next door but was sold off as part of a larger land holding for residential development in the 1950s.

It now consists of grassed garden land with a variety of shrubs and trees and is surrounded by domestic gardens of adjacent dwellings on Station Road, Salters Lane and Belvedere Gardens.

The Proposed Development

Outline planning permission is sought for residential development of the whole site, which will be likely to include the demolition of the existing house to enable appropriate access to the rear garden area. All matters are reserved for a future detailed planning application should permission be granted.

Site History

None on this site.

Planning Policy

District of Easington Local Plan

GEN01 - General Principles of Development
Policy 67 – Windfall housing sites.

Consultations and Publicity

A site notice was posted and local residents consulted. Seven residents have commented raising the following issues :

- Loss of privacy from overlooking of house and gardens.
- Loss of mature trees and shrubs.
- Loss of bats roosting in the locality.
- Access onto Salters Lane will be dangerous.
- Increased traffic will cause increased danger to local pedestrians.

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- Relocation of bus stop will be dangerous due to existing road junctions nearby.
- Loss of natural light.

Countryside Officer – Existing buildings and structures on site give no opportunities for bats to roost.

Planning Policy – Site is defined as brownfield and is within settlement boundary so is acceptable in policy terms.

Highway Authority – No objections in principle, but relocation of bus stop and street furniture will need to be agreed with the County Council at detailed planning stage.

Environmental Health – Requests contaminated land survey and hours of building operation conditions.

Environment Agency – No objections.

Planning Considerations and Assessment

As this is an outline planning application with all matters reserved for further consideration the main planning issue to be considered is the principle of the development of this site.

The land was once part of an agricultural holding but that use ceased in the 1940/50s and the land around developed for housing and the application site given over to “Glenacre” in the 1970s.

The land is now part of the garden to Glenacre and is therefore brownfield land, within the boundary of Shotton and is therefore acceptable in planning policy terms for residential development under policy 67 of the Local Plan.

The site is surrounded on most sides by existing dwellings and gardens and as such any new development will have to respect the privacy, outlook and natural light expectations of existing residents. The concerns raised by residents to this application are noted, however there are no details submitted at this stage so the impact of any new dwellings cannot be assessed.

Access is to be gained via Salters Lane and may involve the demolition of the existing dwelling. Again local residents concerns regarding the access to the site are noted but the Highway Authority raise no objections to the application in principle – there may be issues raised at the detailed stage which require further consideration but they are not part of the current application.

Concerns have been raised relating to the loss of habitat and bat roosting sites, however the Council’s Countryside Officer has no objections to the proposals, and the land is not designated as an important nature conservation site so refusal of permission on such grounds is not appropriate.

Conclusion

It is considered that the residential development of this land is acceptable in policy terms and that the impact of any development on local residents and the local road network can be controlled at the detailed planning stage.

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Recommendation

Outline approval subject to the following conditions: Full details to be submitted relating to design, materials, density, access and landscaping.

Reason for Approval

The proposed development is in accordance with the planning policies referred to above.

Decision time 7 weeks – target achieved.

PLAN/2007/0661

HUTTON HENRY (WINGATE) - CALF REARING SHEDS AND GENERAL PURPOSE AGRICULTURAL BUILDINGS AT LAND TO SOUTH WEST OF HEATH VIEW, STATION TOWN FOR MR A WATSON

The Application Site

This application site is situated in the countryside, to the east of the Station Town settlement boundary. There are three detached properties directly to the north east of the application site, one of which is in the ownership of the applicant; beyond these properties is a row of terraced properties, Heath View. Approximately 220 metres to the north east of the site there is a large pond (County Wildlife Site), and approximately 650 metres from the site there is a known great crested newt breeding pond.

The Proposed Development

This application proposes three general purpose agricultural buildings and three calf rearing sheds. Each agricultural building would be situated near a calf rearing shed. The three pairs of buildings would have their own access road and car parking area along with a fenced off area for calf grazing, the roads and parking areas have already been part constructed without planning permission.

The agricultural buildings would be constructed of fabricated steel with green steel sheet cladding and would measure approximately 18.6 metres long by 9.2 metres wide and 5.03 metres high. The calf rearing sheds would be constructed of rendered blockwork, red concrete roof tiles and white upvc windows and doors, each would have its own toilet/washroom. The sheds would measure 20 metres long by 6 metres wide and approximately 4.5 metres high.

In total, the application site measures approximately 4630 square metres (0.46 hectares).

Site History

No relevant planning history.

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Planning Policy

District of Easington Local Plan

GEN01 - General Principles of Development

ENV03 - Protection of the Countryside

ENV16 - Protection of sites of Nature Conservation Importance, Local Nature Reserves and Ancient Woodlands

ENV18 - Species and Habitat Protection

ENV35 – Impact of Development

Planning Policy Statements

PPS7 - Sustainable Development in Rural Areas

Consultations and Publicity

Parish Council – no response.

Highways Authority – no objections, subject to any means of enclosure being set back at least 1.8 metres where adjacent to the Byway.

Northumbrian Water – no response to date.

Environment Agency – no objections.

Countryside Services – Objection. The application site is in an area where great crested newts are known to be present and therefore there is a reasonable likelihood that they may be present on this site. Therefore, in accordance with PPS9, a great crested newt survey or reasoned risk assessment must be carried out by a competent ecological surveyor.

Environmental Health – no objections.

Local Plans – Objection. Not in accordance with PPS7 – Sustainable Development in Rural Areas. The siting of the proposed sheds and buildings are not in keeping with the surrounding area, they are located away from existing buildings and would be prominent features in the area. The design of the calf sheds are not in keeping with a typical agricultural use and the provision of an access road for each pair of buildings is excessive.

Planning Considerations and Assessment

• Impact on the countryside

Planning Policy Statement 7 - Sustainable Development in Rural Areas states that new buildings in the open countryside away from existing settlements or outside areas allocated for development in development plans (as in this case), should be strictly controlled. It also states that all development in rural areas should be well designed and inclusive, in keeping and scale with its location, and sensitive to the character of the countryside and local distinctiveness.

It is considered that the layout and design of the proposed sheds and buildings is inappropriate as they are out of character and create an intrusive feature within the surrounding countryside landscape. The buildings lack any

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screening and are positioned some distance apart from one another rather than grouped together which increases their prominence in the area. The calf sheds are domestic in appearance and are not in keeping with typical rural/agricultural buildings and the provision of three access roads and parking areas is excessive. It is noted that the calf sheds have been designed with insulated walls, floors and roof structure and have double glazed windows, to a specification that would satisfy the building regulations for a domestic dwelling. As such, the calf sheds could easily lend themselves to future conversion into residential dwellings to the detriment of the countryside.

- **Impact on surrounding occupiers**

Policies 1 and 35 of the District of Easington Local Plan requires development to have no serious adverse affect on the amenity of people living and working in the vicinity of the development site and the existing use of adjacent land or buildings in terms of privacy, visual intrusion, noise, other pollutants and traffic generation.

There are some 16 residential dwellings directly to the north east of the application site. The proposal would lead to increased agricultural noise and smells relating to agricultural practice, however it is not considered that this would result in loss of amenity to these residents significant enough to warrant refusal. However, the inappropriate design and layout of the development would have a detrimental visual impact on the surrounding countryside and consequently the nearby residents.

- **Impact on protected species and site of nature conservation importance**

The application site is in an area where great crested newts are known to be present and therefore there is a reasonable likelihood that they may be present on this site. Great crested newts are a European Protected Species. The site is approximately 220 metres from a large pond (County Wildlife Site) and 650 metres from a known great crested newt breeding pond. There are also many other wetlands to the north west of the site which may support breeding great crested newts. Therefore, in accordance with PPS9, a great crested newt survey or reasoned risk assessment must be carried out by a competent ecological surveyor.

Conclusion

It is concluded that the design and layout of the proposed development is inappropriate and would result in an intrusive feature within the surrounding countryside landscape. There is also potential for the loss of a European protected species and habitat which cannot be assessed due to lack of information.

As part of the development has already been implemented, it is considered appropriate that the Panel authorises legal action to secure the reinstatement of the land, if the applicant does not voluntarily do so in the event that planning permission is refused.

It should also be noted that if members are minded to approve this application, development should not go ahead before a full great crested newt or a reasoned risk assessment is carried out by a competent ecological surveyor licensed to work with great crested newts, to the satisfaction of the Local Planning Authority.

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Recommendation

1. Refusal for the following reasons:

The design and layout of the development is considered to be out of character with the surrounding countryside landscape creating an intrusive feature, particularly having regard to the lack of screening, sparse layout, the domestic appearance of the calf rearing sheds and excessive use of roads and parking, and it is considered, therefore, that the proposal is contrary to Policies 1 and 3 of the District of Easington Local Plan and Planning Policy Statement 7 - Sustainable Development in Rural Areas.

2. Authority be given to the Head of Planning and Building Control Services to take the necessary legal action to secure reinstatement of the land:

In October 2000, the Human Rights Act 1998 transposed the European Convention on Human Rights into domestic United Kingdom law. The majority of rights are qualified and not absolute, thereby allowing interference in the public interest. Such interference will be unlawful unless it is prescribed by or in accordance with the law, is in pursuit of a legitimate aim and is necessary in a democratic society. Consequently a local authority is obliged to balance individual rights against the public interest prior to determining whether to act.

In this case it is considered that the inappropriate design and layout, and prominent location of the development has a significant negative impact on the surrounding countryside and consequently the amenities of neighbouring occupiers. For these reasons it is concluded legal action is necessary. It is also in accordance with the law and satisfies a legitimate aim i.e. improvement of the environment in the public interest.

Decision time 6 weeks (target achieved)

PLAN/2007/0663

SEAHAM (SEAHAM HARBOUR) - 15M HIGH MONOPOLE TELECOMMUNICATIONS MAST WITH RADIO ANTENNAS, ASSOCIATED EQUIPMENT, CABINET AND ANCILLARY DEVELOPMENT AT GEORGE STREET GARAGE, GEORGE STREET, SEAHAM FOR 02 (UK) LTD

The Application Site

The application relates to George Street Garage, situated on George Street in Seaham. The proposed installation is to be sited at the southern end of the site adjacent to the boundary with the railway line to the west. The application site is allocated as part of a small industrial estate in the District of Easington Local Plan.

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The Proposed Development

Planning permission is sought for the erection of a 15m high Alifabs monopole mast and the installation of associated base station equipment on land at George Street Garage in Seaham.

In support of their clients proposal the agent has submitted the following statement:-

There is a need by the operator to introduce network services to this locality. The proposed development will address this identified need in line with the operators licence requirements and customer demands.

In accordance with PPG8 an assessment of the site has been undertaken and discussions were held with the Local Planning Authority. The site that has been identified is the most appropriate location and meets the required criteria for this cell.

The telecommunications infrastructure proposed as part of this application has been designed and sited, having regard to technical, engineering and land use planning considerations, in order to minimise its impact on the local environment. Accordingly the proposed development is considered to conform with national and local planning policies guidance.

The agent has confirmed that these telecommunications proposals are designed to be in full compliance with the requirements of the radio frequency (RF) public exposure guidelines on the International Commission on Non-Ionising Radiation Protection (ICNIRP) as expressed in EU Council recommendation of 12 July 1999 "on the limitation of exposure of the general public to electromagnetic fields (0 Hz to 300 GHz). Standards have been set by the ICNIRP to ensure that the telecommunications equipment operates at low power levels.

This application represents the re-submission of a previously refused scheme (see relevant planning history). It features a slimmer monopole to that previously refused. Itl also features an increased number of antennas to that previously considered; the development is to provide 2G and 3G coverage, whereas the previously refused scheme was to only provide 3G coverage.

Site History

PLAN/2007/0049 – 15M Monopole and Associated Equipment – Refused 20/03/2007

The above application was refused for the following reason:

The proposed mast would appear as an obtrusive and dominant feature within the street scene and wider locality to the detriment of amenity for nearby residents, contrary to policies 1, 35 and 82 of the District of Easington Local Plan.

Planning Policy

District of Easington Local Plan

GEN01 - General Principles of Development

ENV35 - Environmental Design: Impact of Development

IND54 - Existing Small Industrial Estates

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Consultations and Publicity

The application has been advertised by a site notice and neighbouring properties have been consulted. four letters of representation have been received in relation to this application. Objections have been made on the following grounds:

- The proposed telecommunications mast would have a detrimental effect on the value of adjacent residential properties.
- The proposed telecommunications mast would have a detrimental effect on the character of an area of land adjacent to Seaham Conservation Area.
- The proposed mast would be a blight on the landscape to the detriment of the recent regeneration of the town.
- Although the evidence that telecommunication masts have harmful effects on health is inconclusive, where there is doubt, it is felt that a precautionary approach should be taken and such masts should not be sited adjacent to residences.

Easington District Council, Environmental Health, comments:

- No objections to the proposal.

Durham County Council, Highways Authority, comments:

- The proposed installation is set back from the public highway within a fenced off compound area and is therefore acceptable from a highway point of view.

Seaham Town Council, comments:

- It is the Town Council's view that the erection of a mast of such size will be obtrusive in that location and will be capable of being seen for considerable distances by occupiers of residential dwellings.
- The Town Council are of the view that the applicant should look into sharing one of the other existing telecommunications masts in the locality with another provider rather than erecting a new one.
- Seaham Town Council is concerned regarding the health risk to residents from telecommunications masts. The Town Council feel that the District Council should take a precautionary approach and reject telecommunication masts on sites close to residential properties.

Planning Considerations and Assessment

Central Government's general policy on telecommunications is contained within Planning PPG8 'Telecommunications' (August 2001) and seeks to facilitate the growth of new and existing systems.

Local Planning Authorities are advised by PPG8 not to question the need for the services which a proposed development is to provide and are encouraged to respond positively to telecommunications development proposals, especially where the proposed location is constrained by technical considerations, while taking account of the advice on the protection of urban and rural areas in other planning policy guidance notes.

The Government encourages mast and site sharing where appropriate. Operators are required to provide evidence to suggest to Local Planning

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Authorities that they have carefully considered the use of existing masts, buildings and other structures before seeking to erect any new mast, regardless of size.

In seeking to arrive at the best solution for an individual site, authorities and operators are encouraged to use sympathetic design and camouflage to minimise the impact of the development on the environment in terms not only of masts and structures but also materials and colouring.

In response to growing concerns from the general public the Government commissioned the 'Independent Expert Group on Mobile Phones' to examine the impact of telecommunications apparatus on health. Sir William Stewart chaired the Commission and the report was published in May 2000.

The Stewart Report encouraged mast sharing and recommended that as a precautionary approach the International Commission on Non Ionizing Radiation Protection (ICNIRP) guidelines for public exposure be adopted for use in the UK rather than the National Radiological Protection Board (NRPB) guidelines.

In respect of base stations the Stewart Report concluded that "the balance of evidence indicates that there is no general risk to the health of people living near to base stations on the basis that exposures are expected to be small fractions of the guidelines. However, there can be indirect adverse effects on their well-being in some cases".

The Group recommended a precautionary approach comprising a series of specific measures to the use of mobile phone technologies until there are more detailed and scientifically robust information on any health effects.

For example PPG8 'Telecommunications' states:-

Health considerations and public concern can in principle be material considerations in determining applications for planning permission and prior approval. Whether such matters are material in a particular case is ultimately a matter for the courts. It is for the decision-maker (usually the Local Planning Authority) to determine what weight to attach to such considerations in any particular case.

However, it is the Government's firm view that the planning system is not the place for determining health safeguards. It remains central Government's responsibility to decide what measures are necessary to protect public health. In the Government's view, if a proposed mobile phone base station meets the ICNIRP guidelines for public exposure 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.

The Government's acceptance of the precautionary approach recommended by the Stewart Group's report "mobile phones and health" is limited to the specific recommendations in the Group's report and the Government's response to them. The report does not provide any basis for precautionary actions beyond those already proposed. In the Government's view, Local Planning Authorities should not implement their own precautionary policies e.g. by way of imposing a ban or moratorium on new telecommunications

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development or insisting on minimum distances between new telecommunication development and existing development.

It should be noted that the High Court has recently overturned several appeal decisions where telecommunications development was refused due to the perception of fear against the health and well-being of the resident population. The High Court in allowing the development made clear that so long as the development is undertaken in accordance with the ICNIRP standards then it should not be necessary for a Local Planning Authority in processing an application to consider the health effects further.

The applicants have indicated that the proposed telecommunications equipment is “designed to be in full compliance with the requirements of the radio frequency (RF) public exposure guidelines on the International Commission on Non-Ionising Radiation Protection (ICNIRP), as expressed in EU Council recommendation of 12 July 1999”.

The Town And Country Planning Act 1990 (as amended) requires that Local Planning Authorities must determine applications for planning permission in accordance with the development plan in force for the area unless material planning considerations indicate otherwise.

The Council’s current policies and standards in relation to developments of this kind are included within the District of Easington Local Plan. Policies 1 and 35 of the Local Plan set out the material planning considerations to be taken into account when considering a proposed development of this kind.

Policy 1 of the District of Easington Local Plan, amongst other matters, states that new developments should safeguard the visual and general amenity of people living and working within the vicinity of the application site. Policy 35 deals with the impact of development. It states that development should reflect the scale and character of its locality and have no serious effect on the amenity of people living and working in the vicinity of the development. New sites for telecommunication developments will therefore only be approved where they would not have a significant adverse effect on the amenity of the surrounding area.

Four letters have been received from local residents objecting to the proposed telecommunications installation. Seaham Town Council have also responded to consultation objecting to the proposal. The main issues raised include: the impact of the development on the visual amenity of the site and immediate surrounding area; the impact of property values in the area; and its impact on the health and well-being of the resident population.

The concern and anxiety expressed by local residents in terms of the impact of the development on their health and well-being has been considered by the Local Planning Authority. However, it is felt that such concern cannot be seen as a reason in itself for refusal of planning permission given that the equipment is strictly regulated by central Government under the terms of the Telecommunications Code Systems Licence. The application site is not considered to represent a specific risk where a precautionary approach could be adopted. The Minister for Housing and Planning has recently written to all Local Planning Authorities making it clear that if a proposed development meets with the ICNIRP guidelines then it is not necessary for an authority in processing an application to consider the health effects further.

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In terms of the effect the proposed telecommunication installation will have on property value in the locality, this is not considered to be a consideration for members when determining the application.

In terms of the concerns over the effect the proposed mast would have on the character of the area, it is accepted that the proposed mast will be visible from residential properties; and that it is to be substantially higher than any existing structure in the street scene.

In support of the proposal the applicant has argued that the proposed installation is to incorporate a monopole design in order to reduce any visual effect the installation may have and that the proposed equipment cabinets will be screened from view by existing fencing and vegetation. In discussions with the Council, the applicant has suggested that a decrease in height may be possible, or that they would be willing to establish new planting adjacent to the site to lessen the installations impact within the street scene; the Local Planning Authority are of the opinion that neither proposition would lessen the impact of the proposed scheme sufficiently to overcome concerns regarding visual impact.

The Local Planning Authority accepts that the applicant has demonstrated a requirement for the proposed installation. The current proposal is to not only provide 3G coverage as the previous application on this site; but also 2G coverage removing the need for additional installations. However, any need must be balanced and the relevant Local Plan Policy states that new telecommunications developments will only be approved where they would not have a significant adverse effect on the amenity of the surrounding area.

The previous application relating to this site was refused primarily due to the height and siting of the proposed mast; although the current proposal features a slimmer monopole than that previously proposed, the Local Planning Authority do not consider that the current proposal has overcome the previous reason for refusal. Due to its siting on a raised prominent position it is considered that the proposed mast would represent an obtrusive and dominant feature in the street scene to the detriment of amenity of nearby residents. The siting of the proposed mast on a raised area of land adjacent to the railway line will further increase the effect that the development would have on the character of the area; the proposed mast would be a dominant feature in the locality as there are no other features of a comparable height.

Conclusion

The proposal is considered to be contrary to the relevant development plan policies as it would have a significant adverse effect on the amenity of the surrounding area.

Although the applicant has demonstrated a need for the proposed installation in this location and has investigated and subsequently discounted site sharing with an existing provider in the locality, it is considered that the proposal has not changed sufficiently to overcome the previous reasons for refusing a similar scheme on this site. The fact that the proposed mast will be visible directly opposite residential properties and on an elevated area of land is considered sufficient to warrant refusal of the application on residential amenity grounds, with regard to the previous decision made by the Council it is recommended that the application be refused.

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Recommendation Refusal for the following reason:

The proposed mast would appear as an obtrusive and dominant feature within the street scene and wider locality to the detriment of amenity for nearby residents, contrary to policies 1 and 35 of the District of Easington Local Plan.

Decision time Within 8 weeks. Target achieved.

PLAN/2007/0677

MURTON (MURTON WEST) - 2 NO DWELLINGS AT LAND REAR OF WEST VIEW, MURTON (REVISED SUBMISSION) FOR MR C CAMPBELL

The Application Site

The site comprises a piece of land located immediately to the east of St. Joseph's RC Junior and Infants School on the south side of Church Lane. On the east side of the site are houses and gardens in Church Lane and West View.

The site is presently occupied by a stretch of buildings alongside an unmade and unadopted access road which leads southwards from Church Lane to the various facilities in Murton Recreation Ground. The buildings are mainly single-storey in height but with a small section at two-storey height. They have previously been used for storage and workshop uses but have fallen into disrepair.

The Proposed Development

The application proposes the demolition of the existing buildings and their replacement by a two-storey building containing two three-bedroomed houses with integral double car-ports. Four parking spaces for visitors would be provided on the opposite side of the access road.

This application is a revised submission following the Panel's refusal of application 07/108, which proposed a house and two flats on the site, in April, 2007.

Site History

07/108: Erection of one house and two flats – Refused 04/07.

Planning Policy

District of Easington Local Plan

ENV35 - Environmental Design: Impact of Development

ENV36 - Design for Access and the Means of Travel

GEN01 - General Principles of Development

HOU67 - Windfall housing sites

Consultations and Publicity

Parish Council:	No response at time report prepared.
DCC Highways:	No response at time report prepared.
DCC Land and Property:	No response at time report prepared.

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Northumbrian Water: No response at time report prepared.
EDC Environmental Health: Contaminated land risk assessment needed; construction hours should be limited to 0800-1800hrs (Mon-Fri) and 0800-1300hrs (Sat).
EDC Asset & Property Management: No response at time report prepared.

Neighbours: Two objections received from local residents:

- building sizes not shown on plans;
- existing buildings have been allowed to fall into disrepair;
- concern about possibility of asbestos in -existing buildings;
- access to recreation ground will be made difficult;
- applicant already causes unpleasant conditions for residents by leaving vehicle engines idling at adjacent property;
- site has always supported commercial uses, never intended for residential use;
- additional traffic detrimental to road safety, amenity and health of residents and schoolchildren;
- overshadowing of garden and consequent loss of plants;
- lowering of value of property;
- detrimental to amenities and area in general;
- building design not in context with area and existing fine buildings;
- effects on outlook and view;
- concern over access for emergency vehicles;
- other derelict land in Murton could be improved by building there instead.

Site Notice: No response at time report prepared.

Planning Considerations and Assessment

The material considerations relevant to this application are:-

- The appropriateness of residential development on this site;
- The design of the building;
- The effects of the proposal on its surroundings;
- A comparison with the previous proposal for the site;
- Highways matters;
- Objections.

The Appropriateness Of Residential Development On This Site

As previously developed land within the Murton village boundary, the site falls to be considered as a 'brownfield windfall' site, whereon residential development would be acceptable in principle.

The Design Of The Building

The design of the proposed building is not considered to be an issue in terms of overall appearance or architectural detailing. It is of brick and tile construction with artstone detailing and its one main elevation is well balanced and exhibits traditional features. However, the rear elevation would be completely blank because it would be, effectively, on the eastern boundary of the site. The narrowness of the developable area of the site and the existence of the adjacent access road to Murton Recreation Ground result in the windows in the kitchens and lounges of the two houses and their main front entrances being directly adjacent to the 'carriageway'.

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It is considered that this form of development would be detrimental to the amenities of the residents of the existing properties immediately to the east of the site and that it would not be conducive to a reasonable level of amenity for future residents in the proposed properties.

Adequate, if limited, areas of private open space are included for each of the proposed houses.

The Effects Of The Proposal On Its Surroundings

The existing buildings on the site abut the garden boundaries of residential properties in West View. The buildings are generally single-storey with one small two-storey section. The proposed building consists wholly of a two-storey building. Although much of the first floor is accommodated in the roof space, with dormer windows on the front and rooflights on the back, the overall effect is to reduce the ridge height by only about 0.7 metre.

It is considered that the proposal to replace the existing single-storey buildings by a two-storey development would adversely affect the amenities of the residents of the houses in West View by creating an overbearing feature at the end of their gardens. Although the new building would not be as long as the existing ones and there are no windows proposed in the rear elevation of the new building, the additional height is felt to be significant enough for the effects on the existing residents to be unacceptable.

A Comparison With The Previous Proposal For The Site

The previous application on the site involved the erection of two, two-storey buildings of 15m in length, each with a ridge height of 7m, linked by a central section of single-storey, section of 10m with a ridge height of 4.3m, giving a total length of building of 40m.

The present proposal involves the erection of a shorter building, 37m total length, with the central 10.5m section rising to a height of 7.2m and the wings having ridge heights of 6.4m.

Despite these differences, it is felt that the improvements to the proposal gained from the building's shorter length and the slightly lower roofs on the wings are at least balanced, if not outweighed, by the significant increase in height of the central section. It is, therefore, considered that the new proposal does not overcome the reasons for refusal of the previous application.

Highways Matters

As mentioned earlier in this report, the application site includes a section of the unadopted access road leading to Murton Recreation Ground. The application does not have any physical effects on a 4.5metres wide strip down the centre of the site and so retains the access through the site.

At the time of preparing this report, no observations had been received from the Highway Authority and any comments received before the meeting is held will be reported verbally. However, in terms of highways matters, this application is only different from the previous one on the site by proposing one fewer dwelling. At the time of the previous application, the Highway Authority

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had no objections to the proposal but recommended that an improved surface should be constructed on the access road if planning permission were to be granted.

Objections

At the time of preparing this report, two letters of objection had been received. Although those letters contain a number of points, several of them are not material to the consideration of the application and most of those that are material have already been covered elsewhere in this report.

The objectors do, however, mention perceived problems with the proposal's likely effects on traffic and the access road to Murton Recreation Ground. While these are clearly matters which are material to the consideration of the application, it should be noted that what is involved is an existing roadway which is not being significantly altered and that, prior to the buildings falling into disrepair, they would have been visited by various commercial vehicles serving the storage and workshop uses. The traffic generated by two residential buildings is not considered likely to pose a significantly increased threat to either highway safety in general or to children attending the adjacent St. Joseph's schools.

Conclusion

The principle of residential development on this site would, on the face of it, be in accordance with the relevant planning policies.

This proposal is a revised submission following a refusal for an essentially similar development, but it is concluded that it does not present any significant improvements over the previous scheme. It is still felt that the shape and dimensions of the site, the limited standard of amenity which would be available for future residents of the proposed houses and the unacceptable effects of the development on existing residents combine to result in the proposal constituting an unsatisfactory form of development.

Recommendation Refusal for the following reasons:

Having regard to the configuration and dimensions of the application site, it is considered that the proposal constitutes an unsatisfactory form of development which would be incapable of providing an acceptable level of amenity for future occupiers of the proposed houses. Furthermore, it is considered that the proposed development would have a seriously adverse effect on the amenities enjoyed by the occupiers of the existing dwellinghouses situated to the east of the site by presenting a large, high area of walling at the end of their gardens and in unreasonably close proximity to the windows in the rear elevations of those properties. It is concluded, therefore, that the proposed development would be contrary to saved policies 1, 35 and 67 of the former District of Easington Local Plan.

Decision time 6 weeks 5 days (Target achieved)

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E Background Papers

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

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



Graeme Reed
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