



## Area Planning Committee (Central and East Durham)

**Date** Tuesday 9 October 2012  
**Time** 1.00 pm  
**Venue** Council Chamber, County Hall, Durham

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### Business

#### Part A

1. Minutes of the Meetings held on 11 and 12 September 2012 (Pages 1 - 14)
2. Declarations of Interest, if any
3. Applications to be determined by the Area Planning Committee (Central & East Durham)
  - a) 4/12/00637/FPA - 3 The Paddock, Gilesgate Moor, Durham (Pages 15 - 28)  
Conversion of Garage to Living Accommodation, Side and Rear Extensions and Erection of Detached Garage.
  - b) 4/12/00591/VOC - Former Omnibus and Welfare Club, Front Street, Quarrington Hill, Durham. DH6 4QF (Pages 29 - 44)  
Variation of Condition 2 of Planning Permission Application 11/00479/FPA substituting Wren house type and amending parking provision together with seeking removal of s106 obligations.
  - c) 4/12/00639/FPA - Potterhouse Substation, Front Street, Pity Me, Durham. DH1 5BZ (Pages 45 - 54)  
Telecommunications tower.
4. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration

**Colette Longbottom**  
Head of Legal and Democratic Services

County Hall  
Durham

1 October 2012

To: **The Members of the Area Planning Committee (Central and East Durham)**

Councillor C Walker (Chair)  
Councillor P Taylor (Vice-Chair)

Councillors J Bailey, A Bell, J Blakey, G Bleasdale, J Brown,  
P Charlton, D Freeman, S Iveson, A Laing, R Liddle, J Moran,  
J Robinson and B Wilson

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**DURHAM COUNTY COUNCIL**

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

At a Meeting of **Area Planning Committee (Central and East Durham)** held in Council Chamber, County Hall, Durham on **Tuesday 11 September 2012 at 1.00 pm**

**Present:**

**Councillor P Taylor (Chair)**

**Members of the Committee:**

Councillors P Taylor (Vice-Chair), J Bailey, J Blakey, G Bleasdale, J Brown, D Freeman, S Iveson, A Laing and J Moran

**Apologies:**

Apologies for absence were received from Councillors C Walker, P Charlton and R Liddle and C Walker

**Also Present:**

Councillor Eunice Huntington and Councillor Robin Todd

**1 Minutes**

The Minutes of the meeting held on 10 July 2012 were agreed as a correct record and signed by the Chair.

**2 Declarations of Interest**

There were no declarations of interest.

**3 Applications to be determined by the Area Planning Committee (Central & East Durham)**

The Chairman informed the Committee that the order of the Agenda items had been amended, and that the Murton West Moor Farm application would be the first item to be considered.

**3a PL/5/2012/0221 - Murton West Moor Farm Cottage, South Hetton. DH6 2UW**

The Committee considered a report of the Senior Planning Officer regarding the conversion of redundant agricultural buildings into 4 no. dwellings with associated

alterations and parking and the demolition of an agricultural building at Murton West Moor Farm Cottage, South Hetton (for copy see file of Minutes).

The Senior Planning Officer gave a detailed presentation on the application which included photographs of the site. Members had visited the site the previous day and were familiar with the location and setting.

Councillor E Huntington, local Member, informed the Committee that she had no objection to the conversion of the agricultural buildings into 4 dwellings, but did have concerns regarding highways issues. A scout hut at the end of the access road to the site, which was used by both young and elderly people, had no footpath to it. The proposed passing place provided little advantage because it only provided approximately 30 metres visibility up the access road, and Councillor Huntington suggested that a passing place further up the road, towards the development would be more appropriate. Councillor Huntington suggested that a condition be attached to the permission that a speed hump be placed across the access road at the scout hut to increase pedestrian safety for users of the hut.

Councillor Todd, local Member, agreed with Councillor Huntington, that there was no objection to the development, all issues were around highways matters.

The Senior Planning Officer informed the Committee that highways safety had been discussed during the site visit to the area, including the addition of a speed hump to increase pedestrian safety for the users of the scout hut. Advice received from highways was that the proposed location of the passing place was the most advantageous and that it would be ensured that the passing place was as small as was needed. The Principal DM Engineer (Highways) added that while he would support the provision of a speed hump, the provision of a passing place further up the road, nearer to the development would do little to alleviate a potential point of conflict with existing garages in the area.

Councillors Blakey, Bleasdale, and Moran all supported the installation of a speed hump being included as a condition of any permission granted.

**Resolved:**

That the application be approved, subject to the conditions detailed in the recommendations in the report and the addition of a condition regarding the installation of a speed hump.

**3b 4/12/00281/FPA - 81-88 Whinney Hill, Durham. DH1 3BQ**

The Committee considered a report of the Principal Planning Officer regarding the change of use of No. 81 from existing B1 office and Nos. 82-88 from C3 dwellinghouses to D1 non-residential institution to provide drug and alcohol treatment centre together with associated erection of an entrance canopy and fire escape canopy on the front elevation and landscaping works at 81-88 Whinney Hill, Durham (for copy see file of Minutes).

The Principal Planning Officer gave a detailed presentation on the application which included photographs of the site. Members had visited the site the previous day and were familiar with the location and setting.

Mr Alan Hayton addressed the Committee on behalf of Whinney Hill Community Group and gave a presentation to the Committee. The Group was opposed to the application which it felt was not appropriate for the residential area. Approval of the application would lead to parking problems in an area of Durham City where parking was already at a premium. Clients using the centre would soon realise difficulties associated with using public transport to get to it and would resort to private transport, which would exacerbate the parking problem. Approval of the application would lead to an increased fear of crime in the area.

The Principal Planning Officer responded that the issues raised were covered in the report to Committee which had previously been circulated. The proposed centre was within walking distance of major transport hubs, and parking in the area was controlled.

Mr Mark Harrison, Durham Drug and Alcohol Commissioning Team, addressed the Committee in support of the application. External changes to the properties would be minimal. Noise and disturbance would be limited as attendees would attend the centre on a voluntary basis and by appointment only, the centre was not open access. Most attendees to the centre would travel on public transport and by foot, and some additional car parking had been agreed with the Governor of Durham Prison. There were 8 such facilities across County Durham, all in similar residential areas, none of which had caused problems in the areas.

Mr Tim Allen, Governor of Durham Prison spoke in favour of the application. The centre would be a valuable resource in assisting the seamless transfer from custody into the community, and attendees to the centre were motivated to attend and break the cycle of addiction to drugs and alcohol. The centre would be operated by qualified, accredited professionals.

Councillor J Brown informed the Committee that a similar drug and alcohol treatment centre had operated in a residential area in her Ward, which had no loitering, anti social behaviour or littering problems. When the centre moved accommodation, residents requested that it remain.

Councillor Bailey understood the views of the residents and asked how many of the other centres across County Durham were in residential areas. He also asked whether such a facility would not operate better from Community Centres. Mr Harrison responded that all other centres were in close proximity to residential areas, and that clinical sessions were already provided in a number of community settings.

Councillor Freeman informed the Committee of his concern that a drug and alcohol treatment centre was being moved from a non-residential area in Durham City to a residential area. The Police Architectural Liaison Officer had expressed the view that such a treatment centre would not normally be located in a residential area.

The centre would lead to an increased fear of crime in the Whinney Hill area and he moved that the application be rejected. This was seconded by Councillor Bailey.

Councillor Moran moved that the application be approved, this was seconded by Councillor Bleasdale.

**Resolved:**

That the application be approved, subject to the conditions detailed in the recommendations in the report.

**3c PL/5/2012/0266 - Tweddle Farm, Fillpoke Lane, Blackhall. TS27 4BT**

The Committee considered a report of the Senior Planning Officer regarding the provision of a new vehicular access, new replacement visitors centre, car parking and change to existing outbuilding, replacement admissions facility and gift shop at Tweddle Farm, Fillpoke Lane, Blackhall (for copy see file of Minutes).

The Senior Planning Officer gave a detailed presentation on the application which included photographs of the site. Members had visited the site the previous day and were familiar with the location and setting.

Mr Blackwood, local resident, objected to the application. He presented a history of problems which had been encountered and previous breaches of planning conditions. The approach road was signed as being unsuitable for wide vehicles, but could have up to 20 coaches a day travelling along it.

Mr Scorer, the applicant, addressed the Committee. He informed the Committee that the facility was established in 2004 and was a well established visitor attraction. The proposed car park move would increase the number of parking spaces available and would vastly improve vehicle movements. The new car park and entrance would enhance both highway safety and the safety of pedestrian movement from the car park to the admissions area.

The Senior Planning Officer informed the Committee that he was aware of some previous planning breaches at this site, however, these had never reached a level where enforcement action needed to be taken.

The Principal DM Engineer (Highways) informed the Committee that there had been no previous reports of concerns regarding the access road to the site, adding that passing places had previously been created along the road to improve access. There were no objections to the application on highways issues. The signs at the end of the road were of an advisory nature.

**Resolved:**

That the application be approved, subject to the conditions detailed in the recommendations in the report.

**3d 4/12/00149/FPA - 107A High Street, Carville, Durham. DH1 1BQ**

The Chairman informed the Committee that this application was being deferred to allow further investigation of issues raised by objectors.

**3e 4/12/00451/CAC and 4/12/00450/FPA - Bracken Cottage, Bank Foot, Shincliffe, Durham**

The Committee considered a report of the Principal Planning Officer regarding the demolition of an existing hotel and dwelling and erection of two detached dwelling houses at Bracken Cottage, Bank Foot, Shincliffe (for copy see file of Minutes).

The Principal Planning Officer gave a detailed presentation on the application which included photographs of the site.

Mr John Taylor, supporter of the application, addressed the Committee. The site, which was approximately 2 acres in size, had been developed over a period of some 20 years and presented a somewhat piecemeal development. The proposed development would present a more controlled approach to the site and would be set back from the road which would open up views. The hotel on the site was currently empty and had been marketed for a considerable length of time without any interest.

Councillor Blakey, local Member, supported the application. There had been no interest shown in the hotel despite it being marketed for a considerable length of time, and the proposed development would suit the site well.

Councillor Freeman expressed his objection to the application. A similar application had been rejected in 2006, and he was not convinced that much had changed since that date. Although not viable as a hotel, this was insufficient reason to build two houses on the site.

**Resolved:**

That the application be approved, subject to the conditions as outlined on the report.

**3f PL/5/2012/0161 - 15 West Lane, Hawthorn. SR7 8SB**

The Committee considered a report of the Principal Planning Officer regarding a loft conversion involving increased roof height, dormer windows and two storey rear extension at 15 West Lane, Hawthorn (for copy see file of Minutes).

The Principal Planning Officer gave a detailed presentation on the application which included photographs of the site. Members had visited the site the previous day and were familiar with the location and setting. A representation had been received from Councillor D Boyes, local Member, objecting to the application on the grounds that it did not fit in with the existing street scene.

Mr B Robinson, applicant, addressed the Committee. The intention was to construct the dwelling to retain as many of the original features as possible,

including the bay windows and arched vestibule to the front. An original application was withdrawn because it was considered to be overbearing, and a second application submitted whereby the footprint of the rear extension had been increased up to the boundary of the neighbouring property. The dormer windows would result in the property having a cottage style appearance and the roof of the property would be one of many different roof styles in the street.

**Resolved:**

That the application be approved, subject to the conditions detailed in the recommendations in the report.



**DURHAM COUNTY COUNCIL**

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

At a Meeting of **Area Planning Committee (Central and East Durham)** held in Committee Room 2, County Hall, Durham on **Wednesday 12 September 2012 at 1.00 pm**

**Present:**

**Councillor P Taylor (Chair)**

**Members of the Committee:**

Councillors J Bailey, J Blakey, G Bleasdale, J Brown, D Freeman, S Iveson, R Liddle and J Moran

**Apologies:**

Apologies for absence were received from Councillors C Walker and P Charlton

**Also Present:**

J Taylor – Principal Planning Officer

C Cuskin – Legal Officer

D Stewart – Highways Officer

**1 Declarations of Interest, if any**

There were no declarations of interest received.

**2 Applications to be determined by the Area Planning Committee (Central & East Durham)**

With the agreement of the Committee the order of business on the Agenda was amended to allow Item 2(a) application 4/12/00639/FPA – Potterhouse Substation, Front Street, Pity Me to be considered following item 2(b) application 4/11/0805/OUT – The Pottery, Front Street, Coxhoe.

**2a 4/11/00805/OUT - The Pottery, Front Street, Coxhoe, Durham DH5 4AX**

The Committee considered a report of the Principal Planning Officer regarding an outline application for the erection of 24 no. dwellings with detailed approval sought for means of access only (for copy see file of Minutes).

The Principal Planning Officer gave a detailed presentation on the main issues outlined in the report which included photographs of the site. Members had visited the site the previous day and were familiar with the location and setting.

The Officer advised that since the report had been circulated 3 further representations had been received requesting confirmation that Highways had no objections to the retention of the hedge to the front of 1 -22 Belgrave Court (not 15-22 as stated in the report), and also that this hedge retention would occur if the development came to fruition. Further objections related to the lack of primary school places available in Coxhoe.

Members were advised that Coxhoe primary school was full at present but that School Admissions had confirmed that there were places available at Bowburn and Kelloe schools. The availability of school places changed on a yearly basis and the size of the development was such that it was unlikely that there would be a significant rise in population in any one year.

The Officer also pointed out that the report should refer to the Conservation (Natural Habitats etc) Regulations 2010 and not 1994 as stated.

Councillor M Plews, local Member spoke on behalf of local residents stating that their objections related to highway issues. She asked that a condition be attached to the planning permission that would ensure that the access lane was made up to an adoptable standard.

Councillor D Smith, Parish Councillor for Coxhoe addressed the Committee. He stated that the location of the bus stop would cause visibility problems for vehicles exiting the access road onto Front Street and there was likely to be a build up of traffic as vehicles turned right into the development. The Parish Council also asked that the access lane be made up to an adoptable standard along the whole length for the benefit of existing properties.

Mr Atkinson, local resident reiterated the concerns of the Parish Council in relation to the bus stop. He lived next to the access road and if the application was approved asked that it be improved before construction commenced. However as far as he was aware the access lane was in unknown ownership and therefore queried how it could be developed. He was also concerned for the safety of his family's children who played in the location.

Officers responded to the comments made and the Committee was reminded that this was an outline application for access only. Given the number of units proposed the road would be adopted by way of a Section 38 Agreement which would be dealt with at the reserved matters stage, however this would not require the developers to improve the whole length. It was envisaged that the developers would make the access lane durable for the construction traffic before bringing it up to an adoptable standard on completion of the development.

In response to the highway safety issues raised the Highways Officer stated that the proposals were deemed to be acceptable. The increase in vehicle movement as a result of the development would be modest and any build up of traffic on the Front Street would be minimal. With regard to the location of the bus stop there would be occasions when visibility was reduced but this was not uncommon and was replicated in many other locations. It would be difficult to justify the relocation of the bus stop.

In discussing the application Members were advised that ownership of the access lane was unknown but that this was a separate legal matter beyond the remit of the Local Planning Authority. The developers had undertaken the correct certification processes with regard to land in unknown ownership.

The Principal Planning Officer confirmed that a condition could be included to restrict demolition/construction hours, and with regard to the concerns expressed by the Landscape Section he advised that much of the hedgerow was to be retained with only a relatively small section removed to open up the access. The Highways Section did not consider that this would cause any demonstrable harm to safety.

Reference was made to the Section 106 contribution for recreational and play space, and the comments of the Parish Council as detailed in the report. The Principal Planning Officer explained that the detail of the S106 Agreement had not yet been agreed, however the views of the Parish Council would be taken on board.

A Member suggested that the application be deferred to look at the possibility of re-locating the bus stop in view of concerns expressed. The views of the local Member were sought who advised that the issues raised about the bus stop existed at other locations in the village and elsewhere, and therefore she did not feel that this would be a valid reason to justify refusal of the application.

**Resolved:**

That the application be approved subject to:-

- (i) the conditions outlined in the report and to the following additional condition:-

‘No demolition or construction works shall be undertaken outside the hours of 8am and 7pm Monday to Friday and 8.30am to 2pm on a Saturday with no demolition/construction works to take place on a Sunday or Bank Holiday.

Reason: In the interests of residential amenity having regard to Policies H13 and Q8 of the City of Durham Local Plan 2004.’

- (ii) the entering into of a Section 106 Agreement to secure:

- (a) the provision of 20% affordable housing
- (b) a contribution of £24,000 for recreational and play space
- (c) a contribution of £12,913 for public art.

**2b 4/12/00639/FPA - Potterhouse Substation, Front Street, Pity Me, Durham DH1 5BZ**

The Committee considered a report of the Principal Planning Officer regarding an application for a telecommunications tower at Potterhouse Substation, Front Street, Pity Me (for copy see file of Minutes).

The Principal Planning Officer gave a detailed presentation on the application which included photographs of the site. He also outlined to Members the technical reasons for the erection of the mast at this location.

Members had visited the site the previous day and were familiar with the location and setting.

Councillor M Wilkes, local Member asked that the application be deferred. He had met with Planning Officers and the applicant on site and at that time a commitment had been given that photographs taken of the temporary mast would be sent to local residents for further consultation. In addition he felt that the photographs should have been placed on the planning portal. A drop-in session had also been suggested but had not been arranged.

He continued that that there were longstanding issues about noise and appearance of the proposed mast, and its visual impact from various viewpoints would be detrimental to the amenity of local residents.

In response the Principal Planning Officer advised that consultation had been carried out in accordance with statutory requirements and that whilst it was unfortunate, no undertaking had been given by the Local Planning Authority to circulate photographs or to hold a drop-in session. Additional information was usually placed on the planning portal when it constituted an amendment to the application. He added that the applicants had been fully co-operative with Planning Officers and that he considered that the application could be determined with the information provided in the report and as part of his presentation which included images of the temporary mast.

Mr Smales, from Northern Powergrid confirmed that he had agreed to provide additional photographs and had offered to meet residents but had received no further feedback to carry this out.

A Member agreed with the Principal Planning Officer that the application could be determined based on the information already provided, however other Members felt that residents should be given the opportunity to examine the additional information prior to the Committee determining the application.

Members were advised that all statutory consultation requirements had been undertaken. The Legal Officer advised that should Members resolve to defer the application there was a risk that costs could be awarded against the Local Planning Authority should the applicant submit an appeal against non-determination.

Following discussion it was **Resolved:**

That the application be deferred to allow the photographs to be circulated to consultees.

**2c 4/12/00727/VOC - Land at former Cape Site, Durham Road, Bowburn DH6 5AT**

The Committee considered a report of the Principal Planning Officer regarding an application to remove condition 12 on the original 2007 outline approval that 30% of all housing on the site was affordable (for copy see file of Minutes).

The Principal Planning Officer gave a detailed presentation which included photographs of the site. He advised that since the report had been circulated Shincliffe and Cassop cum Quarrington Parish Councils had objected to the reduction in affordable housing proposed. They considered that the developer acquired the application site at a cheap price and reclamation costs were lower than anticipated. Bowburn and Parkhill Community Partnership considered that the County Durham Local Plan should be given little weight at this stage. If granted other developers subjected to 30% affordable housing on their sites would look to amend schemes and this may cause undersupply. The reasoning behind the conditions attached to the original application approved by the Secretary of State should still apply.

Members were also advised by the Legal Officer of a proposed amendment to the recommendation in the report which required the applicant to enter into a Section 106 Agreement to secure the provision of 59 no. affordable dwellings on site and to the contribution towards off site provision of 4 no. affordable homes. It was understood that the 59 no. on site dwellings had now been provided but conclusive evidence of this had not been received from the developer. It was therefore proposed that the recommendation be amended to state that delegated authority be granted to the Area Team Leader (Central and East) to revise the Section 106 Agreement if necessary to ensure that the 59 no. affordable dwellings on site were secured.

Mr G Brooks, the applicant's agent outlined the developers' reasons for reducing affordable housing provision. He advised that the site was purchased and remediated at costs based on the selling prices of homes prior to the collapse of the housing market. Dunelm Homes had successfully applied to receive Government Kickstart Funding which allowed them to complete 59 affordable properties.

The ProVal system had shown that Dunelm Homes had suffered a loss and that the site was now valued considerably less than when it was purchased. The system had also demonstrated their inability to provide further affordable housing. Although he was unable to provide a figure their projected profit was shown as 8% which was below the current market.

In discussing the application a Member referred to the decision to refuse the application in July 2012 because the reduced delivery of affordable housing was contrary to the aims of sustainable development and mixed communities. The County Durham Plan proposed 20% affordable housing but this had not yet been adopted and therefore 30% provision should still apply.

The Officer responded that the County Durham Plan, although only at the preferred options stage, was informed by the latest evidence base on affordable housing in

the form of the most recent SHMA. This established that there was a 20% affordable housing need in the area as opposed to 30% when the original planning permission was granted. He had reservations about relying on the evidence base in the 2004 Plan.

At a Member's request the Legal Officer outlined the principles of affordable housing to the Committee.

**Resolved:**

That Members were minded to approve the application with the authority to issue the decision delegated to the Area Team Leader (Central and East) subject to:-

- (i) the conditions outlined in the report;
- (ii) the completion of a Section 106 Agreement to secure a contribution of £147,472 towards the off site provision of 4 no. affordable homes;
- (iii) the completion of a Section 106 Agreement (should the Area Team Leader (Central and East) feel it necessary) to ensure that the provision of 59 no. affordable dwellings is secured on site.

At this point Councillor J Blakey left the meeting.

**2d 4/12/00556/FPA - Brandon House, Grove Road, Brandon, Durham DH7 8BW**

The Committee considered the report of the Principal Planning Officer regarding an application for 20 no. apartments and 2 no. bungalows at Grove Road, Brandon (for copy see file of Minutes).

The Principal Planning Officer gave a detailed presentation on the application which included photographs of the site.

Councillor Taylor, local Member commented that he welcomed the scheme which was much needed. The proposals would demolish a building that had fallen into disrepair and provide affordable accommodation for the over 55s in his community.

**Resolved:**

That the application be approved subject to the conditions outlined in the report and to the entering into of a Section 106 Agreement to secure the provision of affordable housing in perpetuity.

**2e 4/12/00557/FPA - Oversteads House, Skippers Meadow, Ushaw Moor, Durham DH7 7NJ**

The Committee considered a report of the Principal Planning Officer regarding an application for 16 no. apartments at Skippers Meadow, Ushaw Moor (for copy see file of Minutes).

The Principal Planning Officer gave a detailed presentation on the application which included photographs of the site.

Councillor J Wilkinson, local Member welcomed the proposals. This was a sustainable development providing high quality affordable accommodation by a social landlord that would be adapted for wheelchair users. It was also pleasing that the scheme was to be funded by the Homes and Communities Agency.

**Resolved:**

That the application be approved subject to the conditions outlined in the report and to the entering into of a Section 106 Agreement to secure the provision of affordable housing in perpetuity.

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## Planning Services

**COMMITTEE REPORT****APPLICATION DETAILS**

<b>APPLICATION NO:</b>	<b>4/12/00637/FPA</b>
<b>FULL APPLICATION DESCRIPTION</b>	<b>CONVERSION OF GARAGE TO LIVING ACCOMMODATION, SIDE AND REAR EXTENSIONS AND ERECTION OF DETACHED GARAGE</b>
<b>NAME OF APPLICANT</b>	<b>MS HOWARD</b>
<b>SITE ADDRESS</b>	<b>3 THE PADDOCK, GILESGATE MOOR</b>
<b>ELECTORAL DIVISION</b>	<b>GILESGATE</b>
<b>CASE OFFICER</b>	<b>Laura Eden 03000263980 dmcentraleast@durham.gov.uk</b>

**DESCRIPTION OF THE SITE AND PROPOSAL**

## Site:

- 1 The application site relates to a large detached bungalow situated within a gated residential development comprising of two other similar properties. The property is accessed from Willowtree Avenue that lies to the west. The front elevation of the property is south facing and looks onto the rear of several properties in Rowan Tree Avenue. To the east is a large side garden that adjoins onto a triangular area of paddock land associated with the property. To the north is more garden land that looks out onto the classified Broomside Lane with the industrial estate behind that. The property currently benefits from landscaped gardens throughout and a side conservatory that would be demolished to make way for the proposed development.

## Proposal:

- 2 Full planning permission is sought for the conversion of the garage to living accommodation, side and rear extensions and the erection of a detached garage. The development would be constructed from materials to match the existing property however white render and western cedar boarding are also proposed.
- 3 The existing attached double garage would be converted into carers living accommodation comprising of lounge, kitchen, bathroom and bedroom facilities. The garage door would be bricked up and two new windows of similar proportions to the existing property would be inserted. To the rear a small kitchen window is proposed adjacent to an existing external door.

- 4 To the side the existing conservatory would be demolished and replaced with an extension measuring 7.37 metres wide by 6.5 metres deep set back 0.6 metres from the principle elevation. The overall height of this aspect of the development would be 4.5 metres and 2.4 metres to the eaves. This part of the development would provide an additional bedroom, ensuite facilities, a utility room and store area.
- 5 To the rear a small extension to the existing accommodation is proposed to provide a larger bedroom and bathroom projecting 1.7 metres inline with the existing side gable. From this it is proposed a new hydrotherapy pool room and associated plant and changing room facilities would be built. It would roughly measure 12.4 metres by 6.4 metres. It would have an overall height of 3.8 metres and would be set in 5.4 metres from the shared boundary. This aspect of the development would benefit from two full length windows that would face towards the shared boundary and it would be constructed from a mixture of facing brickwork to match, western cedar boarding and white render.
- 6 To the front of the property a detached garage is proposed measuring 6.5 by 5.1 metres. It would have an overall height of 4.25 metres and 2.4 metres to the eaves. It would be accessed from the house by a covered walkway constructed from white painted fascia boarding, and would replace the garage facility lost through the conversion works.
- 7 Large areas of patios and walkways are proposed which would be raised by no more 0.2 metres to enable level access from the property to the garden. Furthermore, to accommodate the development some trees would have to be removed however the current boundary screening between 2 and 3 The Paddocks would remain.

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## **PLANNING HISTORY**

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01/00818/OUT – Outline application for residential development refused at committee on 25/03/2002 however later allowed on appeal 26/02/2002

03/00389/RM –Application for approval of reserved matters for the siting, means of access and landscaping in respect of the erection of 3 no. detached dwellings approved 14/08/2003

03/01092/RM – Application for approval of reserved matters for the design and external appearance in respect of the 3 no. detached bungalows approved 19/12/2003.

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## **PLANNING POLICY**

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### **NATIONAL POLICY:**

- 8 The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant.

- 9 The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve 'core planning principles'

The following elements are considered relevant to this proposal:

- 10 NPPF Part 7 – Requiring Good Design. The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.

*The above represents a summary of those policies considered most relevant. The full text can be accessed at: <http://www.communities.gov.uk/documents/planningandbuilding/pdf/2116950.pdf>*

## REGIONAL PLAN POLICY

- 11 *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.*
- 12 In July 2010 the Local Government Secretary signalled his intention to revoke Regional Spatial Strategies with immediate effect, and that this was to be treated as a material consideration in subsequent planning decisions. This was successfully challenged in the High Court in November 2010, thus for the moment reinstating the RSS. However, it remains the Government's intention to abolish Regional Spatial Strategies when the forthcoming Local Government Bill becomes law, and weight can now be attached to this intention.

## LOCAL PLAN POLICY:

### City of Durham Local Plan

- 13 Policy T1 (Traffic – 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.
- 14 Policy Q9 (Alterations and extensions to residential dwellings) states that proposals should have a scale, design and materials sympathetic to the character and appearance of the area, whilst ensuring no adverse impact upon residential amenity for adjacent occupiers.
- 15 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.

- 16 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.

*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.durham.gov.uk/Pages/Service.aspx?ServiceId=7534>*

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

- 17 Parish Council – Concerned at the degree of disturbance that will be caused to residents. Would like to see construction monitored to ensure appropriate working hours and that the site is restored to its original state.
- 18 Cllr Southwell – Concerned over density of the development and highway issues. Requests the application is determined at committee.
- 19 Cllr Thomson – Objects on the grounds that the proposal is detrimental to the community and visual amenity. Requests that the application is determined at committee.
- 20 Northumbrian Water – Recommend the imposition of a condition relating to a scheme for the disposal of foul and surface water including details of how the hydrotherapy pool is to be drained. Provided information on the contact person and process for requesting discharge into the public sewer network. Acknowledge the concerns of local residents regarding sewer flooding and advise that survey work is currently being undertaken to rectify the problem and will also help inform any future discharge of condition request.

### **INTERNAL CONSULTEE RESPONSES:**

- 21 Highways – No highways objection raised to proposed development. Would object to the creation of a temporary works access onto the classified Broomside Lane on highway safety grounds as it is a main distributor route.
- 22 Trees – It was clear that trees would be lost during the construction therefore request a suitable replacement landscaping scheme and also that the hedge that runs along the western boundary is protected during construction works.
- 23 Environmental Health – Originally requested details to be provided upfront in relation to noise produced by the plant in connection with the hydrotherapy pool in addition to details of extraction and filtration systems. Following liaison between this section and the agent Environmental Health are happy to see these issues dealt with by way of a planning condition.

### **PUBLIC RESPONSES:**

The application was advertised by neighbour notification letters.

- 24 Nine letters of objection have been received from five neighbouring properties on the grounds that the proposal represents over development of the plot, would change

the character and appearance of the area, drainage concerns due to amount of paving proposed, whether the network can take the increase in sewage, overlooking and loss of privacy, unpleasant smells and fumes from pool element, noise and disturbance caused as a result of plant equipment, visual intrusion, loss of light, concerned at the lack of measurements and scale on the drawings, application description, access to the development, whether the development is intended to be a commercial venture, hours of operation and the length of time it would take for construction to be complete and the loss of trees.

- 25 One letter has been received from the owner of the property clarifying that the extensions are for a family and not a commercial venture, reassuring that the pool will not be drained on a regular basis and that some of the information submitted in objection to the development bears no relevance to the application.

#### **APPLICANTS STATEMENT:**

- 26 The Applicant acts as Deputy and Trustee for Naomi Howard, a 20 year old girl (date of birth 09.08.1992) who requires 24 hour care due to her disabilities. Naomi's family have been looking for a suitable home for Naomi for a considerable period of time. Due to Naomi's disability she is unable to speak and requires 24 hour care. Naomi's current accommodation is inadequate. The grant of planning permission is required to offer suitable accommodation for Naomi and for those who care for her.
- 27 The purchase of 3 The Paddock is supported by Naomi's Deputies and by the Court of Protection.

*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://publicaccess.durhamcity.gov.uk/publicaccess/tdc/DcApplication/application\\_detailview.aspx?caseno=M6DIUVBN08L00](http://publicaccess.durhamcity.gov.uk/publicaccess/tdc/DcApplication/application_detailview.aspx?caseno=M6DIUVBN08L00)*

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## **PLANNING CONSIDERATION AND ASSESSMENT**

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- 28 The main planning issues in the determination of this planning application are: -
- Impact upon residential amenity
  - Impact upon visual amenity
  - Highways
  - Drainage
  - Noise and smells
  - Trees and landscaping
  - Other considerations

#### **Impact upon residential amenity**

- 29 In terms of neighbouring amenity policy Q9 the local plan aims to ensure that the development respects the privacy of adjoining occupiers of property. The policy is in accordance with the NPPF as it too seeks to secure a good standard of amenity for all existing and future occupants of land and buildings.
- 30 In terms of the garage conversion it is not considered that it would adversely impact on amenity largely because the structure is already there. The property is set forward from the neighbours within the Paddocks and as it does not extend past the front build line then overlooking is not considered to be an issue. One new window is proposed in the rear elevation to serve a kitchen. Given the proximity of this window

to the shared boundary adjacent to 2 The Paddocks it is recommended that a condition is added to ensure that this opening is obscurely glazed.

- 31 In terms of the side extension, this does not extend past the front or rear build line and would be built on the side of the property furthest from the adjacent dwelling at 2 The Paddock. It is not considered that this aspect of the development would be overbearing or cause issues of overlooking in excess of the current situation.
- 32 The new garage would be set forward of the principal elevation adjacent to the boundary with properties in Rowan Tree Avenue. Given the limited height of the extension, that the roof is hipped and slopes away from these residents' properties, the orientation of the building in relation to the neighbours and the separation distances involved it is not considered the garage would be overbearing or cause issues of overshadowing. The properties on Rowan Tree Avenue benefit from 13 metre long gardens from their rear elevation to the boundary of the application site.
- 33 The rear extension is the largest aspect of the proposed development, projecting 13.5 metres from the original rear elevation. As the application property is set forward from the neighbour and the proposal is set in 5.4 metres from the shared boundary it is considered it would have limited impact on amenity in terms of dominance as only a 2.2 metre section would project past the neighbour's rear build line. Furthermore the neighbour's garage is located along the boundary therefore their nearest habitable window is set well within the site. As a result of the orientation of both properties in relation to the extension, the distance it is set in from the boundary and the limited overall single storey height, overshadowing is similarly not considered to be a concern. Finally, issues of overlooking have been raised in objection letters received in relation to the development. It is acknowledged that two full length windows associated with the hydrotherapy pool face west towards 2 The Paddocks however these look onto the gable associated with their garage. Furthermore, there is an existing hedge that provides a large degree of screening. The window located closest to the shared boundary has been conditioned to be obscurely glazed. Overlooking is therefore not considered to be a concern.
- 34 Residents are also concerned that the proposal is not domestic in nature and that a commercial venture could be operated from the property. The proposal represents an extension to an existing house and although facilities such as carers accommodation, medical store cupboard and a hydrotherapy pool are proposed these are considered to be ancillary to the main function of the property as a dwelling house. Any future application would be assessed on its merits at the time of submission. Planning permission cannot be withheld on the basis of what could potentially happen to the property in future. It is not considered that the level of traffic associated with the development would be above and beyond that associated with any other single residential property.

### **Impact upon visual amenity**

- 35 The NPPF and in particular Section 7 deals with good design as it requires proposals to respect neighbouring properties and the local area more generally. At a local level Policy Q9 the City of Durham Local Plan requires the design, scale and materials of the development to be sympathetic to the main dwelling and the appearance of the area more generally. This policy is not considered to conflict with the intentions of the NPPF.

- 36 Local residents have raised concerns in relation to the scale of the proposal, they consider that the extensions represent over development of the site. Although it is acknowledged that the extensions are substantial they do have to be assessed in the context of the host dwelling and the associated plot. On this basis the proposals are not considered to represent an inappropriate level of development especially given the original size of the host dwelling and the area of garden that would remain.
- 37 Although the bungalows within The Paddocks development were originally designed to be the same it is not considered unreasonable that people would want to develop and extend their properties. The extensions are sympathetically designed as they reflect the character, scale and appearance of the original property and have been designed to be subservient in nature. Notwithstanding this, most aspects of the development would not be seen from public view given the level of natural screening along the boundary with Broomside Lane and the only public views into the development from the west would be from the gated entrance therefore would be distant. As a result it is not considered that the development would adversely affect the character or appearance of the area. Furthermore, due to the property being set forward from the neighbouring properties most aspects of the proposed extensions would not be visually prominent to the residents within the development.
- 38 It has been specified that the materials to be used in the development would match those of the original property however elements of western cedar boarding and white render would be incorporated into the scheme. To ensure a high quality of development is achieved a condition would be added in relation to materials.

### **Highways**

- 39 The proposed development seeks the conversion of the existing double garage into living accommodation and the erection of a replacement garage. The original driveway would remain and an additional space would be provided to the front of the proposed garage. On this basis the highways officer has not offered any objection to the scheme as the development is considered to be in accordance with policy T1 of the City of Durham Local Plan as it would provide adequate off-street parking and not adversely impact on highway safety.
- 40 During the application process concerns have been raised by neighbouring properties and a local councillor in relation to access to the site especially in relation to potential disturbance caused by construction traffic. Highways were re-consulted about the possibility of a temporary site access being gained from Broomside Lane however given that this is a main distributor route an objection would be raised to this proposal on highway safety grounds.
- 41 The potential disturbance caused by construction traffic would be minimal and temporary therefore it is not considered that the concerns of residents would outweigh the highway safety implications of a new access.

### **Drainage**

- 42 When any application is submitted it is standard procedure to check if the site lies within any areas of special designation such as known areas of flooding. No constraints of this nature were highlighted. During the consultation process however numerous residents highlighted concerns that the area had suffered from sewer flooding and due to the scale of the development were very concerned that it could exacerbate existing problems.

- 43 As a result Northumbrian Water were consulted on the proposal and have recommended that development should not commence until a detailed scheme for the disposal of foul and surface water in addition to details of how the hydrotherapy pool will be drained is submitted and approved in writing. Furthermore, they provided information regarding who to contact and the relevant process for requesting to discharge to the public sewer network which would be added as an informative to any decision.
- 44 Northumbrian Water have acknowledged residents' concerns in their consultation responses advising that they are aware of a number of incidents in the surrounding area with regards to sewer flooding and they are currently in the process of investigating this matter further. They have reiterated that they are happy to deal with drainage issues within this development by way of a condition and that the investigations that are currently ongoing would help to inform them further to ensure that any connections made to the network were in the right location so as not to intensify the current problems. If the results of the investigation were to come back and flag issues with the network there are alternative ways to overcome drainage matters. It is therefore considered that the scheme accords with the intentions of policy U8a of the City of Durham Local Plan that advises that suitable foul and surface water discharge schemes need to be agreed prior to the development being brought into use. Where this cannot be agreed during the application process it is appropriate to condition this.
- 45 Furthermore, although the agent has annotated the plans to state the paving would be constructed from porous materials, given the level of hard standing proposed and the concerns raised by local residents in relation to flooding it is considered necessary to request specific details in relation to this matter by way of a condition to ensure that an acceptable scheme comes forward.

### **Noise and Smells**

- 46 To support the running of the hydrotherapy pool there would be a range of associated plant and ventilation equipment. Originally environmental health wanted the agent to provide details in relation to potential noise and smells associated with this element of the development upfront so they could be agreed in advance of determination. The agent has tried to provide as much information as possible in relation to this matter however to satisfy this requirement specialists would need to be employed which would incur a significant degree of cost which is seen to be unreasonable at this initial planning stage. Instead the agent has liaised with the environmental health officer and has provided additional information in support of the application and why he is confident that these details can be dealt with by means of a condition. The additional information provided includes details relating to sound proofing measures for the plant room, indicative noise levels of the machinery and the typical levels of chemicals used in a domestic pool system. Consequently, environmental health are confident these matters can be dealt with by means of a condition.
- 47 The matter of noise and smells is of particular concern to the residents of 2 The Paddock as they are the closest residential property to the development. One suggestion put forward by the occupier of the adjacent property was to move the hydrotherapy pool element of the development further away from the shared boundary. This option was put to the agent however he advised it was not feasible to relocate given the careful consideration that has gone into creating the internal layout of the property. To reassure the local residents, it is considered that the details



to mitigate any issues in relation to noise and smells would need to be submitted and agreed in writing prior to the commencement of the development.

### **Trees and landscaping**

- 48 The gardens surrounding the application site are attractively landscaped and have been planted with a number of trees. The tree officer would like to see the existing hedging along the shared boundary with 2 The Paddock retained therefore has recommended a condition relating to tree protection measures. To facilitate the proposed development, trees that lie within the footprint of the extensions would need to be removed. As these are few in number and do not relate to mature specimens it is considered that their loss could be mitigated by means of a condition relating to a replacement landscaping scheme.
- 49 It is acknowledged that the trees and hedging within the application site add and contribute to the character and quality of the development. The existing hedging at the site forms an important screen between the two neighbouring properties therefore it is important that it is protected and retained. Furthermore, the existing landscaping can be seen from Broomside Lane and helps to screen the property from public views. The recommended conditions are in accordance with guidance contained within policy E14 of the local plan that conforms to the intentions of the NPPF.

### **Other considerations**

- 50 The majority of the concerns raised by neighbouring properties have been addressed in previous sections of the report.
- 51 Concerns have been raised in relation to the description of the development for the purposes of this planning application. Given that the proposal relates to a householder application each element of the extensions and alterations have been detailed although the specific uses of each room has not been mentioned. The Local Planning Authority would assert that the current description does not misrepresent what development is taking place on the site. The proposals have been the subject of a full consultation exercise with local residents, including advising how to access the details of the development. Furthermore, the submitted plans are all drawn to a recognised scale that is marked on each separate page. There is no requirement therefore for the plans to be annotated with the exact measurements of each aspect of the development. Planning officers are always available to provide further advice to the public if requested.
- 52 Residents have also raised the issue of covenants. This is a private legal issue rather than a planning matter however a copy of the covenants relating to the land has been forwarded out of courtesy to the agent. He indicated he was already aware of these restrictions.
- 53 Planning conditions cannot control the length of time a build takes to complete only that work must commence within three years or the permission would lapse. Although an inconvenience, construction works are temporary and are an issue faced by neighbouring properties adjacent to all development sites. An informative in relation to considerate construction suggesting working hours and noise mitigation measures is recommended to overcome residents concerns.

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## **CONCLUSION**

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- 54 To conclude, the application relates to substantial alterations and extensions to the property. However, it is not considered that the proposals would adversely impact on residential amenity to a level that would justify refusal of the planning application. Due to the application property being set forward from the neighbouring one and that the proposed extensions are set in from the boundary it is not considered that the development would be overbearing or would cause overshadowing. The extensions and alterations are in keeping with the scale and character of the existing dwelling and associated land therefore do not represent over development. They have been sympathetically designed so as not to adversely affect the character of the area. As they cannot be readily seen from public views they do not negatively impact on the street scene. Furthermore, the proposals would not adversely impact on highway safety. Northumbrian Water considered that issues relating to drainage can be dealt with by way of a planning condition and further information would be requested in relation to the proposed paving to ensure it does not cause any adverse impacts. Both the environmental health officer and the tree officer consider that conditions can be imposed to deal with noise, smells, tree protection measures and a scheme of landscaping. All other remaining matters are not considered to be planning related or alternatively that the information provided was sufficiently accurate to allow the application to be determined on its merits.
- 55 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, and is recommended for approval.

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## **RECOMMENDATION**

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- 56 Recommendation that the application is:

### **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.  
Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
2. The development hereby approved shall be carried out in strict accordance with the following approved plans. Plan References; Application forms and drg. no. 01 all received 28/06/2012, drg. no. 100a and drg. no 101 received 26/07/2012, drg. no. 102 and drg. no. 103 received 27/07/2012.  
Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with saved policies T1 and Q9 of the City Of Durham Local Plan.
3. No development shall commence until a scheme for the provision of foul and surface water drainage works has been submitted to and approved in writing by the Local planning authority in consultation with Northumbrian Water. This should also include written details of how the hydrotherapy pool would be drained. The drainage of foul and surface water in addition to the hydrotherapy pool shall be completed in accordance with the details and timetable agreed.

Reason: To prevent pollution of the water environment in accordance with the National Planning Policy Framework Part 11.

4. No development shall be commenced until the following details have been submitted to and approved in writing by the Local Planning Authority: a tree constraints plan in accordance with detailed specifications found in BS5837:2012; and a method statement regarding the protection of the root protection area during construction. Thereafter, the works shall be carried out in accordance with the approved details.

Reason: In the interests of the visual amenity of the area and to comply with saved policy E14 City of Durham Local Plan.

5. No development shall commence until a detailed hard and soft landscaping scheme has been submitted to, and approved in writing by, the Local planning authority.

No tree shall be felled or hedge removed until the landscape scheme, including any replacement tree and hedge planting, is approved as above.

Any submitted scheme must be shown to comply with legislation protecting nesting birds and roosting bats.

The landscape scheme shall include accurate plan based details of the following:

Trees, hedges and shrubs scheduled for retention. Planting species, sizes, layout, densities, numbers. Details of planting procedures or specification. Finished topsoil levels and depths. Details of temporary topsoil and subsoil storage provision. Seeded or turf areas, habitat creation areas and details etc. Details of land and surface drainage. Details of all utility services installations and alignments. Post-construction remedial works The establishment maintenance regime, including watering, rabbit protection, tree stakes, guards etc.

The local planning authority shall be notified in advance of the start on site date and the completion date of all external works.

Trees, hedges and shrubs shall not be removed without agreement within five years.

Reason: In the interests of the visual amenity of the area and to comply with saved policies E14 and E15 of the City of Durham Local Plan.

6. All planting, seeding or turfing and habitat creation in the approved details of the landscaping scheme shall be carried out in the first available planting season following the practical completion of the development.

No tree shall be felled or hedge removed until the removal/felling is shown to comply with legislation protecting nesting birds and roosting bats.

Any approved replacement tree or hedge planting shall be carried out within 12 months of felling and removals of existing trees and hedges.

Any trees or plants which die, fail to flourish or are removed within a period of 5 years from the substantial completion of the development shall be replaced in the next planting season with others of similar size and species.

Replacements will be subject to the same conditions.

Reason: In the interests of the visual amenity of the area and to comply with saved policy E14 of the City of Durham Local Plan.

7. Notwithstanding any details of materials submitted with the application no development shall commence until samples of the external western cedar cladding and white render have been submitted to and approved in writing by the Local planning authority. The development shall be constructed in accordance with the approved details.  
Reason: In the interests of the appearance of the area and to comply with saved policy Q9 of the City of Durham Local Plan.
8. Notwithstanding any details of materials submitted with the application no development shall commence until details of hard standing 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.  
Reason: In the interests of the appearance of the area and to comply with saved policy Q9 of the City of Durham Local Plan.
9. No development shall be commenced until the following details in relation to the hydrotherapy pool have been submitted to and approved in writing by the Local Planning Authority: full details of the plant equipment incorporating a noise assessment including background levels at the nearest noise sensitive receptors, and any noise attenuation measures that may prove necessary; full details of the equipment for the treatment and extraction of fumes and odours; and full details of any ventilation, heating and cooling systems. Thereafter, the works shall be carried out in accordance with the approved details.  
Reason: In the interests of the amenity of the area and to comply with saved policy Q9 of the City of Durham Local Plan.
10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development ) Order 1995 (or any Order revoking and re-enacting that Order) the glass to be used in the kitchen window serving the carers accommodation adjacent to the boundary with 2 The Paddocks shall be obscure to level 3 or higher of the Pilkington scale of privacy or equivalent as may be previously agreed in writing by the local planning authority , and shall be retained as such in perpetuity.  
Reason: In the interests of the privacy of the neighbouring occupier and to comply with saved policy Q9 of the City of Durham Local Plan.

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## **REASONS FOR THE RECOMMENDATION**

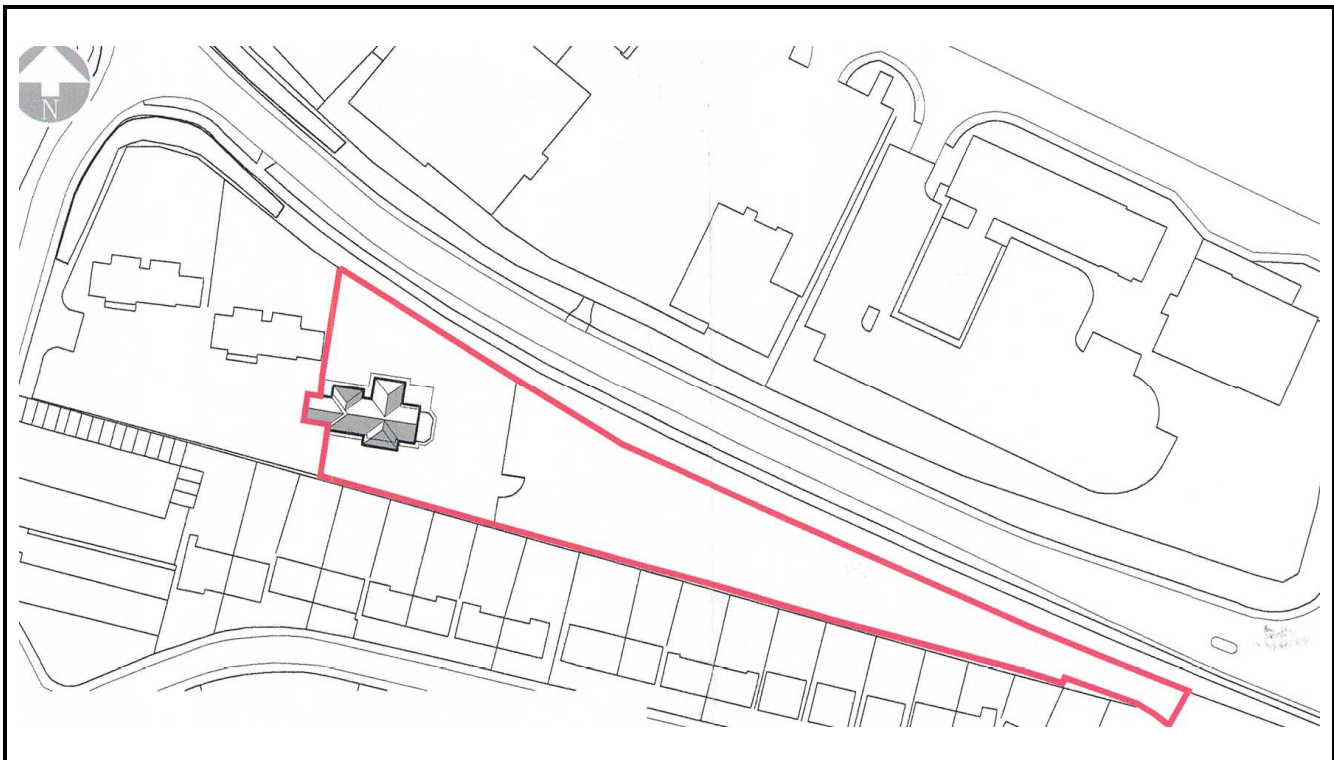
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1. The development was considered acceptable having regard to the following development plan policies:  
  
NPPF National Planning Policy Framework - Part 7 Requiring Good Design  
City of Durham Local Plan - Q9 Alterations and Extensions to Residential Property  
City of Durham Local Plan - T1 Traffic – General  
City of Durham Local Plan - E14 Trees and Hedgerows  
City of Durham Local Plan - U8a Disposal of Foul and Surface Water
2. In particular the development was considered acceptable having regard to consideration of issues of residential amenity, visual amenity, highways, drainage, noise and smells and trees and landscaping
3. The stated grounds of objection were not considered sufficient to lead to reasons to refuse the application because the proposals are considered to be in accordance

with planning policy and outstanding issues can be dealt with by way of planning conditions.

## 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 2001
- National Planning Policy Guidance – Part 7 Requiring Good Design
- Consultation Responses



**Planning Services**

Proposed **CONVERSION OF GARAGE TO LIVING ACCOMODATION, SIDE AND REAR EXTENSIONS AND ERECTION OF DETACHED GARAGE AT 3 THE PADDOCK, GILESGATE MOOR**

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**Comments**

**Date** 11/09/2012

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## Planning Services

# COMMITTEE REPORT

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### APPLICATION DETAILS

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**APPLICATION No:** 4/12/00591/VOC

**FULL APPLICATION DESCRIPTION:** Variation of condition 2 of planning application 11/00479/FPA substituting Wren house type and amending parking provision together with seeking removal of S106 obligations

**NAME OF APPLICANT:** Bett Homes North East

**ADDRESS:** Former Omnibus and Welfare Club Front Street  
Quarrington Hill Durham DH6 4QF

**ELECTORAL DIVISION:** Coxhoe

**CASE OFFICER:** Henry Jones  
Senior Planning Officer 03000 263960  
henry.jones@durham.gov.uk

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### DESCRIPTION OF THE SITE AND PROPOSALS

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#### The Site

1. The application relates to the site of the former omnibus depot and welfare club which have previously been demolished. The site has for a lengthy period comprised of areas of rubble and hard standings in part starting to be reclaimed by the landscape with long grass. Works have now commenced on the site following the approval of planning permission in October 2011 for the erection of 12 no. dwellings. A sales and information temporary office building is located within the site adjacent to the Front Street. The site is enclosed by 2 metre high fencing on much of the perimeter with lower railings located adjacent to the property 'Newfield'. The site slopes quite steeply to the south-east.
2. The application site lies within the settlement boundary of Quarrington Hill, a village located to the south east of Durham City. The site is located in a prominent location at a crossroads on the Front Street. Land to the north-east of the site is reclaimed countryside. A public house, The Half Moon is located nearby on the opposite side of the Front Street and a bus stop is located immediately adjacent to the south east corner of the site.

## The Proposal

3. This application seeks to vary condition 2 of the previously approved application 11/00479/FPA (Erection of 12 no. dwelling houses) in order to substitute the Wren house type with a 3 bed version as oppose to the previously approved 2 bed version. Due to the resultant increase in accommodation at the site, the parking provision has been revised on a new layout plan with an increase of parking spaces from 17 no. spaces to 21 no. spaces.
4. In addition the applicant has not submitted a S106 agreement to accompany this application. The previously approved application was subject to a S106 agreement with financial contributions totalling £16,800 for play/recreational space facilities and public art installations. However, within this application the applicant has sought to demonstrate that the financial contributions should not be applied due to the economics of the development and need to minimise the costs of the development.
5. This application is being referred to Committee at the request of Local Divisional Members and Parish Council.

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## **PLANNING HISTORY**

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6. Planning permission was first granted for the redevelopment of the site in outline in 2001. This permission was renewed in 2004. A further outline permission was granted for 14 no. dwellings in 2006.
7. In 2008 planning permission in full this was granted for 14 no. dwellings. Then in 2010 planning permission was granted for 6 no. detached dwellings.
8. This currently pending application seeks to vary condition 2 on a subsequent application approved in October 2011 for the erection of 12 no. dwellings.

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## **PLANNING POLICY**

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### **NATIONAL POLICY**

9. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant.
10. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve ‘core planning principles’.
11. The following elements are considered relevant to this proposal;
12. *NPPF Part 1 – Building a Strong and Competitive Economy.* The Government attaches significant weight on the need to support economic growth through the planning system. Local Planning Authorities should plan proactively to meet the development needs of business and support an economy fit for the 21<sup>st</sup> century.



13. *NPPF Part 4 – Promoting Sustainable Transport.* Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
14. *NPPF Part 6 – Delivering a Wide Choice of High Quality Homes.* Local Planning Authorities should use evidence bases to ensure that their Local Plan meets the needs for market and affordable housing in the area. Housing applications should be considered in the context of the presumption in favour of sustainable development. A wide choice of homes, widened opportunities for home ownership and the creation of sustainable, inclusive and mixed communities should be delivered. Where there is an identified need for affordable housing, policies should be met for meeting this need unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified and such policies should also be sufficiently flexible to take account of changing market conditions over time.
15. *NPPF Part 7 – Requiring Good Design.* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
16. *NPPF Part 10 – Meeting the Challenge of Climate Change, Flooding and Coastal Change.* Planning plays a key role in helping shape places to secure Local Planning Authorities should adopt proactive strategies to mitigate and adapt to climate change. Local Planning Authorities should have a positive strategy to promote energy from renewable and low carbon sources. Inappropriate development in areas at risk of flooding should be avoided.
17. *NPPF Part 11 – Conserving and Enhancing the Natural Environment.* The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.

*The above represents a summary of the NPPF considered most relevant the full text may be accessed at:*

<http://www.communities.gov.uk/publications/planningandbuilding/nppf>

## **REGIONAL PLANNING POLICY**

18. *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.
19. In July 2010 the Local Government Secretary signalled his intention to revoke Regional Spatial Strategies with immediate effect, and that this was to be treated as a material consideration in subsequent planning decisions. This was successfully challenged in the High Court in November 2010, thus for the moment reinstating the RSS. However, it remains the Government's intention to abolish Regional Spatial Strategies when the

forthcoming Local Government Bill becomes law. Both the RSS and the stated intention to abolish are material planning considerations and it is a matter for each Planning Authority to decide how much weight can be attached to this stated intention, having regard to the evidence base which informs the RSS. Policies of particular relevance to this application are as follows:

20. *Policy 2 - Sustainable Development* states that planning proposals should seek to promote sustainable development through social, economic and environmental objectives.
21. *Policy 4 - The Sequential Approach to Development* establishes that priority should be given to previously developed land within sustainable locations.
22. *Policy 7 - Connectivity and Accessibility* which requires new development proposals to reduce travel demands, and promote opportunities to use public transport, cycle and walk.
23. *Policy 8 - Protecting and Enhancing the Environment* which requires new development to be of high quality and maintain local distinctiveness.
24. *Policy 24 - Delivering Sustainable Communities* states that planning proposals should seek through design to promote social cohesion, reduce inequalities as well as meeting sustainable development objectives.
25. *Policy 30 - Improving Inclusivity and Affordability* sets out that developments should provide a range of housing types and sizes responding to the needs of all members of the community as well as addressing affordability issues.
26. *Policy 33 - Biodiversity and Geodiversity* requires planning proposals to ensure that the Region's ecological and geological resources are protected and enhanced to return key biodiversity resources to viable levels.
27. *Policy 35 - Flood Risk* promotes a proactive approach to reducing flood risk and advises that risk should be managed with regards to tidal effects, fluvial flooding and flooding from surface water runoff. The requirements of PPS25 with regards to the sequential approach and submission of flood risk assessments.
28. *Policy 38 - Sustainable Construction* seeks to promote development which minimises energy consumption and promotes energy efficiency. On major development proposals 10% of their energy supply should come from decentralised and renewable or low-carbon sources.

**LOCAL PLAN POLICY:** (City of Durham Local Plan 2004)

29. *Policy E16 - Protection and Promotion of Nature Conservation* is aimed at protecting and enhancing the nature conservation assets of the district. Development proposals outside specifically protected sites will be required to identify any significant nature conservation interests that may exist on or adjacent to the site by submitting surveys of wildlife habitats, protected species and features of ecological, geological and geomorphological interest. Unacceptable harm to nature conservation interests will be avoided, and mitigation measures to minimise adverse impacts upon nature conservation interests should be identified.
30. *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.

31. *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.
32. *Policy T1 - Traffic – 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.
33. *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.
34. *Policy R2 - Provision of Open Space – New Residential Development* states that in new residential development of 10 or more units, open space will be required to be provided within or adjacent to the development in accordance with the Council's standards. Where there is an identified deficiency and it is considered appropriate, the Council will seek to enter into a planning agreement with developers to facilitate the provision of new or improved equipped play areas and recreational/leisure facilities to serve the development in accordance with Policy Q8.
35. *Policy Q3 - External Parking Areas* requires all external parking areas to be adequately landscaped, surfaced, demarcated, lit and signed. Large surface car parks should be subdivided into small units. Large exposed areas of surface, street and rooftop parking are not considered appropriate.
36. *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.
37. *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.
38. *Policy Q15 - Art in Design* states that the Council will encourage the provision of artistic elements in the design and layout of proposed developments. Due regard will be made in determining applications to the contribution they make to the appearance of the proposal and the amenities of the area
39. *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.
40. *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.
41. *Policy U15 - Energy Conservation – Renewable Resources* permits the generation of energy from renewable resources provided there is no adverse effect on the visual

appearance of the landscape, nature conservation, amenity of residents or an archaeological or historic interest.

*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.durham.gov.uk/Pages/Service.aspx?ServiceId=494>

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

42. The Highway Authority initially raised some objections to the application as proposed parking spaces were located beyond the bounds of the application site and land ownership of the applicant. During the course of the application a revised layout was submitted to take account of this and the Highway Authority have raised no objections.
43. Coxhoe Parish Council has objected to the proposed removal of the S106 contributions and has also requested that the application is determined at planning committee not under delegated powers.

### **INTERNAL CONSULTEE RESPONSES:**

44. Asset Management has been consulted on the application in order to assess the submitted development appraisal. Asset management has focused attention upon the proposed incomes per m<sup>2</sup> for the area. Evidence of incomes per m<sup>2</sup> in nearby Cox hoe are higher than the developer has supplied. However, this is expected to be the case. Quarrington Hill lacks recent new build residential developments to use as a direct comparison with the submitted appraisal. However, a comparison can be made with the second hand market and using this as guide, the figures that the applicant has supplied are considered to be acceptable.
45. Local Plans have also been consulted with specific regard to the submitted appraisal data and the comparison with the evidence gathered with regards to the CIL. Local Plans have stated that they would fully expect income levels in Quarrington Hill to be low and they are consistent with some other very low incomes identified in the CIL evidence base.

### **PUBLIC RESPONSES:**

46. Cllrs Morgan and Plews have both objected to the proposed removal of the S106 contributions.
47. The Quarrington Hill Village Partnership has objected to the proposed removal of the S106 contributions. These monies could have potentially funded the proposed play equipment sought adjacent to the community centre. It is considered that the applicant is evading both their social and contractual obligations. The application should be heard at planning committee.
48. Two letters of objection have been received from local residents with objection raised to the proposed removal of the S106 contributions. Objections are raised to the actions of the developer since the commencement of works including the siting of the sales office, attempts to erect temporary balustrade fencing and wrought iron fencing. Concerns are

raised that the revised layout would harm access/egress arrangements at the property "Newfield".

#### **APPLICANTS STATEMENT:**

49. The application has not been accompanied by an applicant's statement as such, however, in support of the development appraisal submitted as part of the application the applicant has stated that the development is not making any profit. The S106 contributions are therefore sought for removal so that the developer can trade out what is described as a "distressed asset".

*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://217.23.233.227/WAM/SHOWCASEFILE.DO?ACTION=SHOW&APPTYPE=PLANNING&APPNUMBER=4/12/00591/VOC>

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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50. Planning permission is sought to vary condition 2 of planning application 11/00479/FPA (Erection of 12 dwellings) substituting a house type and amending the parking layout. In the determination of this type of application the Local Planning Authority must have due regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the development plan and other material considerations and a new grant of planning permission would result if the proposal is approved. The application has not been accompanied with a S106 agreement unlike under application 11/00479/FPA, the applicant seeking to demonstrate that the financial contributions are not viable.
51. The key issues relate to acceptability of the 3 bed house type as oppose to the 2 bed, the revised layout including parking provision and also the acceptability of the absence of financial contributions towards play/recreational space and public art. However, as a new planning permission would be granted, the issues pertaining to the original grant of planning permission namely the degree of compliance with the principle of the development, impact on the character and appearance of the area, highways issues and any other material matters should be considered in the decision making process though they have previously been deemed acceptable.

#### The Principle of the Development

52. The development relates to a parcel of previously developed land located within the settlement boundary of Quarrington Hill. Policy H3 of the Local Plan accepts the principle of residential development on previously developed land within Quarrington Hill and the NPPF and RSS also consider that residential development should be located in sustainable locations.
53. As with the previous application approved in 2011 no objections are raised to the principle of the development.

#### Impact Upon the Character and Appearance of the Area

54. Within the assessment of the previous planning application 11/00479/FPA the local area was considered to contain a mix of properties including traditional terraces but also immediately adjacent is a large detached dwelling and a modern bungalow. The local

area was not considered to contain an especially distinct vernacular and the proposed erection of the 12 new dwellings was not considered to cause any harm to the character or appearance of the area in accordance with the most relevant Local Plan policies H13, Q3, Q5 and Q8 and Policy 8 of the RSS. Since the last approval the NPPF is now in place and part 7 deals specifically with design issues.

55. The revision to the Wren house type proposed under this application would have minimal visual impact simply resulting in the addition of a further first floor window.
56. Of more significance is the need for additional parking spaces as this would result in provision of a total of 9 no. spaces immediately adjacent to the Front Street as oppose to the approved 6 no. spaces. In general it is considered most appropriate in design terms to locate parking spaces in more discreet locations and extensive areas of parking or hard surfacing can be somewhat unsightly. On balance, however, officers do not consider that the increase from 6 to 9 spaces adjacent to the Front Street would be so harmful as to warrant refusal of the application. It must be considered the vacant site has been something of a local eyesore and the development of a new estate would be an improvement in visual terms. Conditions can be added to any approval to agree a landscaping scheme and vehicular hardstands to further ease impact. Details of the external materials for the dwellings have been submitted and are considered acceptable.
57. On balance the revised house type and layout proposed are considered acceptable.

#### Impacts upon Residential Amenity

58. Proposed residential developments must ensure the residential amenity of both existing neighbouring occupiers and the proposed occupiers of the new development are adequately preserved in accordance with the most relevant Local Plan policies H13 and Q8.
59. Within the assessment of the previously approved application 11/00479/FPA the development was not considered to cause harm to the residential amenity of neighbouring occupiers or the prospective occupiers of the development. Reference was made to the open countryside flanking to the north east and the areas of open public space to the south east. No harm was considered to occur upon the occupiers of the terraces opposite on the Front Street. The large property Newfield is the nearest residential property to the development and it was understood that the flanking gable end window within that property was to a bathroom rather than a main habitable room whilst the rear elevations of plots 11 and 12 would largely face a garage rather than genuinely useable curtilage.
60. Within the development site adequate space between properties was considered to be provided whilst garden spaces, whilst not large, were considered adequate for what are quite modest properties, however, permitted development rights for extensions were removed at that time.
61. Officers do not consider that the revised house type resulting in a 3 bed property rather than a 2 bed property and the revised parking arrangements pose any significant changes to the development with regards to residential amenity and no objections are raised by officers as a result.

## Highways Issues

62. Policy T1 of the Local Plan seeks to ensure that all development is acceptable in terms of highway safety whilst Policy T10 seeks to limit parking provision in development to promote sustainable transport choices and reduce the land take of development. Part 4 of the NPPF also seeks to promote sustainable transport choices.
63. Within the assessment of the previously approved application it was considered that the access arrangements and layout of the development was acceptable from a highways perspective. The parking provision was considered to be quite low but appropriate given the proposed types of dwellings and likely car ownership levels. No objections were therefore raised with regards to highways issues.
64. The Highway Authority initially raised some objection to the application as proposed parking spaces were located beyond the bounds of the application site and land ownership of the applicant.
65. During the course of the application a revised layout has been submitted by the applicant with all parking spaces now located within the applicant's ownership and within the bounds of the application site. The layout proposes an increase in 4 no. spaces from the originally approved application to cater for the increase in accommodation from 2 bed to 3 bed of the Wren house type.
66. The Highway Authority has assessed the revised plan and no objections are raised.
67. One public response to the proposed development has raised concerns with regards to the impact of the development upon access/egress arrangements for their property Newfield. The occupier of Newfield had not objected to the previous application as it was understood that the development would have a layout that would retain acceptable visibility for their egress and access. However, objection was raised to the originally submitted plans on this application as the additional parking and pedestrian route would infringe upon visibility.
68. However, since this objection was received the layout plan has been amended and the parking spaces and indeed pedestrian footpath moved farther from the property Newfield. With no objections raised from the Highway Authority with regards to matters of visibility for the access/egress arrangements of Newfield officers consider that the latest layout is acceptable in highway safety terms.
69. As a result no objections are raised with regards to highways issues having regards to Policies T1 and T10 of the Local Plan, Policy 7 of the RSS and part 4 of the NPPF.

## S106 contributions

70. The previously approved application 11/00479/FPA was accompanied by a S106 agreement proposing financial contributions towards play/recreational space and also public art totalling £16,800. These contributions are linked to Local Plan Policies R2 and Q15 relating to open space within residential developments and art in design. Such contributions are standard requirements in line with Local Plan policy on major residential developments.
71. However, within this application the applicant has not submitted a S106 agreement, instead arguing that the payments are not affordable given the economics of the development.

72. To support their case the applicant has provided a development appraisal. Essentially this appraisal explains that the developer is making no profit from the development.
73. Colleagues in Asset Management and Local Plans have been consulted on the submitted appraisal evidence. Asset management did at first query the prospective income figures within the submitted appraisal as these were considered to be low. However, Local Plans were then consulted and asked to compare the submitted income figures with the CIL evidence. Local Plans stated that comparably low figures did emerge from the evidence gathered on work on the CIL. Following this Asset Management considered and researched the figures further and compared the incomes proposed with houses recently sold in Quarrington Hill and with further information from Local Plans with regards to the CIL evidence. Asset Management concluded that the figures are accurate and would not dispute them. Therefore it can be considered that the Gross Development Value of the scheme as put forward is realistic.
74. Paragraph 173 of the NPPF stresses the importance of viability as a material planning consideration; "sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable". Paragraph 160 also advises that Local Planning Authorities must consider the needs of businesses and any changes in circumstances "work closely with the business community to understand their changing needs and identify and address barriers to investment, including a lack of housing, infrastructure or viability".
75. The developer has "written down" the value of the land on their balance sheet by about a half of what they paid, reflecting the current market conditions. The theory being to recoup this elsewhere in the business or at another time and against their tax obligation. If you take the envisaged total build costs and subtract from the Gross Development Value (envisaged sales income) and minus the Section 106 obligation the development breaks-even the balance covering the now "written down" value of the asset (land).
76. In real terms the business is still running the loss from the asset value but this is offset so it would appear on the company's balance sheet that the site breaks even. Furthermore the appraisal does not include any developer profit which ordinarily a developer is entitled to, averaging around 20% of the Gross Development Value (Sales income). So effectively on paper at least the developer is forgoing any profit.
77. So the developer is forgoing their profit and then another similar amount again for the written off asset which they are hoping to offset against the business. So on the basis that the developer has no guarantees of seeing any return and is bearing all the risk the Local Authority cannot reasonably justify their contribution when the market does not appear to support it.
78. Of course reading this rather pessimistic approach, one would question why anyone with common sense would even develop the site. This is where risk and marketing play their role, the developer will of course be trying to secure an uplift in the value per square metre on the grounds that this is a new product in Quarrington Hill, no comparable choice and hoping that will create a small local market to raise these values, versus the cost delay in the time taken to sell. At best this is speculative and obviously developer risk, the market may not respond or respond quickly and values will stay very low.



79. As the LPA we cannot bank on this subjective market uplift but look at the hard facts that this market is very much at the bottom end and this development is running a substantial loss. Even if the income rose a few pounds per square metre it would have to be a significant/revolutionary uplift to offset the substantial losses already outlined. At best it will reduce the burden on the rest of the business in recouping the loss. Therefore, regrettably it would be unreasonable for any section 106 monies to be required.
80. Public and local member objection to the application includes objection to the loss of the S106 monies, the applicant failing to adhere to the previous commitment and the impact the lack of investment would have on the community play facilities in particular.
81. However, officers must acknowledge the content of the NPPF particularly at paragraph 173 detailed above and the need for obligations to take into account the economics of the development. The NPPF explains that the contributions should be requested in the context of the developer being able to achieve competitive returns and deliver the development.
82. The loss of S106 monies is clearly a negative for the provision of play/recreational facilities and public art within the local community and this is genuinely regretful, but this must be balance against Local Planning Authorities not overburdening developers with planning obligations. Officers therefore raise no objection to the absence of the S106 contributions within this application for the reasons detailed above.

#### Other Issues

83. Within the public responses received with regards to the application some objection has been raised with regards to the actions of the developer namely the attempts to erect balustrade fencing and wrought iron fencing and erection of a sales office considered to be out of the red line boundary of the site and ownership of the applicant. From a recent site visit it would now appear to officers that the sales office is located within the bounds of the application site and their ownership. With regards to the erection of fencing, there is at present high fencing surrounding the site much of this will be close the site off to the public during construction phases. Ultimately revised enclosures throughout the entirety of the site would be agreed via a condition on any approval.
84. The previously approved application 11/00479/FPA was accompanied by environmental investigation reports investigating the potential for land contamination on site given the former use as an omnibus depot. Previous reports and comments from Environmental Health had considered the site to be of only low risk and conditions have previously been added to planning permission certificates to submit further investigations and remediation (where necessary) regarding contaminated land. Such a condition can be added once again.
85. A condition regarding working hours, advised by Environmental Health was previously attached to the permission and this can be done once again.
86. Similarly a condition was attached to the previous approval to ensure that a 10% carbon emission reduction occurs through the development and this can once again be attached to any further approval.
87. Conditions are also recommended for attachment with regards to means of enclosures, vehicular surface treatment, disposal of foul and surface water and landscaping. In addition to ensure that the residential amenity of residents is retained, permitted development rights for extensions, roof alterations and outbuildings are, once again, proposed for removal and bathroom windows within the Wren property must be obscured.

88. With regards to protected species, under the previous planning application, the vacant brownfield site was not considered to be one of ecological value and no detailed surveys or reports with regards to protected species were deemed necessary. This application seeking a variation of condition on that permission is considered again to have no impact with regards to protected species.
89. The redevelopment scheme consists of 12 no. dwellings and as a result is below the threshold at which affordable housing is requested. No affordable homes were proposed as part of the previous approval or under this application.

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## **CONCLUSION**

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90. This application seeks to vary the approved plans of a previously approved application for 12 no. dwellings. This application was approved quite recently in October 2011 and as a result the principle of the overall development is considered acceptable.
91. The key issues relate to the impacts of the revised house type and layout, particularly with regards to highway safety and also the acceptability of the application not now proposing a S106 agreement providing financial contributions towards play/recreational space and public art.
92. With regards to the highways issues, the revised plan received during the course of the application has been considered by the Highway Authority and no objections have been raised, access arrangements and parking provisions considered to remain acceptable.
93. With regards to the absence of the S106 monies, the applicant has supplied a development appraisal and evidence to support the arguments that these monies should no longer be paid. The supplied information has been assessed by colleagues in both Asset Management and Local Plans and the appraisal figures are deemed accurate. Although the loss of the S106 contributions is clearly a negative, given the emphasis that the NPPF places on Local Planning Authorities to consider the economics of developments and the need for planning obligations to be applied in this context, officers support the argument in this instance.
94. Approval of the application is therefore recommended.

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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 6th October 2014.

Reason: To ensure planning permissions are not extended by Section 73 applications and that the time limit remains consistent to the original consent 11/00479/FPA pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be carried out in strict accordance with the following approved plans: LIN\_PL\_1, LIN\_OPP\_PL\_1 received 18th August 2011, WRE\_PLANNING received 15<sup>th</sup> June 2012, QH/SL/01 received 30<sup>th</sup> August 2012 and WRE\_PLANNING\_OPP received 27<sup>th</sup> September 2012.

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies H3, H13, T1, T10, R2, Q3, Q5, Q8, Q15, U8A, U11 and U14 of the City of Durham Local Plan 2004.

3. Details of any fences, walls or other means of enclosure to be erected on any of the site boundaries or within the site shall be submitted to and approved by the Local Planning Authority in writing before development commences. Development shall thereafter be completed in accordance with the approved details.

Reason: In the interests of the visual amenity of the area and to comply with Policy Q8 of the City of Durham Local Plan 2004.

4. Notwithstanding the information shown on the submitted plans details of the surface treatment of all vehicle hard standing areas shall be submitted to and approved in writing by the Local Planning Authority before work commences and thereafter implemented in accordance with the approved scheme.

Reason: In the interests of the visual amenity of the area and to comply with Policy Q8 of the City of Durham Local Plan 2004.

5. No development shall commence until a scheme catering for foul and surface water discharge has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details.

Reason: To ensure that adequate arrangements for the disposal of foul and surface water discharges are made in accordance with Policy U8A of the City of Durham Local Plan 2004.

6. The scheme shall consist of energy from renewable or low carbon sources provided on-site, to a minimum level of at least 10% of the total energy demand from the development, or an equivalent scheme that minimises carbon emissions to an equal level through energy efficient measures. Thereafter the development shall be carried out in complete accordance with the approved scheme prior to the first occupation and retained so in perpetuity.

Reason: In the interests of sustainable construction and energy generation in accordance with the aims of Policy U14 of the City of Durham Local Plan and Policy 38 of the Regional Spatial Strategy for the North East.

7.
  - a) Prior to the commencement of development a detailed remediation scheme to bring the site to a condition suitable for the intended use through the removal, containment or otherwise rendering harmless any contamination must be prepared and approved in writing by the Local Planning Authority.
  - b) For each part of the development, contamination proposals relevant to that part (or any part that would be affected by the development) shall be carried out either before or during such development;
  - c) If during development works any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the contamination proposals then revised contamination proposals shall be submitted to the LPA; and
  - d) If during development work, site contaminants are found in areas previously expected to be clean, then their remediation shall be carried out in line with the agreed contamination proposals.

Reason: To ensure that risks from land contamination are minimised in accordance with Policy U11 of the City of Durham Local Plan 2004.

8. The hereby approved development shall be carried out in accordance with a scheme of landscaping to be submitted to, and approved in writing by the Local Planning Authority prior to the commencement of any construction and/or development of any landscape finishes to the site and which scheme may provide for the protection of existing and planting of new trees and/or shrubs (including species, sizes, numbers and densities), the provision of screen fences or walls, the movement of earth, the formation of banks or slopes, the seeding of land with grass, or other works for improving the appearance of the development. The works agreed to shall be carried out within the first planting season following completion of development of the site and shall thereafter be maintained for a period of 5 years following planting.

Reason: In the interests of the visual amenity of the area and to comply with Policies Q5 and Q8 of the City of Durham Local Plan 2004.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development ) Order 1995 (or any Order revoking and re-enacting that Order) the glass to be used in the window to bathroom in house type "The Wren" shall be obscure to level 3 or higher of the Pilkington scale of privacy or equivalent and shall be non-opening unless those parts of the window that can open are more than 1.7m above finished floor level and shall remain so.

Reason: In the interests of residential amenity having regards to Policy Q8 of the City of Durham Local Plan 2004.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or in any Statutory Instrument revoking or re-enacting that Order with or without modification) no development falling within Classes A, B or E of Part 1 of Schedule 2 of the said Order shall be carried out.

Reason: In the interests of residential amenity having regards to Policy Q8 of the City of Durham Local Plan 2004.

11. No development works shall be undertaken outside the hours of 8am and 6pm Monday to Friday and 8am to 12 noon on a Saturday with no works to take place on a Sunday or Bank Holiday.

Reason: In the interests of residential amenity having regards to Policy H13 of the City of Durham Local Plan 2004.

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## **REASONS FOR THE RECOMMENDATION**

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1. The development is considered to represent the efficient use of a previously developed plot of land within a settlement boundary with no detrimental impact upon the character or appearance of the area, the amenities of residents or highway safety in accordance with Policies H3, H13, T1, T10, Q3, Q5, Q8, U8A, U11 and U14 of the City of Durham Local Plan 2004. The application is not accompanied by a S106 agreement pursuant to play/recreational space or public art contributions with regards to Policies R2 and Q15 of the Local Plan. However, this is considered to be justified based on the development appraisal data submitted.

This decision has been taken having regard to the policies and proposals of the North East of England Plan - Regional Spatial Strategy to 2021 (RSS) July 2008, the City of Durham Local Plan 2004 and the provisions of the National Planning Policy Framework.

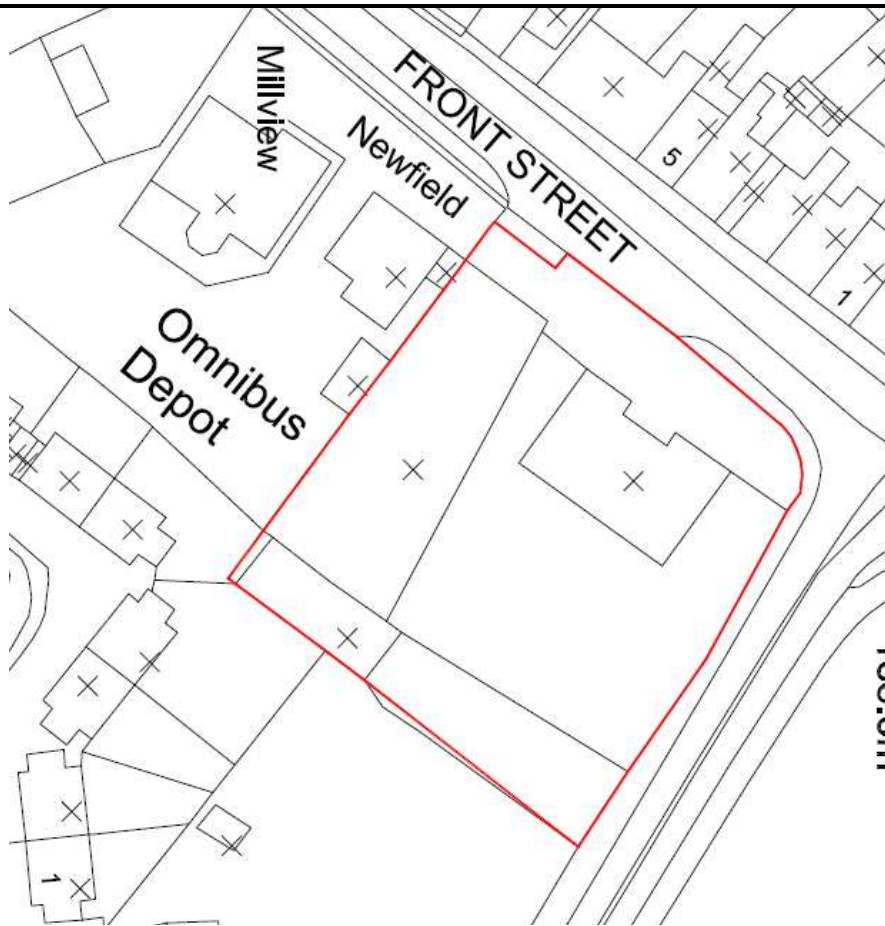
2. In particular, the impacts of the revised layout upon highway safety has been considered acceptable and the absence of a S106 agreement justified by the applicant and critiqued by officers.
3. Objections from Parish Council, local Councillors and members of the public relate to the absence of the S106 contributions, highway safety and some actions by the developer. These issues are considered within the planning considerations section of this report it is concluded that planning permission should be granted.

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## **BACKGROUND PAPERS**

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Submitted Application Forms, Plans and supporting documentation  
City of Durham Local Plan 2004  
Regional Spatial Strategy  
National Planning Policy Framework  
Internal consultee responses  
Public responses  
Response of the Highway Authority  
Parish Council Responses  
Responses from Local Divisional Members  
Planning Circular 11/95  
County Durham Local Plan (Preferred Options)



**Planning Services**

Variation of condition 2 of planning application 11/00479/FPA substituting Wren house type and amending parking provision together with seeking removal of S106 obligations

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**Date 9<sup>th</sup> October 2012**

# COMMITTEE REPORT

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## **APPLICATION DETAILS**

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<b>APPLICATION NO:</b>	4/12/00639/FPA
<b>FULL APPLICATION DESCRIPTION:</b>	Telecommunications Tower
<b>NAME OF APPLICANT:</b>	Northern Powergrid
<b>ADDRESS:</b>	Potterhouse Substation, Front Street, Pity Me, Durham, DH1 5BZ
<b>ELECTORAL DIVISION:</b>	Framwellgate Moor
<b>CASE OFFICER:</b>	Barry Gavillet Senior Planning Officer 03000 261958 barry.gavillet@durham.gov.uk

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## **DESCRIPTION OF THE SITE AND PROPOSALS**

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### **The Site**

1. This application site is located adjacent to Front Street in Pity me and is known as Potterhouse Primary Substation. The substation site provides electricity supplies through Northern Powergrid's infrastructure to the immediate area and other settlements surrounding Pity Me. The site area of the substation is approximately 9509 square metres and has two access points onto Front Street. The site contains various control buildings, electrical transformers, a pylon, underground cables and other operational equipment of varying heights, all of which is scattered throughout the site.
2. To the east of the site a partially landscaped grass verge bounds the perimeter and serves to give limited screening of the site from Front Street. The north of the site is bounded by a public footpath and embankment which also serves to partially screen the site. To the south and west of the site there are residential properties which have different views across the site due to varying levels of landscaping and trees.

### **The Proposal**

3. In order to safeguard the electrical infrastructure at Potterhouse Substation, it is proposed to install a 22 metre high galvanised steel lattice tower within the centre of the site in an area that is not affected by underground cables. The tower would be located on a 4.3 metre by 4.3 metre concrete base and would host two antennas and two transmission dishes. The tower would remain in its galvanised steel finish to reflect the surrounding equipment and adjacent electricity pylon.

4. The proposed tower is required to provide links to three other operational sites at Spennymoor, Manor House and Keping, which will allow existing systems at Potterhouse to continue to work and provide protection at the other sites as part of a linked complete network. Such protection systems monitor and automatically control high voltage equipment at substations and switch or disconnect when required and in emergencies.
5. The proposed equipment to be installed at Potterhouse Substation would give Northern Powergrid the ability to control the high voltage electrical equipment when faults occur. Faults may be caused by mechanical breakdown, overload, weather or by third party interference with the equipment. The radio link would allow automatic remote switching and control to prevent faults becoming major issues in terms of safety and customer disruptions.
6. It is proposed that the telecommunication equipment would only be used for the operation of protection systems and would not be used to house any cellular equipment for mobile phone or other third party companies.
7. The application is being reported to committee due to a request from a local divisional member and a deferral at the last planning committee after a request for further consultation with residents.

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## **PLANNING HISTORY**

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8. None relevant

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## **PLANNING POLICY**

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### **NATIONAL POLICY**

9. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant.
10. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve ‘core planning principles’
11. The following elements are considered relevant to this proposal;
12. NPPF Part 1 – Building a Strong and Competitive Economy. The Government attaches significant weight on the need to support economic growth through the planning system. Local Planning Authorities should plan proactively to meet the development needs of business and support an economy fit for the 21<sup>st</sup> century.
13. NPPF Part 5 – Supporting high quality communications infrastructure. Advanced, high quality communications infrastructure is essential for sustainable economic growth. The development of high speed broadband technology and other communications networks also plays a vital role in enhancing the provision of local community facilities and



services. Local planning authorities should support the expansion of electronic communications networks, including telecommunications and high speed broadband.

14. NPPF Part 7 – Requiring Good Design. The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.

*The above represents a summary of the NPPF considered most relevant the full text may be accessed at: <http://www.communities.gov.uk/publications/planningandbuilding/nppf>*

## **REGIONAL PLANNING POLICY**

15. *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.
16. In July 2010 the Local Government Secretary signalled his intention to revoke Regional Spatial Strategies with immediate effect, and that this was to be treated as a material consideration in subsequent planning decisions. This was successfully challenged in the High Court in November 2010, thus for the moment reinstating the RSS. However, it remains the Government's intention to abolish Regional Spatial Strategies when the forthcoming Local Government Bill becomes law. Both the RSS and the stated intention to abolish are material planning considerations and it is a matter for each Planning Authority to decide how much weight can be attached to this stated intention, having regard to the evidence base which informs the RSS. Policies of particular relevance to this application are as follows:
17. Policy 2 - Seeks to embed sustainable criteria through out the development process and influence the way in which people take about where to live and work; how to travel; how to dispose of waste; and how to use energy and other natural resources efficiently.
18. Policy 6 - Plans, strategies and programmes should support and incorporate the locational strategy to maximise the major assets and opportunities available in the North East and to regenerate those areas affected by social, economic and environmental problems.

## **LOCAL PLAN POLICY: (City of Durham Local Plan 2004)**

19. Policy Q1 (New Development (General Principles)) states that the layout and design of all new development should take into account the requirements of users including the incorporation of personal safety and crime prevention.
20. 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.
21. Policy U1 (Telecommunications) states that when considering applications for telecommunications equipment, the Council will grant planning permission where the benefits arising from the development would outweigh any environmental damage.

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

22. None received

### **INTERNAL CONSULTEE RESPONSES:**

23. None received

### **PUBLIC RESPONSES:**

24. The application has been advertised by way of a site notice and letters to individual residents.
25. Nine letters of objection and one letter which neither objects nor supports the proposal have been received.
26. The main objections to the proposals are that the residents of the nearby, recently built housing estate were told by the developers that the substation was due to be decommissioned. In addition the proposed mast would lead to a decrease in the value of their homes.
27. There are also concerns that the site is already unsightly and contains a large pylon and noisy transformer, it is stated that the proposed mast would also be unsightly and would lead to further detrimental impact including potential impact on the health of residents.
28. One resident has no objections to the proposed mast, but has concerns about the derelict building on the corner of the substation site which is described as being an eyesore.
29. Members will recall that a further public consultation was agreed at the last planning committee meeting on 11<sup>th</sup> September 2012. The applicants have since sent letters to residents with details of photographs taken of an inflatable mast which was erected on site in order to give residents and the local members a better understanding of the impact of the proposal. No further responses have been received as a result of this consultation at the time of writing this report. However, a verbal update will be given at committee and any questions arising from responses will be answered.

### **APPLICANTS STATEMENT:**

30. This proposed development at Potterhouse Primary substation is necessary as part of Northern Powergrid's wider network protection system. Protection equipment in high voltage transmission networks is required to protect plant, employees and the wider public, they enable remote switching and control both routinely and in emergencies such as overload or mechanical failure. Substations cannot operate without this equipment. The need for the proposed development has been brought about as a result of some significant technology changes being made by BT. BT under their 21<sup>st</sup> Century project (currently underway) will not be able to provide replacement systems that function at the required speed to ensure the safe operation of the protection equipment vital to electrical networks. Northern Powergrid, along with all of the regional Distribution

Network Operators, are faced with the challenge of maintaining systems that adequately function prior to the BT switch-over. The telecommunication systems are a critical part of the electricity distribution operations, and therefore primary substations need to be linked into each other. Potterhouse, along with many other substations in the North East, requires a point-to-point line of sight link into the wider network to ensure safe operations both locally and beyond. At Potterhouse there are no viable alternative methods of providing telecommunications links into the wider network. A direct line of sight link is required to other operational sites at Spennymoor, Durham Rail and Kepier. Northern Powergrid therefore require a tower to be built to provide a clear line of sight at 22m because of the local clutter such as trees and buildings and the general topography between Potterhouse and the target locations. Significant technical assessment has taken place over several months to ensure that there are no viable alternatives and ultimately that the height and scale of the structure is minimised.

31. The essential network infrastructure proposed is in no way connected with mobile phone operators, and there are no intentions at this time of permitting third party users at the site. The tower will provide only point-to-point links to and from other electricity substations to ensure that the time-critical protection system functions adequately. The site benefits from some mature screening which limits overlooking from residential properties to the south and west. To further minimise impact the tower is proposed towards the centre of the site amongst the clutter of plant transformers, buildings and a pylon. Whilst it is inevitable that the tower will have some impact, it is our view that the operational requirements to ensure supplies and safety significantly outweigh the negative impact of the proposed necessary development. The content of the Supporting Statement including Design and Access Statement should be noted. The report accompanying the application contains comprehensive information of the need for the development, why protection systems are a vital part of the electrical infrastructure and the issues surrounding BT and electrical technology which are affecting all Distribution Network Operators.

*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://publicaccess.durhamcity.gov.uk/publicaccess/tdc/DcApplication/application\\_detailview.aspx?caseno=M4W1OFBN5B000](http://publicaccess.durhamcity.gov.uk/publicaccess/tdc/DcApplication/application_detailview.aspx?caseno=M4W1OFBN5B000)

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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32. The main planning considerations relating to this application are the proposals accordance with the relevant planning policies, the impact on the street scene and surrounding occupiers and the objections raised by local residents.

### **Relevant Planning Policies**

33. Local planning authorities must determine planning applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise. If the Development Plan contains material policies or proposals and there are no other material considerations, the application should be determined in accordance with the Development Plan. Where there are other material considerations, the Development Plan should be the starting point, and other material considerations should be taken into account in reaching a decision.
34. In terms of planning policy, part 5 of the Governments National Planning Policy Framework (NPPF) and saved policy U1 of the City of Durham Local Plan are most relevant.

35. Part 5 of the NPPF states that advanced, high quality communications infrastructure is essential for sustainable economic growth, and that local planning authorities should support the expansion of electronic telecommunications networks. Where new sites are required, these should be sympathetically design and camouflaged or screened where appropriate.
36. The need for telecommunications infrastructure is also reflected in saved policy U1 of the City of Durham Local Plan. This policy states that when considering applications for telecommunications equipment, the Council will grant planning permission where the benefits arising from the development would outweigh any environmental damage.
37. Given that the proposed telecommunications mast has specific operational needs and locational requirements in order to operate protection systems, it is considered that the proposed telecommunications mast is in accordance with the principles of both part 5 of the NPPF and saved policy U1 of the City of Durham Local Plan. However, there are other material considerations which must be taken into account which include the impact of the proposals on the street scene, residential amenity and the concerns of residents which will be discussed below.

### **Impact on the street scene and surrounding occupiers**

38. For both operational and locational reasons, the proposed development is necessary to provide protection equipment which is critical to the safe management of electrical infrastructure. Given the specific nature of the proposed development, uncommon circumstances with regards to need, significant space constraints within the site and line of sight requirements, there are limited design options available and it is inevitable that the proposed telecommunications mast will be visible from the surrounding area and will have some impact on appearances.
39. Officers have visited the site on several occasions in order to assess the impact on the proposed mast on the surrounding occupiers and area as a whole. On one occasion, the applicant agreed to erect a 22 metre pole and antenna on the site in order for officers to assess the impact more accurately from various points around the site. It has been concluded that although the mast would be visible from some properties and public spaces around the site, that essentially the mast would be seen in the context of the site which already contains large amounts of electrical equipment including a 33 metre high pylon, overhead cables, electrical transformers and switch rooms. Therefore it is considered that the additional mast would have no significant additional impact that should outweigh the need for this essential infrastructure and lead to refusal of planning permission.
40. As acknowledged above, it is inevitable that the telecommunications mast will be visible from some areas surrounding the site. Most of the works already carried out on the site have been done so without the need for planning permission as Northern Powergrid are a statutory undertaker who have specific permitted development rights to carry out such developments. However, as this mast exceeds 15 metres planning permission is required and as such, the Local Planning Authority have the power to impose conditions on planning permissions where appropriate. In this instance it has been agreed that a landscaping condition should be added to any planning approval which would require the applicant to submit and implement a landscaping scheme which would help screen the whole site including the unsightly building mentioned in one of the residents letters and help mitigate the impact of the proposed telecommunications tower.

## Objections from surrounding residents

41. In terms of objections from residents, it is not considered that the reduction in house prices is a planning consideration, nor is the statement that the house builder advised buyers of the properties that the substation was due to be decommissioned.
42. For the reasons discussed earlier it is not considered that the additional impact on the amenity of residents should outweigh the essential need for the infrastructure given the overall context of the site. However, In terms of the possible impact on the health of residents, the Governments firm view is that the planning system is not the place for determining health safeguards and as such it remains the Government's responsibility to decide what measures are necessary to protect public health. As required by part 5 of the NPPF, 'licensed code operators' must provide a self-certifying statement that any exposure would not exceed the International Commission on non-ionising radiation protection guidelines (ICNIRP). If a proposed mobile phone base station meets the ICNIRP guidelines for public exposure it should not be necessary for the Local Planning Authority to consider the matter further. Although Northern Powergrid are not 'licensed code operators' and are not obliged to submit any such information, the applicant has confirmed that the proposed radio antenna would operate well within the permitted emission parameters, and as a result Officers do not consider that objections can be raised with regards to the potential impact of the proposed equipment upon the health of local residents.
43. Any objections or comments received as a result of the enhanced consultation as requested at the last committee will be reported verbally on the day and replied to in detail. Should it become apparent that as a result of this consultation a fundamental issue arises not already foreseen then the item would be withdrawn off the agenda for further consideration.

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## CONCLUSION

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43. The proposed development at Potterhouse Primary Substation is seen as a crucial part of the infrastructure of Pity Me and surrounding villages and of Northern Powergrid's wider network protection system . Protection equipment in high voltage transmission networks is essential to protect plant, employees and the wider public, and they enable remote switching and control both routinely and in emergencies such as overload or mechanical failure leading to loss of power. Substations cannot operate without this equipment.
44. As stated earlier in the report, local planning authorities must determine planning applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise. In this instance, it is considered that the proposals are in accordance with the relevant planning policies and the Governments National Planning Policy Framework. It is acknowledged that there are other material considerations including an impact on surrounding residents and the area as a whole, however it is considered that the wider infrastructure benefits arising from the development would outweigh any such localised impacts.

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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.

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be carried out in strict accordance with the following approved plans. Plan References; 02/366985/003 Rev. P1, 02/366985/004 Rev. P1

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with saved policy Q8 of the City of Durham Local Plan.

3. The hereby approved development shall be carried out in accordance with a scheme of landscaping to the front and rear of the site to be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of any development on site, and which scheme may provide for the planting of trees and / or shrubs (including species, sizes, numbers and densities), the provision of screen fences or walls, the movement of earth, the formation of banks or slopes, the seeding of land with grass, or other works for improving the appearance of the development. The works agreed to shall be carried out within the first planting season following completion of development of the site and shall thereafter be maintained for a period of 5 yrs following planting.

Reason: In the interests of the visual amenity of the area and to comply with saved policy Q5 of the City of Durham Local Plan.

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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:

NPPF Part 1, NPPF Part 5 and NPPF Part 7

Regional Spatial Strategy Policy 2 and Policy 6

City of Durham Local Plan Policy Q1, Policy Q5 and Policy U1.

2. In particular the development was considered acceptable having regard to consideration of issues of the need for the development, planning policy and the impact on the street scene and surrounding occupiers.
3. Objections from local residents were not considered sufficient to warrant refusal of planning permission given the essential need for the infrastructure and that the additional impact of the proposal in the context of the existing site is not considered significant.

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## **BACKGROUND PAPERS**

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Submitted Application Forms, Plans and supporting documentation  
City of Durham Local Plan 2004  
Regional Spatial Strategy  
National Planning Policy Framework  
Public Responses



**Planning Services**

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Potterhouse, substation

**Date** 11<sup>th</sup>  
September 2012