

COMMITTEE REPORT

APPLICATION DETAILS

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

DESCRIPTION OF THE SITE AND PROPOSALS

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 Kepier, 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.

PLANNING HISTORY

8. None relevant

PLANNING POLICY

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 21st 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.

CONSULTATION AND PUBLICITY RESPONSES

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 11th 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 21st 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

PLANNING CONSIDERATIONS AND ASSESSMENT

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.

CONCLUSION

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.

RECOMMENDATION

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

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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.

REASONS FOR THE RECOMMENDATION

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.

BACKGROUND PAPERS

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 11th
September 2012