

# Item no.

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

Date: **1<sup>st</sup> July 2008**

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 28<sup>th</sup> 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 27<sup>th</sup> 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**

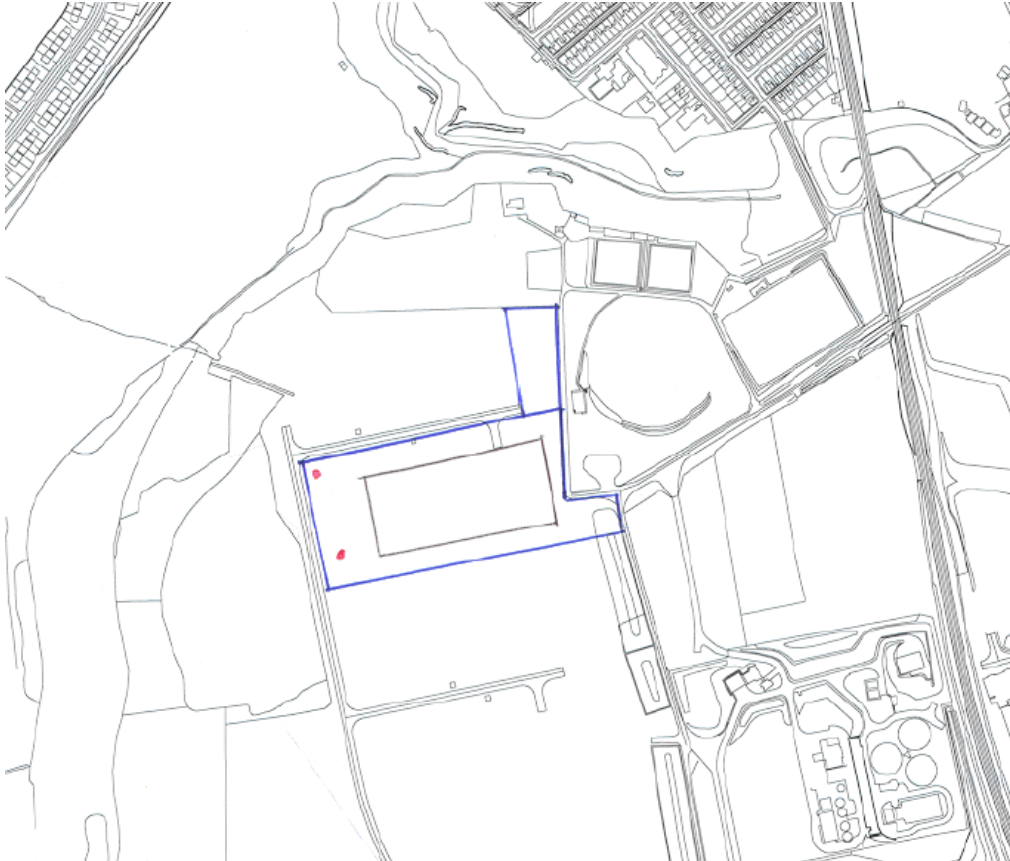
A risk assessment has been carried out in respect of individual cases. Overall, it is concluded that any risks to the Council, for example relating to an appeal being lost and costs awarded against the Council, are low, provided that decisions are made in accordance with recommendations. Risks will increase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

## D GENERAL APPLICATIONS

PLAN/2007/0620

**Seaham (Dawdon) - 2 NO. WIND TURBINES at UNIT 8, FOXCOVER INDUSTRIAL ESTATE, SEAHAM for CUMBRIAN SEAFOODS LTD**

### Location Plan



### The Application Site

The application relates to Cumbrian Seafoods Ltd site on Foxcover Business Park in Dawdon. The site originally formed part of an Enterprise Zone, as such it is recognised as being suitable for industrial and commercial development. The site is situated to the south of Seaham, with vehicular access provided from the A182 Seaham Link Road.

There are no existing residential properties immediately adjacent to the site. The residential areas of Dawdon are situated to the north. The nearest individual properties are found on Ash Crescent and Fern Crescent in Parkside approximately 450m to the northwest of the site, and Shrewsbury Street, Mount Stewart Street, and Welbury Street in Dawdon approximately 450m to the northwest of the site. A new building has recently been erected to the north of the application site, which is also occupied by Cumbrian Seafoods Ltd, this is situated between the proposed wind turbines and any residential properties.

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## **The Proposed Development**

The proposed wind turbines would be of a modern design with a two bladed rotor mounted on a tubular metal tower. The installed capacity of the turbines is to be 250kW each. The turbines proposed on the site would have a hub height in the order of 30m and a rotor diameter of 30m, therefore giving a maximum height to tip of 45m. The turbines will be connected to the Cumbrian Seafood's Plant.

It is estimated that the combined output of the turbines will be a minimum of 1200 Mwh per year, which would provide for approximately 50% of the total site requirements.

A supporting statement has been submitted with the application; the main points are summarised as follows:

- Cumbrian Seafoods Ltd is a major supplier of a range of Seafood Products to leading retailers such as Tescos and Morrisons. Cumbrian Seafoods has recently completed a project that has created a flagship factory on its new site in Seaham. The site will complement the other five factories that are currently part of the Cumbrian Seafoods Ltd business. It is expected that 300 people will be employed on the site as production volumes are increased over the coming months.
- The development of the proposed wind turbines at the Seaham site is a key development for Cumbrian Seafoods Ltd and underlines the desire of the business to be more competitive in a very tough market-place, where recent energy price increases have further eroded margins and increases in future energy costs will have a significant effect. In addition, other key players within the same market are attempting to gain a competitive advantage with the major retailers, by claiming significant reductions in their carbon footprints. It is for both these reasons that this project is of vital strategic importance to Cumbrian Seafoods Ltd.
- The proposed wind turbines would deliver in excess of 1 Gw of renewable energy per annum, which is more than 50% of the maximum site requirement, when operating at their optimum capacity. In addition the capability to export excess electricity generated into the National Grid will be installed as part of the project.

In summary Cumbrian Seafood Ltd see the proposed wind turbines as a key component in reducing the carbon footprint of the business, and providing a significant proportion of the site's energy needs. Installation of the turbines will provide an insulation against cost increases of future energy prices and assist the business in remaining competitive, and reducing the risk of any detrimental effect on the business.

## **Site History**

Foxcover Business Park was part of an Enterprise Zone. The Enterprise Zone designation ended in November 2005. The main building adjacent to which the proposed turbines are to be erected was constructed under the terms of the Enterprise Zone.

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## *Relevant planning applications*

PLAN/2007/0206 - Distribution Warehouse and Offices – Approved

This application relates to the recently constructed building to the north of the application site, which is also occupied by the applicants.

## **Planning Policy**

### *District of Easington Local Plan*

GEN01 - General Principles of Development

ENV35 - Environmental Design: Impact of Development

### *National Planning Guidance*

PPS1 - Delivering Sustainable Development

PPS22 - Renewable Energy

## **Consultations and Publicity**

The application has been advertised in the local press and by site notices. Neighbouring properties have also been consulted. Five letters of representation have been received in relation to this application.

Four letters have been received objecting to the proposed wind turbines. Objections are raised on the following grounds:

- Detrimental effect on adjacent residents by way of visual impact and noise.
- Impact on local landscape. The proposed scheme should be assessed in relation to other proposals in the vicinity such as the proposed Hawthorn Wind Farm situated to the south west of the current application site.
- The proposed wind turbines have the ability to impact on aircraft operation to the detriment of air safety. The MOD, Newcastle Airport and Durham Tees Valley should all be consulted on the proposed scheme.
- The proposed wind turbines could cause a distraction to drivers on the A182 (to the south and east of the application site), to the detriment of highway safety.

One letter of representation has been received in support of this application. It is considered that the proposed works would be environmentally positive.

Easington District Council, Environmental Health Officer, comments:

- No objections to the proposal.

Easington District Council, Countryside Officer, comments:

- Concerns were originally raised that the proposal may have a negative impact on bats, as the applicant had not supplied any information to demonstrate whether or not bats use the area. However, following receipt of a Bat Risk Assessment during the application process, subject to the suggested conditions, the Countryside Officer is content that the proposal is likely to present a low risk to bats, and as such the application can be progressed.

Durham County Council, Highways Authority, comments:

- No highway grounds to object to the wind turbines as proposed.

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East Durham Business Service, comments:

- The proposed wind turbines will greatly assist in reducing the company's operating costs and is an environmentally sustainable method of energy generation, which complements government policy. The benefits to the business and environment are therefore clear.
- The applicant's vision is to be the number one supplier of private label seafood in the UK. It has therefore invested large sums of money in its 2 factories so as to be able to expand the business and demonstrate to existing and potential customers that it sets the highest standards. It is keen to meet its environmental obligations and building a wind turbine is an important part of its plans to do this and to mitigate its ever-increasing energy costs as prices rise. Its customers are drawn from the major supermarkets and they demand that suppliers implement environmental initiatives. The Wind Turbine project is a key one for Cumbrian Seafoods and therefore for employment in Seaham.

Ministry of Defence, Safeguarding Officer, comments:

- No comments.

Durham Bat Group, comments:

- Concerns have been raised that the proposed wind turbines could have an effect on Bats. The applicant needs to demonstrate that the proposed works will not impact on the protected species before the application should be progressed.

Seaham Town Council, comments:

- Seaham Town Council formally object to the proposed development, for the following reasons:
  - The proposed wind turbines will be of an imposing nature, situated close to Dawdon Welfare Park.
  - Recent development of factories on the industrial estate has meant that massive building structures have been erected around Dawdon Welfare Park. This has effectively changed the whole image of a tranquil park setting in a rural location. The proposed wind turbines will exacerbate the current situation and even further change the tranquillity and rural setting of the park.
  - Although the wind turbines are to be sited as far as possible within Cumbrian Seafood's site away from the Welfare Park, they will nevertheless be very visible and will lie on the immediate horizon of the park. There are many thousands of residents who use the facilities of the park every year and we regard this development as being very much intrusive and out of character, not in keeping with the immediate surroundings.
  - The Town Council is also concerned about possible noise pollution from the two structures. We believe the noise will be such that it will affect the peace and normal enjoyment of the park by users and spectators.
  - The Town Council are also concerned that if approved the current proposal could set a precedent for similar future developments on the Business Parks. The cumulative effect of further wind turbine installations should be resisted.

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## **Planning Considerations and Assessment**

In assessing this application it is considered that the main issues are:

- Policy Considerations
- Economic Considerations
- Visual and Landscape Impacts
- Ecology and Protected Species
- Other Issues

## **Policy Considerations**

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 surrounding area.

Policies contained within both the Durham County Structure Plan and Easington District Local Plan reflect Government planning guidance as contained in planning Policy Statement 22 – Renewable Energy (PPS22) 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. 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.

Some dwellings are situated in the vicinity of the application site and as such the proposal may have an effect on residential amenity by way of noise. The projected noise levels emitted from the turbine have been submitted with the application. 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 subject to a planning condition to limit the level of operational noise from the turbine, noise levels for the turbine would be in accordance with the recommended guidance set out in PPS22.

Large structures including wind turbines can interfere with telecommunication systems by reflecting and scattering electromagnetic signals. The applicant has carried out consultation with Ofcom, the independent regulator for UK communication industries; no objection to the development has been raised. Wind turbines can theoretically interfere with television reception mainly where the antenna is pointing at the wind turbine to see the transmitter. In this instance no transmitter is in the direction of the turbine from any residential property.

The issue of 'shadow flicker' is the effect created when rotating turbine blades are located between the sun and residential or other properties. The Local Planning Authority is content to accept the applicant's conclusions that this should not be a sufficient problem to warrant refusal of the application.

The proposal to erect the wind turbine 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.

## **Economic Considerations**

The applicant has provided a statement in support of the application. As discussed previously the supporting statement outlines impact of the business in providing up to

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300 jobs for the local economy and the importance of proposed wind turbines to the continual success of the business.

The economic arguments put forward by the applicants in order to justify the need for the wind turbines have been assessed by East Durham Business Service. The Business Service are supportive of the proposed scheme, they have highlighted the importance that Cumbrian Seafoods have given to the project in terms of reducing their carbon footprint, reducing cost, remaining attractive to customers, and safeguarding the business from future cost increases. The Business Service agree that the Wind Turbine project is key for Cumbrian Seafoods, and as such is important for employment in Seaham.

## **Visual and Landscape Impacts**

In terms of visual impact and the effect the proposed wind turbines will have on adjacent uses, it is considered that the proposed development is acceptable in the proposed location. The application site is situated within a recognised industrial and commercial area, primarily characterised by a range of large commercial buildings. The proposed wind turbines will be visible from surrounding properties, including Dawdon Welfare Park and residential properties situated to the north of the application site, however, it is argued that the turbines represent the type of development that it would be expected to find in such an industrial setting. National government guidance is supportive of such proposals, and with the current drive towards the use of renewable energy it is considered that the benefits of the wind turbines in terms of energy provision outweigh any visual effects the turbine may have. Due to their scale and siting the proposed wind turbines will only be visible in the locality, and will not have a significant effect on the wider landscape.

Concerns have been raised regarding the cumulative effect of this proposal when viewed along with other wind turbine schemes in the vicinity. At present there are no other wind turbines operational in the vicinity of the application site, although there is a current planning application for the erection of three wind turbines to the southwest of the application site close to Hawthorn village. The Hawthorn Wind Farm application is yet to be decided, nevertheless it is considered that the scale and siting of the Cumbrian Seafoods proposal is such that even if the Hawthorn proposal is allowed any cumulative effect would be minimal, and insufficient to warrant refusal of the application.

## **Ecology and Protected Species**

Concerns were originally raised by the Council's Countryside Officer and Durham Bat Group relating to the possible impact of the proposed wind turbines on bat population in the area. As a result the applicant was asked to provide evidence to show that bats were not using the area, and that the proposed wind turbines would not have any detrimental effects on the protected species. As a result a Bat Risk Assessment has been provided by the applicant.

The submitted Bat Risk Assessment concludes that the proposed wind turbines will have a low risk to bats. The Council's Countryside Officer has agreed with this assessment, and subject to measures designed to further reduce any risk to bats has recommended that the application be approved. The mitigation measures proposed are for additional security lighting to be provided to the western edge of the application site, and for landscaping works to remove any planting currently sited adjacent to the proposed turbines, and replace elsewhere within the factory site.



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## **Other Considerations**

A wind turbine such as that proposed by virtue of its height can have detrimental effects on aviation in the area in which they are sited. In this instance however due to its siting it has not been necessary to consult either Newcastle or Durham Tees Valley Airport as the application site falls outside their safeguarding areas. The Ministry of Defence have been consulted with regard to this application; no comments have been received.

Objections to the proposed wind turbines have been received from Seaham Town Council and adjacent residents. Concerns have been raised regarding: the visual impact of the development; the cumulative effect of this proposal and other proposed schemes; noise associated with the development; the impact the proposal will have on the adjacent uses such as Dawdon Welfare Park; and, the impact the proposal may have on the local road network.

Concerns have been raised regarding noise associated with the proposed wind turbines. Information has been submitted with the application that projects the noise levels expected to be associated with the development. The projected noise levels accord with national guidelines and are therefore considered acceptable. Easington District Council's Environmental Health Officer has raised no objections to the proposed application. It is suggested that a condition be attached to any grant of planning permission to set the maximum noise levels that can be associated with the wind turbines.

Letters of representation received during the application process raised concerns regarding the impact of this development on the local road network and highway safety. Durham County Council, Highways Authority has raised no objections to the proposed works.

## **Conclusion**

In conclusion the proposed wind turbines are considered to be in accordance with the relevant development plan policies; they are acceptable visually and are not considered to threaten the amenities currently enjoyed by adjacent occupants. In support of the application it is stated that the proposed turbines will assist in securing economic viability of the applicant company within Seaham.

## **Recommendation**

Approval subject to the following conditions: Time Limit; Protected Species Mitigation; Landscaping Works; Operation Noise Limits.

## **Reason for Approval**

The proposal is considered to accord with national planning guidance contained within PPS22; Renewable Energy. The proposal is considered to accord with policies 1 and 35 of the District of Easington Local Plan. There are no material considerations sufficient to outweigh the support for this proposal.

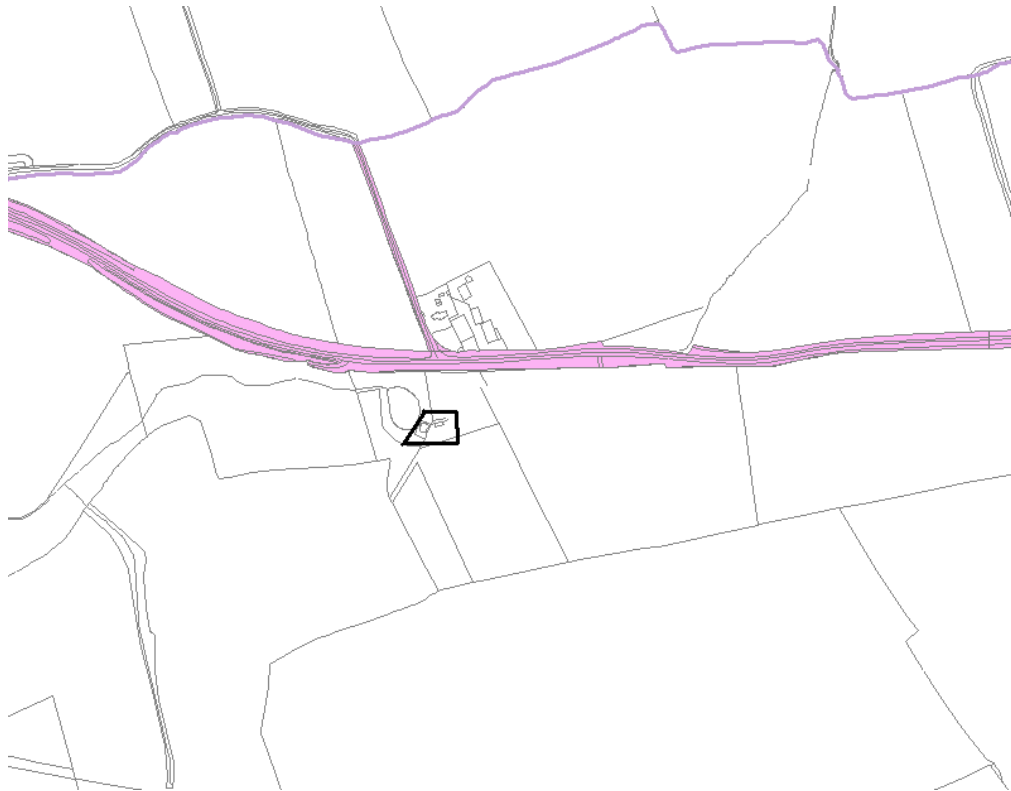
**Decision time**                      Outside eight weeks – target not achieved as Protected Species information was requested.

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**PLAN/2008/0240**

**SEATON WITH SLINGLEY - STEEL STORAGE CONTAINERS AND LEAN TO STRUCTURES at LAND SOUTH OF SHARPLEY HALL FARM, SEATON for MR S WEIGHTMAN**

## **Location Plan**



## **The Application Site**

The site forms part of the established “Massive Attack” paintball leisure facility located in open countryside approximately one kilometre to the west of Seaton. The structures the subject of this application lie behind a screening mound and form the facilities used by visitors to the site such as toilets, seating and equipment storage.

## **The Proposed Development**

The application is retrospective and consists of the following:

- Three storage containers
- A signing in area
- Covered seating areas
- A canopy attached to the original main building and security fencing boards

There was some discrepancy as to which structures had the benefit of previous planning permission and amended plans were requested and have been received. Relevant consultees have been informed of the new plans.

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The photograph below shows the structures currently on site:



## Site History

04/0379 – Change of use to Paintball operation and associated works – Withdrawn June 2004.

05/0665 – As above – Approved June 2006.

## Planning Policy

*District of Easington Local Plan*

ENV03 - Protection of the Countryside

ENV17 - Identification and Protection of Wildlife Corridors

GEN01 - General Principles of Development

Policy 35 – Design and amenity.

## Consultations and Publicity

A site notice has been posted and local residents consulted. At the time of drafting one comment has been received from a local resident raising the following issue:

- The submitted plans do not show all the buildings requiring planning permission.

This resident has been informed of the receipt of the amended plans, but no further comments have been received at the time of drafting.

Parish Council – No comments received.

Environmental Health – No comments received.

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County Highways – No comments received.

## Planning Considerations and Assessment

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

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

Site inspection reveals that the structures are well hidden from view from the entrance area to the site by the extensive landscaped mound that has been created to the front of the site. The aerial photograph below shows the relationship between the existing structures at the bottom of the picture and the public highway at the top with the intervening landscaped mound.



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

Other alleged unauthorised developments within the site are being investigated by Officers but do not form part of this application.

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## Conclusion

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

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

## Recommendation

Approve.

## Reason for Approval

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

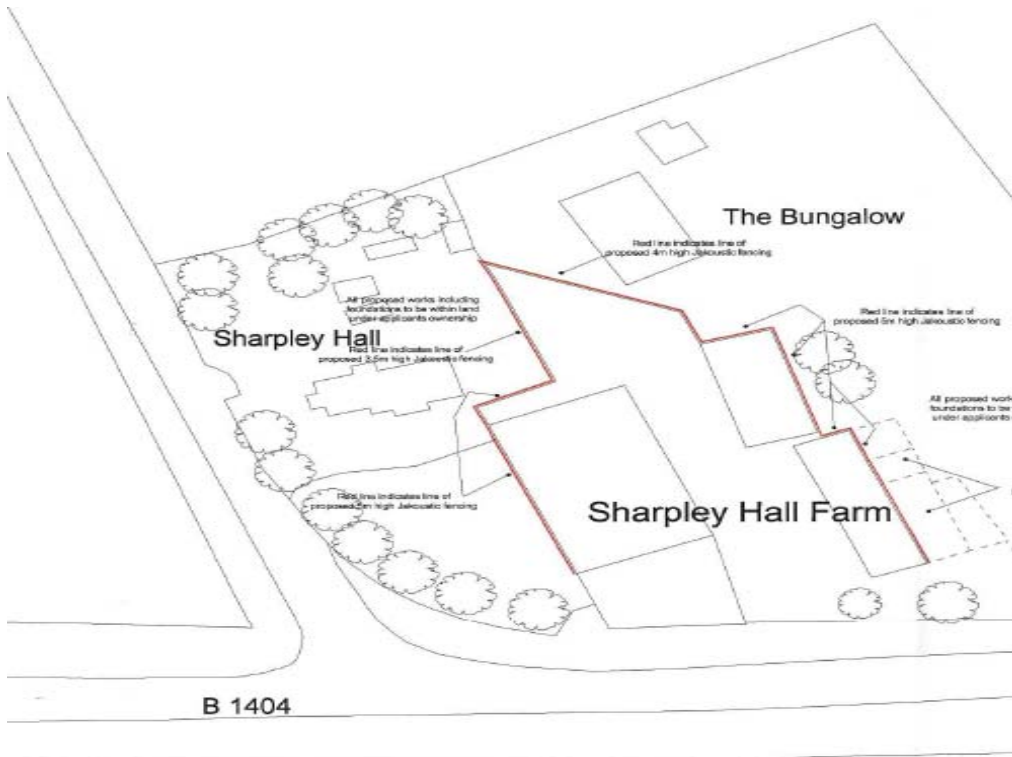
## Decision time

9 weeks – Target not achieved due to local objections requiring application to be considered by Panel.

## PLAN/2008/0277

### Seaton with Slingley (Seaham North) - ERECTION OF CLOSE BOARDED ACOUSTIC BARRIER TIMBER FENCE at SHARPLEY HALL AND THE BUNGALOW (SHARPLEY MANOR), SEATON for MR MORTIMER

## Location Plan



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## **The Application Site**

The application site lies to the west of Seaton Village on the B1404, outside of a settlement boundary and within a designated greenbelt.

## **The Proposed Development**

This application proposes the erection of a close boarded acoustic barrier timber fence at varying heights between 3.5 and 5 metres, as indicated on the above location plan. The fence would serve as a screen between the applicant's residential properties (Sharpley Hall and The Bungalow) and the agricultural buildings, equipment and associated activity within Sharpley Hall Farm. The proposed fencing that runs alongside the agricultural buildings would be approximately as high as the eaves level of those buildings.

## **Site History**

HIST/2005/1040 - Conditional Approval - Two Storey Side & Rear Extensions & Triple Garage

PLAN/2007/0600 – Approval - Boundary Wall

## **Planning Policy**

*Planning Policy Guidance Notes*

PPG2 - Green belts

*County Durham Structure Plan (saved policy)*

CSP05 - North Durham GreenBelt

*District of Easington Local Plan (saved policy)*

GEN01 - General Principles of Development

ENV03 - Protection of the Countryside

ENV04 - Greenbelt Extension in County Durham

ENV35 - Environmental Design: Impact of Development

HOU73 - Extensions and/or alterations to dwellinghouses

## **Consultations and Publicity**

Parish Council – no response.

Environmental Health – no objections. This acoustic fencing, will protect the residential sites and their occupants from any potential nuisance which may be generated by the adjacent farming activity.

Neighbours – one objection. The objection details several points including:

- the fence is a 'building operation' and therefore should be assessed against paragraph 3.4 of PPG2 (Green belts), and on this basis is inappropriate development.
- according to PPG2, there is also a general presumption against inappropriate development in the Green Belt that should not be approved except in very special circumstances, which should be justified by the applicant.

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- The fence would be harmful to the openness of the greenbelt.
- The fence would create an overbearing and oppressive impression within the farmstead.
- The proposed fence would cause loss of light to the northern end of the farm limiting its future use.
- The acoustic barrier fence would trap noise to the detriment of people and livestock within the farm.
- The height of the fence causes safety concerns and foundations may damage drains.
- The closeness of the fence to the agricultural buildings would cause dampness and would cause difficulties with access for maintenance.
- Discrepancies with application certificates – some land not under applicants ownership.
- Possible loss or damage to trees.

## **Planning Considerations and Assessment**

### *Impact on surrounding occupiers*

There are two dwellings that would be affected by the development, one of which is the applicant's house and the other is a bungalow, owned by the applicant but is a separate dwelling. There would be no significant loss of amenity to these properties caused by the proposed fence. The fence is higher than normally expected for a residential property, but this fence is intended to overcome loss of amenity to the two residential properties owned by the applicant. Such loss of amenity is caused by farm buildings, noise and other associated agricultural activities. Moreover, the environmental health unit have stated that the acoustic fencing would protect the residential sites and their occupants from any potential nuisance, which may be generated by the adjacent farming activity.

In terms of an impact on the farm, it is not considered that the proposal would create any significant overbearing impacts or loss of light as the main sections of the 5 metre fence are behind existing agricultural buildings. The area to the northern end of the farm, adjacent the 3.5 to 4 metre sections of fence, faces south and is in sunlight for most of the day. Environmental Health have not raised any concerns regarding possible noise being trapped within the farm.

Issues raised regarding access for maintenance and land ownership are civil matters and not planning considerations, as would be any damage caused by foundations.

There are no trees on site that are considered to be valuable or that could not be removed in any case without the council's consent.

### *Impact on countryside and greenbelt*

The Local Plan has no saved policies relating to greenbelt – the County Durham Structure Plan Policy designates the greenbelt and advises that applications within these sites should be assessed against Planning Policy Guidance Note 2 – Green belts.

The objector states that the proposal constitutes a new building in the green belt and should be justified as required by paragraph 3.4 of PPG2. However, the definition of a 'building' as stated in the Town and Country Planning (General Permitted Development) Order 1995 does not include any gate, fence, wall or other means of enclosure. As such, the fence is classed as 'other development' and should be assessed against paragraph 3.12 of PPG2, which states, "The carrying out of such

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operations are inappropriate development unless they maintain openness of the green belt”.

The parts of the fencing that would be most visible from public land (from the main road which runs past the south of the property) would run alongside the existing agricultural buildings within Sharpley Hall Farm. These sections of fencing would be 5 metres high which is approximately the height of the eaves level of the agricultural buildings. As such, it is not considered that these sections of fencing would harm the openness of the green belt, as long as the agricultural buildings that they run alongside exist. Therefore, if planning permission is granted, a condition is suggested that would require the reduction in height of these sections of fencing should the agricultural buildings be removed.

The sections of fencing to the north of the site vary in height between 3.5 and 4 metres high. They are surrounded by mature trees and are not clearly visible from public land and therefore would not have any significant impact on the openness of the green belt.

## **Conclusion**

It is not considered that the proposal would result in a significant loss of amenity to the adjacent farm or the openness of the Green Belt.

Taking into consideration all relevant development plan policies and neighbour comments, it is considered that the proposal is acceptable with the suggested planning conditions.

## **Recommendation**

Approval subject to the following conditions:

Time limit, details of colour to be submitted, amended plans, reduction in height of fence should the agricultural buildings be removed.

## **Reason for Approval**

The proposal is considered to be in accordance with the Statutory Development Plan and the following related policies;

*Planning Policy Guidance Notes*

PPG2 - Green belts

*County Durham Structure Plan (saved policy)*

CSP05 - North Durham GreenBelt

*District of Easington Local Plan (saved policy)*

GEN01 - General Principles of Development

ENV03 - Protection of the Countryside

ENV04 - Greenbelt Extension in County Durham

ENV35 - Environmental Design: Impact of Development

HOU73 - Extensions and/or alterations to dwellinghouses

**Decision time**                      10 weeks - target not met due to late referral to panel.

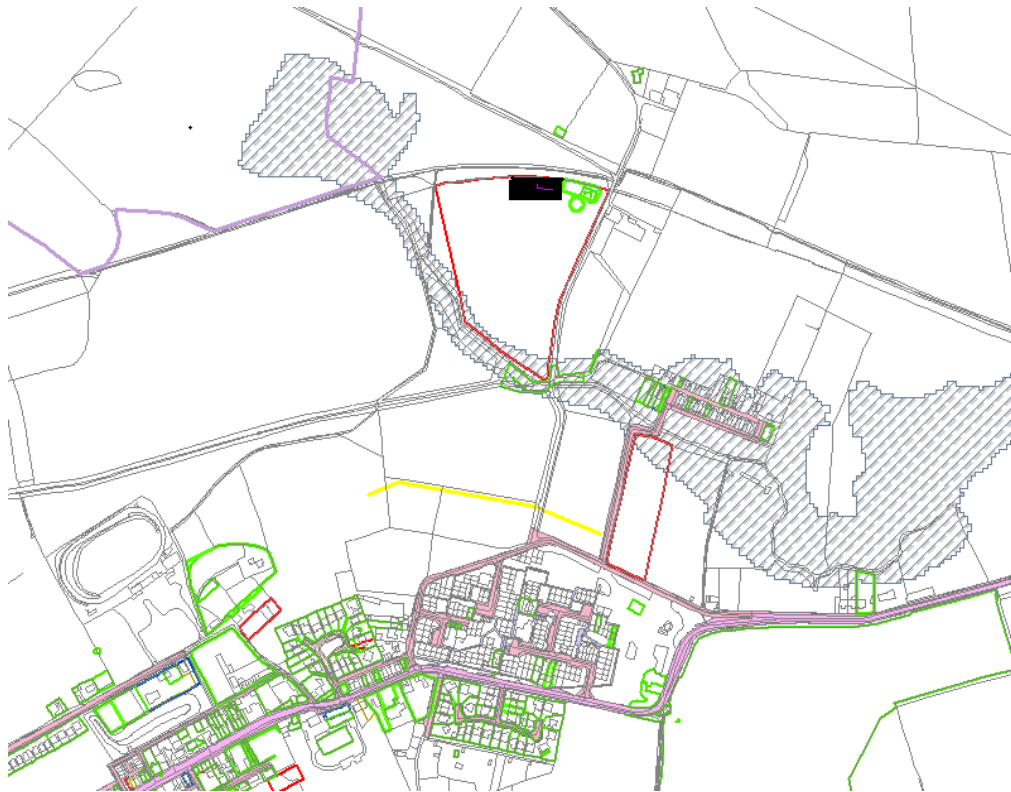


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**PLAN/2008/0287**

**Wheatley Hill (Thornley & Wheatley Hill) - FODDER AND IMPLEMENT STORAGE BUILDING at LAND WEST OF LYNN TERRACE, WHEATLEY HILL for MR A HARVEY**

## **Location Plan**



## **The Application Site**

The site comprises a large paddock located to the north of the village, accessed via an unmade track near Lynn Terrace. It includes an established private trotting track, stables and horse walker which have received planning permission over the past few years – see below.

## **The Proposed Development**

It is proposed to erect a concrete panel and profiled dark green sheeting building some 18 x 9 metres in area and 4.8 metres to the ridge. It is to be used to store fodder and implements in association with the adjacent trotting track and stables.

It is intended to locate the building immediately adjacent the existing stable building in order to keep the group of buildings within a group as was originally required by policies within the Local Plan but as now advised within Planning Policy Statement 7 – Development in Rural Areas.

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## Site History

03/0674	Trotting track and stables – Refused on visual impact of stable location grounds.
03/0906	Trotting Track approved.
05/0377	Stables approved.
06/0353	Retrospective application for stables withdrawn.
06/0866	Stables approved in revised location.
07/0317	Horse Walker approved.

## Planning Policy

### *District of Easington Local Plan*

ENV03 - Protection of the Countryside

ENV17 - Identification and Protection of Wildlife Corridors

GEN01 - General Principles of Development

## Consultations and Publicity

The application site notice was posted near the site and local residents were consulted. An objection has been received from a local resident raising the following planning related issues:

- Loss of view from property from new buildings located in open fields.
- Existing horse walker not as granted planning permission.

Environmental Health – No objections.

Highway Authority – No objections.

Northumbria Water – No objections.

## Planning Considerations and Assessment

This application relates to the erection of a concrete block and green profiled sheet storage building on agricultural land to the north of Wheatley Hill, in association with the applicant's hobby.

Members may recall the approval of a trotting track on this site in 2003, but the associated stable and storage building was refused permission in view of its proposed location being away from existing buildings and contrary to policy 41 of the Easington Local Plan at that time.

A subsequent application in 2005 to erect stables in a revised position was approved.

In 2006 the applicant started to erect stables in an unauthorised location and made a retrospective application but this was withdrawn in July 2006.

Permission was granted in early 2007 for a larger stable building on the same site as was approved in 2005.

In 2007 permission was granted for a horse walker. The applicant has been requested to confirm whether the structure as built conforms with the details granted planning permission and if necessary enforcement action will be taken in this regard.

# Item no.

Whilst the current proposed building will be visible within this rural location, it is considered appropriate in this instance bearing in mind its proposed use and the previous planning permissions on this site. Furthermore it is located some 50 metres from the nearest dwelling and as such it is considered that its impact on the residents' amenity will be limited to within acceptable levels.

## Conclusion

It is considered that the design and scale of the proposed building is appropriate to this location and its siting in the vicinity of existing buildings is in line with the requirements of Government advice on new buildings in the countryside. Furthermore the proposal is considered to be sufficiently distant from residential properties as to have no material effect on residential amenity.

## Recommendation

Approve subject to the following conditions: use of building.

## Reason for Approval

The proposed development is considered to comply with the relevant planning policies referred to above.

**Decision time** 9 weeks – target missed due to need for application to come before Panel.

## PLAN/2008/0345

### **Peterlee (Acre Rigg) - GARDEN ROOM EXTENSION, EXTENSION TO GARAGE AND ERECTION OF BOUNDARY WALL at 3 WESTMORLAND RISE, PETERLEE for MR C REID**

Note: This application is being reported to the Development Control and Regulatory Panel as the applicant is a Council employee

## Location Plan



# Item no.

## **The Application Site**

The application site relates to a linked terrace property situated on the estate road of a residential area. The property is constructed with a tiled pitched roof and is faced in facing brickwork. The front elevation of the property is northeast facing and its building line is approximately 6 metres from the public footpath.

The property currently benefits from a detached garage, which would be extended as part of the application and an area of hard standing. A 1.8 metre high open boarded fence encloses the rear of the property, whilst to the front is a 0.5 metre high dwarf brick wall.

## **The Proposed Development**

Planning Permission is sought for the erection of a front garden room, extension to the existing garage and the erection of a boundary wall to the rear.

The proposed garden room will project 2.8 metres from the existing front elevation, however due to the design of the building the garden room will only project an additional 0.9 metres from the front façade. The garden room will be constructed with a mono-pitched roof with Velux roof light. The structure will measure 4 metres above finished ground floor levels.

The existing garage at the site will be extended an additional 1 metre in length and 0.5 metres in width, making the garage 6.3 metres by 3.5 metres. The existing flat roof will be replaced with a pitched roof measuring 3.5 metres above finished ground floor levels.

A new boundary wall will replace the existing fencing measuring 1.3 metres in height with pier and railing detailing.

All construction materials are proposed to match existing.

## **Site History**

85/613 - Pitched Roof - Approved 25/11/85.

## **Planning Policy**

*District of Easington Local Plan*

ENV35 - Environmental Design: Impact of Development  
GEN01 - General Principles of Development  
HOU73 - Extensions and/or alterations to dwellinghouses

## **Consultations and Publicity**

Neighbour consultations have been sent, and at the time of finalising the report no comments had been received in relation to the application. Due to Panel deadlines the report was finalised before the consultation expiry. Any consultation responses received will be reported to Members at the Panel meeting.

# Item no.

## **Planning Considerations and Assessment**

It is considered that 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.

It is considered that the proposed development may be accommodated where there is no loss of direct daylight, outlook, privacy, space and sunlight to neighbouring properties bounding the application site.

It is considered that the proposed development will not give rise to adverse impact upon residential or visual amenity within the area due to the proposed projection of the structure and its sympathetic design. In addition No. 1, 2 and 4 Westmorland Rise, have extensions similar in massing and footprint as is hereby proposed.

Furthermore, it is considered that due to the construction materials, which are proposed to match existing, that any impact upon visual amenity would be further mitigated and create a unified appearance with the existing property and avoid any intrusion into the character or appearance of the existing residential property.

## **Conclusion**

It is considered that the proposed extension and development are in keeping with the appearance, character, design and scale of the existing property and will not have a detrimental impact upon the amenities of the surrounding area or the wider setting. It is therefore considered that the proposed development is acceptable and accords with the local plan policies.

## **Recommendation**

Approval subject to the following condition: - Amended Plan Specified.

## **Reason for Approval**

The proposal is considered to be in accordance with Policies 1, 35 and 73 of the District of Easington Local Plan.

**Decision time**            Within 8 weeks. Target achieved.

## **PLAN/2008/0354**

**South Hetton (Easington Village & South Hetton) - REAR CONSERVATORY at 12 ABBEYDALE GARDENS, SOUTH HETTON for MR S LONGSTAFF**

Note: This application is being reported to the Development Control and Regulatory Panel as the applicant is a Council employee.

# Item no.

## Location Plan



## The Application Site

The application relates to a large two-storey detached property situated on a modern residential development. The existing property is constructed from red facing brickwork and a red tiled roof. The property benefits from white UPVC double glazing.

A close board 1.8-metre high timber fence encloses the rear curtilage of the property. The rear of the site is orientated in a southwest direction. The property's rear building line is approximately 19 metres from a footpath.

## The Proposed Development

Full Planning permission is sought for the erection of a UPVC conservatory.

The conservatory would be constructed of white UPVC. There will be a dwarf wall measuring 0.6 metres high and it is proposed that this would be built with brickwork to match that of the original house. The overall height of the structure would be 3.5 metres.

The proposed conservatory is to be 'P' shaped. Along the shared boundary with 11 Abbeydale Gardens the conservatory projects 3.5 metres extending to 4.6 metres at its centre. The extension will measure 6.8 metres wide which will cover the majority of the rear elevation. The conservatory will be partially glazed to all sides and the roof.

# Item no.

## **Site History**

Nothing found.

## **Planning Policy**

*District of Easington Local Plan*

ENV03 - Protection of the Countryside

ENV35 - Environmental Design: Impact of Development

GEN01 - General Principles of Development

HOU73 - Extensions and/or alterations to dwellinghouses

## **Consultations and Publicity**

Neighbour consultations have been sent, and at the time of finalising the report no comments had been received in relation to the application. Due to Panel deadlines the report was finalised before the consultation expiry. Any consultation responses received will be reported to Members at the Panel meeting.

## **Planning Considerations and Assessment**

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.

Generally a conservatory may be accommodated where there is no loss of direct daylight, outlook and privacy, space and sunlight to neighbouring properties bounding the application site.

It is considered that the conservatory will have minimal impact upon the neighbouring property of 11 Abbeydale Gardens to the west of the application site given the existing boundary treatment and the generous spacing in between the houses. Given that the extension meets rear distancing standards and that the applicant has opted to use mainly solid brick work in the north-western elevation no issues of overshadowing or overlooking should arise.

In turn, taking into consideration the position of the application site in relation to the other neighbouring properties of 15 and 16 Abbeydale Gardens the conservatory will hardly be visible therefore no negative impacts should arise.

## **Conclusion**

As a result it is considered the proposed development is in keeping with the appearance, character, design and scale of the existing property 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 the District of Easington Local Plan Policies 1, 35, 73, Appendix 7 and all other relevant material planning considerations.

## **Recommendation**

Approval.

# Item no.

## **Reason for Approval**

The proposal is considered to be in accordance with the Statutory Development Plan and the following related policies;

*District of Easington Local Plan*

ENV03 - Protection of the Countryside

ENV35 - Environmental Design: Impact of Development

GEN01 - General Principles of Development

HOU73 - Extensions and/or alterations to dwellinghouses

**Decision time**            5 weeks - target achieved.

## **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**

**Head of Planning and Building Control**