



**AREA PLANNING COMMITTEE**  
**(CENTRAL AND EAST DURHAM)**

**REPORT OF HEAD OF PLANNING SERVICES**

**12 January 2010**

**3. APPLICATIONS TO BE DETERMINED**

NUMBER AND APPLICANT	LOCATION	PROPOSAL	RECOMMENDATION AND PAGE NO
4/09/715/FPA Mr M Robinson	43 Luke Avenue Cassop Durham DH6 4RD	Erection of first floor pitched roof extension to side and erection of single storey pitched roof extension to front/side of existing dwelling	<b>APPROVE</b> Page No. 1-7
4/09/724/FPA Durham Villages Regeneration Company	Land at Robson Crescent Bowburn Durham	Erection of 5 no. dwellings with associated parking and landscaping	<b>APPROVE</b> Page No. 8 - 20
PL/5/2009/0494 Abtech Properties Ltd	Land at Shotton Road / Whitehouse Way Peterlee	Extension of Time Limit for Implementation of Planning Permission Ref No. Plan/2006/0506 for District Centre, Comprising Industry, Offices, Warehouse and Retail Units	<b>APPROVE</b> Page No. 21 - 27
PL/5/2009/0500 T Mobile (UK) Ltd	The Airfield, Shotton Colliery	17.5 M Slimline Pole Supporting Telecommunication Apparatus and Installation of Equipment Cabinets	<b>APPROVE</b> Page No. 28 - 35



# COMMITTEE REPORT

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## APPLICATION DETAILS

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<b>APPLICATION NO:</b>	4/09/00715/FPA
<b>FULL APPLICATION DESCRIPTION:</b>	Erection of first floor pitched roof extension to side and erection of single storey pitched roof extension to front/side of existing dwelling
<b>NAME OF APPLICANT:</b>	Mr M Robinson
<b>ADDRESS:</b>	43 Luke Avenue, Cassop, Durham, DH6 4RD
<b>ELECTORAL DIVISION:</b>	Coxhoe
<b>CASE OFFICER:</b>	Henry Jones <a href="mailto:henry.jones@durham.gov.uk">henry.jones@durham.gov.uk</a> 0191 3018739

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## DESCRIPTION OF THE SITE AND PROPOSALS

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The application site relates to a residential property located within Cassop. The host property is a two storey semi-detached dwelling located on a roughly triangular shaped plot of land. The property has an existing single storey conservatory extension to rear.

The property is located within a residential estate with residential dwellings and their garden spaces surrounding the property. The application site is located within the Cassop settlement boundary as designated by the City of Durham Local Plan 2004 but otherwise the land is not specifically designated within the Local Plan.

The application itself proposes a single storey pitched roof extension to the front and side of the dwelling providing additional family room and kitchen space. A first floor extension is also proposed to the side of the dwelling which effectively infills an existing recess on the property which has a staggered building line. This extension also incorporates a pitched roof and the applicants seek the extension to enlarge the bathroom and one bedroom. The proposal also seeks a new access to be formed off Luke Avenue with the provision of a single parking space in the front curtilage.

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## **PLANNING HISTORY**

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This application is a resubmitted scheme following the refusal of an application for the erection of a two storey pitched roof extension to front/side of the dwelling and the erection of porch to front. The application was refused in July 2008 on the grounds that the proposed two storey extension would adversely affect the amenity of the occupiers of neighbouring property No. 42 Luke Avenue through the creation of an overbearing feature and through blocking outlook from a bedroom window. The applicant appealed this decision. The Inspector upheld the Council's decision considering that harm to the residential amenity of the neighbouring occupiers would occur but in addition raised objection to the design of the two storey extension considering that it failed to remain subordinate to the main dwelling.

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## **PLANNING POLICY**

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### **NATIONAL POLICY:**

Planning Policy Statement 1: Delivering Sustainable Development sets out the Governments overachieving planning policies on the delivery of sustainable development through the planning System.

*The above represents a summary of those national policies considered most relevant the full text of each may be accessed at <http://www.communities.gov.uk/planningandbuilding/planning/planningpolicyguidance/planningpolicystatements/>*

### **REGIONAL POLICY:**

The North East of England Plan - Regional Spatial Strategy to 2021 (RSS) was published in mid-July 2008 in its finalised format, and now carries the full weight of forming part of the development plan for the area, and at a County level, replaces the County Durham Structure Plan. The RSS has a vision to ensure that the North East will be a Region where present and future generations have a high quality of life. It will be a vibrant, self reliant, ambitious and outward looking Region featuring a dynamic economy, a healthy environment, and a distinctive culture. Central to the RSS is a key principle of delivering sustainable communities. Of particular relevance are the following policies;

Policy 8 (Protecting and Enhancing the Environment) seeks to promote measures such as high quality design in all development and redevelopment and promoting development that is sympathetic to its surroundings.

*The above represents a summary of the Regional Spatial Strategy, the full text may be accessed at <http://www.gos.gov.uk/nestore/docs/planning/rss/rss.pdf>*

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### **LOCAL PLAN POLICY:**

Policy Q9 (Alterations and Extensions to Residential Dwellings) states that proposals should be of a scale, design and form of materials sympathetic to the character and appearance of the area, whilst ensuring no adverse impact upon residential amenity for adjacent occupiers.

Policy T10 (Parking – General Provision) states that vehicle parking should be limited in amount, so as to promote sustainable transport choices and reduce the land-take of development.

Policy T1 (Traffic Generation – General) states that the Council will not grant planning permission for development that would generate traffic likely to be detrimental to highway safety and / or have a significant effect on the amenity of occupiers of neighbouring property.

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*The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www.cartoplus.co.uk/durham/text/00cont.htm>*

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

The County Highway Authority has been consulted on the application and no objections to the proposal are raised, however, the development will require that a dropped kerb footpath crossing is constructed to Durham County Council standards.

Cassop-cum-Quarrington Parish Council have objected to the proposal. The objections relate to the design of the proposal with concern raised over the acceptability of extensions to the front of the dwelling.

### **INTERNAL CONSULTEE RESPONSES:**

None

### **PUBLIC RESPONSES:**

None

### **APPLICANTS STATEMENT:**

A statement has been submitted on behalf of the applicant in support of the application. The statement considers that the extensions proposed are subservient, inconspicuous and remain sympathetic to the building. Materials have been chosen to suitably match the existing property. Neighbouring properties are set at angles and it is considered that there is no established building line within the street which can be compromised. The neighbouring bungalow has been extended to the front by the same projection as that proposed within this application. In addition, the applicant states that contact was made with neighbouring occupiers and it is understood that no objections are raised.

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*The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <http://82.113.161.89/WAM/showCaseFile.do?action=show&appType=planning&appNumber=09/00715/FPA>*

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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In accordance with the relevant Local Plan Policies Q9, T1 and T10 the main planning considerations are the principle of the development at the location, the visual impacts of the development, the impacts of the development upon the residential amenity of neighbouring residents and the impacts upon highway safety.

## **PRINCIPLE OF THE DEVELOPMENT**

The proposal seeks to extend a residential property located within Cassop. Relevant Local Plan Policy Q9 states that extensions to residential properties will be permitted provided that the detail of the design, impacts upon neighbouring occupiers and highway safety are acceptable. Therefore, there are no objections to the principle of the development proposed, The acceptability of the scheme therefore rests in the detail of the design and its implications.

## **VISUAL IMPACT**

The one objection to the application, received from the Parish Council, relates to the design of the proposal. Relevant Local Plan Policy Q9 states that planning permission will be granted for extensions provided that the design, scale and materials used are sympathetic to the main dwelling. The extension incorporates a pitched roof and the justification to the Policy states that although extensions will not be restricted to a particular volumetric percentage increase, any extension must remain subordinate to the dwelling.

This proposal is a resubmission of a previously refused scheme for two and single storey extensions to the property. The applicant sought to gain planning permission for the development through the appeal process. The Planning Inspector dismissed the appeal and upheld the Council's decision to refuse the application. The Inspector, in his decision, considered that the host property forms part of a carefully planned residential estate and forms one of a pair of symmetrical semi-detached properties. The Inspector criticised the design of the scheme considering that the forward projecting two storey gable end proposed would create a dominating and conspicuous feature. The Inspector considered that the degree of new extension proposed would affect the symmetry of the semi-detached houses and fail to remain subordinate to the main dwelling.

This revised scheme still proposes an extension to the front and side of the existing dwelling. However, the scale of the extensions proposed has been significantly reduced from the earlier submission. The proposed extension to provide family room and kitchen space is a modest addition to the property being single storey in nature and projecting by only 2.1m to the front and side. It is not considered that an extension of this scale creates a dominating or conspicuous feature in the street scene and addresses the previous concerns of the Planning Inspector with regards to scale and design. In addition, neighbouring bungalows have previously been extended to the front and the proposed single storey extension to the front will bring the host property's front building line to the same point. Therefore, the proposal will cause no irregularity in the building line of the street.

Also proposed is an extension at first floor level which will enlarge the bathroom and one bedroom. At present, the host property has a staggered front building line with a section of the first floor set slightly behind that of the remaining dwelling together with a slightly lower ridge height. This form of design is one which is deemed appropriate as it helps to break up massing when extensions are proposed of this design. It also helps to ensure that extensions remain subordinate to the main dwelling. The first floor extension proposed in this application will alter the existing dwelling so that the recessed and lower elements of the first floor will be lost. However, on this occasion it is not considered that the finished appearance of the extensions proposed will result in unsympathetic development within the street scene. On the opposite side of the street semi-detached properties which do not have

recessed elements or lowered ridge heights exist. There also exist examples on the street of two storey side extensions which likewise have matching ridge heights and flush building lines. On balance, due to the very small scale of the proposed first floor extension which increases the floorspace by only 1.9m<sup>2</sup>, coupled with the similarity in appearance with other properties on Luke Avenue it is considered that the proposed first floor extension remains sympathetic and subservient to the main dwelling with no detrimental impact upon the street scene.

Cumulatively, no objection is raised to the impact of the two extensions proposed. The extensions will result in the host property having a differing appearance to the adjoining semi with some symmetry lost. However, whenever an extension is sought to one of a pair of semi-detached dwellings an element of symmetry is lost. In this instance the extensions proposed in their own right are considered acceptable in design terms and therefore any significant objection to the loss of symmetry between the two dwellings is considered unreasonable. A condition can be attached to any approval requiring the external materials to suitably match the existing dwelling.

The submitted plans also indicate the replacement of windows within the existing dwelling. Such an alteration does not require planning permission in its' own right and as a result no objections are raised.

On balance, the proposal is considered to represent an acceptable form of design in accordance with Policy Q9 of the City of Durham Local Plan.

## **RESIDENTIAL AMENITY**

Policy Q9 of the Local Plan requires that all residential extensions preserve the residential amenity of neighbouring occupiers.

The previously refused proposal for two and single storey extensions at the property was refused by the Local Planning Authority on the grounds that the size and location of the two storey extension to side and front would unduly block outlook from a bedroom window within No. 42 Luke Avenue and create an overbearing feature. This reasoning was upheld by the Planning Inspector at appeal.

The reduced scale of the proposed extensions within this proposal has removed the harm of the previous scheme. The extension projecting to the front of the dwelling is single storey and will not flank a window to a main habitable room within No. 42 Luke Avenue. The extension proposed at first floor is of small scale adding only slightly to the bulk of the dwelling and an extension of the size proposed will not create an overbearing impact upon the occupiers of No. 42 Luke Avenue or create any detrimental impact through a loss of outlook or light.

The single storey extension proposed does contain a front elevation window to a family room. The property on the opposite side of the road, No. 37 Luke Avenue is set at an angle on a corner plot with the front elevation angled away from the host property. Taking this into consideration and the separation distances involved, no loss of privacy for the occupiers of No. 37 Luke Avenue is considered to occur.

On balance it is considered that the proposal preserves the residential amenity of all neighbouring occupiers in accordance with Policy Q9 of the Local Plan. In addition, no letters of objection have been received from the neighbouring occupiers.

## **HIGHWAY SAFETY/ISSUES**

Although the application proposes a front extension the submitted plans propose a single parking space within the front curtilage. The County Highway Authority has been consulted on the application and no objections on the grounds of highway safety have been raised, however, a new dropped kerb must be formed to Durham County Council standards. An informative can be attached to any approval informing the applicant of this requirement.

On balance the impacts of the development upon highway safety are considered acceptable and in accordance with the relevant Local Plan Policies T1, T10 and Q9.

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## **CONCLUSION**

The submitted application is a resubmission of a previously refused scheme for extensions to the dwelling. This revised proposal is considered to have addressed previous grounds for refusal and represents a form of residential extension and alteration which is suitably sympathetic and subordinate to the main dwelling with no detrimental impacts upon the residential amenity of neighbouring occupiers or upon highway safety. As a result the proposal is considered to accord with relevant Local Plan Policies Q9, T1 and T10.

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## **RECOMMENDATION**

That the application be **APPROVED** subject to the following conditions;

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. Notwithstanding the details shown on the submitted application, the external building materials to be used shall match the existing building in terms of colour, texture and size.
3. The development hereby approved shall be carried out only in accordance with the approved plans, specifications and conditions hereby imposed.

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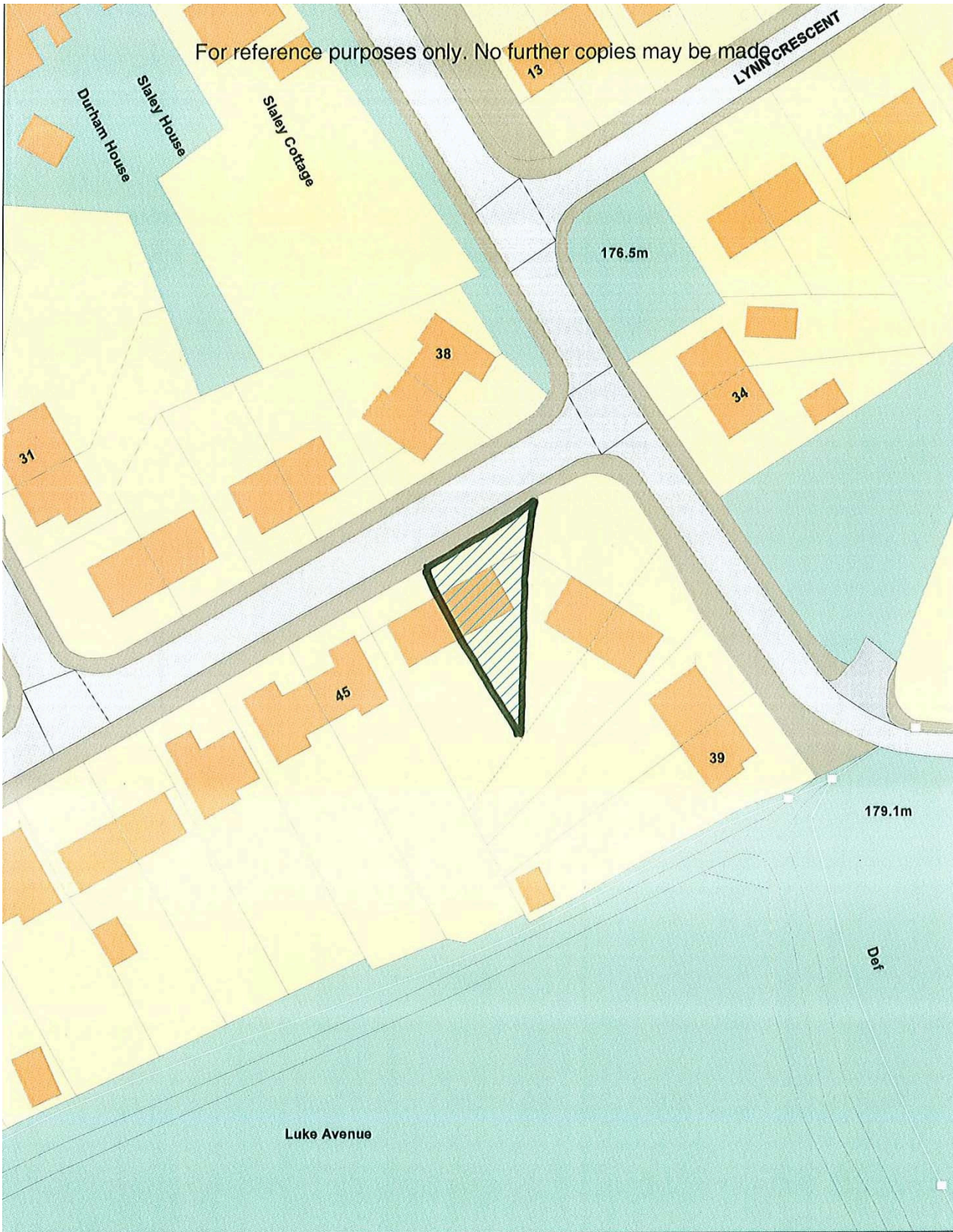
## **BACKGROUND PAPERS**

Submitted Application Forms and Plans  
North East of England Plan Regional Spatial Strategy to 2021 (RSS) July 2008  
City of Durham Local Plan 2004  
Planning Policy Statement 1  
Response from the County Highway Authority  
Response from Parish Council  
Planning Circular 11/95 (Use of Conditions in Planning Permissions)





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**Planning Services**

4/09/00715/FPA - 43 Luke Avenue, Cassop

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<b>Comments</b>			
<b>Date</b>	16 December 2009	<b>Scale</b>	1:625

# COMMITTEE REPORT

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## APPLICATION DETAILS

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<b>APPLICATION NO:</b>	4/09/00724/FPA
<b>FULL APPLICATION DESCRIPTION:</b>	Erection of 5 no. dwellings with associated parking and landscaping
<b>NAME OF APPLICANT:</b>	Durham Villages Regeneration Company
<b>ADDRESS:</b>	Land At Robson Crescent Bowburn Durham
<b>ELECTORAL DIVISION:</b>	Durham South
<b>CASE OFFICER:</b>	Mr S France, Senior Planning Officer 0191 301 8711 <a href="mailto:Steve.france@durham.gov.uk">Steve.france@durham.gov.uk</a>

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## DESCRIPTION OF THE SITE AND PROPOSALS

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Bowburn is a village 4 miles south of Durham City, sited immediately adjacent the A1(M) motorway. Defined as a 'larger' village within the Local Plan, the settlement is a former pit village defined in its northern part by a range of local authority built dwellings, one and two storeys in height.

The proposed development site is an area of public open space, with grass, planting beds and trees, of both visual and recreational value to the local community. The land is an irregularly shaped gap-site 23m in depth and 36m across the frontage, with an area of 0.1 hectares. There are two-storey semi-detached properties either side, and facing the site, and bungalows to the rear. The land is separated from the bungalows by a wooden fence, which includes a gate to assist mower access. The site fronts a short inner estate road, with footpaths either side. The surrounding local authority built properties are either semi-detached bungalows or two storey properties, with a limited palette of materials. There are a number of Durham Villages Regeneration Company developments of varying sizes in the immediate vicinity, of more modern design and materials.

This application proposes development of the whole site for 5 no. two storey residential properties, grouped as a pair of semi-detached and a mid-linked group of three. The dwellings are a common house type, of three bedroomed design. The density of the development would represent the equivalent of 50 houses per hectare.

Two existing trees will be retained on the rear boundary, the remaining trees on site will be removed. Four trees of appropriate species and scale are proposed on the front boundary. 9no. car parking spaces are shown proposed across the front of the site. No public or maintenance access is proposed across the site.

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## **PLANNING HISTORY**

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The site is public open space, without any planning history.

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## **PLANNING POLICY**

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### **NATIONAL POLICY:**

Planning Policy Statement 1: Delivering Sustainable Development sets out the Governments overachieving planning policies on the delivery of sustainable development through the planning System.

Planning Policy Statement 3: Housing underpins the delivery of the Government's strategic housing policy objectives and our goal to ensure that everyone has the opportunity to live in a decent home, which they can afford in a community where they want to live.

Planning Policy Statement 9: Biodiversity and Geological Conservation, sets out planning policies on protection of biodiversity and geological conservation through the planning system. These policies complement, but do not replace or override, other national planning policies and should be read in conjunction with other relevant statements of national planning policy.

Planning Policy Guidance Note 13: Transport has the objectives of integrating planning and transport at the national, regional, strategic and local level and to promote more sustainable transport choices both for carrying people and for moving freight. It also aims to promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling and to reduce the need to travel, especially by car. To deliver these objectives, the guidance says that local planning authorities should actively manage the pattern of urban growth, locate facilities to improve accessibility on foot and cycle, accommodate housing principally within urban areas and recognise that provision for movement by walking, cycling and public transport are important but may be less achievable in some rural areas.

Planning Policy Guidance Note 14 Development on Unstable Land explains briefly the effects of land instability on development and land use. The responsibilities of the various parties to development are considered and the need for instability to be taken into account in the planning process is emphasised. Methods of doing this through development plans and development control are outlined. The role of expert advice is highlighted and various causes of instability are explained and sources of information are given. Separately published Annexes on Landslides and planning and Subsidence and planning develop this

advice with specific reference to those areas and include background information and good practice guidance on identification and assessment of these problems and how they are can be dealt within the planning system.

*The above represents a summary of those policies considered most relevant. The full text can be accessed at: <http://www.communities.gov.uk/planningandbuilding/planning/planningpolicyguidance/planningpolicystatements>*

## **REGIONAL POLICY:**

The North East of England Plan - Regional Spatial Strategy to 2021 (RSS) was published in mid-July 2008 in its finalised format, and now carries the full weight of forming part of the development plan for the area, and at a County level, replaces the County Durham Structure Plan. The RSS has a vision to ensure that the North East will be a Region where present and future generations have a high quality of life. It will be a vibrant, self reliant, ambitious and outward looking Region featuring a dynamic economy, a healthy environment, and a distinctive culture. Central to the RSS is a key principle of delivering sustainable communities. Of particular relevance are the following policies;

Policy 8 (Protecting and Enhancing the Environment) seeks to promote measures such as high quality design in all development and redevelopment and promoting development that is sympathetic to its surroundings.

Policy 24 (Delivering Sustainable Communities) refers to the need to concentrate the majority of the Region's new development within the defined urban areas, and the need to utilise previously developed land wherever possible.

Policy 38 (Sustainable Construction) seeks to ensure that the layout and design of new buildings and developments minimise energy consumption.

*The above represents a summary of those policies considered most relevant. The full text can be accessed at: <http://www.gos.gov.uk/nestore/docs/planning/rss/rss.pdf>*

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## **LOCAL PLAN POLICY:**

Policy E14 (Trees and Hedgerows) sets out the Council's requirements for considering proposals which would affect trees and hedgerows. Development proposals will be required to retain areas of woodland, important groups of trees, copses and individual trees and hedgerows wherever possible and to replace trees and hedgerows of value which are lost. Full tree surveys are required to accompany applications when development may affect trees inside or outside the application site.

Policy E5a (Open Spaces within Settlement Boundaries) does not permit proposals which would detract from the functional, visual and environmental attributes they possess. Policy E15 (Provision of New Trees and Hedgerows) states that the Council will encourage tree and hedgerow planting.

Policy E16 (Protection and Promotion of Nature Conservation) is aimed at protecting and enhancing the nature conservation assets of the district. As far as possible, unacceptable harm to nature conservation interests will be avoided. Mitigation measures to minimise unacceptable adverse impacts upon nature conservation interests should be identified.

Policy H3 (New Housing Development within the Villages) allows for windfall development of previously developed sites within the settlement boundaries of a number of specified former coalfield villages across the District, provided that the scheme is appropriate in scale, design location and number of units.

Policy H12 (Affordable Housing) seeks the provision of an element of affordable housing on schemes where over 25 units are provided or where the site area would exceed 1.0ha. The associated Cabinet approved (December 2006) Supplementary Planning Document advises that 30% of all dwellings on a site providing over 25 dwellings should be provided as affordable units in perpetuity. Affordable Housing is defined in PPS3 as being housing which includes social rented and intermediate housing, provided to specified eligible households whose needs are not met by the market. Affordable housing should meet the needs of eligible households including availability at low cost and should include provision for the homes to remain affordable in perpetuity.

Policy H13 (Residential Areas – Impact upon Character and Amenity) states that planning permission will not be granted for new development or changes of use which have a significant adverse effect on the character or appearance of residential areas, or the amenities of residents within them.

Policy R3 (Protection of Outdoor Recreation Facilities) seeks to protect areas of open space currently used for recreation and leisure. The loss of such spaces will only be permitted where equivalent facilities will be provided locally and where the overall level of provision will not be prejudiced in accordance with the levels set out at Policy R1.

Policy Q5 (Landscaping General Provision) sets out that any development which has an impact on the visual amenity of an area will be required to incorporate a high standard of landscaping.

Policy Q8 (Layout and Design – Residential Development) sets out the Council's standards for the layout of new residential development. Amongst other things, new dwellings must be appropriate in scale, form, density and materials to the character of their surroundings. The impact on the occupants of existing nearby properties should be minimised.

Policy T10 (Parking – General Provision) states that vehicle parking should be limited in amount, so as to promote sustainable transport choices and reduce the land-take of development.

Policy T1 (Traffic Generation – General) states that the Council will not grant planning permission for development that would generate traffic likely to be detrimental to highway safety and / or have a significant effect on the amenity of occupiers of neighbouring property.

Policy U8a (Disposal of Foul and Surface Water) requires developments to provide satisfactory arrangements for disposing foul and surface water discharges. Where satisfactory arrangements are not available, then proposals may be approved subject to the submission of a satisfactory scheme and its implementation before the development is brought into use.

Policy U11 (Development on Contaminated Land) sets out the criteria against which schemes for the redevelopment of sites which are known or suspected to be contaminated. Before development takes place it is important that the nature and extent of contamination should be fully understood.

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*The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www.cartoplus.co.uk/durham/text/00cont.htm>*

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

An additional car parking space has been added during the course of the Planning Application, overcoming the concerns of County Highway Authority.

Northumbrian Water ask for a condition that development should not commence until a scheme for the treatment of foul flows from the development has been submitted to, and approved in writing by the Council and that organisation, with the development not occupied until that scheme has been completed and commissioned.

### **INTERNAL CONSULTEE RESPONSES:**

None

### **PUBLIC RESPONSES:**

Five objections have been received from local residents, with one from the Bowburn and Parkhill Partnership.

Of prime general concern to neighbours and the partnership is the loss of the land as an informal play area for small children, and for its intrinsic visual amenity.

Immediate neighbours have more detailed concerns – relating to the general effect of the proposed properties – the mid-linked three properties considered out of character, the use of inappropriate design and materials, and the detailed relationships – loss of privacy to and overlooking of the bungalows to rear, the relationship to existing side doorways, bathroom and landing windows, with loss of light. There is objection to potential parking problems, compromise to the security of existing dwellings, and questions over future Council maintenance of adjacent gardens

### **APPLICANT'S STATEMENT:**

Introduction;

This statement supports the full planning application for the residential development at Robson Crescent, Bowburn. The purpose of this statement is to provide supporting relevant information identifying the context and need for the proposed development.

Applicant;

Durham Villages Regeneration Company (DVRC) is a long standing joint venture regeneration partnership owned jointly by Durham County Council and Keepmoat Limited. In recent years the company has provided 600 affordable homes for sale and 250 rented or shared ownership homes in 14 villages spread throughout the Durham City area. A further £5m has been reinvested in local regeneration and community projects including a new 18,000sq ft community services building, new school bus turning facilities, arts projects, shop renovations, resurfacing of unadopted roads and a £100,000 Community Chest. In 2008 DVRC completed a new £12 million swimming pool and leisure centre in Durham city centre and a new £2m bowling green and community centre at Newton Hall.

## Context;

In the September 2010 Durham County Council, with support from Durham Villages Regeneration Company, successfully secured grant funding from central government to construct new Council Housing to accommodate the needs of local people in 4 villages in the County. All of the proposed homes will be environmentally friendly and will be constructed to 'Code for Sustainable Homes' Level 4 and HCA Design and Quality Standards. The majority of the new homes will be built on County Council land previously contracted to DVRC but which will be released back to the Council free of charge for the delivery of new homes for rent.

Each of the 4 schemes will comprise solely Council Housing for rent. Unlike on other DVRC schemes there will be no homes for sale and as such land receipt or profit share to fund wider area based regeneration initiatives. The community gain will be the homes for rent themselves.

The site chosen within the Bowburn community at Robson Crescent lies within the boundaries of the existing settlement and currently forms an area of open space. The village of Bowburn is well provided for in respect of open space currently having an over provision of 6.95 hectares (71%) of open space when compared with the Local Plan minimum requirement. The loss of a further 0.12 hectares at Robson Crescent will still leave 6.83 hectares (70%) of over provision. There is also open countryside to the North of the proposal which contributes to the visual amenity of the public realm.

In designing the proposed new homes DVRC's architects have taken into account a number of elements; layout, use, amount, scale, and appearance in close proximity to the development. The existing and proposed access and future generation of vehicular movement has been evaluated with reference to the site's integration and interaction with its surroundings.

All of these elements and characteristics indicate the site is a prime location for housing.

The proposal recognizes that the ultimate success of the development will be greatly enhanced by a variety of measures which will ensure the scheme's sustainability. The design is focused on achieving effective working communities that provide a wide range of options and allows for modern family living.

The development will be an encouraging addition to a well established community defined by existing buildings incorporating a number of local elements and materials which puts people first and is designed at the human scale. The development will have a clear and tangible character and as such become a positive intervention in Robson Crescent.

## Conclusion

Whilst the proposal will lead to the loss of a very small area of open space within Bowburn, it has been demonstrated that a significant over provision of open space will still remain in the surrounding neighbourhood. The new homes will provide additional, much needed, low cost affordable housing for local people and will go a small way to address the loss of rented housing in the village resulting from the Right To Buy policy in recent years. The new homes will be of an extremely high quality and set a new benchmark in the County in respect of environmental sustainability.

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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### **INTRODUCTION**

This planning application proposes the use of a small area of planted green-field land within one of the mature local authority housing estates in Bowburn, a village identified in the Local Plan as 'most in need of regeneration'. The Plan sets out the policy for new development in such villages in H3, where allowance is made for development of green-field sites where there are 'clear and quantifiable regeneration benefits'. Policy Q8 of the same document sets out the general requirements and suggested guidelines to ensure new housing development is appropriate in scale and character and does not unreasonably affect the privacy and amenity of existing residents. Policies E5a and R3 seek to retain areas of open space within residential areas, whether used for informal recreation or where they have visual or environmental attributes. Existing trees of value are protected by Policy E14.

### **AFFORDABLE HOUSING PROVISION**

Whilst there are detailed matters to be addressed, the main consideration of this application is the balance of benefit of providing additional modern, high quality affordable social housing in a village needing regeneration, against the loss of an area of open space that is obviously valued by the immediate community. Bowburn is a village currently subject to a number of housing developments, as the former City Council pursued a policy of regeneration through redevelopment. This is a headline aspiration of the new County Council. The applicant proposes 5no. three bedroomed houses which will be handed to the Local Authority as Council Houses, addressing a sector of the housing market much compromised by the Right-to-Buy legislation that required Councils to offer their rented housing stocks.

The provision of such housing is a clear and quantifiable regeneration benefit as required by Policy H3 to justify the principal of residential development on a green-field site. The proposed development of social rented housing provided by this scheme would, it is considered, contribute to an identified need to provide quality homes in this housing sector, and would therefore represent a clear and quantifiable regeneration benefit in its own right. In terms of securing the properties in the social rented sector in perpetuity, the applicants consider that since the land is owned by the Council, they would have full control over both the prospective tenants and those in the future. This being the case, it is considered that sufficient control exists so as to not warrant the requirement for a section 106 agreement to control future occupancy. It is considered therefore, that the principle of residential development on the site would not conflict with national planning objectives and would accord with Policy H3 of the Local Plan and Policies 4 and 24 of the RSS. Until April 2009, over 80% of all new housing in the former City of Durham District was built on previously-developed or 'brownfield' land, far exceeding the 60% target set in PPS3, and therefore, the development of this greenfield site would not undermine this national strategic objective.



## **SCALE AND CHARACTER**

The proposed three bedroomed properties are of modern design, meeting required standards of density, parking and garden provision. They incorporate the developer's standard sustainable energy solar roof panels. The dwellings would be of more modern appearance than those either side, although efforts have been made to match some materials. To be considered for approval the proposed dwellings must meet the requirements of Policy Q8, which requires the dwellings to be in scale and character and respect amenity. Objection has been raised particularly with regard to the mid-linked grouping of three dwellings. Whilst it is acknowledged that this is a form of development not apparent in the vicinity, the 17.5m frontage of the three dwellings is directly comparable to the semi-detached house-types opposite and therefore in scale. The Proposed dwellings are all the same house type, and will be consistent with each other. The surrounding houses are not of a uniformly consistent character, with alterations by owners following purchase, and variations in house types, windows, doorways and materials in the vicinity. The character of the proposed dwellings will be another variation on this existing situation, and on the variety of new dwellings by the same developer in the immediate vicinity. At the suggestion of objectors, the roof material has been revised during the course of the application, as this does appear to be the one constant material of the two storey dwellings in the area. In terms of the scale and character of the buildings therefore, the proposals are considered to accord with the requirements of Policy Q8.

## **LOSS OF OPEN SPACE**

Adopted Policy E5a seeks to protect 'Open Spaces within Settlement Boundaries' and thus does not permit proposals which would detract from the functional, visual and environmental attributes they possess. In parallel, Policy R3, 'Protection of Outdoor Recreation Facilities' seeks to protect areas of open space currently used for recreation and leisure, stating 'the loss of such spaces will only be permitted where equivalent facilities will be provided locally and where the overall level of provision will not be prejudiced in accordance with the levels set out at Policy R1'. It has been pointed out by objectors that the site was included in a report to justify the loss of open space elsewhere in the village, the developer's response to this being that the village has a 70% over-provision of open-space, and close proximity to the countryside. The open space does have functional and recreational value, and its development would be contrary to Policy E5a, but not R3. The main issue here is whether the social benefits of new Council Housing outweigh the loss of the open space.

## **RESIDENTIAL RELATIONSHIPS**

Policy Q8 also seeks to protect residential amenity. The first consultation exercise responses indicated problems with the accuracy of the submitted plans, particularly in terms of the positioning of the adjacent dwelling at no. 4 Robson Crescent, and the distance to the bungalows to the rear. Revised plans have been submitted, with these relationships now accurately represented. Whilst this shows that front and back the suggested 21m guideline is achieved, Plot 5 is now closer to the properly plotted no.4 Robson Crescent. That property has carried out its own alterations, replacing the original front windows with a projecting bow. The main entrance door is to the side and will face the blank gable of the new dwelling at a distance of 3.8m. That property also has a landing and bathroom window in the gable. It is acknowledged that the windows will lose light, but as their function is not for living rooms, and such relationships are not uncommon, these issues are not considered sufficiently harmful that a refusal could be sustained for those reasons. A similar interpretation is made in relation to the position of the entrance door. There will however, be no loss of light to living

room windows and plans show required amenity distances can be met. The elements of Policy Q8 designed to protect residential amenity are considered to be addressed by the proposals.

With parking provided to an increased level, and acknowledged as satisfactory by the Highway Authority the proposed dwellings are considered acceptable considered against Policies T1 and T10. Concerns relating to loss of security from the development of the site, potential for additional fly-tipping, and difficulties in maintenance access, whether private or Council are not considered to carry significant weight.

## **OTHER ISSUES**

Members will be aware that recent developments in Bowburn have been subject to conditions relating to the management of foul discharges from the site, with the nearby Sewage treatment works at capacity and in the process of upgrading. To this end, Northumbrian Water ask for a condition that development should not commence until a scheme for the treatment of foul flows from the development has been submitted to, and approved in writing by the Council and that organisation, with the development not occupied until that scheme has been completed and commissioned. A suitable transitional arrangement has previously been agreed with the Water Company on a nearby development in the village and such an arrangement at this site would meet the requirements of Policy U8a.

Objectors have suggested that bats may feed over the site. The existing trees on site are not of an age likely to support a roost, and the works are therefore considered unlikely to harm a species protected by law. This is in accord with Policy E16.

The submitted tree report confirms the trees on site to be in good condition, with no need to remove them other than to accommodate the development. Policy E14 requires new development to retain trees wherever possible, and replace them where they are lost. Whilst an attractive and valued feature, the trees are not of an intrinsic value that would justify formal protection, and the proposed replacements mitigate their loss.

The applicant has carried out a Geo-environmental Appraisal carried out in October 2009, which acknowledges the site consists of 'made ground' and confirms no elevated levels of contaminants present. This is considered to address the requirements of Policy U11 of the Local Plan that ensures adequate provision is made for necessary contamination mitigation where required.

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## **CONCLUSION**

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In providing clear and quantifiable regeneration benefits, the principal of residential development on the land is acceptable, and justified against Policy H3 of the Local Plan. The proposals meet the requirements of Policy Q8 in so far as it relates to residential amenity, and is also considered acceptable considered against the more subjective issue of scale and character set out in the same policy. The density of the site proposed is acceptable in terms of the number of properties proposed, and the amount of garden space provided and parking available for each. The main justification for the development is in providing social housing, aiding the regeneration of the former coalfield communities.

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The proposals entail the development of a small area of open space valued by the immediate community for its intrinsic and informal recreation value.

Officers recommend the balance of the Policies and the aims of the new Authority rest with the development.

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## **RECOMMENDATION**

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That the application be **APPROVED** subject to the following conditions;

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. Notwithstanding any details of materials submitted with the application no development shall commence until details of the make, colour and texture of all walling and roofing materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.
3. Prior to the commencement of the development details of means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. The enclosures shall be constructed in accordance with the approved details prior to the occupation of the dwelling to which they relate.
4. No development shall commence (nor shall any materials or machinery be brought on the site) until details showing the exact position of protective fencing around trees and hedges within, and adjacent to the site have been submitted on plan, and agreed in writing by the Local Planning Authority. This fencing shall be erected not less than a distance 12 times the diameter of single stem trees or 10 times the diameter at 1.3m high of multi-stem trees and 3 metres from hedges or in accordance with the details set out in 'All About Trees: Arboricultural Implication Assessment of Trees at Robson Crescent, Bowburn for Queensbury Design - 24th September 2009':
  - a) No construction work shall take place unless all of the protected trees and hedges within the site have been protected by the agreed fencing, comprising a vertical and horizontal framework of scaffolding, well braced to resist impacts, supporting either cleft chestnut pale fencing (in accordance with BS 1722: Part 4) or chain link fencing (in accordance with BS1722: Part 1) unless otherwise agreed by written consent of the Local Planning Authority.
  - b) No operations whatsoever, no alterations of ground levels, and no storage of any materials are to take place within the protective fenced areas, and no work is to be done as to affect any tree, without the prior written agreement of the Local Planning Authority.
  - c) Ground levels within the fenced areas shall not be altered and any trenches which are approved to be excavated within the root zone or branch spread shall be done so by hand digging or tunnelling only, no root over 50mm being cut and as many smaller roots as possible retained. If trenches are to remain open for more than 24 hours all exposed roots must be protected with earth cover. Trenches shall be completely backfilled in consolidated layers within seven days or temporarily backfilled in lengths under the trees.

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- d) Notwithstanding the tree surgery works agreed by this permission in accordance with the arboricultural report, no removal of limbs or other tree surgery works shall be done to any of the protected trees within the site unless the prior written approval of the Local Planning Authority has been sought.
  - e) No underground services trenches or service runs shall be laid out without the prior written approval of the Local planning authority with the agreed works being undertaken in accordance with the National Joint Utilities Group ('Guidelines for planning, installation and maintenance of utility services in proximity to trees), and BS 5837:2005 'Trees in Relation to Construction'
5. No tree shall be felled until a scheme of replacement planting has been submitted to and approved by the Local Planning Authority. Unless otherwise agreed by the Local Planning Authority, the replacement scheme shall be carried out within 12 months of the start of the tree felling hereby approved. These shall be planted and maintained in accordance with good practice to ensure rapid establishment- including watering in dry weather, and replaced if they fail within 5 years of initial planting, not later than the following planting season.
  6. The development hereby approved shall be carried out only in accordance with the approved plans, specifications and conditions hereby imposed.
  7. Development shall not commence until a scheme for the treatment of foul flows from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water. No element of the development shall be occupied until the agreed scheme for the treatment of foul flows has been fully completed and commissioned in accordance with the approved scheme.

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## **REASONS FOR THE RECOMMENDATION**

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1. The proposed development provides five family homes providing high quality and much-needed social housing within the village and assisting its continued regeneration and as such the development of a greenfield site and the loss of open space is considered outweighed by the benefits and consequently, the proposals are considered to accord with Policies E14, E5a, E16, H3, H12, H13, R3, T1, T10, Q5, Q8, U8a and U11 of the City of Durham Local Plan 2004 (which is a saved plan in accordance with the Secretary of States Direction under paragraph 1 (3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004), and Policies 8, 24 and 38 of the North East of England Plan - Regional Spatial Strategy to 2021.
2. In particular the development was considered acceptable having regard to clear and quantifiable regeneration benefits, the loss of open space and vegetation, the scale, form, density and materials proposed, together with impacts upon nearby residents with regard to outlook and privacy loss.
3. Grounds of objection relating to the proposed loss of open space and dwellings being out of character to the area and harmful to the amenity of surrounding residents are considered to not to be determining in this case on the balance of the various relevant Policies.

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## **BACKGROUND PAPERS**

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Submitted Application Forms and Plans, and Amended Plans

Design and Access Statement

Applicant's Statement

'All About Trees: Arboricultural Implication Assessment of Trees at Robson Crescent, Bowburn for Queensbury Design - 24th September 2009'

Geo-environmental Appraisal of Land at Robson Crescent, Dunelm Geotechnical and Environmental, October 2009

North East of England Plan Regional Spatial Strategy to 2021 (RSS) July 2008

City of Durham Local Plan 2004

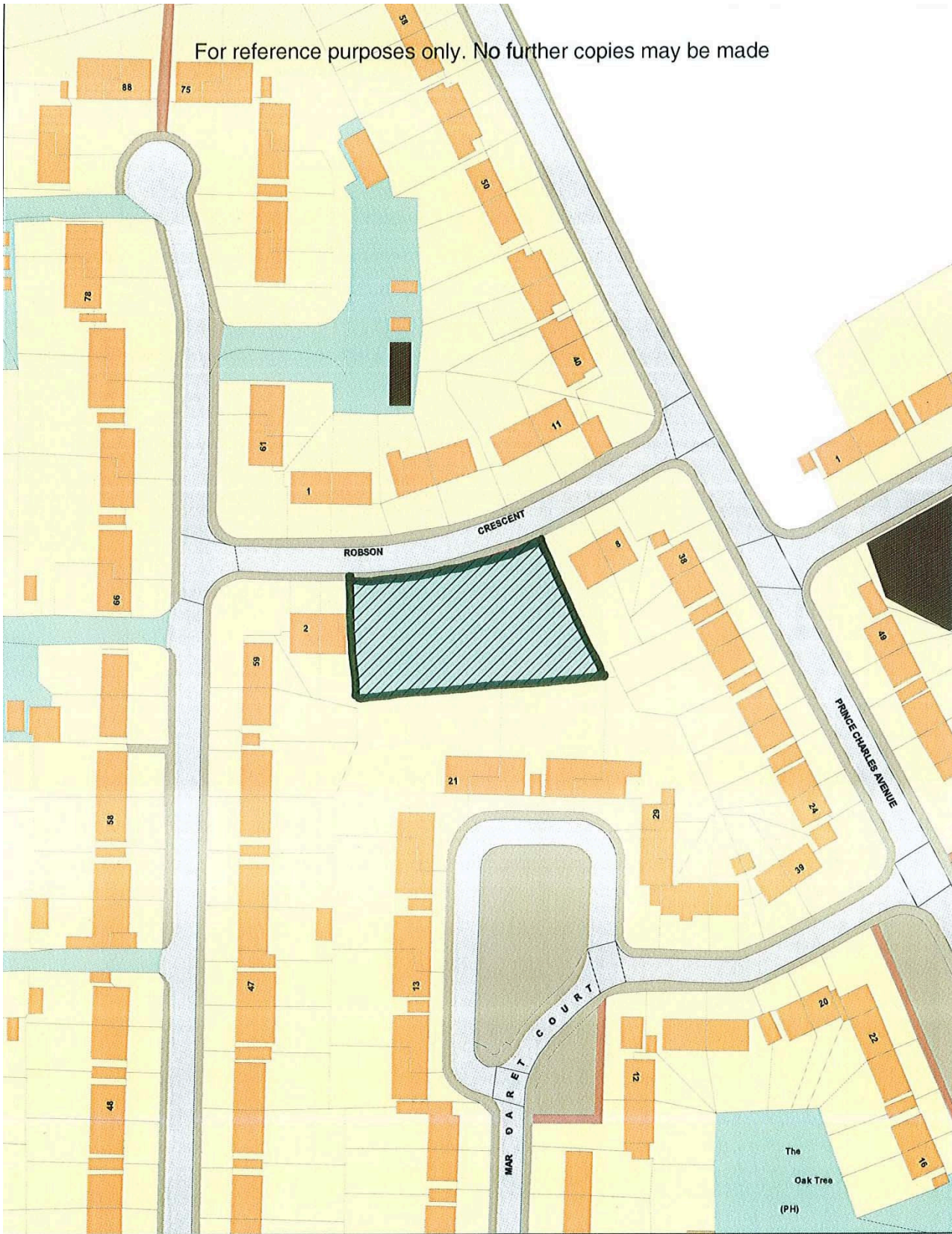
Planning Policy Statements / Guidance, PPS1, PPS3, PPS9, PPS13, PPG14

Responses from County Highways and Northumbrian Water

Public Consultation Responses inc. Bowburn and Parkhill Partnership



For reference purposes only. No further copies may be made



**Planning Services**

4/09/00724/FPA - Land At Robson Crescent,  
Bowburn

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<b>Comments</b>		
<b>Date</b>	16 December 2009	<b>Scale</b> 1:1000

# Planning Services

## COMMITTEE REPORT

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### APPLICATION DETAILS

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<b>APPLICATION NO:</b>	<b>PL/5/2009/0494</b>
<b>FULL APPLICATION DESCRIPTION</b>	<b>EXTENSION OF TIME LIMIT FOR IMPLEMENTATION OF PLANNING PERMISSION REF NO. PLAN/2006/0506 FOR DISTRICT CENTRE, COMPRISING INDUSTRY, OFFICES, WAREHOUSE AND RETAIL UNITS</b>
<b>NAME OF APPLICANT</b>	<b>ABTECH PROPERTIES LTD</b>
<b>SITE ADDRESS</b>	<b>LAND AT SHOTTON ROAD/WHITEHOUSE WAY, PETERLEE</b>
<b>ELECTORAL DIVISION</b>	<b>SHOTTON</b>
<b>CASE OFFICER</b>	<b>Philip Johnson 0191 5274332 philip.johnson@durham.gov.uk</b>

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### DESCRIPTION OF THE SITE AND PROPOSAL

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This site is at present a pleasantly landscaped area lying on the south-west side of the roundabout junction of Shotton Road and Whitehouse Way, providing a contribution to the overall spacious setting of the industrial estate and business park. Much of the planting work was carried out as part of a wider scheme to enhance the whole corridor from the A19 to Bracken Hill Business Park.

The approved development comprises two shop units (325sq.m. and 139sq.m. respectively) and six small industrial/warehouse/office units (5 @ 92sq.m. and 1 @ 111sq.m.) which are arranged in two separate north/south blocks at the western side of the site, with the servicing/parking areas to the east alongside Whitehouse Way. Subsequent to the permission being granted, a minor amendment was agreed to the scheme, which involved the subdivision of the larger of the retail units into three separate shops of 134.7sq.m and 92.9sq.m (two), respectively.

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### PLANNING HISTORY

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PLAN/2006/0506: District centre comprising industry, offices warehouse and retail units – Approved 11/06.

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## PLANNING POLICY

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### NATIONAL POLICY:

Planning Policy Statement 1: Delivering Sustainable Development sets out the Governments overarching planning policies on the delivery of sustainable development through the planning System.

*The above represents a summary of those policies considered most relevant. The full text can be accessed at: <http://www.communities.gov.uk/planningandbuilding/planning/planningpolicyguidance/planningpolicystatements>*

### REGIONAL POLICY:

The North East of England Plan - Regional Spatial Strategy to 2021 (RSS) July 2008, sets out the broad spatial development strategy for the North East region for the period of 2004 to 2021. The RSS sets out the region's housing provision and the priorities in economic development, retail growth, transport investment, the environment, minerals and waste treatment and disposal. Some policies have an end date of 2021 but the overall vision, strategy, and general policies will guide development over a longer timescale.

The North East of England Plan - Regional Spatial Strategy to 2021 - Policy 38 (Sustainable Construction) sets out that in advance of locally set targets, major developments should secure at least 10% of their energy supply from decentralised or low-carbon sources.

*The above represents a summary of those policies considered most relevant. The full text can be accessed at: <http://www.qos.gov.uk/nestore/docs/planning/rss/rss.pdf>*

### LOCAL PLAN POLICY:

District of Easington Local Plan

Policy 1- Due regard will be had to the development plan when determining planning applications. Account will be taken as to whether the proposed development accords with sustainable development principles while benefiting the community and local economy. The location, design and layout will also need to accord with saved policies 3, 7, 14-18, 22 and 35-38.

Policy 35 - The design and layout of development should consider energy conservation and efficient use of energy, reflect the scale and character of adjacent buildings, provide adequate open space and have no serious adverse effect on the amenity of neighbouring residents or occupiers.

Policy 53 - General industrial estates are designated for B1, B2 and B8 uses at Peterlee North East, Peterlee North West, Peterlee South West and Dalton Flatts, Murton. Retail will be allowed in accordance with policy 105.

Policy 105 - Retail development on industrial estates will only be allowed if it is of small scale or relates to the sale of items manufactured on the premises or the same estate where the sale is subsidiary to their manufacture and accords with policy 104.

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*The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www.easingtonlocalplan.org.uk/>*

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## CONSULTATION AND PUBLICITY RESPONSES

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### STATUTORY RESPONSES:

Town Council: No response.  
East Durham  
Business Service: No objections.  
Northumbrian Water: No objections.

### INTERNAL CONSULTEE RESPONSES:

Highways: No objections.  
Regeneration: No response.  
Landscape: No response.  
Environmental Health: No response.  
Policy Team: No objections; small scale retailing is in accordance with 'saved' policy 105 of Local Plan.

### PUBLIC RESPONSES:

Neighbours: No response.  
Press/Site notices: No response when this report was prepared – press notice period for representations not yet complete.

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*The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <http://planning.easington.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=106962> Officer analysis of the issues raised and discussion as to their relevance to the proposal and recommendation made is contained below*

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## PLANNING CONSIDERATION AND ASSESSMENT

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This proposal was granted planning permission in November, 2006, subject to a number of conditions. The planning considerations that were material at the time that application was dealt with remain valid today, with the addition of the matter of renewable energy.

Thus, the considerations material to this proposal are:

- retailing policy;
- amenity;
- renewable energy; and
- highway safety;

### Retailing Policy

'Saved' policy 105 of the former District of Easington Local Plan states that planning permission for retail development on industrial estates will only be approved where the proposal is of a small scale. It is considered that this proposal, subject to conditions relating to the size of the proposed shops and the types of goods which may be sold in them, complies with this policy.

No particular types of retail use are specified and the proposal is of a wholly speculative nature but the applicants are intending to attract uses which are particularly aimed at providing local services to meet the daily needs of workers on the estates.

### Amenity

While the site presently contains mounding and attractive landscaping which will be lost if the development is carried out, the approved scheme and details subsequently submitted to satisfy conditions of the permission include substantial areas of peripheral landscaping, the implementation of which will ensure that attractive frontages to Shotton Road and Whitehouse Way will be retained. The same landscaping works will also provide screening of the vehicle servicing and manoeuvring areas on the site.

Apart from the main, developable part of the site at the junction of Whitehouse Way and Shotton Road, the application site also includes a long, relatively narrow piece of land which runs between the existing part of the industrial estate and the houses in Whitehouse Crescent. No building works other than a security fence are proposed on this strip of land, so no adverse effects to Whitehouse Crescent residents are considered likely to result from this development.

### Renewable Energy

Policy 38 of the Regional Spatial Strategy requires that all major developments include at least 10% decentralised and renewable energy or low carbon sources. This requirement has been introduced since the previous planning permission for this development was granted, so, in order to achieve this, a suitable condition should be imposed on the new permission.

### Highway Safety

Several aspects of the originally submitted scheme were amended to accord with highway requirements before the previous permission was granted and conditions relating to detailed highway construction and footpath links into and through the site have been resolved since through the submission and approval of additional drawings. The scheme is considered to be acceptable from a highways point of view.

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## **CONCLUSION**

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This development scheme is appropriately located between Peterlee's North-west and South-west industrial estates and close to the Brackenhill Business Park. The proposed uses are considered acceptable.

Planning permission has been previously granted, so the assumption is that permission will be granted to extend the time limit within which the development must be begun unless the planning circumstances pertinent to the proposal have changed significantly since the earlier permission was granted.

The only such changes in circumstances are that renewable energy considerations are now relevant and that several of the pre-commencement conditions attached to the original permission have already been satisfied. Hence, the now recommended conditions include one relating to renewable energy and one requiring the development to be carried out in accordance with the details already agreed following on from the previous conditions, which have been excluded.

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## RECOMMENDATION

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That the application be **APPROVED** subject to the following conditions;

### Conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. Prior to the commencement of the development, a scheme to minimise energy consumption to be incorporated in the development shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include at least 10% decentralised and renewable energy or low carbon sources unless otherwise agreed in writing by the said Authority. Thereafter, the development shall be carried out in complete accordance with the approved scheme prior to first occupation and thereafter retained in perpetuity.
3. The landscaping scheme approved pursuant to condition 4 of planning permission PLAN/2006/0506 shall be carried out during the first planting season following the practical completion of the development works hereby permitted to the satisfaction of the Local Planning Authority. If within a period of five years from the date of planting of any tree/shrub that tree/shrub, or any tree/shrub planted as a replacement for it, is removed, uprooted, destroyed, dies or becomes in the opinion of the said Authority seriously damaged or defective, another tree/shrub of the same species and size as that originally planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
4. The retail premises hereby permitted shall comprise a minimum of two separate units and shall not be combined into a single unit at any time in the future without the prior written consent of the Local Planning Authority.
5. The retail premises hereby permitted shall not be used for the sale of any goods or items other than food and convenience goods nor for any other activities included in use class 1 as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) without the prior written consent of the Local Planning Authority.
6. No deliveries or waste contractors' activities shall take place outside the hours of 0800-2300 hours on any day.
7. No construction works including deliveries of materials shall be carried out on the development hereby permitted outside the hours of 0800-1800hrs on Mondays to Fridays and 0800-1300hrs on Saturdays.
8. The development hereby permitted shall not be implemented except in complete accordance with the details approved under planning permission reference PLAN/2006/0506 and the subsequently agreed details submitted pursuant to conditions 2 (finishing materials), 3 (means of enclosure), 4 (landscaping scheme), 6 (main perimeter fence), 7 (road junction details), and 8 (footpath links), unless amendments to those details have first been submitted to and approved by the Local Planning Authority.

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## REASONS FOR THE RECOMMENDATION

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1. The development was considered acceptable having regard to the following development plan policies:

DISTRICT OF EASINGTON LOCAL PLAN	ENV35 - Environmental Design: Impact of Development
DISTRICT OF EASINGTON LOCAL PLAN	GEN01 - General Principles of Development
DISTRICT OF EASINGTON LOCAL PLAN	IND53 - Existing General Industrial Estates
DISTRICT OF EASINGTON LOCAL PLAN	SHO105 - Retailing on industrial estates

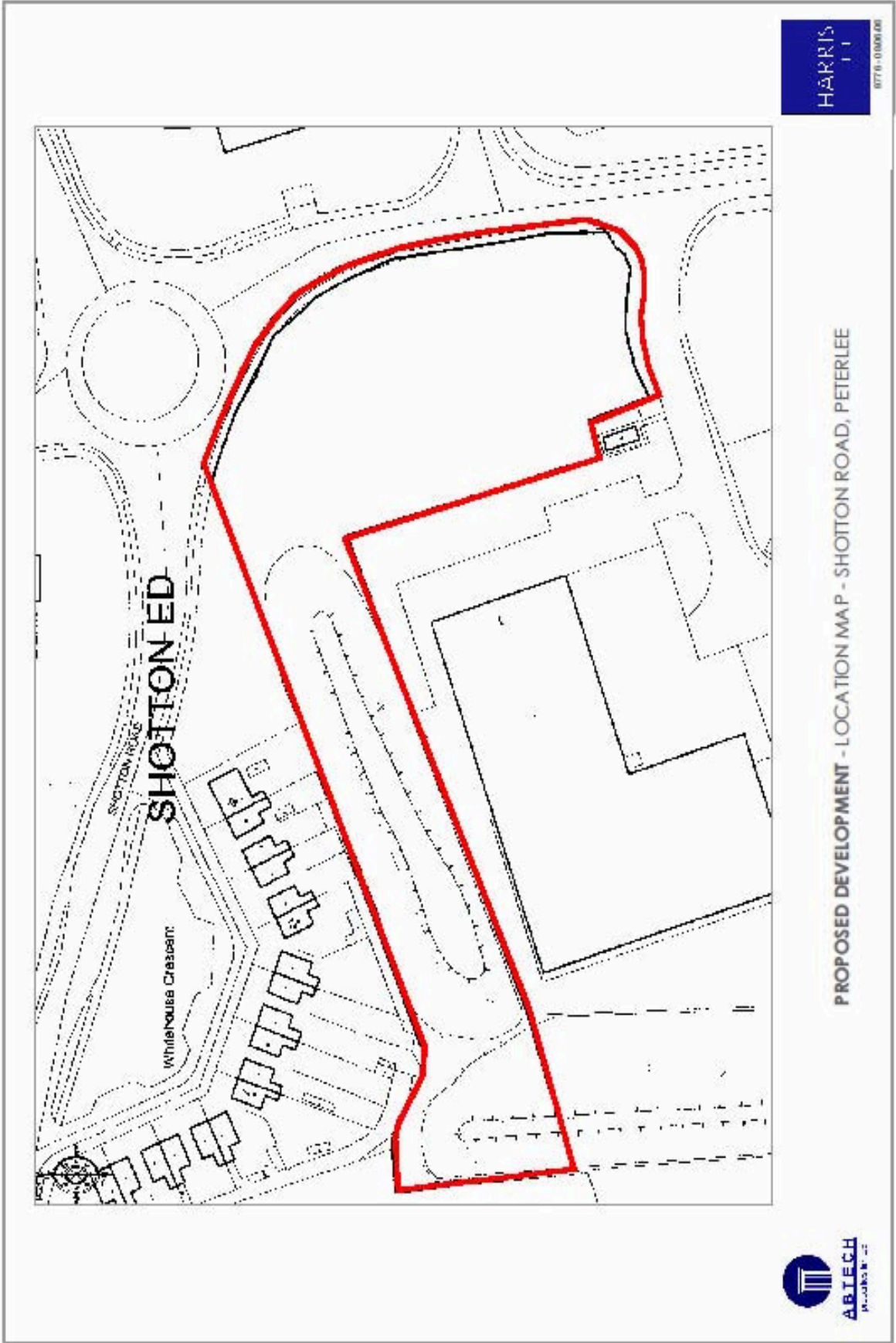
2. In particular the development was considered acceptable having regard to consideration of issues of retailing policies, amenity, renewable energy and highway safety.

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## BACKGROUND PAPERS

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- Submitted Application Forms and Plans.
- Design and Access Statement
- North East of England Plan Regional Spatial Strategy to 2021 (RSS) July 2008
- District of Easington Local Plan 2001
- Planning Policy Statements / Guidance, PPS1, PPG2, PPS3, PPS7, PPS9, PPS13, PPG15, PPG16
- Consultation Responses



# Planning Services

## COMMITTEE REPORT

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### APPLICATION DETAILS

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<b>APPLICATION NO:</b>	<b>PL/5/2009/0500</b>
<b>FULL APPLICATION DESCRIPTION</b>	<b>17.5 METRE SLIMLINE POLE SUPPORTING TELECOMMUNICATION APPARATUS AND INSTALLATION OF EQUIPMENT CABINETS</b>
<b>NAME OF APPLICANT</b>	<b>T MOBILE (UK) LTD</b>
<b>SITE ADDRESS</b>	<b>THE AIRFIELD, SHOTTON COLLIERY</b>
<b>ELECTORAL DIVISION</b>	<b>SHOTTON</b>
<b>CASE OFFICER</b>	<b>Laura Eden 0191 5274613 laura.eden@durham.gov.uk</b>

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### DESCRIPTION OF THE SITE AND PROPOSAL

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The application site relates to an area of land near the entrance to the access road for Shotton Airfield adjacent to Shotton Industrial Estate.

To the north of the application site lies Shotton Airfield and to the east Shotton Industrial Estate. Both to the west and south there are residential properties and further west lies Shotton Primary School.

Planning permission was originally approved on 4<sup>th</sup> April 2006 for a 17.5 metre high slimline monopole mast, antennae and ground based equipment. Both the original applicants 3 as well as T-Mobile are undertaking a network-sharing project around the country therefore due to this and a number of other reasons works have not been able to commence prior to the expiration of the consent.

As part of this resubmission the mast will incorporate the technologies of 3 and T-Mobile. As a result there will be some minor changes to the original design which include changing the shroud that encloses the antennae and the equipment cabinets.

The new proposal is for the installation of a 17.5 metre high slimline pole supporting 3 no. panel antennae contained within a shroud and 1 no. 300mm dish antenna to be sited on the pole at a height of 14.7 metres.

The applicants have stated that without the installation of the proposed apparatus there will remain a large coverage 'hole' for both 3 and T-Mobile in the Shotton Colliery area. They consider that the development would allow for significant improvements to the coverage achieved by both operators.

As part of the application documentation has been submitted to show that these telecommunication proposals are designed to be in full compliance with the requirements of the radio-frequency (RF) public exposure guidelines of the International Commission of 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 (0Hz to 300GHz).

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## **PLANNING HISTORY**

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PLAN/2005/0967 – 17.5 Slimline Monopole Mast with 3 antennas, one dish and equipment housing committee approval on 04/04/2006.

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## **PLANNING POLICY**

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### **NATIONAL POLICY:**

Planning Policy Statement 1: Delivering Sustainable Development sets out the Governments overarching planning policies on the delivery of sustainable development through the planning System.

Planning Policy Guidance 8 (PPG8) gives guidance on planning for telecommunications development - including radio masts and towers, antennas of all kinds, radio equipment housing, public call boxes, cabinets, poles and overhead wires.

*The above represents a summary of those policies considered most relevant. The full text can be accessed at: <http://www.communities.gov.uk/planningandbuilding/planning/planningpolicyguidance/planningpolicystatements>*

### **REGIONAL POLICY:**

The North East of England Plan - Regional Spatial Strategy to 2021 (RSS) July 2008, sets out the broad spatial development strategy for the North East region for the period of 2004 to 2021. The RSS sets out the region's housing provision and the priorities in economic development, retail growth, transport investment, the environment, minerals and waste treatment and disposal. Some policies have an end date of 2021 but the overall vision, strategy, and general policies will guide development over a longer timescale.

*The above represents a summary of those policies considered most relevant. The full text can be accessed at: <http://www.gos.gov.uk/nestore/docs/planning/rss/rss.pdf>*

### **LOCAL PLAN POLICY:**

District of Easington Local Plan

Policy 1- Due regard will be had to the development plan when determining planning applications. Account will be taken as to whether the proposed development accords with sustainable development principles while benefiting the community and local economy. The location, design and layout will also need to accord with saved policies 3, 7, 14-18, 22 and 35-38.

Policy 35 - The design and layout of development should consider energy conservation and efficient use of energy, reflect the scale and character of adjacent buildings, provide adequate open space and have no serious adverse effect on the amenity of neighbouring residents or occupiers.

Policy 54 - Small industrial estates are designated for B1, B2 and B8 uses at various specified locations. Retail will be allowed in accordance with policy 105. Bad neighbour uses may also be allowed at Thornley Station.

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*The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www.easingtonlocalplan.org.uk/>*

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## **CONSULTATION AND PUBLICITY RESPONSES**

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In order to meet the deadline for this application the recommendation report to the Area Planning Committee was finalised prior to the expiry of the consultation period. Any responses received will be reported to Members verbally at the meeting. With regard to the 8-week target, the concern about possible delay is principally that the applicants would have a right of appeal against non-determination after that period expires, meaning that the decision could be made by the planning inspectorate rather than at the local level if the applicants opted to do this.

### **STATUTORY RESPONSES:**

Shotton Parish Council – Concerns have been raised that the telecommunications operators have not consulted either the Parish Council or the local primary school prior to the submission of this application. The developer was informed of the Parish's concerns therefore has contacted them to discuss any issues they have. At the time of finalising this report discussions were still ongoing.

Civil Aviation Authority – No requirement to be consulted on an application of this nature.

### **INTERNAL CONSULTEE RESPONSES:**

Environmental Health – No objections to the proposal

Highways Section – No objections to the proposal

### **PUBLIC RESPONSES:**

The application was advertised by means of a site notice and by neighbour notification letters. No responses have been received up to the time of preparing this report.

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*The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <http://planning.easington.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=106968>. Officer analysis of the issues raised and discussion as to their relevance to the proposal and recommendation made is contained below*

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## **PLANNING CONSIDERATION AND ASSESSMENT**

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Due to the time constraints in determining this application, the recommendation report has been finalised prior to the public consultation process expiry. At the time of preparing the report no concerns had been raised regarding the installation by any internal consultees or members of the public. Any comments received will be reported to Members at the panel meeting. The Parish Council however have raised concerns about the consultation process and this has been addressed later in the report.

The main planning considerations that are relevant to this application are;

- Planning Policy
- Site sharing
- Health Considerations
- Siting and design
- Representations



**Planning policy: -**

The Government's general policy on telecommunications is described in Planning Policy Guidance Note No. 8 (PPG8) – 'Telecommunications' which 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.

In terms of the Local Plan the proposal would not be seen to have an adverse effect on the amenity of people living and working in the vicinity of the development site and the existing use of the adjacent land or buildings in accordance with policy 35. This will be discussed in more detail in the following subsections of the report.

**Site sharing: -**

The Government encourages mast and site sharing where appropriate. Operators are required to provide evidence to suggest to Local Planning 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. The applicants have provided such information.

This application is seen to represent an improvement on the original given that the site is to be shared by two operators. The joint application has been submitted due to the original applicants 3 as well as T-Mobile undertaking a network-sharing project around the country. As part of this work both 3 and T-Mobile are now sharing a number of sites and are decommissioning a number of their existing sites.

Members may be aware that there is a Vodaphone mast situated within the haulage depot at Shotton Colliery Industrial Estate some 130 metres or so from the application site. The agent has provided information to support why this mast could not be utilised as they believe it would result in coverage issues. The existing mast would increase in height and bulk in order to accommodate the required equipment. They opted not to pursue this option as they considered that the resulting structure would have a detrimental impact upon the area.

Although it would be preferable for the proposed development to combine with the existing Vodaphone mast, given the previous approval and that the site is now to be shared with T-Mobile it is not considered that a refusal could be justified on these grounds. Furthermore given the distance between the two developments, how far they are set back from the road and that both are largely screened from view due to existing buildings it is not considered that the proposed mast would adversely affect the appearance of the area.

**Health considerations: -**

Applications for Telecommunication Installations are often contentious and objections are made on various grounds. Particular concerns can be raised regarding the impact on public health of such installations. Accordingly, it is considered appropriate to address this issue for Members' information.

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 technologies until we have 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 development or insisting minimum distances between new telecommunication development and existing development.

It should be noted that the High Court has overturned several appeal decisions where telecommunications development was refused due to the perception of fear against 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 of the International Commission on Non-Ionising Radiation Protection (ICNIRP), as expressed in EU Council recommendation of 12 July 1999.

**Siting and design: -**

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 of not only masts and structures but also materials and colouring. It is considered that the proposed siting and design of the proposed mast are acceptable.

The mast is a slimline monopole and would be located at the entrance to Shotton Airfield access road, adjacent to Shotton Colliery Industrial Estate. The mast is a considerable distance from the nearest residents (approximately 80 metres) and Shotton Primary School (approximately 250 metres) therefore as such would not have an adverse impact on the street scene or residential amenity sufficient to warrant refusal of planning permission.

The mast would be sited adjacent to an industrial building which itself is 7.5 metres high. The suggested finish to the pole and cabinets is grey steel which is considered to be appropriate as it will be a similar colour to the nearest building. This is further considered to lessen its impact on the surrounding area.

**Representations: -**

Shotton Parish Council have raised concerns that the developers have not consulted with either the Parish Council or the nearby school prior to the submission of the planning application which they believe is contrary to advice contained within PPG8.

It is acknowledged that PPG8 advocates pre-application consultation with various local bodies including Parish Councils and nearby schools. However, the advice states that the operator 'should' rather than 'must' undertake consultation. Accordingly, it is not a mandatory requirement.

Notwithstanding the above, the application represents a resubmission of a previous proposal that has been approved but not implemented. This application was the subject of consultation at the time (2005) by the Council, with both the Parish Council and school as well as with a number of nearby occupiers. According to planning records, the only response to this publicity exercise was an objection from a former resident of Shotton.

In publicising the current proposal by means of site notices and neighbour notification letters, the Council has met its statutory requirements. Whilst the concerns raised by the Parish Council about the lack of pre-application consultation are understandable it is considered that the Council can proceed to determine the application.

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**CONCLUSION**

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The proposal is for a 17.5 metre high mast in a location previously agreed as part of PLAN/2005/0967 which has now expired. Minimal changes have been made to the design of the mast which will now be shared by 3 and T-Mobile. The mast is of slimline monopole design and would be located along Shotton Airfield access road adjacent to an industrial estate. It is a considerable distance from the nearest residential property (approximately 80 metres) and school (approximately 250 metres) and as such would not have an adverse impact on the street scene or residential amenity sufficient to warrant refusal of planning permission.

With regards to the concerns raised by Shotton Parish Council it is considered that Durham County Council has fulfilled its statutory requirements and that the application can be determined.

Taking all relevant planning matters into account it is considered that the proposal is acceptable given that it accords with both national and local policy.

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## RECOMMENDATION

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That the application be **APPROVED** subject to the following conditions;

### Conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby approved shall be carried out wholly in accordance with the details contained in the application as submitted to the Council on the date specified in Part 1 of this decision notice unless otherwise firstly approved in writing with the Local planning authority.

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## REASONS FOR THE RECOMMENDATION

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1. The development was considered acceptable having regard to the following development plan policies:

DISTRICT OF EASINGTON LOCAL PLAN  
DISTRICT OF EASINGTON LOCAL PLAN  
DISTRICT OF EASINGTON LOCAL PLAN  
PLANNING POLICY STATEMENT/GUIDANCE  
PLANNING POLICY STATEMENT/GUIDANCE

ENV35 - Environmental Design: Impact of Development  
GEN01 - General Principles of Development  
IND54 - Existing Small Industrial Estates  
PPG8 - Telecommunications  
PPS1 - Delivering Sustainable Development

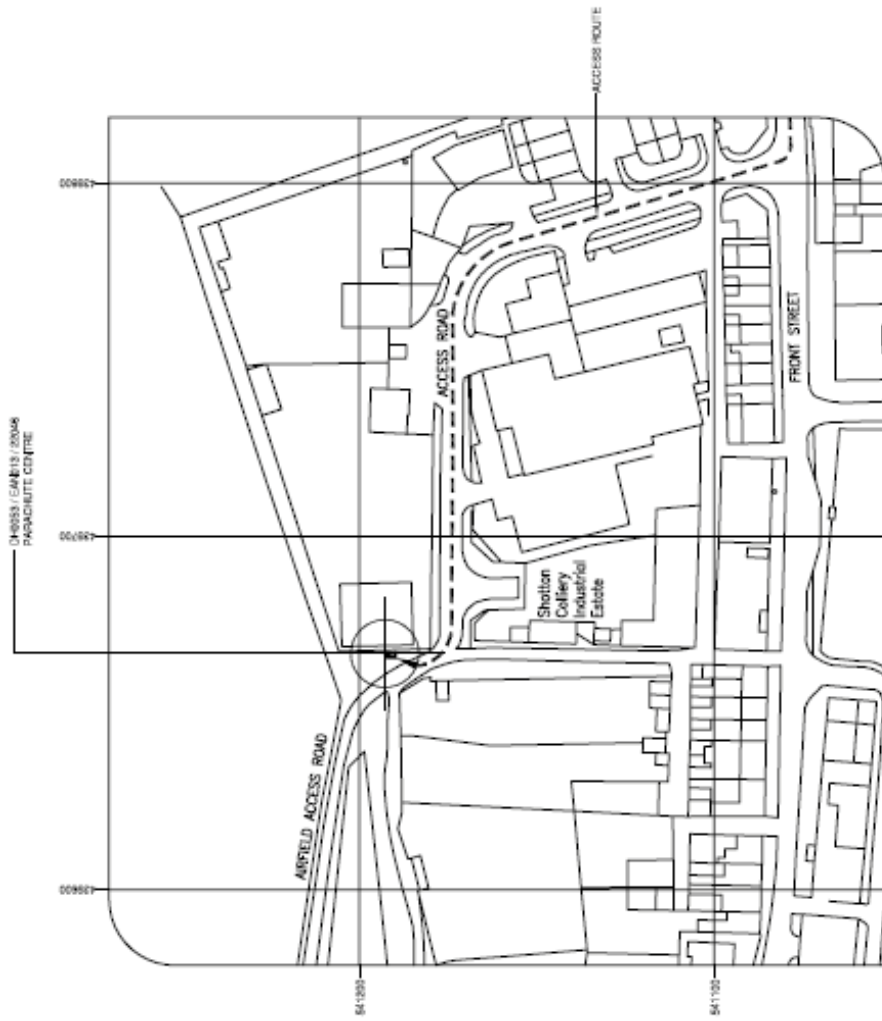
2. In particular the development was considered acceptable having regard to consideration of issues in relation to planning policy, site sharing, health considerations, siting and design and representations.

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## BACKGROUND PAPERS

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- Submitted Application Forms and Plans.
- Design and Access Statement
- North East of England Plan Regional Spatial Strategy to 2021 (RSS) July 2008
- District of Easington Local Plan 2001
- Planning Policy Statements / Guidance, PPS1 and PPG8
- Consultation Responses



**SITE LOCATION**

SCALE: 1:150  
 Ordnance Survey 1:250,000  
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